

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**KELVIN J. COCHRAN,**

Plaintiff,

v.

**CITY OF ATLANTA, GEORGIA;  
and MAYOR KASIM REED, IN  
HIS INDIVIDUAL CAPACITY,**

Defendants.

Case No. 1:15-cv-00477-LMM

**PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT**

Pursuant to Local Rule 56.1 and Fed.R.Civ.P. 56, for the reasons set forth in the accompanying memorandum of law, Plaintiff Kelvin Cochran, by and through undersigned counsel, moves this Court for an order granting summary judgment in his favor on the following claims: (1) the First Cause of Action in his First Amended Verified Complaint (First Amendment Retaliation) against Defendant City of Atlanta; (2) the Second Cause of Action in his First Amended Verified Complaint (First Amendment Right to Freedom of Speech: Viewpoint Discrimination, Prior Restraint, and Unbridled Discretion) against Defendant City of Atlanta; and (3) the Fifth Cause of Action in his First Amended Verified Complaint (Fourteenth Amendment Right to Procedural Due Process) against Defendant City of Atlanta and Defendant Mayor Kasim Reed in his individual capacity.

As this case involves complex issues of constitutional law and a considerably large factual record, Plaintiff also requests that the Court permit oral argument on his motion.

Respectfully submitted this 27th day of April, 2017.

By: /s/ Kevin Theriot

DAVID A. CORTMAN  
Georgia Bar No. 188810  
**ALLIANCE DEFENDING FREEDOM**  
1000 Hurricane Shoals Road, NE  
Suite D-1100  
Lawrenceville, GA 30043  
(770) 339-0774  
(770) 339-6744 (facsimile)  
dcortman@adflegal.org

KEVIN H. THERIOT  
Georgia Bar No. 373095  
KENNETH J. CONNELLY\*  
Arizona Bar No. 025420  
JEANA HALLOCK\*  
Arizona Bar No. 032678  
**ALLIANCE DEFENDING FREEDOM**  
15100 N. 90th Street  
Scottsdale, AZ 85260  
(480) 444-0020  
(480) 444-0028 (facsimile)  
ktheriot@adflegal.org  
kconnelly@adflegal.org  
jhallock@adflegal.org

Garland R. Hunt  
Georgia Bar No. 378510  
**HUNT & ASSOCIATES**  
12110 Helleri Hollow  
Alpharetta, GA 30005  
(770) 294-0751  
(770) 777-5847 (facsimile)  
garlandhunt1@gmail.com

JONATHAN D. CRUMLY, SR.  
Georgia Bar No. 199466  
**MANER CRUMLY CHAMBLISS LLP**  
2900 Paces Ferry Road  
Suite B-101  
Atlanta, GA 30339  
(770) 434-0310  
(404) 549-4666 (facsimile)  
Jcrumly@Manercc.com

\*pro hac vice admission

ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF COMPLIANCE**

Undersigned counsel hereby certifies that this document was prepared in Century Schoolbook 13-point font and fully complies with Local Rules 5.1C and 7.1D.

/s/ Kevin Theriot  
Kevin Theriot

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27th day of April, 2017, a copy of the foregoing document was filed with the Clerk of the Court using the ECF system, which will effectuate service on all parties.

/s/ Kevin H. Theriot  
Kevin H. Theriot  
*Attorney for Plaintiff*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**KELVIN J. COCHRAN,**

Plaintiff,

v.

**CITY OF ATLANTA, GEORGIA;  
and MAYOR KASIM REED, IN  
HIS INDIVIDUAL CAPACITY,**

Defendants.

Case No. 1:15-cv-00477-LMM

**BRIEF IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT**

KEVIN H. THERIOT  
Georgia Bar No. 373095  
KENNETH J. CONNELLY\*  
Arizona Bar No. 025420  
JEANA HALLOCK\*  
Arizona Bar No. 032678  
**ALLIANCE DEFENDING FREEDOM**  
15100 N. 90th Street  
Scottsdale, AZ 85260  
(480) 444-0020  
ktheriot@adflegal.org  
kconnelly@adflegal.org  
jhallock@adflegal.org

DAVID A. CORTMAN  
Georgia Bar No. 188810  
**ALLIANCE DEFENDING FREEDOM**  
1000 Hurricane Shoals Road, NE  
Suite D-1100  
Lawrenceville, GA 30043  
(770) 339-0774  
dcortman@adflegal.org

Garland R. Hunt  
Georgia Bar No. 378510  
**HUNT & ASSOCIATES**  
12110 Helleri Hollow  
Alpharetta, GA 30005  
(770) 294-0751  
(770) 777-5847 (facsimile)  
garlandhunt1@gmail.com

JONATHAN D. CRUMLY, SR.  
Georgia Bar No. 199466  
**MANER CRUMLY CHAMBLISS LLP**  
2900 Paces Ferry Road  
Suite B-101  
Atlanta, GA 30339  
(770) 434-0310  
Jcrumly@Manercc.com

*\*pro hac vice* admission

## TABLE OF CONTENTS

INTRODUCTION .....	1
STATEMENT OF FACTS .....	3
ARGUMENT .....	3
I. Chief Cochran is Entitled to Summary Judgment on His First Amendment Retaliation Claim. ....	3
A. Chief Cochran Spoke as a Citizen on a Matter of Public Concern.....	7
B. Chief Cochran’s Free Speech Interest Outweighs Defendant’s Interests. ....	8
1. Chief Cochran’s Speech Did Not Impede Defendant’s Ability to Efficiently Perform Its—or His—Duties.....	8
2. The Manner, Time, and Place of the Speech Demonstrate That Chief Cochran’s Speech Interest Outweighs Defendant’s Interest. ....	12
3. The Context of Chief Cochran’s Speech Demonstrates That His Interest Outweighs the Interest of Defendant. ....	14
C. Chief Cochran’s Speech Played a Substantial Part in Defendant’s Decision to Suspend and Terminate Him.....	15
D. Defendant Cannot Show That It Would Have Suspended and Terminated Chief Cochran Absent His Speech.....	16
II. Defendant Engaged in a Policy and Practice of Prohibiting the Constitutionally Protected Free Speech Rights of Chief Cochran. .	20
A. Defendant Engaged in Content and Viewpoint Discrimination By Suspending and Terminating Chief Cochran as a Result of His Writing and Publishing His Book. ....	20

B. Defendant’s Written and Unwritten Policies Requiring Pre-Clearance To Publish Written Works Unrelated to the Subject Matter of Government Employment Violate the First Amendment.....	22
1. Defendant’s Policies Constitute Impermissible Prior Restraints When Applied to Such Written Works.....	22
2. Defendant’s Application of Its Policies Impermissibly Grant It Unbridled Discretion. ....	27
III. Chief Cochran is Entitled to Summary Judgment on His Procedural Due Process Claim under Section 114-528 of the City of Atlanta Code of Ordinances and under Section 2-820 of the City of Atlanta Code of Ethics.....	29
CONCLUSION.....	35
CERTIFICATE OF COMPLIANCE.....	37

**TABLE OF AUTHORITIES**

**Cases**

*Alexander v. United States*,  
509 U.S. 544 (1993)..... 22

*Alves v. Board of Regents of the University System of Georgia*,  
804 F.3d 1149 (11th Cir. 2015).....6

*Bantam Books, Inc. v. Sullivan*,  
372 U.S. 58 (1963)..... 22

*Battle v. Mulholland*,  
439 F.2d 321 (5th Cir. 1971)..... 10

*Board of Regents of State Colleges v. Roth*,  
408 U.S. 564 (1972)..... 30

*Berger v. Battaglia*,  
779 F.2d 992 (4th Cir. 1985)..... 11

*Bloedorn v. Grube*,  
631 F.3d 1218 (11th Cir. 2011)..... 29

*Brown v. Georgia Department of Revenue*,  
881 F.2d 1018 (11th Cir. 1989)..... 32, 33

*Bryson v. City of Waycross*,  
888 F.2d 1562 (11th Cir. 1989)..... 8, 16

*City of San Diego, California v. Roe*,  
543 U.S. 77 (2004).....7

*Cleveland Board of Education v. Loudermill*,  
470 U.S. 532 (1985)..... 31

*Cochran v. City of Atlanta*,  
150 F. Supp. 3d 1305 (N.D. Ga. 2015) ..... 6, 7, 8, 14, 30-31

*Connick v. Myers*,  
461 U.S. 138 (1983)..... 6, 7, 8

*Cook v. Gwinnett County School District*,  
414 F.3d 1313 (11th Cir. 2005).....7

*Cooper v. Dillon*,  
403 F.3d 1208 (11th Cir. 2005)..... 22

*Crue v. Aiken*,  
370 F.3d 668 (7th Cir. 2004)..... 25-26

*Dixon v. Metropolitan Atlanta Rapid Transit Authority*,  
242 Ga. App. 262 (2000) ..... 30, 32, 33

*Doss v. City of Savannah*,  
290 Ga. App. 670 (Ga. Ct. App. 2008)..... 32-33

*Feiner v. New York*,  
340 U.S. 315 (1951)..... 11

*Flanagan v. Munger*,  
890 F.2d 1557 (10th Cir. 1989)..... 11

*Forsyth County, Georgia v. Nationalist Movement*,  
505 U.S. 123 (1992)..... 22, 27

*Harman v. City of New York*,  
140 F.3d 111 (2d. Cir. 1998) ..... 26, 29

*Haves v. City of Miami*,  
52 F.3d 918 (11th Cir. 1995).....3

*Lamb’s Chapel v. Center Moriches Union Free School District*,  
508 U.S. 384 (1993)..... 20

*Liverman v. City of Petersburg*,  
844 F.3d 400 (4th Cir. 2016)..... 25

*Nebraska Press Association v. Stuart*,  
427 U.S. 539 (1976)..... 22

*Palmore v. Sidoti*,  
466 U.S. 429 (1984)..... 10

*Perry v. Sindermann*,  
408 U.S. 593 (1972)..... 30

*Pickering v. Board of Education of Township High School District*,  
391 U.S. 563 (1968).....6

*Price Waterhouse v. Hopkins*,  
490 U.S. 228 (1989)..... 16

*Rankin v. McPherson*,  
483 U.S. 378 (1987)..... 8, 14

*Reed v. Town of Gilbert, Arizona*,  
135 S. Ct. 2218 (2015)..... 20

*Rosenberger v. Rector & Visitors of University of Virginia*,  
515 U.S. 819 (1995)..... 20

*Sanjour v. E.P.A.*,  
56 F.3d 85 (D.C. Cir. 1995)..... 26, 29

*Saxe v. State College Area School District*,  
240 F.3d 200 (3d Cir. 2001) ..... 11-12

*Southeastern Promotions, Ltd. v. Conrad*,  
420 U.S. 546 (1975)..... 22

*Stanley v. City of Dalton, Georgia*,  
219 F.3d 1280 (11th Cir. 2000)..... 15

*Swartzwelder v. McNeilly*,  
297 F.3d 228 (3d Cir. 2002) ..... 26

*Tinker v. Des Moines Independent Community School District*,  
393 U.S. 505 (1969)..... 10

*Tucker v. State of California Department of Education*,  
97 F.3d 1204 (9th Cir. 1996)..... 26

*United States v. National Treasury Employees Union*,  
513 U.S. 454 (1995)..... 6, 23-26

*Warren v. Crawford*,  
927 F.2d 559 (11th Cir. 1991)..... 30

*Waters v. Chaffin*,  
684 F.2d 833 (11th Cir. 1982)..... 13

**Constitutional Provisions**

U.S. Constitution, Amendment XIV ..... 30

**Statutes and Rules**

Federal Rules of Civil Procedure, Rule 56.....3

City of Atlanta Code of Ethics, Section 2-806 ..... 33-34

City of Atlanta Code of Ethics, Section 2-820(d)..... 23, 25, 27

City of Atlanta Code of Ordinances, Section 114-528..... 31

City of Atlanta Code of Ordinances, Section 114-530..... 31

## INTRODUCTION

Defendant City of Atlanta punished, and ultimately fired, Plaintiff Kelvin Cochran because it disagreed with the religious beliefs he expressed in a book he wrote for a men's Bible study.<sup>1</sup> The book, which Chief Cochran wrote on personal time while chief of the Atlanta Fire and Rescue Department ("AFRD"), was entitled *Who Told You That You Were Naked?: Overcoming the Stronghold of Condemnation*, and was aimed at helping Christian men fulfill God's purpose for their life. Chief Cochran self-published the book in November 2013 and later gave a few free copies to AFRD members who either requested them or with whom he had established a previous relationship as a fellow Christian. Chief Cochran also gave a copy of his book to Mayor Reed's assistant, Lilly Cunningham, about a week before the mayor's State of the City address, in February 2014, and asked her to give it to the mayor. Chief Cochran later spoke to the mayor after his address, and the mayor confirmed that he had received a copy of the book.<sup>2</sup> For an entire year, until

---

<sup>1</sup> Based upon this Court's ruling on Defendants' Motion to Dismiss, Plaintiff's claims sounding in First Amendment retaliation and free speech pertain to Defendant City of Atlanta alone, while his Fourteenth Amendment procedural due process claim pertains to Defendants City of Atlanta and Mayor Reed, in his individual capacity.

<sup>2</sup> Mayor Reed could not recall for certain the facts regarding this matter. *See Reed Dep.* at 90-91. However, when Director of Communications Anne Torres later discussed the matter with an inquiring reporter, she indicated that the mayor had in fact received the book but had not read it. *See Torres Dep.* at 52-56; *Pl's Ex. 72*

November 2014, when one AFRD member read the 162-page book and raised a concern founded in personal disagreement with some of its contents, the book, the city, and the AFRD peacefully coexisted.

Yet once that single instance of personal disagreement surfaced, Defendant immediately took both private and public issue with the book's contents and launched a much publicized investigation into Chief Cochran's leadership of AFRD. That investigation ultimately revealed that the religious beliefs expressed by Chief Cochran in his book did not affect the way he discharged his duties as fire chief. Defendant summarily terminated Chief Cochran anyway.

The record reveals that the content of the book drove Defendant's disciplinary process from start to finish, and ultimately accounted for its decision to suspend and terminate Chief Cochran. It was only after Defendant had acted pursuant to its substantive disagreement with Chief Cochran's book that it then added to its sole focus on content, attempting to justify its discipline on policies that either do not exist, or cannot be constitutionally applied here.

Each of the decisions made by Defendant—both to suspend and to terminate Chief Cochran—independently violated his constitutional right to free speech. Moreover, by depriving him of the procedural protections that were his due under

---

("He did not read the book when he handed it to him."). Regardless of whether the Mayor read the book, he was clearly aware of it and had the opportunity to read it.

the City’s Code of Ethics, Defendants—both the City of Atlanta and Mayor Reed in his individual capacity—violated Chief Cochran’s right to procedural due process. Accordingly, because the undisputed evidence demonstrates that Defendant punished Chief Cochran based on the content of his book, and did so while ignoring the procedural rights the City normally affords to all other employees in like situations, Chief Cochran is entitled to summary judgment on his First Amendment retaliation, viewpoint discrimination, prior restraint, unbridled discretion, and procedural due process claims.

### **STATEMENT OF FACTS**

The facts are as stated in Plaintiff’s Statement of Material Facts Not in Dispute, which Plaintiff incorporates as if fully set forth here.

### **ARGUMENT**

Summary judgment is proper where “there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56. “A genuine issue of material fact does not exist unless there is sufficient evidence favoring the nonmoving party for a reasonable jury to return a verdict in its favor.” *Haves v. City of Miami*, 52 F.3d 918, 921 (11th Cir. 1995).

#### **I. Chief Cochran is Entitled to Summary Judgment on His First Amendment Retaliation Claim.**

Because Chief Cochran’s book comprises constitutionally protected speech for which Defendant improperly disciplined him, he is entitled to summary judgment

on his retaliation claim. Indeed, the record demonstrates that Defendant suspended and ultimately terminated Chief Cochran based upon its substantive disagreement with the content of his book.

As to suspension, the entire process was precipitated by a solitary instance of personal disagreement with a small portion of the book's content. *See* Borders Dep. at 54 l. 14; 55 l. 17 (discussing the fact that Chief Wessels pointed out to union president Stephen Borders what he deemed to be “disturbing” passages focused on “some very explicit conservative Christian ideals”). That content was soon seized upon by Defendant to manufacture a crisis where none actually existed. *See* Wan Dep. at 46-47, 53 (detailing that Borders took the book to Councilman Alex Wan, who, because he disagreed with the contents of the book, then took it to Commissioner of Human Resources Yvonne Yancy). Indeed, City officials, upon being made aware of personal disagreement with the book, almost immediately—both privately and publicly—repudiated the beliefs expressed in the book. *See* Yancy Dep. at 26 l. 22; 69 l. 8-9 (Yancy stated that “the content [of the book] was problematic,” and concluded that Chief Cochran had “espoused beliefs that were offensive to many groups”); Pl's Ex. 10 (Mayor Reed stated on his Facebook page that he was “deeply disturbed by the sentiments expressed in the book,” which was “not representative of [his] beliefs”); Wan Dep. at 84-85; Pl's Ex. 108 (Councilman Wan told the Atlanta Journal Constitution that when a city employee's “opinions

are different from the City's you have to check them at the door"). And they launched an investigation because of the book's content. Yancy Dep. at 62-64; Geisler Dep. at 57 l. 24-58 l. 1 (stating that one of the purposes of the investigation "was to address any concerns, different community groups, the LGBT would have had about the chief's stand on things"). Finally, the ostensibly offensive content of the book featured prominently at Chief Cochran's suspension meeting, Yancy Dep. at 93; Cochran Dep. at 200-202, at which he was informed that he would be required to attend sensitivity training because of what he wrote in his book. Yancy Dep. at 68-69, 76; Pl's Ex. 10.

As with suspension, content also drove Defendant's decision to terminate. Although the City Law Department concluded that Chief Cochran's religious beliefs had not affected his leadership of the AFRD, whether as to discrimination or discipline, Pl's Ex. 13 at 3-4, and although no City leader or employee could recall any instance in which Chief Cochran had discriminated against anyone, Reed Dep. at 156 l. 10-13; Geisler Dep. at 47 l. 2-13; Yancy Dep. at 102 l. 11-14; Mullinax Dep. at 19 l. 19-20 l. 4, Defendant terminated him. Defendant then continued to publicly repudiate the contents of Chief Cochran's book. Mayor Reed specifically noted in his January 6, 2015 press conference announcing Chief Cochran's termination that "the book . . . contains material that is clearly inflammatory." Pl's Ex. 14 at 2. And Anne Torres, the Mayor's Director of Communications, even after Chief Cochran

had been terminated for an entire week, even after the investigation had exonerated him of discrimination, on the very day the City released its Investigative Report, sent out proposed Tweets for distribution to Defendant's "supporters," suggesting that the content of Chief Cochran's book constituted discrimination against AFRD members. Pl's Ex. 77; Torres Dep. at 76-77.

Given this undisputed evidence, it is clear that Defendant's actions cannot pass constitutional muster. "A government employer may not [discipline] a public employee in retaliation for speech protected by the First Amendment," *Alves v. Board of Regents of the University System of Georgia*, 804 F.3d 1149, 1159 (11th Cir. 2015), which protects the right of citizens to speak freely on matters of "public concern." *United States v. Nat'l Treasury Emps Union*, 513 U.S. 454 (1995) ("*NTEU*"); *Pickering v. Bd. of Educ. of Twp. High Sch. Dist.*, 391 U.S. 563, 573 (1968). Put simply, the fact that he was employed by the city does not mean that Chief Cochran was required to "relinquish [his] First Amendment right[] to comment on matters of public interest" *Connick v. Myers*, 461 U.S. 138, 140 (1983).

As this Court has previously recognized, to determine whether a plaintiff prevails on his free speech retaliation claim, the Eleventh Circuit has adopted "a four-part test[] based on *Pickering* and its progeny." *Cochran v. City of Atlanta*, 150 F. Supp. 3d 1305, 1312 (N.D. Ga. 2015). That test requires the employee to show that:

(1) the speech involved a matter of public concern; (2) the employee's free speech interests outweighed the employer's interest in effective and efficient fulfillment of its responsibilities; and (3) the speech played a substantial part in the adverse employment action.

*Cook v. Gwinnett Cty. Sch. Dist.*, 414 F.3d 1313, 1318 (11th Cir. 2005). Once an employee satisfies these requirements, "the burden then shifts to the employer to show by a preponderance of the evidence that it would have made the same decision even in the absence of the protected speech." *Id.*

**A. Chief Cochran Spoke as a Citizen on a Matter of Public Concern.**

This Court previously found that Chief Cochran had sufficiently pled a claim that he spoke as a private citizen on a matter of public concern. *Cochran*, 150 F. Supp. 3d at 1313-14. As no material facts have been adduced through discovery to cast any doubt upon this Court's earlier conclusion, no further analysis is necessary to establish this factor as a matter of law. *See Cook*, 414 F.3d at 1318 (public concern inquiry is a "question of law"). Chief Cochran's book clearly constituted speech by a private citizen on a matter of public concern. *See City of San Diego, Cal. v. Roe*, 543 U.S. 77, 83-84 (2004) (stating that "public concern is something that is a subject of legitimate news interest; that is, a subject of general interest and of value and concern to the public at the time of publication"); *Connick*, 461 U.S. at 146 (establishing that speech "relating to any matter of political, social, or other concern to the community" is protected).

**B. Chief Cochran’s Free Speech Interest Outweighs Defendant’s Interests.**

Once an employee establishes that his speech implicates a matter of public concern, “[t]he State bears a burden of justifying the discharge on legitimate grounds.” *Rankin v. McPherson*, 483 U.S. 378, 388 (1987). The Supreme Court has cautioned that where an “employee’s speech more substantially involve[s] matters of public concern,” “a stronger showing may be necessary” by the employer. *Connick*, 461 U.S. at 152. Here, Chief Cochran’s speech substantially involved matters of public concern. *See Cochran*, 150 F. Supp. 3d at 1313 (wherein this Court found that Plaintiff addressed issues “frequently the subject of political and social commentary”). Defendant’s burden to justify its disciplinary action is therefore high.

The balancing inquiry used to decide this factor looks at “(1) whether the speech at issue impedes the government’s ability to perform its duties efficiently, (2) the manner, time and place of the speech, and (3) the context within which the speech was made.” *Bryson v. City of Waycross*, 888 F.2d 1562, 1567 (11th Cir. 1989) (citations and quotations omitted). Analysis of these questions reveals that Chief Cochran’s interest should comfortably prevail over Defendant’s.

**1. Chief Cochran’s Speech Did Not Impede Defendant’s Ability to Efficiently Perform Its—or His—Duties.**

Defendant has adduced no evidence to show that Chief Cochran's book impeded its ability to efficiently administer City government or interfered with the AFRD's internal operations. In fact, the record demonstrates quite the opposite conclusion. Defendant's investigation actually revealed that the beliefs reflected in Chief Cochran's book did not affect how he ran the department. *See* Yancy Dep. at 102 l. 11-13 ("The investigation showed that he had . . . not treated people differently, which I was . . . ecstatic to see and hear"); Geisler Dep. at 66-67; Pl's Ex. 13 at 3-4. The City Law Department unequivocally concluded in its Investigative Report that "[n]o interviewed witness could point to a specific instance in which any member of the organization has been treated unfairly by Chief Cochran on the basis of his religious beliefs." Pl's Ex. 13 at 4. It further found "no indication that Chief Cochran allowed his religious beliefs to compromise his disciplinary decisions." *Id.* at 3.

These findings were notably consistent with the experience of Mayor Reed, Commissioner of Human Resources Yvonne Yancy, Chief Operations Officer Michael Geisler, Special Advisor to the Mayor Melissa Mullinax, and AFRD Public Communications Officer Janet Ward with respect to Chief Cochran's leadership of the AFRD. *See* Reed Dep. at 156 l. 10-13; Yancy Dep. at 102 l. 11-14 (noting that the investigative results exonerating Chief Cochran of any discrimination were "consistent with [Yancy's] knowledge of [Chief] Cochran"); Geisler Dep. at 66 l. 18-

21; Mullinax Dep. at 19 l. 19-20 l. 4 (stating that Chief Cochran had “always been very supportive” of “gay pride events”); Pl’s Ex. 17. None of these City personnel—managers, peers, and subordinates alike—could offer any indication that Chief Cochran ever exhibited discrimination towards, or unfair treatment of, any AFRD employee. This unalloyed evidence of fairness and equity on the part of Chief Cochran in running the day-to-day operations of the AFRD defeats any contention that the book impeded or threatened to impede the operation of City government or the AFRD.

Of course, Defendant may attempt to argue that the personal offense taken by some AFRD employees and City leaders to the content of the book is tantamount to disruption or inefficiency. They have testified, for instance, that City leaders and managers were offended by the beliefs expressed in the book. *See* Yancy Dep. at 27 l. 2-10; Reed Dep. at 125 l. 5-13, 135 l. 2-8; Pl’s Ex. 10; Shahar Dep. at 40 l. 12-41 l. 19. But “the law cannot, directly or indirectly, give . . . effect” to “private biases.” *Palmore v. Sidoti*, 466 U.S. 429, 433 (1984). Personal disagreement—or even less, the mere possibility of its future communication—is not equivalent to disruption or inefficiency. *See Battle v. Mulholland*, 439 F.2d 321, 324 (5th Cir. 1971) (*quoting Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 505, 508 (1969) (stating that “[u]ndifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression”). In other words, “disruption by disagreement”

simply will not do. Permitting such thin gruel to do so here would be to reward Defendant for advancing what amounts to little more than a City-sponsored heckler's veto, and it is axiomatic that such a predicate for stifling speech is constitutionally infirm. *See Flanagan v. Munger*, 890 F.2d 1557, 1566-67 (10th Cir. 1989) (where speech was unrelated to any internal functioning of the police department, where record was "devoid of evidence of actual or potential internal disruption caused by plaintiffs' speech," and where "evidence pointed only to potential problems which might be caused by the public's reaction to plaintiffs' speech," reversing summary judgment against police officers, holding that defendant could not "justify disciplinary action . . . simply because some members of the public find plaintiffs' speech offensive"); *Berger v. Battaglia*, 779 F.2d 992, 996, 1001 (4th Cir. 1985) (where there was no "disruption of the [Police] Department's internal harmony and operations resulting from any of [plaintiff police officer's public] performances in blackface," holding that "threatened disruption by others reacting to [that] speech simply may not be allowed to serve as justification for [department's] disciplinary action"); *see also Feiner v. N.Y.*, 340 U.S. 315, 320 (1951) (holding that "the ordinary murmurings and objections of a hostile audience cannot be allowed to silence a speaker"); *Saxe v. State Coll. Area Sch. Dist.*, 240 F.3d 200, 215 (3d Cir. 2001) (Alito, J.) (stating that "[t]he Supreme

Court has held time and again . . . that the mere fact that someone might take offense at the content of speech is not sufficient justification for prohibiting it”).

**2. The Manner, Time, and Place of the Speech Demonstrate That Chief Cochran’s Speech Interest Outweighs Defendant’s Interest.**

Chief Cochran wrote and published his book on his own personal time. *See* Cochran Dep. at 136 l. 19-137 l. 13; First Amended Verified Complaint ¶90 (“Am. Comp.”) From approximately January-March 2014, he gave a few free copies of his book to those he knew to be Christian and had established a prior relationship with and to those who had requested a copy from him when the book was completed. *See* Am. Comp. ¶¶126-27, 129; Cochran Dep. at 217 l. 2-5. Chief Cochran’s book was published and for sale for almost a year before any objection was raised to it whatsoever—and even then the offense taken was on a personal level, as to the content of the book—by one AFRD member who had had the book in hand for almost 4 months or more, and who read the entire book on his own time before he took offense and complained. *See* Pl’s Ex. 116 at No. 23; Borders Dep. at 54-55; Am. Comp. ¶91. Chief Cochran never conveyed to anyone in the AFRD that reading the book or following its teachings was in any way relevant to that employee’s status or potential for advancement in the AFRD, and no record evidence permits any conclusion to the contrary. *See* Am. Comp. ¶135. And again, Defendant’s own

investigation revealed that the beliefs expressed in the book did not result in discrimination toward, or discipline of, any AFRD member. Pl's Ex. 13 at 3-4.

Taken together, these facts definitively establish that the circumstances surrounding the writing and publishing of the book do not support a claim of municipal disruption or inefficiency. The timeline of long and undisturbed peaceful coexistence between the book and the workplace—prior to one person being offended and Defendant itself conspicuously taking issue with the contents of the book—shows that any allegation of negative workplace impact rests not upon objective evidence but rather on rank speculation and prognostication of possible future disruption or inefficiency. In other words, Defendant's asseveration of disruption is far "more apparent than real." *Waters v. Chaffin*, 684 F.2d 833, 839–40 (11th Cir. 1982) (holding that where 9 months had elapsed between the time a police officer uttered an insubordinate remark and the time discipline was meted out, no "reasonable likelihood of harm to [the department's] efficiency, discipline, or harmony" existed, precisely because any such allegation of adverse effect was "belie[d]" by the "long delay between the incident and the notice of discharge"). Because Defendant has not shown even a reasonable likelihood of harm, much less actual harm, Chief Cochran's paramount interest in his right to free speech must take precedence.

Finally, although it can be expected that Defendant will make much of the fact that Chief Cochran gave a copy of his book to some AFRD members, there is no evidence to suggest that those gifts came with any strings attached whatsoever. *See* Am. Comp. ¶135. In fact, they are part and parcel of the many private communications that mark life in the modern workplace, communications for which speech restriction and punitive discipline are particularly inappropriate. *See Rankin*, 483 U.S. at 393 (Powell, J., concurring) (noting that where “a statement is on a matter of public concern, it will be an unusual case where the employer’s legitimate interests will be so great as to justify punishing an employee for . . . private speech that routinely takes place at all levels in the workplace”).

### **3. The Context of Chief Cochran’s Speech Demonstrates That His Interest Outweighs the Interest of Defendant.**

As with the discussion relating to the manner, time, and place of Chief Cochran’s speech, the context of that speech also demonstrates that Defendant’s operations were never endangered. Chief Cochran’s book is a religious commentary on matters of public concern that did not implicate or affect the administration of City government or AFRD affairs. *See Cochran*, 150 F. Supp. 3d at 1313-14 (finding that Chief Cochran had sufficiently pled a claim that he spoke as a private citizen on a matter of public concern); Am. Comp. ¶¶92-93; 96; 98; 100; 103-104; 115-16; 142-44. Furthermore, as has already been established, no AFRD member was required to read the book or to agree with its contents in order to receive fair

treatment or to advance in the organization. *See* Am. Comp. ¶135. Defendant’s own investigation revealed no evidence to suggest otherwise. Pl’s Ex. 13 at 3-4.

Thus, because Defendant can proffer only a hypothetical possibility of a future disruption posed by Chief Cochran’s book—a mere conclusory allegation masquerading as proof—Chief Cochran’s speech interests outweigh any interests Defendant had in stifling and disciplining him for that speech. *See Stanley v. City of Dalton, Ga.*, 219 F.3d 1280, 1289–91 (11th Cir. 2000) (holding that a police officer’s right to voice a “theft accusation” against a superior officer, even where that allegation ultimately proved false, outweighed the interest the department had in maintaining “mutual respect, discipline, and trust in the quasi-military setting of the police department,” because there was “no evidence of disruption of the . . . department’s operations”).

**C. Chief Cochran’s Speech Played a Substantial Part in Defendant’s Decision to Suspend and Terminate Him.**

From the time Defendant admits it became aware of the book in November 2014, straight through to its termination of Chief Cochran on January 6, 2015, and even after that date, Defendant exhibited a clear and consistent practice of privately and publicly repudiating the beliefs expressed in the book. As has already been demonstrated, the record is replete with evidence demonstrating that Defendant’s substantive disagreement with the content of Chief Cochran’s book played a substantial and decisive role in their decision to suspend him. *See supra* at

4-6 (outlining Defendant's stubborn and persistent concerns with the content of Chief Cochran's book). In light of those undisputed facts—especially given the sheer number and consistency of the private and public pronouncements by Defendant focused on the beliefs expressed in Chief Cochran's book—it cannot be seriously argued that the content of the book did not play a substantial part in its decision to suspend and later terminate him. The entire affair was precipitated by one individual's personal offense taken at the book, and that initial preoccupation with content never abated, was indeed taken up in earnest by Defendant, persisting even after Chief Cochran's termination had been fully effectuated. And although Defendant later manufactured other reasons for Chief Cochran's suspension and termination, those reasons are immaterial to the question of whether speech played a substantial role in the discipline Defendant meted out to Chief Cochran. The evidence shows beyond doubt that it clearly did.

**D. Defendant Cannot Show That It Would Have Suspended and Terminated Chief Cochran Absent His Speech.**

This showing, for which Defendant bears the burden, “has been referred to as a ‘but for’ test; the employer must show that ‘its legitimate reason, standing alone, would have induced it to make the same decision.’” *Bryson*, 888 F.2d at 1566 (quoting *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989)). Defendant is unable to sustain that burden here, because the content of Chief Cochran's book—and

Defendant's preoccupation with it—pervaded its entire handling of the disciplinary process. *See supra* at p. 4-6.<sup>3</sup>

Defendant would not have suspended Chief Cochran absent the book's content. Content triggered the controversy, was a main point of discussion at the suspension meeting, was the reason Defendant decided to launch an investigation, and was the reason it ordered remedial sensitivity training. *See supra* at 4-6; Yancy Dep. at 62-64, 76. Defendant maintains it would have suspended Chief Cochran solely for his failure to secure approval to write his book, *see* Yancy Dep. at 104-105, but its persistent, orchestrated efforts to distance itself from the substance of the book belies that assertion.<sup>4</sup> *See, e.g.*, Pl's Ex. 10; Pl's Exs. 80-84; Pl's Ex. 14 at 1-2; Torres Dep. at 76-77; Pl's Ex. 77. Any other conclusion would render Defendant's communications strategy—which broadly castigated the beliefs expressed in the book—inexplicable.

The same holds true with respect to termination. Defendant has claimed that the investigation was designed to ascertain whether Chief Cochran's religious

---

<sup>3</sup> As an initial matter, it must be stated that it is undisputed that nothing related to Chief Cochran's job performance would have justified either his suspension or termination, and no record evidence exists to dispute this conclusion. *See* Pl's Ex. 2; Yancy Dep. at 114; Taylor-Parks Dep. at 56.

<sup>4</sup> Such a disciplinary decision would itself have been unconstitutional in any event. *See infra* at 20-29. Moreover, the record reveals that requesting permission would have been futile, as Defendant would never have granted permission to Chief Cochran to write the book even if he had requested it.

beliefs—revealed in his book—affected his leadership of the AFRD. Yancy Dep. at 62-64; Geisler Dep. at 57 l. 17-58 l. 6. Yet even after the investigation exonerated Chief Cochran as to this concern, *see* Pl’s Ex. 13 at 3-4, Defendant terminated him anyway. Defendant maintains it did so because Chief Cochran failed to get permission to write the book. *See, e.g.*, Yancy Dep. at 102 l. 14-19; Reed Dep. at 167 l. 14-17.<sup>5</sup> But the problem with this clearly pretextual fallback position is that it is contradicted by Defendant’s own statements. Defendant already knew—before it suspended Chief Cochran and before the investigation began—that Chief Cochran had not secured approval to write and/or publish the book from the Board of Ethics or from Mayor Reed. *See* Geisler Dep. at 84 l. 21-25 (“Yvonne Yancy in that initial visit [before the suspension] brought up that permission had not been granted, and part of her concern had to do with the fact that the ethics board . . . had not

---

<sup>5</sup> It is disputed what was said between Chief Cochran and Ethics Officer Nina Hickson during their conversations, and whether Hickson gave Chief Cochran permission to write and publish his book. *See* Cochran Dep. at 110 (“She [Hickson] did specifically point out that as long as it doesn’t have to do with subject matter pertaining to my job as fire chief or my role in city government, based on the description that I gave her, that it was permissible.”); Yancy Dep. at 55 (“I spoke with Ms. Hickson, and I spoke with Mr. Cochran, and both concurred they had a conversation. They do not agree on the content of that conversation.”). One of the duties of the Ethics Officer is to “[e]ducat[e] and train[] all city officials and employees to have an awareness and understanding of the mandate for and enforcement of ethical conduct and advising of the provisions of the code of ethics of the city.” Pl’s Ex. 1. This dispute is not material to finding a legal violation on this claim, however.

approved of the book . . .”); Reed Dep. at 118-119. Thus the investigation merely confirmed what Defendant already knew on that score. Moreover, even with the knowledge that Chief Cochran failed to secure approval from the Board of Ethics or Mayor Reed, Defendant is on record indicating that it nonetheless intended to retain him once the suspension period ended. *See* Yancy Dep. at 105 l. 22-106 l. 9; 129 l. 21-23 (“We intended to bring him back to work. I contracted to do sensitivity training with the vendor.”). In sum, Defendant clearly discarded Chief Cochran’s alleged failure to get permission to write the book as a predicate for termination from the outset, so it should not be credited—at this late date and only for purposes of bolstering Defendant’s summary judgment prospects—as an independent reason for termination.<sup>6</sup>

In sum, given these undisputed facts, the *Pickering* analysis reveals that Chief Cochran suffered an unconstitutional deprivation of his constitutional right to free speech. By writing and publishing his book, Chief Cochran spoke as a private citizen on a matter of public concern, and that book did not disrupt or

---

<sup>6</sup> This conclusion is only further strengthened when it is again considered that Defendant continued to publicly take issue with the content of Chief Cochran’s book even after it terminated him, which fact casts serious doubt on any claim that it was something other than the content of the book that formed the predicate for termination. *See supra* at 5-6, 16. For if content were immaterial, Defendant’s persistent attempts to distance themselves from it would make no sense.

negatively impact Defendant's administration of City government or AFRD internal operations. Because no evidence suggests that Chief Cochran would have been similarly disciplined absent the particular content of his book, he is entitled to summary judgment on his retaliation claim.

**II. Defendant Engaged in a Policy and Practice of Prohibiting the Constitutionally Protected Free Speech Rights of Chief Cochran.**

**A. Defendant Engaged in Content and Viewpoint Discrimination By Suspending and Terminating Chief Cochran as a Result of His Writing and Publishing His Book.**

The "government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction." *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995); *see also Lamb's Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384, 394 (1993) (internal quotations and citations omitted) (holding that the "First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others"). Because "[g]overnment discrimination among viewpoints . . . is a more blatant and egregious form of content discrimination," strict scrutiny is demanded, which means that the government must "prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest." *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218, 2230-31 (2015) (internal quotations and citations omitted).

In this case those who opposed the beliefs expressed in Chief Cochran's book prosecuted his disciplinary process from start to finish. Defendant consistently and deliberately repudiated those beliefs. *See supra* at 4-6.<sup>7</sup> Defendant even publicly characterized Chief Cochran's beliefs as discriminatory, after he was terminated, and after their official investigation found precisely to the contrary. *Id.* Finally, Defendant ordered Chief Cochran to attend sensitivity training to remediate his wayward views and beliefs. Yancy Dep. at 67-69, 76 l. 6-9; Pl's Ex. 10.

Given these undisputed facts, it cannot be plausibly denied that Chief Cochran was disciplined because of the views he communicated in his book. *See* Yancy Dep. at 69 l. 8-9 (“[H]e espoused beliefs that were offensive to many different groups.”). Nor can it be denied that there exists no support for the conclusion that similar discipline or remedial training would have been meted out to a City employee who wrote a book praising same-sex marriage or sexual activity outside of marriage, or to a City employee who wrote a how-to book on an anodyne topic such as home gardening or competitive duck herding. As such, the differential treatment

---

<sup>7</sup> Many of Defendant's consistent pronouncements were the official product of its communications department. *See, e.g.*, Pl's Ex. 10; Pl's Ex. 77; Pl's Exs. 80-84. These official statements were deliberately announced and timed for maximum effect. *See* Torres Dep. at 69-78. Defendant should therefore not be permitted to dismiss them as merely personal or random musings.

accorded Chief Cochran by Defendant justifies a grant of summary judgment in his favor on his content and viewpoint discrimination claim.

**B. Defendant's Written and Unwritten Policies Requiring Pre-Clearance To Publish Written Works Unrelated to the Subject Matter of Government Employment Violate the First Amendment.**

**1. Defendant's Policies Constitute Impermissible Prior Restraints When Applied to Such Written Works.**

A prior restraint exists whenever a speaker must obtain permission before speaking. *See Alexander v. United States*, 509 U.S. 544, 550 (1993); *Cooper v. Dillon*, 403 F.3d 1208, 1215 (11th Cir. 2005) (a “prior restraint . . . prohibits or censors speech before it can take place”). “[P]rior restraints on speech and publication are the most serious and the least tolerable infringement on First Amendment rights,” *Nebraska Press Association v. Stuart*, 427 U.S. 539, 559 (1976), and thus any such system “comes [with] a heavy presumption against its constitutional validity.” *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 70 (1963). Indeed, absent the most exceptional of circumstances, a prior restraint will pass constitutional muster only where it is “narrowly tailored to serve a significant governmental interest.” *Forsyth Cty., Ga. v. Nationalist Movement*, 505 U.S. 123, 130 (1992); *see also Southeastern Promotions, Ltd. v. Conrad*, 420 U.S. 546, 559 (1975) (“[A] free society prefers to punish the few who abuse rights of speech after they break the law than to throttle them and all others beforehand.”).

Section 2-820(d) of the City of Atlanta Code of Ethics provides that “[City officials and employees] . . . may engage in private employment or render services for private interests only upon obtaining prior written approval from the board of ethics.” Defendant has interpreted this provision to mean that city officials and employees like Chief Cochran must get permission from the City before they write and/or publish *any* work. *See* Reed Dep. at 107 l. 14-17, 118-19; Pl’s Ex. 15; Pl’s Ex. 36. Defendant also enforces an informal policy requiring those who work for the Mayor to get pre-clearance from him—personally—before writing and/or publishing *any* work. *See* Reed Dep. at 119 l. 2-5 (“[A]t no time did my chief . . . come in my office . . . and say, I am writing a book and I would like you to support me”); Pl’s Ex. 14; Pl’s Ex. 22; Pl’s Ex. 71 at 3-4.

Tellingly, Defendant maintains that these requirements remain in full force and effect even where, as here, the speech at issue concerns subjects wholly unrelated to government employment. *See* Yancy Dep. at 87-88; Reed Dep. at 118-119. In other words, neither context nor content matters—the City has simply ceded unto itself the final authority over speech, before that speech can be uttered. This is clearly improper, as is made clear by the United States Supreme Court’s holding in *NTEU*, which is particularly instructive here.

In *NTEU* the Court confronted a congressional enactment which threatened to “chill[] potential speech before it happens” by prohibiting “federal employees

from accepting any compensation for making speeches or writing articles.” 513 U.S. at 468, 457. That prohibition applied “even when neither the subject of the speech or article nor the person or group paying for it ha[d] any connection with the employee’s official duties,” thus imposing a “wholesale deterrent to a broad category of expression by a massive number of potential speakers.” *Id.* at 457, 467. The sheer sweep of the law led the Court to conclude that the “government’s burden [was] heavy.” *Id.* at 466.

That burden required the “Government [to] show that the interests of both potential audiences and a vast group of present and future employees in a broad range of present and future expression are outweighed by th[e] expression’s necessary impact on the actual operation of the Government.” *Id.* at 468 (internal quotations and citations omitted). The Court conspicuously noted that this burden was greater even than the burden imposed by the *Pickering* balancing test, which necessarily involves post-hoc “supervisory decision[s]” rather than *ex ante* decisions. *Id.* at 467-68, 481. Not surprisingly, given these strictures, the Court ultimately found that the “honoraria ban . . . abridges speech under the First Amendment” and could not pass constitutional muster. *Id.* at 470. The Court specifically found that although the government’s asserted interest in “operational efficiency is undoubtedly a vital governmental interest,” the law’s sweeping ban was not “a reasonable response” to any concerns on that score. *Id.* at 473.

A similar conclusion is compelled here, where the Code, much like the law in *NTEU*, applies to a broad swath of City personnel, *see* Pl’s Ex. 1 at Section 2-820(d), and where Defendant has interpreted it to permit it to approve or disapprove of works written on personal time that in no way implicate the concerns of City government. Most important to the analysis, however, is the fact that any concerns regarding potential or actual “conflict[s]” expressed by the City, Yancy Dep. at 81 l. 13-20, much like the concerns proffered by the government and ultimately found wanting in *NTEU*, do not justify the all-encompassing speech restrictions found in Section 2-820(d) and the Mayor’s informal policy, as they have been interpreted and enforced by Defendant.

Authority from myriad other jurisdictions only tends to bolster this conclusion. *See, e.g., Liverman v. City of Petersburg*, 844 F.3d 400, 407 (4th Cir. 2016) (holding that police department’s social networking policy, which contained a sweeping “Negative Comments Provision” that operated as a “virtual blanket prohibition on all speech critical of the government employer,” was constitutionally infirm pursuant to the analysis required by *NTEU*); *Crue v. Aiken*, 370 F.3d 668 (7th Cir. 2004) (employing *NTEU* analysis in concluding that university president’s preclearance directive to plaintiff university faculty members and students, effectively banning them from speaking with prospective student athletes about their belief that the university’s mascot was degrading, constituted a prior restraint

and ultimately an infringement of plaintiffs' free speech rights); *Swartzwelder v. McNeilly*, 297 F.3d 228, 241 (3d Cir. 2002) (finding that police bureau's policy requiring pre-authorization before officers could provide expert testimony constituted a "broad[] prior restraint," and concluding that district court did not abuse its discretion in concluding that plaintiff was likely to succeed in his constitutional challenge to that policy); *Harman v. City of New York*, 140 F.3d 111 (2d. Cir. 1998) (holding that city press policy with regard to child welfare and social service agency employees, which required pre-clearance from city before employees could speak to media, violated the First Amendment, and was not justified by city's concern with municipal effectiveness); *Tucker v. State of Cal. Dep't of Educ.*, 97 F.3d 1204 (9th Cir. 1996) (rejecting government claim that workplace ban on religious advocacy was necessary because it adversely impacted the actual operation of the government, and resolving *NTEU* analysis in favor of plaintiff); *Sanjour v. E.P.A.*, 56 F.3d 85 (D.C. Cir. 1995) (holding that EPA regulations prohibiting employees from being reimbursed from private sources for unofficial speaking or writing engagements concerning the subject matter of their work, while permitting reimbursement for officially authorized speech on the same issues, ran afoul of the First Amendment).

Given the record facts, and the relevant controlling and persuasive authority, Defendant's pre-clearance policies—Section 2-820(d) and Mayor Reed's informal

requirement—must fail. Both policies constitute impermissible prior restraints on speech for which no justification exists. Defendant cannot advance a significant interest to support its policies, and the blunderbuss approach it seeks to enforce those policies would fail the narrow tailoring standard in any event. As a result Chief Cochran is entitled to summary judgment on his prior restraint claim.

## **2. Defendant’s Application of Its Policies Impermissibly Grant It Unbridled Discretion.**

Prior restraints must also “not delegate overly broad . . . discretion to [] government official[s] . . . and must not be based on the content of the message.” *Forsyth Cty., Ga.*, 505 U.S. at 130. But here Defendant—through Section 2-820(d) and Mayor Reed’s informal pre-clearance policy—has arrogated to itself virtually unfettered discretion to pass upon the speech of its employees, even speech that does not implicate the concerns of City government and does not interfere with its operations.

Section 2-820(d) provides that “[t]he board of ethics shall review each request [for private employment] individually,” but the Code is entirely silent as to the criteria the board is to be guided by in making its determination. Pl’s Ex. 1. The Mayor’s informal policy, while not codified, is similarly restrictive and arbitrary, in that it too cedes total control over non-work related speech to the Mayor while offering no standards to adjudicate requests, and no notice as to what is required of

the employee seeking clearance to speak or write. *See* Reed Dep. at 121 l. 10-14 (admitting pre-clearance requirement not based on codified policy).

Notwithstanding the lack of identifiable standards or criteria, Defendant claims that both policies can stand as a predicate for punishment. *See* Yancy Dep. at 105 l. 22-106 l. 9 (concluding that the failure to get permission for a book is “enough to fire you right there on its face”); Reed Dep. at 118 l. 19-120, l. 3-4 (concluding that “this offense was very serious and needed to be acted on immediately” because “there was a book that was written without my permission”); Yancy Dep. at 37 l. 20-21 (concluding that if the Mayor had not approved Chief Cochran’s book, Defendants “were going to have to suspend or terminate him”); Yancy Dep. at 87 l. 21-88 l. 5 (concluding that if an employee fails to follow the processes required to get approval to write a book, discipline is “absolutely” appropriate). Defendant has even gone so far as to claim it retains discretion to make decisions based on the content of a proposed book. *See* Reed Dep. at 54 l. 5-6 (concluding that the question as to whether an opinion from the ethics board is necessary “depends [upon] what the content of the book was”).

The ineluctable conclusion to be drawn from these undisputed facts is this: City employees who wish to publish written material unrelated to City government are subject to a review system entirely bereft of any guidelines or standards. Their publication requests may be greeted sympathetically by City officials or they may

not, but there is no way to tell whether and why such requests will be granted or denied. Such a system—which cedes power to whim and personal predilection rather than to judgment based on objective criteria—is an intolerable form of unbridled discretion. *See Bloedorn v. Grube*, 631 F.3d 1218, 1236 (11th Cir. 2011) (“To avoid unbridled discretion, the permit requirements should contain narrowly drawn, reasonable, and definite standards to guide the official’s decision.”). This is especially egregious given that the policies in question pose the “potential for censorship,” *Harman*, 140 F.3d at 120, which “justifies an additional thumb on the employee[’s] side of [the] scale[.]” *Sanjour*, 56 F.3d at 97.

In sum, given Defendant’s unabashed defense of its censorious policies, and given the clear weight of legal authority looking askance at such policies, their application to Chief Cochran and their continued enforcement cannot survive constitutional scrutiny. Chief Cochran is therefore entitled to summary judgment on his unbridled discretion claim.

**III. Chief Cochran is Entitled to Summary Judgment on His Procedural Due Process Claim under Section 114-528 of the City of Atlanta Code of Ordinances and under Section 2-820 of the City of Atlanta Code of Ethics.**

Defendants—both the City of Atlanta and Mayor Reed in his individual capacity—deprived Chief Cochran of a property interest in his employment without affording him the procedural due process to which he was entitled.

The 14th Amendment to the United States Constitution provides that “[n]o State shall . . . deprive any person of life, liberty, or property, without due process of law.” U.S. Const. amend. XIV; *see also Warren v. Crawford*, 927 F.2d 559, 562 (11th Cir. 1991) (holding that the government must provide “procedural due process” when it seeks to deprive a person of “liberty or property”). In order to “have a property interest in a benefit” sufficient to warrant constitutional protection, “a person . . . must . . . have a legitimate claim of entitlement” to that benefit. *Bd. of Regents of State Colleges v. Roth*, 408 U.S. 564, 577 (1972). Once such a claim obtains, “the right to some kind of prior hearing is paramount.” *Id.* at 569-70.

“[P]roperty interests subject to procedural due process protection are not limited by a few rigid, technical forms.” *Perry v. Sindermann*, 408 U.S. 593, 601 (1972) (internal quotations and citations omitted). Rather, “[a] person’s interest in a benefit” will be afforded due process protection “if there are such rules or mutually explicit understandings that support his claim of entitlement to the benefit and that he may invoke at a hearing.” *Id.* Courts look to state law in order to determine whether a public employee like Chief Cochran has a property interest in his job. *Warren*, 927 F.2d at 562; *see also Dixon v. Metro. Atlanta Rapid Transit Auth.*, 242 Ga. App. 262, 264 (2000) (same). This court has previously recognized that “[u]nder Georgia law, a public employee has a property interest in employment when that

employee can be fired only for cause.” *Cochran*, 150 F. Supp. 3d at 1325 (internal quotations and citations omitted).

Chief Cochran had a property interest in his employment by operation of Section 114-528 of the City of Atlanta’s Code of Ordinances, which provides that “[n]o employee shall be dismissed from employment . . . except for cause.”<sup>8</sup> Because a property interest obtained, he was entitled “to oral or written notice of the charges against him, an explanation of the employer’s evidence, and an opportunity to present his side of the story.” *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 546 (1985). None of the procedures required by *Loudermill*, or by Section 114-530<sup>9</sup>—which mirrors *Loudermill*’s due process requirements—were ever afforded to Chief Cochran by Defendants. Cochran did not receive notice of the charges at least

---

<sup>8</sup> Defendant delivered to Chief Cochran at his suspension meeting a letter which stated that he was being disciplined for a “cause of action as outlined in Section 114-528 of the Code of Ordinances, City of Atlanta.” Pl’s Ex. 9. Commissioner of Human Resources Yvonne Yancy claimed after the fact that that notification was an “administrative error,” and that Chief Cochran should have received a letter without any mention of cause. Yancy Dep. at 71-73. Defendant’s post-hoc assertion does not defeat Chief Cochran’s claim under Section 114-528 and such a self-serving repudiation of the actual events should not be countenanced.

<sup>9</sup> Section 114-530(a) provides that “[a]n employee against whom an adverse action is to be taken shall be given a written notice of proposed adverse action, signed by the appointing authority or designee, at least ten working days prior to the effective date of the proposed adverse action.” Section 114-530(b) provides that the employee shall be apprised of the “specific and detailed charges and reasons for the adverse action.” And Section 114-530(c) provides that the “employee shall be given the opportunity to respond to charges before the appointing authority or designee who has authority to affirm or modify the proposed adverse action.”

10 working days prior to his suspension; he did not receive a detailed explanation of the basis for his suspension or termination; and he did not receive an opportunity to respond to Defendants' decision to both suspend and terminate him. Yancy Dep. at 74-77; Geisler Dep. at 74-75; Am. Comp. ¶¶319-321.

In addition to the “for cause” property interest this Court has already recognized, state law also provides that a property interest in employment can be “created by local ordinance or by implied contract,” and may exist where an “employment arrangement is modified by additional contractual or statutory provisions.” *Dixon*, 242 Ga. App. at 264. Indeed, “if they impose requirements or procedures regarding dismissals which are analogous to requiring cause,” “personnel rules and regulations may create a property interest.” *Brown v. Ga. Dep’t of Revenue*, 881 F.2d 1018, 1026 (11th Cir. 1989). Such an interest may obtain even where it would appear that an employee’s employment is at-will. *Doss v. City of Savannah* is instructive on this point. 290 Ga. App. 670 (Ga. Ct. App. 2008).

In *Doss* the Plaintiff claimed that as a public employee she had a property interest in her job. But the record revealed that the City’s Employee Handbook had been revised to state that it did not “constitute an express or implied contract,” and further provided that a city employee was entitled to “separate from his/her employment at any time,” while the “City of Savannah reserve[d] the right to do the same.” *Id.* at 673. Notwithstanding these procedures, however, the Savannah

Police Department Standard Operating Procedure Manual (“SOP”), which the plaintiff had received upon her hiring, set out “procedures to be followed for disciplinary matters.” *Id.* The plaintiff argued that the SOP’s disciplinary protocols created a requirement that she could only be terminated for cause, despite the other documentation otherwise suggesting an at-will employment relationship. The court found that “the SOP and other city policies . . . applied in th[e] case prevent[ed] a finding as a matter of law that [the plaintiff’s] employment was terminable at will.” *Id.* at 674.

Consistent with *Doss* and *Brown*, which establishes that “personnel . . . regulations may create a property interest if they impose . . . procedures . . . which are analogous to requiring cause,” 881 F.2d at 1026, Chief Cochran had a property interest in his employment by virtue of the rights and remedies contained in the City of Atlanta’s Code of Ethics, which constitute “additional . . . statutory provisions” entitling him to procedural due process. *Dixon*, 242 Ga. App. at 264. Put simply, because Defendants (after the fact) allege they specifically and almost singularly punished Chief Cochran for his alleged failure to acquire approval for his book from the Board of Ethics, they were required to afford him all the procedural protections contained therein, before they suspended and terminated him.

With respect to those procedural protections, Section 2-806 of the City of Atlanta Code of Ethics provides that the “board of ethics shall conduct

investigations into alleged violations of the ethics code [and] hold hearings and issue decisions” resulting from that process. Pl’s Ex. 1. More specifically, Section 2-806 provides that the “ethics officer shall conduct a preliminary investigation of any complaint and provide a written report to the board of ethics discussing the ethics officer’s findings.” *Id.* Section 2-806 further provides that “[i]f the board determines after a preliminary investigation . . . that . . . probable cause [exists to support the] belief that [an ethics violation has been committed],” it is required to “give notice to the person involved to attend a hearing to determine whether there has been a violation.” *Id.* Finally, Section 2-806 guarantees that “[a]ny person who appears before the board [at a hearing] shall have all the due process rights . . . of a witness appearing before the courts of th[e] state [of Georgia].” *Id.*

Despite the clarity and unequivocal nature of these protections, promised to all those suspected of violating the City’s Code of Ethics, Defendants never afforded any of them to Chief Cochran. *See Hickson Dep.* at 84 l. 9-11; Ex. 117 at No. 4 (admitting that the ethics board did not investigate the circumstances surrounding Chief Cochran’s book). In fact, at the same time Defendants have invoked the Code of Ethics as a cause for their decision to suspend and terminate Chief Cochran, *see Yancy Dep.* at 49; 102, they have steadfastly maintained that he was not entitled to any of its explicit procedural guarantees. *See Yancy Dep.* at 58 l. 17-25, 60 l. 20-22 (“I don’t need an ethics violation to discipline an employee for a matter that’s

unethical.”); Hickson Dep. at 98 l. 15-17 (contending that, “whether it’s wise or not,” the city’s human resources department can independently discipline an employee for an alleged ethic violation). In fact, Defendants—once their own investigation demonstrated that Chief Cochran’s beliefs had not affected his ability to lead the department—chose to deliberately bypass the independent ethics process legislated into existence by the City itself. *See* Reed Dep. at 41 l. 3-4 (admitting that the ethics process is an independent one); Yancy Dep. at 60 l. 16-17; 89-90 (same). Yet they looked to that statutory scheme to provide them with a reason for termination. Defendants, in other words, intentionally wielded the Code as a sword against Chief Cochran, yet deprived him of the shield that was his due by statutory right. Such treatment, which is not only undisputed by Defendants but positively defended as entirely proper by them, represents an egregious violation of procedural due process that entitles Chief Cochran to summary judgment on this claim.

### **CONCLUSION**

For the foregoing reasons, Plaintiff respectfully requests that this Court grant his Motion for Summary Judgment.

Respectfully submitted this 27th day of April, 2017.

By: /s/ Kevin Theriot

DAVID A. CORTMAN  
Georgia Bar No. 188810  
**ALLIANCE DEFENDING FREEDOM**  
1000 Hurricane Shoals Road, NE  
Suite D-1100  
Lawrenceville, GA 30043  
(770) 339-0774  
(770) 339-6744 (facsimile)  
dcortman@adflegal.org

KEVIN H. THERIOT  
Georgia Bar No. 373095  
KENNETH J. CONNELLY\*  
Arizona Bar No. 025420  
JEANA HALLOCK\*  
Arizona Bar No. 032678  
**ALLIANCE DEFENDING FREEDOM**  
15100 N. 90th Street  
Scottsdale, AZ 85260  
(480) 444-0020  
(480) 444-0028 (facsimile)  
ktheriot@adflegal.org  
kconnelly@adflegal.org  
jhallock@adflegal.org

Garland R. Hunt  
Georgia Bar No. 378510  
**HUNT & ASSOCIATES**  
12110 Helli Hollow  
Alpharetta, GA 30005  
(770) 294-0751  
(770) 777-5847 (facsimile)  
garlandhunt1@gmail.com

JONATHAN D. CRUMLY, SR.  
Georgia Bar No. 199466  
**MANER CRUMLY CHAMBLISS LLP**  
2900 Paces Ferry Road  
Suite B-101  
Atlanta, GA 30339  
(770) 434-0310  
(404) 549-4666 (facsimile)  
Jcrumly@Manercc.com

*\*pro hac vice* admission

ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF COMPLIANCE**

Undersigned counsel hereby certifies that this document was prepared in Century Schoolbook 13-point font and fully complies with Local Rules 5.1C and 7.1D.

/s/ Kevin Theriot  
Kevin Theriot

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27th day of April, 2017, a copy of the foregoing document was filed with the Clerk of the Court using the ECF system, which will effectuate service on all parties.

/s/ Kevin H. Theriot  
Kevin H. Theriot  
*Attorney for Plaintiff*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**KELVIN J. COCHRAN,**

Plaintiff,

v.

**CITY OF ATLANTA, GEORGIA;  
and MAYOR KASIM REED, IN  
HIS INDIVIDUAL CAPACITY,**

Defendants.

Case No. 1:15-cv-00477-LMM

**PLAINTIFF'S STATEMENT OF  
MATERIAL FACTS NOT IN  
DISPUTE**

Pursuant to Local Rule 56.1 and Fed.R.Civ.P. 56, Plaintiff presents his Statement of Material Facts Not in Dispute as follows:

1. In 1981, Kelvin Cochran was hired by the Shreveport Fire Department. First Amended Verified Complaint ¶¶40.

2. Cochran was promoted to training officer in the Shreveport Fire Department in 1985, which position entailed training new recruits on operating fire trucks, hoses, and other fire apparatuses. First Amended Verified Complaint ¶¶44-45.

3. In 1990, Cochran was promoted to Assistant Chief Training Officer at the Shreveport Fire Department, in which position he managed and conducted training programs for other fire department officers. First Amended Verified Complaint ¶¶47-48.

4. In 1999, Cochran was appointed Fire Chief of the Shreveport Fire Department. First Amended Verified Complaint ¶49.

5. Cochran served as Fire Chief of the Shreveport Fire Department until January 2008, when he was appointed Fire Chief of the Atlanta Fire Rescue Department by then-mayor Shirley Franklin. First Amended Verified Complaint ¶¶50-51; Def's Ex. 1.

6. In July 2009, President Obama nominated, and in August 2009 the Senate confirmed, Cochran to the post of U.S. Fire Administrator for the U.S. Fire Administration. First Amended Verified Complaint ¶52; Exhibit 131 (FEMA 00004).

7. The U.S. Fire Administration is a component of the U.S. Department of Homeland Security's Federal Emergency Management Agency ("FEMA"). First Amended Verified Complaint ¶53; Exhibit 131 (FEMA 00004).

8. As U.S. Fire Administrator, Cochran oversaw, coordinated, and directed national efforts to prevent fires and improve fire response; and led fire prevention and safety education programs and professional development opportunities for emergency responders. First Amended Verified Complaint ¶56.

9. Cochran resigned as U.S. Fire Administrator on June 18, 2010 to resume his duties as Fire Chief of the Atlanta Fire Rescue Department. Exhibit 130 (FEMA 00001); First Amended Verified Complaint ¶58.

10. In 2012, Cochran was awarded Fire Chief of the Year by *Fire Chief* magazine at the International Association of Fire Chief's Fire-Rescue International Conference. Pl's Ex. 2; First Amended Verified Complaint ¶60.

11. Mayor Reed issued a press release congratulating Cochran on the award and highlighting his exceptional leadership of Atlanta's Fire Rescue Department. Pl's Ex. 2; First Amended Verified Complaint ¶¶61.

12. The Mayor's press release included the following summary of Cochran's achievements:

Under Chief Cochran's leadership, the department has seen dramatic improvements in response times and staffing. In July, the department reached full staffing of four firefighters per engine and zero vacant firefighter positions for the first time in the history of the department. The department also reached a new level of responsiveness on fire emergencies, meeting the National Fire Protection Association Codes and Standards for response coverage 81% of the time, up from 65% in 2010.

Pl's Ex. 2; First Amended Verified Complaint ¶¶62.

13. Mayor Reed thanked Cochran in his press release for his "pioneering efforts to improve performance and service within the Atlanta Fire Rescue Department," applauded "Chief Cochran and all of Atlanta's brave firefighters for the commitment to excellence shown throughout the department," and recognized that Cochran's "national recognition" as Fire Chief of the Year was "much-deserved." Pl's Ex. 2.

14. Under Chief Cochran's leadership, the Insurance Services Office gave the City a Class 1 Public Protection Classification (PPC) rating for the first time in Atlanta's history. Pl's Ex. 7; Reed Dep. at 86 lines 9-15; First Amended Verified Complaint ¶¶64.

15. The rating, which went into effect on November 1, 2014, indicates "an exemplary ability to respond to fires," resulted in insurance premiums being lowered throughout the City, and is a rating shared by only 60 cities nationwide. Pl's Ex. 7; First Amended Verified Complaint ¶¶65-66.

### **Cochran's Religious Beliefs and Their Centrality to His Vocation**

16. Cochran is an evangelical Christian who holds to historic Christian beliefs. First Amended Verified Complaint ¶67.

17. Cochran's sincerely held religious beliefs include a historical Christian view of vocation and work, which view compels him to honor God in all aspects of his work by doing everything with excellence throughout his job. First Amended Verified Complaint ¶¶70-71.

18. Cochran is a member of, attends, and is a Deacon at Elizabeth Baptist Church. First Amended Verified Complaint ¶68.

19. Cochran believes that performing his public, secular job with excellence results in the private, religious benefit of bringing God glory. First Amended Verified Complaint ¶72.

20. Cochran's religious beliefs also compel him to treat all fire department staff under his command, and all members of the community he serves, with dignity, justice, equity, and respect, regardless of their personal traits, characteristics, and beliefs. First Amended Verified Complaint ¶73.

21. Cochran's religious beliefs thus require him to run an inclusive fire department that respects the diverse traits, characteristics, and beliefs of all his employees. First Amended Verified Complaint ¶74.

22. Cochran's leadership and management philosophy is centered on ensuring that every member of a fire department he leads is treated with dignity, justice, equity, and respect, regardless of any personal characteristic that sets them apart. First Amended Verified Complaint ¶75.

23. In 2008, when Cochran first became Atlanta's Fire Chief, he set out to achieve this goal by instructing his subordinates to assemble a group of

firefighters that fully represented the diverse backgrounds, characteristics, and beliefs within AFRD. Pl's Ex. 117 at No. 14; First Amended Verified Complaint ¶76.

24. Cochran knew that at least two LGBT employees were members of this group. First Amended Verified Complaint ¶77.

25. Cochran worked with this group to develop a vision, mission, and governing philosophy for AFRD. Pl's Ex. 117 at No. 14; First Amended Verified Complaint ¶78.

26. This process resulted in a document called the Atlanta Fire Rescue Doctrine. Pl's Ex. 117 at No. 15; Pl's Ex. 18; First Amended Verified Complaint ¶79.

27. Cochran followed this procedure for developing the fire department's policies and procedures because he believes it is the best way for him to discharge his duty to God that he treat every employee within a fire department with dignity, justice, equity, and respect—thereby cultivating an inclusive culture and high level of performance that glorifies God. First Amended Verified Complaint ¶80.

28. Cochran personally experienced being treated differently based on his race during his early years within the fire service, so he worked diligently throughout his career to ensure that no one under his command would be mistreated because of their membership in a particular group. First Amended Verified Complaint ¶¶81-82.

29. Commissioner of Human Resources Yvonne Yancy testified that Chief Cochran “was really good at his job. He was nationally recognized at it . . .” Yancy Dep. at 114 lines 22-24.

30. Katrina Taylor Parks, Deputy Chief of Staff to Mayor Reed, testified that Chief Cochran had a “good reputation . . . as the chief of fire.” Taylor-Parks Dep. at 56 lines 23-24.

### **Cochran’s Self-Published Book**

31. In 2012, Cochran was facilitating a men’s Bible study at his Church, a unit of which focused on God’s purpose for men, including the teaching on God’s question to Adam in Genesis, “Who told you that you were naked?” *See* Gen. 3:11. First Amended Verified Complaint ¶¶83-85.

32. Cochran thought about this question often after facilitating the study and eventually felt led by God to write a Bible study on the matter. First Amended Verified Complaint ¶¶86-88.

33. Cochran soon discovered, however, that he had enough information to write a book. First Amended Verified Complaint ¶89.

34. Cochran worked on the book over the next year on his personal time. First Amended Verified Complaint ¶90; Cochran Dep. at 136-137.

35. On October 31, 2012—around the same time he set out to write the book—Cochran also contacted Nina Hickson, the City of Atlanta Ethics Officer, for ethics advice “regarding [the] non-city-related book he [was] authoring.” Hickson Dep. at 44 lines 14-21; Cochran Dep. at 107 line 17 – 111 line 13; First Amended Verified Complaint ¶105.

36. One of the duties of the Ethics Officer is to “[e]ducat[e] and train[] all city officials and employees to have an awareness and understanding of the mandate for and enforcement of ethical conduct and advising of the provisions of the code of ethics of the city.” Pl’s Ex. 1.

37. The book expresses Cochran's personal religious beliefs and is the product of the private religious study he undertook for his church. First Amended Verified Complaint ¶¶115-16.

38. The book, entitled *Who Told You That You Were Naked?: Overcoming the Stronghold of Condemnation*, was written for Christian men, and was intended to help them fulfill God's purpose for their life. First Amended Verified Complaint ¶¶92-93; Cochran Depo. at 143 line 1 – 144 line 21.

39. One of the book's goals is to guide men to live faith-filled, virtuous lives. First Amended Verified Complaint ¶94.

40. The book addresses sexual morality from a Biblical standpoint, including topics such as the propriety of same-sex marriage and premarital sex. First Amended Verified Complaint ¶¶96, 103; Cochran Dep. at 162 line 3 – 164 line 11; Pl's Ex. 11 at 78-85.

41. With respect to sexual morality, the book teaches that God created sexual acts for procreation and marital pleasure in holy matrimony between a man and a woman, and further teaches that engaging in sex outside the confines of marriage between a man and woman—including fornication, homosexual acts, and all other types of non-marital sex—is contrary to God's will. Cochran Dep. at 162 line 3 - 163 line 15; Pl's Ex. 11 at 78-85; First Amended Verified Complaint ¶¶98, 100.

42. These teachings are consistent with the Bible and historic Christian teaching. Cochran Dep. at 163 line 19 – 164 line 11; First Amended Verified Complaint ¶¶99, 101.

43. The rest of the book deals with Christian teaching concerning original sin and the ability of Christians to overcome the influence of sin in their lives through fully embracing and understanding the sacrifice of Jesus Christ. First Amended Verified Complaint ¶104.

44. Cochran finished the book in the Fall of 2013 and self-published it in late November 2013. First Amended Verified Complaint ¶91; Pl's Ex. 116 at No. 23.

45. From approximately January-March 2014, Chief Cochran gave a few free copies of his book to AFRD members who he knew to be Christians and had established a prior relationship with, who knew he was writing a book, and who had requested to receive copies of it upon its completion. First Amended Verified Complaint ¶¶126-27, 129; Cochran Dep. at 217 lines 3-5.

46. Chief Cochran gave a copy of the book to Mayor Reed's assistant, Lilly Cunningham, about a week before the mayor's State of the City address in February 2014. Cochran Dep. at 152-53.

47. Chief Cochran spoke to Mayor Reed after his address and the mayor confirmed that he had received a copy of the book and intended to read it on an upcoming flight. *Id.* at 153.

48. Director of Communications Anne Torres testified that the mayor did receive the book but had not read it. *See* Torres Dep. at 52-56; Pl's Ex. 72 ("He did not read the book when he handed it to him.")

### **The City Suspends Chief Cochran Without Pay**

49. From the time Chief Cochran's book was published in late November 2013 until late 2014, the City received no complaints about the book, including from any member of the AFRD. Pl's Ex. 117 at No. 1.

50. In late October or early November 2014, Chief Christopher Wessels brought the book to the attention of Atlanta Professional Firefighters Union President Steven Borders. Borders Dep. at 54 line 9 – 55 line 6.

51. Cochran had provided a free copy of the book to Chief Wessels—who had previously shared his Christian faith with him—in late June or early July 2014. Cochran Dep. at 141-42; 217; First Amended Verified Complaint ¶132.

52. Cochran never conveyed to Chief Wessels that reading or following the teachings of his book was in any way relevant to his status or advancement within AFRD. First Amended Verified Complaint ¶135.

53. Wessels, according to Borders, “finally got around to reading [the book] or reading part of [the book], and there were some passages that were disturbing” to him, most notably “some very explicit conservative Christian ideals” contained in the book. Borders Dep. at 54 line 12 – 55 line 17.

54. After ordering a number of copies of the book online to review it himself, Borders took a copy of the book to Councilman Alex Wan, to seek “his counsel and advice on how [the union executive board] should handle it, how the City should handle it.” Borders Dep. at 59 line 22 – 60 line 16.

55. Councilman Wan is gay, and testified that he believes Borders initially took the book to him, rather than to the City’s human resources department, because of the fact that he is gay. Wan Dep. at 52 lines 11-13.

56. Borders “gave [Councilman Wan] one of the copies of the book and let him take it from there.” Borders Dep. at 60 lines 14-16.

57. When Councilman Wan received the copy of the book from Borders, “there were Post-its in the book” marking certain passages. Wan Dep. at 46 lines 4-6.

58. Borders “expressed concern about the content” of the book to Councilman Wan. Wan Dep. at 48 lines 15-18.

59. Councilman Wan read the passages in the book that had been marked by the Post-its and “had concerns” about those passages that “were in reference to the gay and lesbian community.” Wan Dep. at 46 lines 11-15.

60. Councilman Wan thanked Borders for bringing the book to him and told Borders that “while [he] didn’t know what to do right on that moment, that [he] would keep the book and [he] would determine the next step about this.” Wan Dep. at 47 lines 14-18.

61. At about the same time that Borders met with Councilman Wan about Chief Cochran’s book, one of the Atlanta Professional Firefighters Union executive board members also contacted retired AFRD Chief Cindy Thompson, who happened to be in Atlanta at the time, in order to “get her opinion about th[e] matter.” Borders Dep. at 69 line 3 – 70 line 22.

62. Borders knew Cindy Thompson to be “well versed on social issues” and also knew her to be “an out homosexual.” Borders Dep. at 70 line 18 – 71 line 1.

63. Thus Borders concluded that Cindy Thompson would be a good person to consult, as he was “concerned about any response from the gay community in Atlanta, as well as many homosexual employees that” the AFRD had. *Id.* at 71 lines 2-4.

64. At a lunch meeting with Cindy Thompson, Borders showed her the same passages in the book that he had showed to Councilman Wan. Borders concluded, based upon their conversation, that Cindy Thompson was “personally offended” by the “LGBT issues expressed in the book.” Borders Dep. at 71 line 14, 73 lines 10-11.

65. On November 23, 2014, a day before Chief Cochran was suspended, Cindy Thompson sent an e-mail to Mayor Reed’s LGBT Advisor, Robin Shahar, informing her that a “handful of LGBT firefighters I know, and others, are extremely insulted and saddened by the discriminatory text in the book.” Pl’s Ex. 50.

66. Meanwhile, Councilman Wan, after meeting with Borders, eventually concluded that “based on the concerns that [he] had about the content [of the book],” that this situation presented “an HR matter.” Wan Dep. at 51 lines 23-24.

67. Wan then “went and delivered the book to [City of Atlanta Human Resources Commissioner Yvonne Yancy] in person in her office.” Wan Dep. at 53 lines 2-3.

68. At that meeting, which took place on Wednesday, November 19, 2014, just five days before Chief Cochran was suspended, Wan expressed his concerns to Yancy regarding the passages in the book dealing with sexual morality. *Id.*; Yancy Dep. at 20 line 4 – 21 line 9.

69. Wan also expressed concerns to Yancy that Chief Cochran had identified himself as Chief of the AFRD in the book. Wan Dep. at 53 lines 11-13.

70. Yancy told Councilman Wan that she would read the book and “follow up appropriately.” Yancy Dep. at 22 lines 4-6.

71. Yancy read the entire book on Thursday, November 20, 2014. *Id.* at 22 lines 20-22.

72. Yancy was concerned that the City “had not given permission for the book” to Chief Cochran. *Id.* at 26 lines 11-16.

73. Yancy was concerned that the book contained a reference to Chief Cochran’s role as Chief of AFRD. *Id.*

74. Yancy “thought the content was problematic,” and was “offended by how women were referenced, and how Jews were referenced, and how the LGBT community was referenced.” *Id.* at 26 line 22 - 27 line 7.

75. Yancy has testified that Cochran, by writing his book, “espoused beliefs that were in conflict with how women are treated, people of different faiths are treated, how the LGBT community was treated.” *Id.* at 63 lines 22-25.

76. Yancy also testified that Chief Cochran, by writing the book, “espoused beliefs that were offensive to many different groups.” *Id.* at 69 lines 8-9.

77. Yancy testified that Wan was concerned that the employees who found the book offensive were going to protest at an upcoming fire foundation breakfast later in the week. Yancy Dep. at 21 lines 21-24. (“[H]e really didn’t want us to have a sort of PR nightmare of employees protesting us at a foundation breakfast that was scheduled for later that week.”).

78. Yancy came to share that concern and testified that she was “concerned about employees having a protest or this issue being raised to embarrass us at the breakfast.” *Id.* at 27 lines 15-16.

79. Yancy spoke to Mayor Reed about the book and “pointed out the passage regarding members of the Jewish community, she pointed out a passage that related to women, and she pointed out a passage that related to homosexuality.” Reed Dep. at 94 lines 18-21.

80. Mayor Reed testified that upon reading those passages he “didn’t agree . . . with some of the provisions that were highlighted and shown [to him] by Yvonne Yancy.” Reed Dep. at 125 lines 11-13.

81. Mayor Reed further testified that he did not “agree with the comments [in the book] around homosexuality,” “other parts of the book that [he] thought were insensitive to women,” and “other parts of the book that [he] thought were insensitive to Jewish people.” Reed Dep. at 126 line 25 - 127 line 5.

82. Mayor Reed further testified that he “was offended by comments” in the book, “[b]ased upon [his] beliefs.” Reed Dep. at 135 lines 4-8.

83. Sometime after Yancy showed the passages to Mayor Reed, Councilman Wan called Mayor Reed to express his concerns about the book. Reed Dep. at 92 lines 14-24, 95 lines 16-25, 124 lines 7-25.

84. Yancy eventually concluded that because of the content of the book an investigation had to be conducted into whether Cochran’s beliefs had affected his leadership of the department. Yancy Dep. at 62 line 10 – 63 line 16.

85. Yancy testified that “at the end of the day, you can have a viewpoint, but you have to get permission to do it.” Yancy Dep. at 121 lines 21-22.

86. COO Michael Geisler testified that in addition to the concern that Chief Cochran had not received permission to write and/or publish his book, “[t]here was also the issue with respect to the content of the book.” Geisler Dep. at 41 lines 14-15.

87. A meeting was held in Yancy’s office with Chief Cochran on Monday, November 24, 2014, with Yancy, Chief of Staff Candace Byrd, and Robert Godfrey from the City Law Department in attendance. Yancy Dep. at 44, 74 lines 17-21.

88. At that meeting Chief Cochran was suspended for 30 days without pay, informed that the City would investigate the matter, and notified that he would be required to attend sensitivity or diversity training. *Id.* at 74 line 6 - 76 line 9; Reed Dep. at 149 lines 12-15; First Amended Verified Complaint ¶145; Pl’s Ex. 9.

89. The November 24, 2014 suspension meeting included a preliminary inquiry into whether Chief Cochran had ever received permission to write the book. Yancy Dep. at 93 lines 9-12.

90. Yancy testified that at the time of the suspension meeting, Defendants “already knew he didn’t have permission for the book.” Yancy Dep. at 105 lines 23-24.

91. Yancy testified that the failure to get permission for the book constituted “enough to fire [Chief Cochran] right on its face,” but that

Defendants “didn’t separate him. We chose to bring him back to work . . .” Yancy Dep. at 106 lines 5-9.

92. There was also at that meeting a discussion surrounding “religion, women, and the LGBTQ issues that [were] raised in the book specifically.” Yancy Dep. at 93 lines 15-18.

93. Yancy explained to Cochran at the meeting that the book contained offensive content, including content “offensive to members of the LGBT community.” Cochran Dep. at 200 line 18 – 202 line 13.

94. Yancy also informed Cochran that Councilman Wan was offended by comments in the book. *Id.* at 202 lines 11-13.

95. One of the reasons Defendants claim that Chief Cochran was suspended was because he failed to follow city policy in writing and publishing the book, including the failure to abide by the requirements of the ethics code and the failure to notify the mayor about the book. *See* Reed Dep. at 107 lines 12-15 (Q. What cause of action is being referred to here [in the suspension letter given to Chief Cochran]? A. Creating and producing a book for sale without authorization of the ethics board.”); Reed Dep. at 118 lines 24-25, 119 lines 1-5, 17-19 (“He was suspended without pay because, in my opinion, writing a book and earning money off of it, which we knew pretty quickly, was completely inappropriate and wrong. And at no time did my chief of -- at fire and rescue come in my office and sit down and have an in-person conversation and say, I am writing a book and I would like you to support me. He was suspended because he wrote a book without getting an opinion from our ethics officer in writing.”); Pl’s Ex. 70 (“We suspended the Chief because he published the book without the City’s knowledge . . .”); Pl’s

Ex. 71 (“Chief Cochran . . . failed to notify the Mayor of the book before it was published. City policy requires employees to notify their supervisor if they are publishing a book identifying themselves as City of Atlanta employees.”); Geisler Dep. at 84 line 21 – 85 line 1 (“Yvonne Yancy in that initial visit [before the suspension] brought up that the permission hadn’t been granted, and part of her concern had to do with the fact that the ethics board and Nina Hickson, the ethics officer, had not approved of the book or prior to its being published.”); Yancy Dep. at 75 lines 14-16 (“[A]t that juncture [at the suspension meeting], we had not found anything that indicated he had received permission from his manager or the ethics board.”); Yancy Dep. at 104-05.

96. Defendants publicly identified, for media consumption, the beliefs expressed by Chief Cochran in his book as a predicate for discipline, stating that Chief Cochran “was informed at the time of his suspension that . . . he was espousing theories about certain groups of people that were in conflict with the City’s policy of inclusiveness.” Pl’s Exs. 80-84.

97. On numerous occasions City officials publicly and conspicuously took issue with the contents of the book. *See* Pl’s Ex. 10; Wan Dep. at 84 lines 1-6; Pl’s Ex. 108.

98. In his Facebook statement issued on November 24, 2014 announcing Chief Cochran’s suspension, Mayor Reed stated that “[t]he contents of the book do not reflect the views of . . . the Administration.” Pl’s Ex. 10.

99. Mayor Reed further stated the following with respect to Chief Cochran’s book: “I profoundly disagree with and am deeply disturbed by the

sentiments expressed in the paperback regarding the LGBT community.”  
Pl’s Ex. 10.

100. Mayor Reed also stated that “the material in Chief Cochran’s book is not representative of my personal beliefs, and is inconsistent with the Administration’s work to make Atlanta a more welcoming city for all of her citizens—regardless of their sexual orientation, gender, race and religious beliefs.” Pl’s Ex. 10.

101. Mayor Reed also announced in the Facebook post that Chief Cochran would “be required to complete sensitivity training.” Pl’s Ex. 10.

102. With regard to the passages in Chief Cochran’s book that Councilman Wan took to be referring to the “LGBT community,” Councilman Wan made the following statement to the Atlanta Journal Constitution, and repeated this statement on other occasions: “I respect each individual’s right to have their own thoughts, beliefs and opinions, but when you’re a city employee, and those thoughts, beliefs and opinions are different from the city’s, you have to check them at the door.” Wan Dep. at 84 lines 1-6; Pl’s Ex. 108.

103. Chief of Staff Candace Byrd testified that she and the Mayor discussed Chief Cochran’s book and that “some of the excerpts . . . didn’t line up with [their] personal beliefs.” Byrd Dep. at 50 lines 14-19.

104. Robin Shahar, the Mayor’s LGBT Advisor, was offended by the comments in the book related to Jews, women, and the LGBT community, including the beliefs expressed in the book related to same-sex marriage. Shahar Dep. at 40 line 12 – 41 line 5; Geisler Dep. at 30 lines 12-15.

105. The Anti-Defamation League (“ADL”) was invited by Shahar to give their opinion on Chief Cochran’s book. *See* Mullinax Dep. at 35 lines 14-16 (“She [Shahar] thought it would be a good idea to reach out to ADL for their—not analysis, but for their opinion of this.”).

106. Shahar thought it “was very important that other religious perspectives be put in the public domain.” Shahar Dep. at 81 lines 1-10.

107. Special Advisor to the Mayor Melissa Mullinax testified that the ADL was “an ally” of the administration. Mullinax Dep. at 36 lines 2-9.

108. Mayor Reed testified that the ADL “came to [his] office to meet with [him]” regarding Chief Cochran’s book. Reed Dep. at 118 lines 11-13, 120 lines 15-19.

109. Mayor Reed testified that the ADL representatives “came to meet with [him] about how offensive they found” Chief Cochran’s book. *Id.* at 120 lines 17-19

110. After the meeting, the ADL sent a letter to Mayor Reed concluding that the “statements of personal belief contained in [Chief Cochran’s] book blatantly contradict [the City’s nondiscrimination] policy.” Pl’s Ex. 12.

111. The ADL concluded that Chief Cochran could not “check his prejudices at the door and lead the City of Atlanta Fire Department.” *Id.*

### **The City Terminates Cochran as AFRD Fire Chief**

112. Yancy testified that Defendants “intended to bring [Chief Cochran] back to work [after the suspension].” Yancy Dep. at 129 lines 21-22.

113. Yancy testified that she had already “contracted to do sensitivity training with the vendor.” *Id.* at 129 lines 22-23.

114. Yancy testified that the “purpose of that investigation was to ensure that Mr. Cochran in his capacity as fire chief had not treated anyone differently because of the views he espoused in the book.” *See* Yancy Dep. at 107 lines 5-8.

115. Yancy further testified that the City “had to ensure that the actions of Mr. Cochran were reflective of our policy. We don’t particularly care how you feel about stuff. We care about what you do in our workplace. So we had to ensure that our workplace was consistent with the values and things that we espouse in our code.” Yancy Dep. at 64 lines 8-13.

116. COO Michael Geisler concurred in his testimony regarding the purpose of the investigation, stating that the investigation “would have looked at whether or not the chief could keep a fair and unbiased view of his operations, or whether it was unduly influenced by his views as expressed in the book.” Geisler Dep. at 58 lines 2-6.

117. Geisler also testified that another purpose of the investigation “was to address any concerns, different community groups, the LGBT would have had about the chief’s stand on things.” Geisler Dep. at 57 line 24 – 58 line 1.

118. Tasked with answering these questions, the Law Department concluded in its Investigative Report that “[n]o interviewed witness could point to a specific instance in which any member of the organization has been treated unfairly by Chief Cochran on the basis of his religious beliefs.” Pl’s Ex. 13 at 4.

119. The Law Department further concluded in its Investigative Report that there was “no indication that Chief Cochran allowed his religious beliefs to compromise his disciplinary decisions.” Pl’s Ex. 13 at 3.

120. In fact, Yancy testified that this finding was consistent with her experience of working with Chief Cochran: “The investigation showed that he had in fact not treated people differently, which I was actually, frankly, ecstatic to see and hear, and it’s consistent with my knowledge of Mr. Cochran.” Yancy Dep. at 102 lines 11-14.

121. Chief Cochran was never disciplined at any time during his tenure with the City for any act of discrimination against any AFRD employee. Pl’s Ex. 117 at No. 11.

122. Chief Cochran was never disciplined at any time during his tenure with the City for creating or enforcing any discriminatory policy against any AFRD employee. Pl’s Ex. 117 at No. 12.

123. Chief Cochran was never disciplined at any time during his tenure with the City for permitting discrimination by or against any AFRD employee. Pl’s Ex. 117 at No. 13.

124. Melissa Mullinax testified that in her experience Chief Cochran had “always been very supportive” of “gay pride events” and “gay firefighters and others involved in pride.” Mullinax Dep. at 19 line 19 – 20 line 1.

125. Mullinax also testified that it was her impression that the Mayor agreed with her assessment that Chief Cochran had been supportive of LGBT firefighters and events. *Id.*

126. In fact, Mayor Reed testified that he was not aware of any instances in which Chief Cochran “was unable to ‘check his prejudices at the door.’” Reed Dep. at 156 lines 10-13.

127. COO Michael Geisler testified that he was not aware of any evidence suggesting that Chief Cochran based his decisions regarding the individual career paths of AFRD members on the content of his personal religious beliefs. Geisler Dep. at 47 lines 8-13.

128. Geisler also testified that he was not aware of any evidence that Chief Cochran had discriminated against anyone in the AFRD. *See* Geisler Dep. at 66-67.

129. Despite the fact that the Law Department could not identify a single instance in which Cochran had ever discriminated against any AFRD employee based upon his religious beliefs, the views he expressed in his book, or for any other reason, and had never let his personal beliefs affect his disciplinary regime, Defendants terminated Cochran at a meeting held on January 6, 2015, the day his unpaid suspension ended. First Amended Verified Complaint ¶169; Pl’s Ex. 34; Yancy Dep. at 122-23.

130. The termination meeting was staffed by Commissioner of Human Resources Yvonne Yancy, COO Michael Geisler, and City Law Department attorney Robert Godfrey. Yancy Dep. at 122-23; Geisler Dep. at 72 line 25 - 74 line 7.

131. Defendants have claimed that Chief Cochran was terminated as a result of his failure to get permission to write his book, either through the ethics process or from his supervisors. *See* Yancy Dep. at 102 lines 14-17. (“But our decision to separate Mr. Cochran was about his failure to go

through the process and to speak with the people he worked for.”); Reed Dep. at 167 lines 14-17 (“If someone had done this investigation and showed me a letter from the ethics board that granted him approval to write this book, I wouldn’t have made the judgment that I made.”); Pl’s Ex. 14 (“Chief Cochran’s book . . . was published in violation of the City’s Standards of Conduct, which required prior approval from the Ethics Officer and the Board of Ethics . . . Not one time during the course of preparing this book did Chief Cochran ever think that it was appropriate to have a conversation with me despite the fact that I have made my opinion and this administration’s opinion clear on this topic. So if anybody wants to know the most important factor that lead me to my decision—that is it.”); Pl’s Ex. 10 (“Chief Cochran’s book . . . was published in violation of the city’s Standards of Conduct, which required prior approval from the Board of Ethics.”); Pl’s Ex.22 (“Chief Cochran’s book . . . was published in violation of the city’s Standards of Conduct, which required prior approval from the Board of Ethics. . . . Chief Cochran also failed to notify me, as Mayor and Chief Executive of the City of Atlanta and his employer, of his plans to publish the book and its inflammatory content.”); Pl’s Ex. 36 (“Mr. Cochran ignored the City’s Ethics Code which establish a clear protocol which *must* be followed before a Commissioner may engage in private activity for pay. Mr. Cochran made numerous judgment decisions regarding the book that are unacceptable for a leader in City of Atlanta government: he sold the Book without the requisite approval . . . and he published the book without ever mentioning it to me.”); Pl’s Ex. 15 (“Chief Cochran . . . was fired because he failed to adhere to city policy. He published a book . . . without asking for approval from the mayor

or his ethics office.”); Pl’s Ex. 74 (“Chief Cochran was not let go because of his religious beliefs. He was let go because he exercised poor judgment and violate [sic] the city’s ethics code by not notifying the proper city officials, Mayor included.”); Geisler Dep. at 73 lines 10-13, 75 lines 18-22 (“[The Mayor] was concerned that . . . there had been a violation of the city policy on going forward with publishing the book. It was an ethics violation . . . it comes down to the ethics issue. It comes down to the publication of the book on—without adequate disclosure of the publication of the book . . .”).

132. After terminating Chief Cochran Defendants continued to publicly take issue with the contents of his book. See Pl’s Ex. 14 (“Because he [Chief Cochran] made the judgment that he should write a book that contains material that is clearly inflammatory and never ask me how I felt, felt about it.”); Pl’s Ex. 22 (“Chief Cochran also failed to notify me, as Mayor and Chief Executive of the City of Atlanta and his employer, of his plans to publish the book and its inflammatory content.”); Pl’s Ex. 36 (“Mr. Cochran made numerous judgment decisions regarding the book that are unacceptable for a leader in City of Atlanta government: . . . he distributed the book at work, despite the fact that its content expressed opinions which are contrary to the City’s and my personal commitment to nondiscrimination”).

133. In fact, just one week after Defendants terminated Chief Cochran, Director of Communications Anne Torres sent out for distribution—to all of the City’s “supporters and organizations”—myriad social media posts suggesting that the content of the book constituted discrimination against AFRD members. Torres Dep. at 76 lines 23-25 (“With the book we felt that

there were passages in the book that violated our City’s antidiscrimination policy.”); Pl’s Ex. 77.

134. Torres sent out for distribution a suggested Tweet that read “#IStandwithKasim because all employees have a right to a boss who does not speak of them as 2nd class citizens.” Pl’s Ex. 77.

135. She sent out for distribution another suggested Tweet which read “#IStandwithKasim because there is no place for discrimination in the workplace.” Pl’s Ex. 77.

136. These suggested Tweets and Facebook posts—which were focused on the content of various “passages in the book”—were sent out for distribution despite the fact that the City Law Department had concluded in its Investigative Report, released by the City that very day, that no evidence existed to show that Chief Cochran had discriminated in any way against anyone in the City’s employ. Torres Dep. at 77 lines 5-7; Pl’s Ex. 36; Pl’s Ex. 13 at 3-4 (“There is . . . no indication that Chief Cochran allowed his religious beliefs to compromise his disciplinary decisions. . . . No . . . witness could point to a specific instance in which any member of the organization has been treated unfairly by Chief Cochran on the basis of his religious beliefs.”).

137. Special Advisor to the Mayor Melissa Mullinax forwarded these suggested Tweets and Facebook posts to at least five recipients that same day, January 13, 2015. Pl’s Exs. 93-96.

### **The City of Atlanta’s Code of Ethics and Related City Policies and Practices**

138. The City of Atlanta Law Department also concluded in its Investigative Report that Chief Cochran had not sought the approval of the

Board of Ethics prior to his writing of the book, and the Board of Ethics did not grant its approval to Chief Cochran. Pl's Ex. 13 at 1.

139. The City of Atlanta's news release announcing the release of the City Law Department's Investigative Report in Chief Cochran's case states that "Atlanta's Ethics Code establishes the required approval process for Department heads who wish to engage in outside activities 'for remuneration.'" Pl's Ex. 36.

140. The City news release also noted that with respect to that ethics requirement the City Law Department's Investigative Report "found that no such approval was sought or rendered in the publication" of Chief Cochran's book. *Id.*

141. Section 2-820(d) of the City of Atlanta Code of Ethics provides that:

Commissioners, deputy commissioners, department heads, chief operating officer, deputy chief operating officers, chief of staff, deputy chiefs of staff, bureau directors, and employees of the office of the mayor who report directly to the mayor . . . may engage in private employment or render services for private interests only upon obtaining prior written approval from the board of ethics in accordance with this paragraph.

Pl's Ex. 1.

142. Section 2-806 of the City of Atlanta Code of Ethics provides that the "board of ethics shall conduct investigations into alleged violations of the ethics code [and] hold hearings and issue decisions" resulting from that investigative process. Pl's Ex. 1

143. Section 2-806 specifically provides that the “ethics officer shall conduct a preliminary investigation of any complaint and provide a written report to the board of ethics discussing the ethics officer’s findings.” Pl’s Ex. 1.

144. Section 2-806 further provides that “[i]f the board determines after a preliminary investigation . . . that . . . probable cause [exists to support the] belief that [an ethics violation has been committed],” it is required to “give notice to the person involved to attend a hearing to determine whether there has been a violation.” Pl’s Ex. 1.

145. Finally, Section 2-806 guarantees that “[a]ny person who appears before the board [at a hearing] shall have all of the the due process rights . . . of a witness appearing before the courts of th[e] state [of Georgia].” Pl’s Ex. 1.

146. Section 2-807 of the City of Atlanta Code of Ethics provides that while the “decision of the board after a hearing shall be final,” “such proceeding shall be subject to review by writ of certiorari to the superior court of the county.” Pl’s Ex. 1.

147. Defendants predicated both their suspension and termination of Chief Cochran in part upon his alleged failure to abide by the City of Atlanta’s Code of Ethics and other city processes more broadly, as interpreted and enforced by Defendants. *See supra* at ¶¶95, 131; Yancy Dep. at 75 lines 14-16 (“[A]t that juncture [at the time of the suspension], we had not found anything that indicated that he had received permission from his manager or the ethics board.”); Yancy Dep. at 49 lines 15-19 (“And so the discipline was about his failure to get approval, his failure to operate within the processes

that are clearly identified, not just in the code, but in general expectations as an employer.”); Yancy Dep. at 51 lines 11-15, 55 lines 9-10 (“And then the ethics code requires that if you in fact are going to engage in receiving second income and you report the certain line in the organization, the ethics board has to actually give you approval for that as well. . . . There’s no ethics board vote giving permission for this book.”); Yancy Dep. at 102 lines 14-17 (“But our decision to separate Mr. Cochran was about his failure to go through the process and to speak with the people he worked for.”); Yancy Dep. at 122 lines 6-7 (“This is a summary of the things we discussed at the termination meeting itself. . . . [Bob Godfrey] references the standard of conduct of [Section] 2-820(d)”).

148. Defendants provided to Chief Cochran none of the procedural requirements or protections prescribed by the City of Atlanta Code of Ethics. See Hickson Dep. at 84 lines 9-11 (“Q. And there was never any ethics process with respect to the book or Chief Cochran? A. Not while I was there, no.”); Pl’s Ex. 117 at No. 4 (“Defendant admits that the ethics board was not asked to, and thus did not, conduct an investigation into Chief Cochran with respect to his book, *Who told You That You Were Naked.*”); Pl’s Ex. 117 at No. 5 (“Defendant admits that the ethics board was not asked to, and thus did not, hold a hearing regarding Chief Cochran’s publication of the book . . .”).

149. In fact, Defendants maintain that they can discipline a City employee for an ethics violation without the involvement of the Board of Ethics and were therefore not required to make available to Chief Cochran any of the procedural requirements or protections prescribed by the City of Atlanta Code of Ethics, even if they disciplined Chief Cochran for a breach of

the provisions contained in that very code. *See* Hickson Dep. at 98 lines 7-17 (“[I]f they use that [the ethics process] as a means of disciplining somebody on the HR side, the ethics board wouldn’t have anything to do with that. Q. So the HR side can interpret the ethics code and apply it separately and independently from the independent ethics board? A. They can. Now, whether it’s wise or not is a different story, but they can—they can use that as a basis for—for dismissal.”); Yancy Dep. at 58 lines 22-25, 60 lines 20-21 (“Q. So you maintain that you can discipline an employee for ethics violation without any input from the ethics board? A. Absolutely . . . I don’t need an ethics violation to discipline an employee for a matter that’s unethical.”).

150. Defendants concede that the Board of Ethics is an entity entirely independent of the human relations function of the City government. *See* Reed Dep. at 41 lines 3-4 (“Well, the ethics office, I think, is independent, first and foremost. That’s why it has its own board.”); Yancy Dep. at 60 lines 16-20 (“[T]he ethics board is independent, and ethics actions are handled by the ethics board. Employment actions are handled by the administration and the operations groups that are led by me.”); Yancy Dep. at 90 lines 4-9 (Q. So with respect to the bases for Chief Cochran’s suspension, you mentioned that there was a failure to get approval from the board of ethics. Is that an ethics issue? A. It is an ethics issue, but I would defer to the ethics board on handling it.”); Yancy Dep. at 91 lines 3-4 (“I cannot make an ethics determination. The ethics board makes a determination.”).

151. On its face, Section 2-820(d) does not apply to the writing or self-publication of a non-work-related, religious book. Pl’s Ex. 1.

152. Section 2-820(d) lacks any identifiable criteria or standards to guide the Board of Ethics in determining whether to approve or deny a covered employee's request to engage in "private employment or render services for private interests." Pl's Ex. 1.

153. Section 2-820(d) simply states that "[t]he board of ethics shall review each request individually and provide written approval or disapproval of the notification within 30 days." Pl's Ex. 1.

154. Defendants maintain that City employees must receive permission before they can write and publish a book, even one that is not related to their City employment. *See* Yancy Dep. at 87 line 14 – 88 line 5 (Q. Now, if a book doesn't have any content that might lead to, in your view, a Title 7 issue, and isn't published for remuneration, is not done for profit, is not sold, and does not convey the impression of endorsement by the City, would you be able to discipline, in your view, an employee for such a book? A. If they did not follow the process to get approval to write said book, absolutely. Q. So you need to get approval for any book whatsoever? A. Absolutely. You have to get approval for anything that creates a perception of a conflict, actually is a conflict, could be remuneration, could be perceived as remuneration. You have to get permission from who you work for to do anything outside of work. The form clearly says that.”).

155. Neither Section 2-820(d)—nor any other City policy or regulation—requires any City employee to get the Mayor's permission before they can write and publish a non-work related book. *See* Reed Dep. at 121 lines 10-14 (“Q. The concern about him not talking with you first, is that

based upon any kind of policy or is that just a practice. A. No. It's based upon a professional courtesy, being a colleague.”).

156. Defendants maintain that City employees like those in Chief Cochran's position must receive permission from the Mayor before they can write and publish a book, even one that is not related to their City employment. Reed Dep. at 134 lines 3-8 (“And he [Chief Cochran] concluded that he could write a book with content that would clearly be offensive to some without getting an approval and make a profit. And personally I feel it was wrong that he didn't have a sit-down with me. That's it.”); Yancy Dep. at 37 lines 16-17 (“I just told him [the Mayor] that we would have to make an employment decision about this matter. . . . That if in fact he [Mayor Reed] had not approved the book, that we were going to have to suspend or terminate Mr. Cochran.”); Yancy Dep. at 48 lines 23-25 (“[T]here had to be disciplinary activity for his failure to get approval from his direct manager for this book”).

157. Mayor Reed testified that if a City employee wrote a book and did not sell it, the “content of the book” would determine whether an opinion from the ethics board would be required. Reed Dep. at 54 lines 2-6.

158. Mayor Reed testified that the disciplinary process with respect to Chief Cochran was not usual because “there was a book written without my permission.” Reed Dep. at 118 lines 3-4.

Respectfully submitted this 27th day of April, 2017.

By: /s/ Kevin Theriot

DAVID A. CORTMAN  
Georgia Bar No. 188810  
**ALLIANCE DEFENDING FREEDOM**  
1000 Hurricane Shoals Road, NE  
Suite D-1100  
Lawrenceville, GA 30043  
(770) 339-0774  
(770) 339-6744 (facsimile)  
dcortman@adflegal.org

KEVIN H. THERIOT  
Georgia Bar No. 373095  
KENNETH J. CONNELLY\*  
Arizona Bar No. 025420  
JEANA HALLOCK\*  
Arizona Bar No. 032678  
**ALLIANCE DEFENDING FREEDOM**  
15100 N. 90th Street  
Scottsdale, AZ 85260  
(480) 444-0020  
(480) 444-0028 (facsimile)  
ktheriot@adflegal.org  
kconnelly@adflegal.org  
jhallock@adflegal.org

Garland R. Hunt  
Georgia Bar No. 378510  
**HUNT & ASSOCIATES**  
12110 Helleri Hollow  
Alpharetta, GA 30005  
(770) 294-0751  
(770) 777-5847 (facsimile)  
garlandhunt1@gmail.com

JONATHAN D. CRUMLY, SR.  
Georgia Bar No. 199466  
**MANER CRUMLY CHAMBLISS LLP**  
2900 Paces Ferry Road  
Suite B-101  
Atlanta, GA 30339  
(770) 434-0310  
(404) 549-4666 (facsimile)  
Jcrumly@Manercc.com

*\*pro hac vice* admission

ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF COMPLIANCE**

Undersigned counsel hereby certifies that this document was prepared in Century Schoolbook 13-point font and fully complies with Local Rules 5.1C and 7.1D.

/s/ Kevin Theriot  
Kevin Theriot

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27th day of April, 2017, a copy of the foregoing Plaintiff's Statement of Material Facts Not In Dispute was filed with the Clerk of the Court using the ECF system, which will effectuate service on all parties.

/s/ Kevin H. Theriot  
Kevin H. Theriot  
*Attorney for Plaintiff*

## Table of Contents

### Attachments to Plaintiff's Motion for Summary Judgment

<u>Exhibit No.</u>	<u>Description</u>
1	City of Atlanta Code of Ethics (Reed Deposition exhibit)
2	Press Release dated 8/7/12 (Reed deposition exhibit)
7	Press Release dated 8/29/14 (Reed deposition exhibit)
9	Suspension letter dated 11/24/14 (Reed deposition exhibit)
10	Facebook posts from Mayor Reed's page (Reed deposition exhibit)
11	Kelvin Cochran's Book (Reed deposition exhibit)
12	Letter to Mayor Reed from Anti-Defamation League (Reed deposition exhibit)
13	City of Atlanta Investigative Report (Reed deposition exhibit)
14	Transcript of Mayor Reed's Press Conference on Fox 5 Atlanta (Reed deposition exhibit)
15	Email between Ward and Winger dated 2/4/15 (Ward deposition exhibit)
17	Email from Ward to Cochran dated 11/25/14 (Ward deposition exhibit)
18	Atlanta Fire Rescue Department Doctrine (Ward deposition exhibit)
22	Email from Ward dated 1/6/15 (Ward deposition exhibit)
34	Yvonne Yancy handwritten notes (Yancy deposition exhibit)
36	News Release sent to Mullinax on 1/13/15 (Yancy deposition exhibit)
50	Email from Thompson to Shahar dated 11/23/14 (Shahar deposition exhibit)
70	Email from Torres to Ohlheiser dated 11/26/17 (Torres deposition exhibit)
71	Email from Torres to Hennie dated 1/9/15 (Torres deposition exhibit)
72	Email from Torres to Leslie dated 1/6/15 (Torres deposition exhibit)
74	Email from Torres to Reichard dated 1/7/15 (Torres deposition exhibit)

77	Email from Torres to Mullinax dated 1/13/15 (Torres deposition exhibit)
80	Email from Garland to Torres dated 1/23/15 (Torres deposition exhibit)
81	Email from Torres to Solomon dated 2/17/15 (Torres deposition exhibit)
82	Email from Torres to Blau dated 2/18/15 (Torres deposition exhibit)
83	Email from Torres to Margolin dated 2/19/15 (Torres deposition exhibit)
84	Email from Torres to Keenan dated 3/3/15 (Torres deposition exhibit)
93	Email from Mullinax to Binns dated 1/13/15 (Mullinax deposition exhibit)
94	Email from Mullinax to Driebe dated 1/13/15 (Mullinax deposition exhibit)
95	Email from Mullinax to Zellner dated 1/13/15 (Mullinax deposition exhibit)
96	Email from Govus to Mullinax dated 1/13/15 (Mullinax deposition exhibit)
108	Email from Wan to Weisberg dated 11/11/15 (Wan deposition exhibit)
116	Plaintiff's Response to Defendant City's Supplemental Interrogatory No. 23
117	Defendant City of Atlanta's Response to Plaintiff's Requests for Admission
118	Reed deposition page excerpts
119	Yancy deposition page excerpts
120	Geisler deposition page excerpts
121	Torres deposition page excerpts
122	Hickson deposition page excerpts
123	Borders deposition page excerpts
124	Wan deposition page excerpts
125	Mullinax deposition page excerpts
126	Byrd deposition page excerpts
127	Taylor-Parks deposition page excerpts

128	Shahar deposition page excerpts
129	Cochran deposition page excerpts
130	Federal Emergency Management Agency Notification of Personnel Action dated 6/16/10
131	Federal Emergency Management Agency Notification of Personnel Action dated 8/14/09
132	Offer of Employment letter to Cochran dated 11/16/07 (Cochran Deposition Exhibit 1)

## CITY OF ATLANTA CODE OF ETHICS

### DIVISION 2. STANDARDS OF CONDUCT\*

Sec. 2-801. Definitions.

Sec. 2-802. Purpose.

Sec. 2-803. Reporting violations.

Sec. 2-804. Board of ethics.

Sec. 2-805. Ethics officer.

Sec. 2-806. Investigations and hearings.

Sec. 2-807. Violations; appeals.

Sec. 2-808. Representing private interest before agencies.

Sec. 2-809. Representing private interest before courts.

Sec. 2-810. Representation after separation from employment.

Sec. 2-811. Use of property and services.

Sec. 2-812. Participation in contracts.

Sec. 2-813. Disclosure of interests.

Sec. 2-814. Disclosure of income and financial interests.

Sec. 2-815. Disclosure of expense reimbursements.

Sec. 2-816. Passes, tickets and gratuities.

Sec. 2-817. Prohibition on giving or receiving gratuities.

Sec. 2-818. Solicitation.

Sec. 2-819. Disclosure of confidential information.

Sec. 2-820. Incompatible interests.

Sec. 2-821. Loans.

Sec. 2-822. Persons handling city funds becoming surety, guarantor or endorser.

Sec. 2-823. Protection for reporting of violations.

Sec. 2-824. Effective date and interim provisions.

Sec. 2-825. Mandatory ethics training.

Secs. 2-826—2-840. Reserved.

#### Sec. 2-801. Definitions.

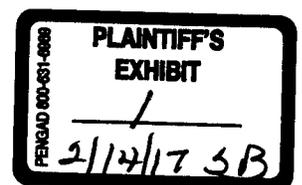
The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Agency* means any board, bureau, body, commission, committee, department or office of the city, including any joint board to which the council or the mayor has appointment powers.

*Business* means any corporation, partnership, proprietorship, organization, self-employed individual and any other entity operated for economic gain, whether professional, industrial or commercial, and entities which for purposes of federal income taxation are treated as nonprofit organizations.

*Direct ownership, leasehold or option interest in real property* means the holding or possession of good legal or rightful title of property or the holding of real or beneficial use of the property by an official or employee, including any interest owned or held by the spouse of the official or employee if such interest is held jointly or as tenants in common.

*Confidential information* means information which has been obtained in the course of holding public office, employment, an independent contract or otherwise acting as an official or employee, and which information is not available to members of the public under state law or other law or regulation and which the official or employee is not authorized to disclose.



*Filing* means delivered to the municipal clerk by the end of the designated business day or, if the designated day is not a business day, the first business day thereafter or depositing in the United States mail, properly addressed, with adequate postage affixed, postmarked by the designated day; or any other method of delivery authorized by the board of ethics.

*Financial interest* means any interest which shall yield, directly or indirectly, a monetary or other material benefit to the official or employee, other than the duly authorized salary or compensation for the official's or employee's services to the city, or to any person employing or retaining the services of the official or employee or to the official's or employee's immediate family.

*Gratuity* means anything of value given by or received from a prohibited source; provided, however, that the term "gratuity" within the meaning of this division does not include any of the following:

- (1) Payment by the city of salaries, compensation, expenses, or employee benefits; or payment by an employer or business other than the city of salaries, compensation, expenses, or employee benefits or payment of fees for services rendered pursuant to a contract, when the payment is unrelated to the official's or employee's status with the city and is not made for the purpose of influencing, directly or indirectly, the vote, official action or decision of the official or employee; or
- (2) Campaign or political contributions made and reported in accordance with state law; or
- (3) Reasonable meals or refreshments furnished in connection with an official's or employee's appearance in an official capacity at a public, civic, charitable or non-profit ceremony, event, convention or conference whether the sponsor of the event does or does not do business with the city; or
- (4) Hospitality, or meals, extended for a social, charitable, non-profit, convention, conference, or business purpose unrelated to the official business of the city; or
- (5) Reimbursements from non-city sources of reasonable hosting expenses, including travel, meals, and lodging, provided to an official or employee in connection with speaking engagements, participation on professional or civic panels, teaching, or attendance at conferences in an official capacity; provided, however, that receipt of such reimbursements is subject to the reporting requirements governing disclosure of expense reimbursements found at section 2-815; or
- (6) An award, plaque, certificate, memento, novelty or similar item given in recognition of the recipient's civic, charitable, political, professional, or public service; or
- (7) Nominal gifts or other tokens of recognition presented by representatives of governmental bodies or political subdivisions who are acting in their official capacities; or
- (8) Anything of value when the thing of value is offered to the city, is accepted on behalf of the city, and is to remain the property of the city provided that the recipient complies with the provisions governing solicitation found at section 2-818; or
- (9) Commercially reasonable loans made in the ordinary course of the lender's business in accordance with prevailing rates and terms, and which do not discriminate against or in favor of an official or employee because of such individual's status; or
- (10) Anything of value received as a devise, bequest or inheritance; or

- (11) A gift received from the officials' or employees' immediate family or a relative within the third degree of consanguinity under the civil law computation method.

*Honorarium* means a payment of money or anything of value for any service, including but not limited to an appearance, speech or article, or a series of appearances, speeches, or articles, if the subject matter is related to the official's or employee's official duties or the payment is made because of the official's or employee's status with the city.

*Immediate family* shall include the spouse, domestic partner registered under section 94-133, mother, father, sister, brother, and natural or adopted children of an official or employee.

*Income* means any money or item of value in excess of \$5,000.00 received or to be received as a claim on any future services, including but not limited to fees, salaries or commissions.

*Official or employee* means any person elected or appointed to or employed or retained by the city or any agency, whether paid or unpaid and whether part time or full time. This definition includes retired employees or former city employees during the period of time in which they are later employed or retained by the city or any agency.

*Personal interest* means any interest arising from relationships with immediate family or from business, partnership or corporate associations, whether or not any financial interest is involved.

*Prohibited source* means any person, business or entity that an official or employee knows or should know:

- (1) Is seeking official action from the city; or
- (2) Is seeking to do or does business with the city; or
- (3) Represents a client who meets the definitions in subparagraphs (1) or (2) above; or
- (4) Has interests that may be substantially affected by performance or non-performance of the official's or employee's official duties; or
- (5) Is a registered lobbyist in accordance with state law.

*Public entity* means any office, agency, authority, department, commission, board, division, institution or other instrumentality of the state or any other state in the United States of America, local government, special purpose district, or the federal government of the United States of America.

(Code 1977, § 18-2001; Ord. No. 2002-27, § 1, 4-10-02; Ord. No. 2006-48, § 1, 7-25-06; Ord. No. 2016-39(16-O-1550), § 1, 11-16-16)

**Cross reference(s)**--Definitions generally, § 1-2.

[\(top\)](#)

#### **Sec. 2-802. Purpose.**

It is the purpose of this division to promote the objective of protecting the integrity of the government of the city by prohibiting any official or employee from engaging in any business, employment or transactions, from rendering services or from having contractual, financial, or personal interests, direct or indirect, which are in conflict with or which would create the justifiable impression in the public of conflict with the proper discharge of the official or employee's official duties or the best interest of the city or which would tend to impair independence or objectivity of

judgment or action in the performance of official duties. It is also the purpose of this division to require disclosure of the assets and income of elected officials and certain employees so that the public may review actual and potential conflicts of interest. Finally, it is the purpose of this division to provide for an orderly and fair process for raising and addressing ethical questions and for disciplining those officials and employees and other persons who violate these standards of conduct.

(Code 1977, § 18-2002; Ord. No. 2002-27, § 1, 4-10-02)

[\(top\)](#)

### **Sec. 2-803. Reporting violations.**

Any person who witnesses or becomes aware of a violation of this division may complaint of that violation as follows:

- (1) By appearing before a judge of the municipal court, the city solicitor or the solicitor's assistant and swearing out a complaint for the violation. Upon signing the complaint, under oath, a warrant may be issued by the municipal court for the accused to appear and answer the charges; or
- (2) By communicating with the ethics officer. Where a complaint is communicated anonymously to the ethics officer, such complaint shall be made in good faith, and with veracity and sufficient specificity so as to provide the ethics officer with salient and investigable facts. The ethics officer may require the anonymous complaint to be made in a manner and form that is intended only to obtain relevant facts related to the alleged violation of this division, and that is not designed to reveal the identity of the complainant; or
- (3) By filing a sworn written complaint with the ethics officer or the board of ethics, as described in this division. All written complaints to be considered by the board of ethics and the ethics officer shall contain the following if applicable:
  - a. The name and address of the person or persons who file the complaint.
  - b. The sworn verification and signature of the complainant.
  - c. The name and address of the party or parties against whom the complaint is filed, and if such party is a candidate and the office being sought.
  - d. A clear and concise statement of acts upon which the complaint is based along with an allegation that such facts constitute one or more violations of law under the jurisdiction of the board of ethics.
  - e. A general reference to the statutory provision(s) of the Code within the jurisdiction of the board of ethics allegedly violated.
  - f. Any further information which might support the allegations in the complaint including, but not limited to, the following:
    1. The name and address of all other persons who have firsthand knowledge of the facts alleged in the complaint; and
    2. Any documentary evidence that supports the facts alleged in the complaint.
- (4) Preliminary action on complaint. Upon receipt of a complaint whether by the ethics officer or by the ethics board, the ethics officer or the secretary of the ethics board shall send a written

notice to the subject of the complaint by the next business day. Both this notice and any subsequent documents are subject to the Georgia Open Records Act.

- (5) Defective complaint. Upon receipt of a written, non-anonymous complaint which does not conform to the applicable requirements of paragraph (3) of this section, the ethics officer shall by letter acknowledge receipt of the complaint and advise complainant of the defect in the complaint and that the complaint will not be considered by the board of ethics unless the defect is corrected.

(Ord. No. 2002-27, § 1, 4-10-02; Ord. No. 2002-44, § 1, 5-28-02)

[\(top\)](#)

**Sec. 2-804. Board of ethics.**

(a) There is hereby continued in existence a board of ethics to consist of seven members, all of whom shall be known for their personal integrity and all of whom shall be residents of and domiciled in the city. It is further urged that the members of the board of ethics shall reflect the diversity of the city with regard to race, color, creed, religion, gender, marital status, parental status, familial status, sexual orientation, national origin, gender identity, age and disability. The new board of ethics shall come into existence as set forth in delayed effect of 2002 amendment found at section 2-824 of this division.

(b) The members of the board of ethics shall be selected as follows:

- (1) One member shall be selected by the Atlanta Bar Association, chosen from the attorney members of the association;
- (2) One member shall be selected by the Gate City Bar Association, chosen from the attorney members of the association;
- (3) One member shall be selected by the Atlanta Business League, chosen from the organizations that are members of the league, which member shall not be an attorney;
- (4) One member shall be selected by the Metro Atlanta Chamber of Commerce from the organizations that are members of the chamber, which member shall not be an attorney;
- (5) One member shall be selected by the Atlanta-Fulton County League of Women Voters, which member shall not be an attorney.
- (6) One member shall be selected by the Atlanta Planning Advisory Board, which member shall not be an attorney nor an officer of a neighborhood planning unit.
- (7) One member shall be selected by the six major universities/colleges within the city (Georgia State University, Georgia Institute of Technology, Clark Atlanta University, Morehouse College, Morris Brown College, and Spelman College).

(c) The members shall each serve for terms of three years; provided, however, that the initial terms of the first Metro Atlanta Chamber of Commerce appointee, the first Atlanta Business League and the first University/College appointee shall be two years, and the initial term of the first Atlanta Planning Advisory Board appointee and Atlanta-Fulton County League of Women Voters appointee shall be one year. Members shall serve without compensation. The members shall elect a chair and develop their own organization internally.

(d) The position of a member of the board shall be deemed vacated:

- (1) Upon the expiration of his or her term;
- (2) Upon the death of a member or the disability or incapacity of a member for more than 90 days;
- (3) Upon the written resignation of the member, when accepted by the nominating party. A resignation tendered for more than 30 days shall be deemed accepted;
- (4) By the member ceasing to be a resident of the city; or
- (5) Upon removal of the member for good cause by a majority vote of the board of ethics;
- (6) New members shall be identified and their names submitted to the municipal clerk within 30 days of the date on which a vacancy in a board position occurs. The municipal clerk will sound their names at the next regularly scheduled council meeting. Nominees for the board of ethics and ethics officer shall be subject to an education and employment background check as well as a criminal history check. Nominees shall execute all releases necessary for the department of personnel and human resources and the department of police to accomplish the same. If the nominee is determined to have committed a felony, the nomination shall be withdrawn.

(e) Members shall be prohibited from engaging in city election political activities and from making campaign contributions to candidates in city elections during their terms as board members. Violations of this subsection may be punished by removal from board membership by a majority vote of the members.

(f) The board of ethics shall:

- (1) Elect a chair by majority vote of the serving members. Each chair will serve a one-year term and shall be eligible to serve as chair in successive years.
- (2) Elect a vice-chair to preside in the absence of the chair. The vice-chair will serve a one-year term and shall be eligible to serve as vice-chair in successive years.
- (3) Elect a secretary to provide administrative assistance to the board.
- (4) Hold regular monthly meetings at City Hall. Such meetings shall be televised. All meetings of the board shall be conducted as required by the Georgia Open Meetings Act.
- (5) Conduct its business only with a quorum. A majority opinion of the members sitting at any hearing shall govern as to decisions of the board. In no event shall a decision of the board be voted upon by fewer than four members.
- (6) Be free to contract for the services of a competent court reporter to take down statements, testimony and discussions at its meeting or to use in lieu thereof a competent person adept at shorthand reporting and/or mechanical transcribing devices, whichever method is from time to time desired by the board, such services to be paid for by the city.
- (7) Maintain all records in the office of the ethics officer as required by the Georgia Open Records Act.
- (8) Report, as appropriate, suspected ethical and criminal violations to state or federal law enforcement agencies.

(9) Notify the ethics officer of any report of an alleged violation of the code of ethics received by the board.

(10) Establish procedures to notify the subject of any report of an alleged violation of the code of ethics as required by the Georgia Open Records Act.

(g) The city shall pay all administrative costs, including those specifically stipulated in this section, pertaining to the operation of the board of ethics.

(h) The board shall have the authority to prescribe rules and regulations pursuant to this division to administer the financial disclosure process and to issue opinions under this division. The board shall prescribe appropriate financial disclosure forms, instructions and methods of disclosure as required to comply with the requirements of disclosure of income and financial interests found at section 2-814.

(i) Except as otherwise provided in this division, the meetings of the board will be governed by Robert's Rules of Order.

(j) The board shall render an advisory opinion based upon a real or hypothetical set of circumstances, when requested in writing by anyone who is an official or employee of the city or a member of a board, council, committee or commission who is personally involved in a matter requiring interpretation of the ethics code. Any person requesting an opinion in accordance with this section who has made a full and complete disclosure of all relevant facts shall be entitled to rely on the opinion or finding of the board of ethics as a guide to the conduct of such person in the person's relations to and with the city. Compliance with the opinion or finding of the board of ethics shall serve in mitigation in any proceedings against such person for violation of this division. Advisory opinions based upon current law shall be maintained as required by the Georgia Open Records Act.

(k) The board of ethics shall have the authority to investigate any alleged violation of the code of ethics as follows:

(1) Upon a sworn written complaint by any person in a form prescribed by the board;

(2) Upon the request of the ethics officer; or

(3) Upon the determination by a majority of the board that any matter should be investigated.

(Ord. No. 2002-27, § 1, 4-10-02; Ord. No. 2002-45, § 1, 5-28-02)

[\(top\)](#)

#### **Sec. 2-805. Ethics officer.**

(a) There is hereby created as a full time salaried position an ethics officer for the city. The city ethics officer must be an active member of the Georgia Bar Association in good standing with five years experience in the practice of law. The ethics officer shall be appointed by a majority of the members of the board of ethics, subject to confirmation by a majority of the council and approval by the mayor, for a period not to exceed six years. Removal of the ethics officer before the expiration of the designated term shall be for cause by a majority vote of the members of the board of ethics.

(b) The ethics officer need not be a resident of the city at the time of his or her appointment, but he or she shall reside in the city within six months of such appointment and continue to reside therein throughout such appointment.

(c) The ethics officer shall not be involved in partisan or nonpartisan political activities or the political affairs of the city.

(d) The duties of the ethics officer shall include, but not be limited to, the following:

- (1) Educating and training all city officials and employees to have an awareness and understanding of the mandate for and enforcement of ethical conduct and advising of the provisions of the code of ethics of the city;
- (2) Maintaining the records of the board of ethics as required by the Georgia Open Records Act;
- (3) Meeting with the board of ethics;
- (4) Advising officials and employees regarding disclosure statements and reviewing same to ensure full and complete financial reporting;
- (5) Urging compliance with the code of ethics by calling to the attention of the board of ethics any failure to comply or any issues, including the furnishing of false or misleading information, that the ethics officer believes should be investigated by the board so that the board may take such action as it deems appropriate;
- (6) Monitoring, evaluating and acting upon information obtained from an "ethics hotline" which shall be a city telephone number for the receipt of information about ethical violations. Each complaint, as of the time it is reported, whether by telephone or otherwise, shall be deemed to be a separate pending investigation of a complaint against a public officer or employee as provided by the Georgia Open Records Act;
- (7) Notifying the subject of a report of any alleged violation of the ethics code, whether the report is anonymous, made by an identified individual or is written. Such notice shall be given in writing, by facsimile or hand delivery, to the subject of the complaint at the same time and in the same form that any disclosure of information is required by the Georgia Open Records Act;
- (8) Notifying the board of ethics of any report of an alleged violation of the ethics code received by the ethics officer.
- (9) Reporting, as appropriate, suspected ethical violations to the city board of ethics;
- (10) Reporting, as appropriate, suspected criminal violations to state or federal law enforcement agencies; and
- (11) Filing with the board, the mayor and the council each January a written report describing the activities of the ethics officer in carrying out the goals of his or her office and the code of ethics and reporting on the ethical health of the city.

(Ord. No. 2002-27, § 1, 4-10-02)

(top)

**Sec. 2-806. Investigations and hearings.**

The board of ethics shall conduct investigations into alleged violations of the ethics code, hold hearings and issue decisions as prescribed below:

- (1) The proceedings of the board and records shall be open unless otherwise permitted by state law.

- (2) Upon request of the board of ethics, the city attorney, or any attorney representing the city attorney's office, or in the event of a conflict, any attorney who shall be selected by a majority of the board and who will provide pro bono services to the board, shall advise the board of ethics.
- (3) Preliminary investigation of complaint.
  - a. The ethics officer shall conduct a preliminary investigation of any complaint and provide a written report to the board of ethics discussing the ethics officer's findings and recommend to the board of ethics whether there is probable cause for belief that this division has been violated warranting a formal hearing.
  - b. If the board determines after the preliminary investigation of a complaint that there does not exist probable cause for belief that this division has been violated, the board shall so notify the complainant and the subject of the investigation. If the board determines after a preliminary investigation of the complaint that there does exist probable cause for belief that this division has been violated, the board shall give notice to the person involved to attend a hearing to determine whether there has been a violation of this division.
- (4) For use in proceedings under this division, the board shall have the power to issue subpoenas to compel any person to appear, give sworn testimony, or produce documentary or other evidence. Any person who fails to respond to such subpoenas may be subjected to the penalties set forth in section 2-807 of this division.
- (5) All hearings of the board pursuant to this section shall be as follows:
  - a. All testimony shall be under oath, which shall be administered by a member of the board. Any person who appears before the board shall have all of the due process rights, privileges and responsibilities of a witness appearing before the courts of this state. Any person whose name is mentioned during a proceeding of the board and who may be adversely affected thereby may appear personally before the board on such person's own behalf or may file a written sworn statement for incorporation into the record to be made part of all proceedings pursuant to this subsection.
  - b. The board's decision shall be governed by a preponderance of the evidence standard.
  - c. At the conclusion of proceedings concerning an alleged violation, the board shall immediately begin deliberations on the evidence and proceed to determine by a majority vote of members present whether there has been a violation of this division. The findings of the board concerning a violation and the record of the proceedings shall be made public by the board as soon as practicable after the determination has been made.

(Ord. No. 2002-27, § 1, 4-10-02; Ord. No. 2002-44, § 2, 5-28-02)

[\(top\)](#)

**Sec. 2-807. Violations; appeals.**

(a) Any intentional violation of this division or the furnishing of false or misleading information to the board of ethics or the ethics officer, or the failure to follow an opinion rendered by the board or the failure to comply with a subpoena issued by the board pursuant to this division shall subject the violator to any one or more of the following:

- (1) Administrative sanction of not more than \$1,000.00 assessed by the board of ethics;

- (2) Public reprimand by the board of ethics; and
- (3) Prosecution by the city solicitor in municipal court and, upon conviction, to a fine of up to \$1,000.00 per violation and up to six months imprisonment, whether the official or employee is elected or appointed, paid or unpaid. Nothing in this section shall be interpreted to conflict with state law. An action for violation of this division or the furnishing of false or misleading information or the failure to comply with a subpoena issued by the board must be brought within two years after the violation is discovered.

(b) With regard to violations by employees, in addition to the remedies in paragraph (a) the board may recommend any one or more of the disciplinary actions set forth in section 114-502.

(c) With regard to violations by persons other than officials or employees, in addition to the remedies in paragraph (a) the board may recommend to the purchasing director any one or more of the following:

- (1) Suspension of a contractor; and
- (2) Disqualification or debarment from contracting or subcontracting with the city.

(d) The decision of the board after a hearing shall be final; provided, however, that such proceeding shall be subject to review by writ of certiorari to the superior court of the county. The board's designee shall be authorized to acknowledge service of any such writ and shall, within the time provided by law, certify and cause to be filed with the clerk of the superior court a record of the proceedings before the board, the decision of the board and the notice of the board's final actions.

(e) The value of any gratuity transferred or received in breach of the provisions of this division may be recovered from either the receiving official or employee or the person or entity providing the gratuity, for deposit in the City of Atlanta General Fund.

(f) All violations of this division shall be prosecuted in accordance with chapter 62, article II, division 2 of this Code.

(Ord. No. 2002-27, § 1, 4-10-02)

[\(top\)](#)

#### **Sec. 2-808. Representing private interest before agencies.**

No official or employee shall appear on behalf of private interests before any agency, except as a matter of public record in a court of law as provided by section 2-809 of this division. Council members may appear on behalf of constituents or in the performance of public or civic obligations before any agency but only without compensation or remuneration of any kind. In no instance may council members appear before the zoning review board on behalf of constituents or in the performance of their public or civic obligations; they may, however, appear in their own behalf, in relation to their own property interests.

(Ord. No. 2002-27, § 1, 4-10-02)

[\(top\)](#)

#### **Sec. 2-809. Representing private interest before courts.**

No official or employee shall represent any person or private interest in any action or proceeding in conflict with the interests of the city, in any litigation in which the city or any agency of the city is involved or is a party, or any action or proceeding in the municipal courts and traffic courts of the city involving any charges or violations in which the complainant is the city or any agency of the city or any official or employee thereof pertaining to the official's or employee's official duties. However, this section shall not restrict or prohibit any official or employee who is an attorney at law from appearing or participating as an attorney in the representation of a client in any action or proceeding in the municipal courts or the City Courts of Atlanta.

(Ord. No. 2002-27, § 1, 4-10-02; Ord. No. 2002-37, § 1, 5-28-02)

[\(top\)](#)

**Sec. 2-810. Representation after separation from employment.**

(a) No person who has served as an official or employee shall, for a period of one year after separation from such service or employment, appear before any agency or receive compensation for any services rendered on behalf of any person, business or association in relation to any case, proceeding, or application with respect to which such former official or employee was directly concerned or in which such official or employee personally participated during the period of such official's or employee's service or employment or which was under such official's or employee's active consideration or with respect to which knowledge or information was made available to such official or employee during the period of such official's or employee's service or employment.

(b) There shall be a presumption, subject to case-by-case review by the Atlanta Board of Ethics or the ethics officer, that the appearance of a former official or employee of the city before any city agency on behalf of a public entity as defined in section 2- 801 is not a violation of this section.

(c) Nothing in this section shall be construed to preclude a former official or employee from being engaged directly by the city to provide services to or on behalf of the city during this one-year period.

(Ord. No. 2002-27, § 1, 4-10-02; Ord. No. 2016-37(16-O-1404), §§ 1, 2, 11-16-16)

[\(top\)](#)

**Sec. 2-811. Use of property and services.**

No official or employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the private advantage of such official or employee or any other person or private entity. However, no official or employee is prohibited from requesting, using or permitting the use of any city-owned or city-supported property, vehicle, equipment, material, labor or service which as a matter of city policy is made available to the public at large or which is provided as a matter of stated public policy for the use of officials and employees in the conduct of official city business.

(Ord. No. 2002-27, § 1, 4-10-02)

[\(top\)](#)

**Sec. 2-812. Participation in contracts.**

No official or employee, including but not limited to those identified in section 2-813(b), shall participate directly or indirectly through decision making, approval, disapproval, recommendation,

the preparation of any part of specifications or requests for proposal, influencing the content of any specification or contract standard, rendering advice, investigating, auditing or reviewing of any proceeding or application, request for ruling or other determination, claim or other matter pertaining to any contract or subcontract and any solicitation or proposal therefore or seek to influence the votes or decisions of others with respect thereto when the official or employee knows or with reasonable investigation should know that there is a financial or personal interest possessed by:

- (1) The official or employee;
- (2) One or more members of the immediate family of the official or employee;
- (3) A business other than a public agency in which the official or employee, or a member of the official's or employee's immediate family, serves as an officer, director, stockholder, creditor, trustee, partner or employee; or
- (4) Any other person or business with whom the official or employee or a member of the official's or employee's immediate family is negotiating or seeking prospective employment or other business or professional relationship.

(Ord. No. 2002-27, § 1, 4-10-02)

**Cross reference(s)**--Ethics in public contracting, § 2-1481 et seq.

**State law reference(s)**--Voting upon questions by interested councilmembers, O.C.G.A. § 36-30-6; sale of city property to city officer or employee, O.C.G.A. § 16-10-6.

[\(top\)](#)

**Sec. 2-813. Disclosure of interests.**

(a) Every official or employee listed in paragraph (b) of this section who knows or with reasonable investigation should know that the official or employee has a financial interest or personal interest, direct or indirect, in any proposed legislation or in any decision pending before that official or employee or the agency of which the official or employee is a member or employee shall not vote for or against, discuss, decide, in any way participate in considering the matter or seek to influence the votes or decisions of others on such matter.

(1) Prior to any determination of the matter, the official or employee shall verbally disclose at the meeting, if any, the nature of such interest, and shall have such disclosure placed on the official records of the agency.

(2) Should an official or employee be absent from that meeting or a portion of that meeting, the official or employee is required to verbally disclose the nature of the conflict at the next attended meeting and said disclosure shall be placed on the official records of the agency.

(3) Further, the official or employee must complete an online Disclosure of Conflicts of Interest form at the [Electronic Disclosure System] as maintained by the City of Atlanta Ethics Officer, immediately upon his or her recognition of said conflict.

(b) The officials and employees covered by this section shall be as follows:

- (1) Mayor;
- (2) President of council;
- (3) Members of council;
- (4) Municipal and traffic court judges;

- (5) Chief operating officer and deputy chief operating officers;
- (6) Chief of staff and deputy chiefs of staff;
- (7) All employees of the office of the mayor who report directly to the mayor;
- (8) Commissioners, deputy commissioners, department heads and their equivalents;
- (9) Bureau directors, assistant bureau directors and managers;
- (10) Division heads;
- (11) Executive directors of city boards, commissions, authorities or other similar bodies;
- (12) Zoning administrator and any assistant zoning administrators;
- (13) Inspectors of all departments and bureaus;
- (14) City attorney and deputy, assistant, and associate city attorneys;
- (15) Director of the office of contract compliance and employees of the office of contract compliance with discretionary or supervisory authority over certification, compliance, monitoring, or auditing;
- (16) Assistant directors, contracting officers, and buyers in the purchasing bureau;
- (17) Within the department of finance, assistant directors and all employees who have discretionary or supervisory authority over the investment of city funds or the auditing of city finances or city contracts;
- (18) City internal auditor and employees of the office of internal auditor with investigative and supervisory authority over audits, the audit process, and audit reports;
- (19) City ethics officer;
- (20) Hearing officers;
- (21) Members, whether paid or unpaid, of all city boards, committees, councils, commissions, authorities and other similar bodies created by state law, Charter ordinance or resolution;
- (22) Members appointed by the mayor and/or council or council president to other public boards, committees, councils, commissions and authorities of the city, county, or state; and
- (23) Officers of neighborhood planning units.

(Ord. No. 2002-27, § 1, 4-10-02)

**State law reference(s)**--Voting upon questions by interested councilmembers, O.C.G.A. § 36-30-6.

(top)

the ethics officer statements disclosing the following:

- (1) All positions of employment held by the official or employee in any business (as defined in section 2-801 (b)) for all or any portion of the year, including a description of the type of business and the existence and nature of any business done by the employer entity with the city. Lawyers, accountants, consultants, public relations representatives, and other persons rendering services for financial consideration shall disclose the organization, if any, with which they are connected, the type of services offered by the organization, and any particular segment of such services in which the member specializes;
  - (2) Each and every source of income from any business received by such official or employee in excess of \$5,000.00 derived from any single source in the preceding calendar year. Nothing in this section shall be construed to require reporting of the identity of individual clients, customers or patrons; however, the president of council and members of council shall include the information required to be reported under paragraph (d) of this section;
  - (3) Any benefit, whatever its nature, of such official's or employee's immediate family derived from transactions with the city or an agency, by employment, contract, or otherwise, either directly or through a business in which such immediate family member has a majority or controlling interest;
  - (4) All direct ownership interests in real property held by the official or employee; and
  - (5) All persons listed in subparagraphs (b)(1) through (8) of this section shall also disclose the identity of all stocks, blind trusts, bonds, debentures, and other forms of debt obligations of any corporation or any business or entity collectively in excess of \$10,000.00 held by the official or employee at any time during the year except for mutual funds, personal checking accounts, time deposit accounts, other savings or retirement fund accounts held by any financial institution of the United States government, or any city approved or maintained deferred compensation or pension program.
- (b) The following officials and employees shall be required to file annual statements disclosing information set forth in subsection (a) of this ordinance:
- (1) Mayor;
  - (2) President of council;
  - (3) Members of council;
  - (4) Municipal court judges;
  - (5) Chief operating officer and deputy chief operating officers;
  - (6) Chief of staff and deputy chiefs of staff;
  - (7) All employees of the office of the mayor who report directly to the mayor;
  - (8) Commissioners, deputy commissioners, department heads and their equivalents;
  - (9) Bureau directors, assistant bureau directors, managers and their equivalents;
  - (10) Division heads and their equivalents;
  - (11) Executive directors of city boards, commissions, authorities or other similar bodies;
  - (12) Zoning administrator and any assistant zoning administrators;
  - (13) Inspectors of all departments and bureaus;

- (14) City attorney, deputy, chief counsel, assistant, associate city attorneys and their equivalents;
  - (15) Director of the office of contract compliance and employees of the office of contract compliance with discretionary or supervisory authority over certification, compliance, monitoring, or auditing;
  - (16) Department of procurement deputies, contract administrators, contracting officers, buyers and their equivalents;
  - (17) Within the department of finance, assistant directors and all employees who have discretionary or supervisory authority over the investment of city funds or the auditing of city finances or city contracts;
  - (18) City internal auditor and employees of the office of internal auditor with investigative and supervisory authority over audits, the audit process, and audit reports;
  - (19) City ethics officer, associate ethics officer and all employees of the ethics office;
  - (20) Administrative hearing officers and their equivalents;
  - (21) Members, whether paid or unpaid, of all city boards, committees, councils, commissions, authorities and other similar bodies created by state law, Charter, ordinance or resolution;
  - (22) Members appointed by the mayor and/or council or council president to other public boards, committees, councils, commissions, task forces, authorities of the city, county or state, or similar entities; and
  - (23) Officers of neighborhood planning units; and
  - (24) All positions for which the job descriptions or actual duties include negotiation, authorization, or approval of contracts, leases, franchises, revocable consents, concessions, variances, special permits, or licenses; the purchase, sale, rental, or lease of real property, personal property, or services, or a contract for any real or personal property or services; obtaining grants of money or loans; adoption or repeal of any rule or regulation having the force and effect of law; or positions for which the job description or actual job duties present a significant risk of a potential conflict of interest under division 2 of chapter 2 (Administration), article VII (Officers And Employees), of the Code of Ordinances, City of Atlanta, Georgia.
- (c) The municipal clerk shall maintain a list of all current members of all city boards, committees, authorities and commissions and all current members appointed by the mayor and council to other public boards, committees, councils, commissions, and authorities of the city, county, or state. The chief operating officer or his designee shall provide a complete list of all employees required to submit income disclosure forms as designated in subsection (b) of this ordinance, including the employee's name, title and department, to the municipal clerk and ethics officer no later than January 5 of each calendar year. The board of ethics shall prescribe the form and method of disclosure statement forms. The ethics officer shall have such forms made available to each official and employee required to file disclosure statements, by first class mail or by hand delivery, no later than February 15 of each year. The failure of the ethics officer to cause a disclosure form to be delivered to any official or employee required to file a disclosure statement shall not relieve such official or employee of the obligation to file a disclosure statement. The ethics officer shall maintain all completed disclosure forms as public documents available for public inspection immediately upon filing.
- (d) With respect to the president of council and members of council, if the official reports income from a business in accordance with paragraph (a)(2), said official shall be required to report the identity (name and address) of individual clients, customers, or patrons of the business when (i) the client, customer, or patron is a prohibited source; (ii) the official has actual knowledge that the client, customer, or patron is a prohibited source; and (iii) the official has actual knowledge that the prohibited source is a client, customer, or patron of the official's business.

- (e) Every official and employee required to file an annual disclosure statement shall do so on or before the close of business on April 1 of each year in which the official or employee holds a position with the city or an agency and for the year following that in which the official or employee leaves such position. Such official or employee shall sign such disclosure statement under penalty of perjury. The failure of any official or employee so required to file an annual disclosure statement by April 1 without reasonable cause shall render such person delinquent and result in an administration sanction of \$50.00 per day for each business day beyond April 1 of such delinquency, provided that the maximum penalty for the first offense shall be \$500.00.
- (f) The ethics officer shall prepare and forward to the board of ethics a report of all persons required to file under this section, those who have complied with the filing requirements, those who have filed a late or incomplete statement, and those who have failed to file a disclosure statement. The ethics officer shall be responsible for collecting all administrative sanctions levied by the board of ethics under this section for deposit to the City of Atlanta General Fund.
- (g) For the year 2002 only: A list of employees to be provided by the chief operating officer pursuant to paragraph (c) of this section shall be provided within five days after this ordinance is signed by the mayor. Because the board of ethics will not have had sufficient time to prescribe a new financial disclosure form as provided in section 2-804.
- (h) of this division, copies of the current disclosure form must be distributed as required by paragraph (c) no later than ten days after receipt of the list of employees. Every official and employee required to file an annual disclosure statement must do so within 35 days after this ordinance is signed by the mayor.

(Ord. No. 2002-27, § 1, 4-10-02; Ord. No. 2013-54(13-O-1294), § 1, 10-30-13; Ord. No. 2016-25(16-O-1405), §§ 1, 2, 8-24-16)

**State Law reference**— Acceptance by public officers of monetary fees or honoraria, O.C.G.A. § 21-5-11.

(top)

**Sec. 2-815. Disclosure of expense reimbursements.**

Within 30 days of receipt of reimbursements authorized to be received under section 2-801 ["gratuity" definition, subsection (5)], any official or employee must report such reimbursements on a form to be developed and provided by the ethics officer. The form shall be filed with the municipal clerk, with a copy sent by the official or employee to the ethics officer. The form shall include the following:

- (1) Name and position of employment with the city;
- (2) Name and address of all persons or entities providing reimbursement;
- (3) Date, location, and subject matter of conference, speaking engagement, or event for which the official or employee received reimbursement; and
- (4) Amount and category (e.g., travel costs, meals, lodging) of each component of the reimbursement.

(Ord. No. 2002-27, § 1, 4-10-02)

(top)

**Sec. 2-816. Passes, tickets and gratuities.**

(a) No contract or lease with the city may require passes, tickets or gratuities to be given to officials or employees or permit reduced fees to be paid by officials or employees. The contracting party shall not provide gratuities or prerequisites to any official or employee in connection with execution of or performance under the contract or lease.

(b) No official, employee or person appointed to any board, corporation, commission or authority, including the mayor, the president of council, members of council, and judges of the municipal and traffic courts, shall knowingly accept any ticket of admission or other evidence of right of entry to any entertainment event, such as, but not limited to, musical concerts and dramatic productions, or to any athletic events, as a gift or for a value less than the price printed on the ticket, which would not be offered or given to such official or employee if such person were not an official or employee. For purposes of determining whether such ticket would be offered or given by reason of the official's or employee's position with the city, it shall be presumed that the offer of such ticket or right of entry from a member of the official's or employee's immediate family or from a business other than a public agency in which the official or employee, or a member of the official's or employee's immediate family, serves as an officer, director, stockholder, creditor, trustee, partner, or employee, is not made by virtue of that official's or employee's position. For purposes of determining whether such ticket would be offered or given by reason of the official's or employee's position with the city, it shall be presumed that any offer of such ticket or right of entry made by any prohibited source, but not limited to the Atlanta Fulton County Recreation Authority and any professional sports team located in the metro Atlanta area, is given by reason of such official's or employee's position with the city. As used in this section, "entertainment event" shall not include breakfasts, lunches, or dinners.

(1) Any official or employee who is performing an official duty at an entertainment event shall be exempt from this section with regard to that particular entertainment event.

(Ord. No. 2002-27, § 1, 4-10-02)

[\(top\)](#)

**Sec. 2-817. Prohibition on giving or receiving gratuities.**

(a) No official or employee shall accept any gratuity as defined in section 2-801(g).

(b) No person, business, or other entity shall give or convey to any official or employee a gratuity as defined in section 2-801.

(Ord. No. 2002-27, § 1, 4-10-02)

[\(top\)](#)

**Sec. 2-818. Solicitation.**

No official or employee shall solicit or accept anything of value, in any form whatsoever, calculated to influence a vote, decision, or the exercise of official authority in any manner involving the city; provided, however, nothing in this section shall prohibit any official or employee from accepting a gift on behalf of the city which is properly reported to the board of ethics and the department of administrative services for addition to the inventory of property of the city.

(Ord. No. 2002-27, § 1, 4-10-02)

[\(top\)](#)

**Sec. 2-819. Disclosure of confidential information.**

No official or employee shall disclose confidential information concerning the property, governing operations, policies or affairs of the city, except when required by state or federal law or by a court order or lawful subpoena, nor shall such official or employee use such confidential information acquired in an official capacity to advance the financial interest or personal interest of the official, employee or others in any instance where such would conflict with the best interest of the city. (Ord. No. 2002-27, § 1, 4-10-02)

[\(top\)](#)

**Sec. 2-820. Incompatible interests.**

(a) No official or employee shall invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction, which creates a conflict with and adversely affects official duties of the official or employee to the detriment of the city.

(b) No official or employee shall engage in or accept private employment or render services for private interests when such employment or service is adverse to and incompatible with the proper discharge of official duties of the official or employee.

(c) No official or employee shall own stock in or be employed by or have any business, financial or professional connection with or ownership interest in any business, company or concern which does business with the city, unless such business with the city is conducted through sealed competitive bidding or requests for proposal where such bids are opened and the awards are made at meetings open to the public. Such involvement shall not be considered as doing business with the city so as to cause any conflict of interest; provided, however, that any such person shall remain subject to sections 2-812 and 2-813 governing participation in contracts and disclosure of interests. This section is not intended to apply to ownership of less than ten percent of any publicly traded stock.

(d) Commissioners, deputy commissioners, department heads, chief operating officer, deputy chief operating officers, chief of staff, deputy chiefs of staff, bureau directors, and employees of the office of the mayor who report directly to the mayor shall not engage in any private employment or render any services for private interests for remuneration, regardless of whether such employment or service is compatible with or adverse to the proper discharge of the official duties of such employee. However, the employees named in this paragraph may engage in private employment or render services for private interests only upon obtaining prior written approval from the board of ethics in accordance with this paragraph. The board of ethics shall review each request individually and provide written approval or disapproval of the notification within 30 days. All requests for approval of outside employment shall state the type and place of employment, the hours of work, and the employer's name and address. City employment shall remain the first priority of the employee, and if at any time the outside employment interferes with city job requirements or performance, the official or employee shall be required to modify the conditions of the outside employment or terminate either the outside employment or the city employment. This paragraph shall not apply to single speaking engagements or to participation in conferences or on professional panels; provided, however, that any expense reimbursements received for such engagements must be reported in accordance with section 2-815.

(e) The mayor shall not accept honoraria, earned income other than the salary of the mayor, or payments-in-kind in any amount as remuneration for services. This section does not apply to receipt of dividends, interest, passive investment income, or income from a blind trust.

(f) Officials and employees other than the mayor may not accept honoraria from a prohibited source.

(Ord. No. 2002-27, § 1, 4-10-02)

[\(top\)](#)

**Sec. 2-821. Loans.**

(a) It shall be unlawful for any official or employee to lend money to any employee or to charge for obtaining credit for that employee, except that loans of \$2,000.00 or less may be made or credit may be obtained for employees in cases of emergency. When these loans are made in emergencies, if not made voluntarily without charge, they shall be made only at the legal rate of interest on judgments in the state. If this loan or accommodation is made, it shall be unlawful for the official whose duty it is to pay the employee to deduct the amount so lent from the pay of the employee. All such accommodations or advances made, together with the interest thereon, shall be reported by the person making them to the head of his or her department or, if made by the head of the department, shall be reported to the mayor. These reports shall be made monthly and filed with the mayor and the municipal clerk in the public record.

(b) The mayor shall see that this section is complied with and that no business or practice shall be carried on of making loans by officials or employees to other employees of the city but that only accommodation loans in emergencies and for legal interest on judgments in the state shall be made or allowed. In no event shall any charge for obtaining credit be made or allowed. Any officer or employee violating this section shall, on conviction, be punished as provided in section 1-8 of this Code and shall also be dismissed from the service of the city.

(Ord. No. 2002-27, § 1, 4-10-02)

[\(top\)](#)

**Sec. 2-822. Persons handling city funds becoming surety, guarantor or endorser.**

No official or employee who handles or controls any funds of the city shall, during the official's or employee's term or continuance in office, become surety, guarantor or endorser of any bond, note or other obligation for any person employed by the city, excluding a member of the official's or employee's immediate family, an adult child or a parent.

(Ord. No. 2002-27, § 1, 4-10-02)

[\(top\)](#)

**Sec. 2-823. Protection for reporting of violations.**

Officials and employees are encouraged to report suspected ethical violations to the ethics officer. No official or employee shall use or threaten to use any official authority or influence to discourage, restrain or interfere with any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the board of ethics information relating to an ethics violation or investigation. No official or employee shall use or threaten to use any official authority or influence to effect any action as a reprisal against an official or employee who reports, initiates a complaint, or otherwise brings to the attention of the board of ethics information relating to a board investigation or an ethics violation.

(Ord. No. 2002-27, § 1, 4-10-02)

[\(top\)](#)

**Sec. 2-824. Effective date and interim provisions.**

The ethics board members serving on June 8, 2002 are authorized to remain office and to administer the ethics code until August 5, 2002, or such other time as the new ethics board is constituted.

(Ord. No. 2002-27, § 1, 4-10-02; Ord. No. 2002-52, § 1, 6-20-02)

[\(top\)](#)

**Sec. 2-825. Mandatory ethics training.**

(a) All part-time, full-time, and contract employees of the offices of council members, council staff, municipal clerk, and council president shall receive a minimum of two hours of training within six months of the effective date of this ordinance and receive additional training at least once every three years after completing the initial training. This includes, but is not limited to, all employees reporting to the director of council staff and the municipal clerk, as well as city council assistants, senior council assistants, special council assistants, and contracted employees of the council member offices. Contract employees covered in this code section shall be persons that receive a 1099 FORM or 1099- MISC FORM from the Internal Revenue Service, pursuant to Section 530 of the Revenue Act of 1978 as extended by section 269(c) of P.L. 97-248, for services offered to a council member, the council President or any office of the council member or council president that amounts to \$600.00 or more per calendar year and work for the department of council for a period of 21 days per calendar year or more.

(b) The ethics officer, or a designee, and the office of ethics shall be responsible for offering the training at least once a month or more and providing for all the staffing, materials, and all other operations of the training.

(c) The department of human resources shall be responsible for maintaining and enforcing this code section and ensuring that all the eligible employees meet the minimum requirements set forth in this code section.

(Ord. No. 2014-36(14-O-1369), § 1, 7-30-14)

**Editor's note**--Ord. No. 2002-27, § 1, approved April 10, 2002, did not set out provisions for § 2-825. Formerly said section pertained to registration and disclosure of reports by lobbyists. See the Code Comparative Table.

[\(top\)](#)

**Secs. 2-826—2-840. Reserved.**

## Press Releases

### Kelvin J. Cochran Awarded Fire Chief of the Year

Posted Date: 8/7/2012 5:00 PM



Mayor's Office of Communications  
55 Trinity Avenue, Suite 2500 • Atlanta, Georgia 30303

**Sonji Jacobs, Director Reese McCranie, Deputy Director**

404-330-6558, office

404-330-6006, office

404-276-6866, cell

404-886-2334, cell

sajacobs@atlantaga.gov

rmccranie@atlantaga.gov

FOR IMMEDIATE RELEASE: 08/07/12

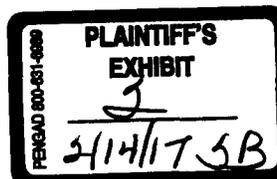
#### Press Release

### Kelvin J. Cochran Awarded Fire Chief of the Year

Atlanta -- Chief Kelvin J. Cochran of the Atlanta Fire Rescue Department (AFRD) was named 2012 Fire Chief of the Year by *Fire Chief* magazine during the International Association of Fire Chief's Fire-Rescue International Conference on August 3, 2012, in Denver.

With 31 years of fire-service experience, Chief Cochran served as Atlanta Fire Chief from January 2008 through July 2009 before accepting an appointment from President Barack Obama to serve as U.S. Fire Administrator, where he was charged with overseeing, coordinating, and directing national efforts to prevent fires and improve fire response. Chief Cochran returned to Atlanta in May 2010 to join the leadership team of Mayor Kasim Reed's administration. As Fire Chief, he directs the operations of a \$74 million department with 35 fire stations and nearly 1,000 fire fighters providing fire, rescue and emergency services.

Under Chief Cochran's leadership, the department has seen dramatic improvements in response times and staffing. In July, the department reached full staffing of four firefighters per engine and zero vacant firefighter positions for the first time in the history of the department. The department also reached a new level of responsiveness on fire emergencies, meeting the National Fire Protection Association Codes and Standards for response coverage 81% of the time, up from 65% in 2010.



“Chief Cochran’s pioneering efforts to improve performance and service within the Atlanta Fire Rescue Department have won him much-deserved national recognition,” said Mayor Reed. “I applaud Chief Cochran and all of Atlanta’s brave firefighters for the commitment to excellence shown throughout the department.”

For the past 17 years, *Fire Chief* magazine has presented Chief of the Year Awards to a career fire chief and a volunteer chief each year for dedication and leadership in fire and emergency services.

# # #

For more information about the City of Atlanta or the Atlanta Fire Rescue Department, please visit  
<http://www.atlantaga.gov> or watch City Channel 26

[More News »](#)

## Press Releases

### Atlanta Fire Rescue Department Announces Upgrade in City's ISO Rating to Class 1

Atlanta becomes one of 60 cities nationwide with the top rating for fire suppression capabilities

Posted Date: 8/29/2014 1:00 PM



Mayor's Office of Communications

55 Trinity Avenue, Suite 2500 • Atlanta, Georgia 30303

**Anne Torres, Director** **Janet Ward, Public Relations Manager**

404-330-6423, office	Atlanta Fire Rescue Department
404-904-2618, cell	404-546-7004 (office)
amtorres@atlantaga.gov	404-782-2567 (cell)
	jward@atlantaga.gov

FOR IMMEDIATE RELEASE: 08/29/2014

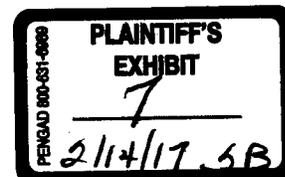
#### News Release

### Atlanta Fire Rescue Department Announces Upgrade in City's ISO Rating to Class

1

**ATLANTA** - Mayor Kasim Reed and Chief Kelvin Cochran announced today that, for the first time in the City's history, the Insurance Services Office has raised Atlanta's Public Protection Classification (PPC) rating to Class 1, indicating an exemplary ability to respond to fires. This upgrade indicates that insurance premiums, particularly on commercial properties, could be lowered by year's end. The PPC rating upgrade becomes effective November 1, 2014.

The Public Protection Classification rating is based on three factors: the City's ability to receive and respond to fire alarms; the fire department's first-alarm response and initial attack capabilities; and the water supply system. Insurance companies have 90 days to respond to the rating change. The City's score rose more than eight points over its 2013 total, from 81.97 to 90.14.



“I applaud the efforts of Atlanta Fire Rescue, the Department of Watershed Management, and the E911 Center for their diligent effort to achieve a rating shared by only 60 cities nationwide,” said Mayor Kasim Reed. “The Class 1 rating reflects the importance the Administration places on keeping its residents safe.”

The ISO rated 49,010 fire departments in the United States in 2013. Atlanta Fire Rescue was the largest of the four Georgia fire departments to achieve a Class 1 rating, along with fire departments in Savannah, Gainesville and Macon.

“Atlanta Fire Rescue is very proud that our work is being recognized with a Class 1 rating,” Fire Chief Kelvin Cochran said. “We consider this a testament to our hard work in reducing fire loss through firefighting and fire prevention education and to Mayor Reed’s commitment to public safety.”

The ISO is a leading source of information about insurance risk that gauges the fire protection capability of local fire departments to respond to structure fires. The ISO collects information on a community’s public fire protection and analyzes the data using its Fire Suppression Rating Schedule. It then assigns a rating from 1 to 10, with Class 1 representing the best public protection and Class 10 indicating no recognized protection. Besides the potential effect on insurance premiums, PPC data are useful in strategic planning, budgeting and justifying fire protection improvements.

# # #

For more information about the City of Atlanta, please visit <http://www.atlantaga.gov> or watch City Channel 26. Follow the City of Atlanta on Facebook and Twitter @City\_of\_Atlanta. Follow Mayor Reed on Facebook and Twitter @Kasim Reed

[More News »](#)



## CITY OF ATLANTA

KASIM REED  
MAYOR

68 MITCHELL STREET S.W. • ATLANTA, GEORGIA 30303-0306  
TEL 404-330-6360 • FAX 404-658-6892

DEPARTMENT OF HUMAN RESOURCES  
YVONNE COWSER YANCY  
COMMISSIONER

November 24, 2014

Mr. Kelvin Cochran  
1255 New Britain Drive  
Atlanta, GA 30331

RE: Notice of Thirty (30) Day Suspension Without Pay

Dear Mr. Cochran:

This notice of a thirty (30) day suspension without pay is being issued to you for your performance of an action that constitutes a "cause of action" as outlined in Section 114-528 of the Code of Ordinances City of Atlanta.

In accordance with Section 114-529, "Procedures for Imposing Disciplinary Action", the appointing authority or designee may suspend an employee for the performance of a cause of action as set forth in Section 114-528. As such, you are to serve the thirty (30) day suspension without pay effective today, Monday, November 24, 2014 and you are to return to work at the expiration of this suspension on Monday, January 6, 2014.

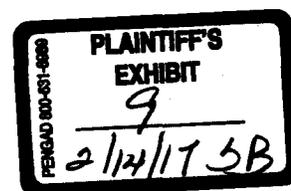
Should you have any questions please contact the undersigned at 404.330.6408.

Sincerely,

A handwritten signature in black ink, appearing to read "Yvonne Cowser Yancy".

Yvonne Cowser Yancy  
Commissioner of Human Resources

cc: Cathy D. Hampton, City Attorney



facebook [Sign Up](#)   [Log In](#)

**Kasim Reed**  
is on Facebook.

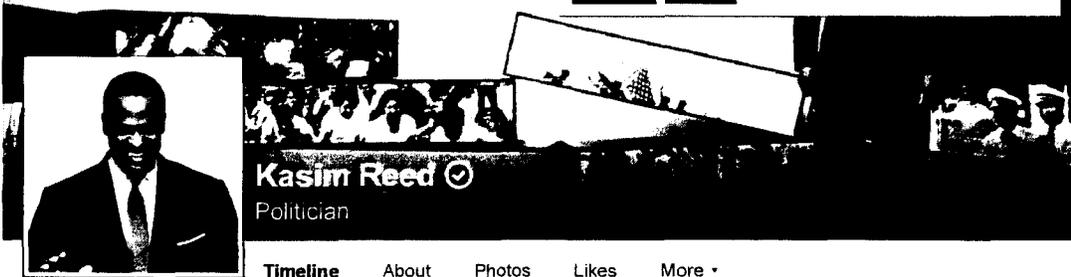
To connect with Kasim Reed, sign up for Facebook today.

[Sign Up](#) [Log In](#)

[Create Page](#)

**Recent**

- 2016
- 2015
- 2014
- 2013
- 2012
- 2011
- 2010
- 2009
- 2008
- 1969



**Kasim Reed**   
Politician

[Timeline](#) [About](#) [Photos](#) [Likes](#) [More](#)

**PEOPLE**

45,760 likes

**ABOUT**

Mayor of the City of Atlanta  
<http://www.atlantaga.gov/>

**APPS**

[CONTRIBUTE](#) [Contribute](#)

[VOLUNTEER](#) [Volunteer](#)

**PHOTOS**



**VIDEOS**



**Kasim Reed**

January 13, 2015

Last week, I made the decision to terminate our Fire Chief, Kelvin Cochran. It was a decision that was not made lightly because I appreciated Chief Cochran's service to the City of Atlanta. While you may have read articles that asserted the issue at hand was Chief Cochran's religious beliefs, I can assure you that those comments could not be further from the truth.

The truth is that I am a man of deep faith myself, and we are a city of laws. Chief Cochran's book, "Who Told You You Were Naked," was published in violation of the city's Standards of Conduct, which required prior approval from the Board of Ethics. I believe his actions, decisions, and lack of judgment undermined his ability to effectively manage a large, diverse workforce. Every single City of Atlanta employee deserves the certainty that he or she is a valued member of the team and that fairness and respect guide our employment decisions. His actions and his statements during the investigation and his suspension eroded my confidence in his ability to serve as a member of my senior leadership team.

Please take a moment to read this editorial that was published in today's New York Times.

Thank you for all of your kind offers of support. Please take a moment to remind everyone you know that the City of Atlanta is a city too busy to hate.

**God, Gays and the Atlanta Fire Department**

The mayor of Atlanta was right to dismiss the chief of the fire department for imposing his virulent anti-gay views on his work force.

[NYTIMES.COM](http://NYTIMES.COM) | BY THE EDITORIAL BOARD

[Like](#) [Comment](#) [Share](#)

Tara Patrick, Sybel Kimmel, Sufi Hameer and 1,863 others like this. [Top Comments](#)

348 shares



**Tarra Holman** Freedom of speech does NOT mean freedom from consequence.

211 January 13, 2015 at 11:08am

[View previous replies](#)

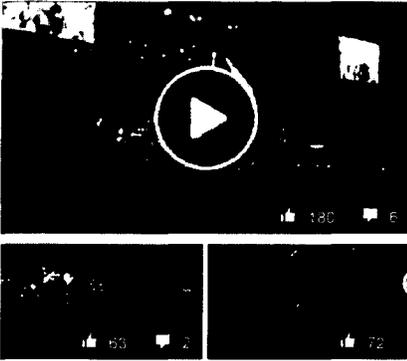


**Asher Noll** I beg to differ with you, that's exactly what it means, otherwise there would be no need to protect that right. What you're saying is that freedom of speech is only a freedom if you think it, believe it, but don't say it. If that was the case it would be called freedom of thought, not speech. And besides this issue is more about religious freedom than it is freedom of speech.

21 January 13, 2015 at 12:04pm

[View more replies](#)





**Kevin Sandlin** Mayor Reed, you violated Chief Cochran's first amendment right to free speech. Just because you and others don't agree with Cochran's faith, and his expression of his faith in a book that he wrote on his own time, does not make it legal for you to fire him. Holding to that standard, you are obligated to fire every professing Christian employed by the City of Atlanta.

166 January 13, 2015 at 10:47am

View previous replies



**Shawn Davis** You clearly didn't read the statement. It wasn't about faith it was about his ability to lead effectively without bias

42 January 13, 2015 at 10:52am

View more replies

View more comments

2 of 639

NOTES

**If Fulton County doesn't want to do the work, it shou...**  
May 7, 2014

**Mayor Reed to Discuss Weekend Events and Provl...**  
January 13, 2011

**MAYOR KASIM REED CONTINUES TO URGE ATLA...**  
January 10, 2011

PEOPLE ALSO LIKE



**John Lewis**  
Public Figure



**Congressman Hank Johnson**  
Government Official



**Atlanta Jazz Festival**  
Event

LIKED BY THIS PAGE



**Kamala Harris**



**Howard University School of Law**



**Howard University**

English (US) · Español · Português (Brasil) · Français (France) · Deutsch

Privacy · Terms · Cookies · Advertising · Ad Choices · More  
Facebook © 2016



**Kasim Reed**

November 24, 2014

Late last week, Mayor Reed learned about material published in a book by Atlanta Fire and Rescue Chief Kelvin Cochran. The contents of the book do not reflect the views of Mayor Reed or the Administration. Mayor Reed's full statement is below:

I was surprised and disappointed to learn of this book on Friday. I profoundly disagree with and am deeply disturbed by the sentiments expressed in the paperback regarding the LGBT community. I will not tolerate discrimination of any kind within my administration.

We are conducting a thorough review of the facts surrounding the book and its distribution. In the interim, I have directed that the following steps be taken:

- Chief Cochran will be suspended for one month without pay;
- Chief Cochran will be required to complete sensitivity training;
- Chief Cochran will be prohibited from distributing the book on city property; and
- Deputy Chief Joel G. Baker will serve as Acting Fire Chief in Chief Cochran's absence.

I want to be clear that the material in Chief Cochran's book is not representative of my personal beliefs, and is inconsistent with the Administration's work to make Atlanta a more welcoming city for all of her citizens - regardless of their sexual orientation, gender, race and religious beliefs.

Like Comment

Bradley Scrutchins, Vanessa Thomas, Mimi Miller and 343 others like this.

49 shares



**Steve Erwin** What the Mayor showed was that he is disturbed by and disagrees with conservative Christian values and will take any step necessary to punish any city employee caught speaking out about those values. Intolerance will not be tolerated! To take this a... See More

174 November 24, 2014 at 2:30pm Edited

36 Replies



**Kevin Sandlin** Mayor Reed: Are we to understand now that, based on the suspension of Chief Cochran for statements made in a book he personally wrote, that city employees are not allowed to express their Biblical faith at all? Are city employees FORCED to agree with... See More

176 December 2, 2014 at 12:50pm Edited

17 Replies

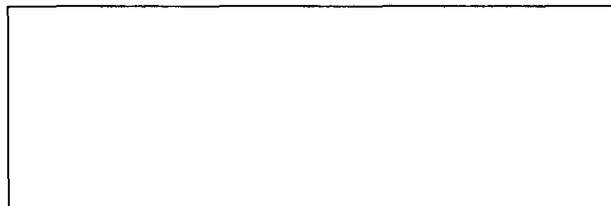
View more comments

2 of 392



**Kasim Reed** shared a link.

August 16, 2014



# Who Told You That You Were Naked?



Kelvin J. Cochran

PLAINTIFF'S  
EXHIBIT  
11  
2/14/17 3B

# **WHO TOLD YOU THAT YOU WERE NAKED?**

Overcoming the Stronghold  
of Condemnation

Kelvin J. Cochran

## Contents

3G Publishing, Inc.  
Loganville, GA 30052  
www.3gpublishinginc.com  
Phone: 1-888-442-9637

©2013, Kelvin J. Cochran. All rights reserved.

No part of this book may be reproduced, stored in a retrieval system, or transmitted by any means without the written permission of the author.

First published by 3G Publishing, Inc. December, 2013

ISBN: 978-0-9854968-5-2

Printed in the United States of America

Because of the dynamic nature of the Internet, any web addresses or links contained in this book may have changed since publication and may no longer be valid. The views expressed in this work are solely those of the author and do not necessarily reflect the views of the publisher, and the publisher hereby disclaims any responsibility for them.

<i>Acknowledgement</i>	vii
<i>Introduction</i>	ix
<i>Chapter 1</i> The Fall into Condemnation	15
<i>Chapter 2</i> The Naked	29
<i>Chapter 3</i> The Need for Covering	43
<i>Chapter 4</i> The Clothed	53
<i>Chapter 5</i> The Distinction Between the Clothed and the Naked	61
<i>Chapter 6</i> Conviction and Condemnation	67
<i>Chapter 7</i> The State of Depravity	75

<i>Chapter 8</i>	97
Lead Us Not Into Temptation	
<i>Chapter 9</i>	105
The Wrestling Match	
<i>Chapter 10</i>	119
Work Out Your Soul Salvation	
<i>Chapter 11</i>	129
The Disciplined Life of a Clothed Man	
<i>Chapter 12</i>	143
A Spirit-filled Virtuous Life	
<i>Chapter 13</i>	153
We Have Overcome the Stronghold of Condemnation	
<i>References</i>	159

### *About the Author*

Kelvin J. Cochran is a native of Shreveport, LA, who now calls Atlanta, GA his home. He is a devout Christian man pursuing the life of a Psalm 112 man and the promises of Deuteronomy 28:1-14. His greatest desire is to fulfill the purpose of God for his life and to be living proof of God's exceeding great and precious promises.

Kelvin is a husband and father of three, with one granddaughter; and a faithful member of Elizabeth Baptist Church, Atlanta, GA where he serves as a deacon and teacher. He has thirty-two years in the Fire Service and has served as Fire Chief for the City of Shreveport Fire Department (LA); United States Fire Administrator (Washington, D.C.) and is currently serving as Fire Chief of the City of Atlanta Fire Rescue Department (GA).

## *Acknowledgement*

I thank God for choosing me to deliver this message to redeemed men of the Body of Christ who wrestle with the stronghold of condemnation. I pray also that by the grace of God it will find its way into the hands of men who have not confessed Christ as Savior and Lord. While I am still a work in progress, my life is a testimony of the struggle with condemnation and how a man can grow from strength to strength, through diligent pursuit of fulfilling God's purpose for his life through the Word of God.

My wife Carolyn and my children Tiffane, Kelton and Camille, and my granddaughter Thailyn, inspire me day by day, to be the man God has called me to be. Their love and support keeps me striving for greater heights and depths of seeking the glory of God for our household and the generations of Cochran's to come.

The men in my bible study small group on Friday mornings at Q-Time Restaurant and the men of my Quest for Authentic Manhood small group at Elizabeth Baptist Church both inspired me to take what was initially a six week lesson plan to study this topic, to a book. Sharing the lesson plan with my brothers on Friday mornings convinced me that more men would be blessed from this study.

To God be the glory for what happens from here!

## Introduction

*Genesis 3:7-11 Then the eyes of both of them were opened, and they knew that they were naked; and they sewed fig leaves together and made themselves loin coverings. They heard the sound of the Lord God walking in the garden in the cool of the day, and the man and his wife hid themselves from the presence of the Lord God among the trees of the garden. Then the Lord God called the man, and said to him. "Where are you?" He said, "I heard the sound of you in the garden, and I was afraid because I was naked; so I hid myself." And he said, "Who told you that you were naked?"*

During a six-month men's small group study of *"The Quest for Authentic Manhood"*, from the Men's Fraternity Series by Dr. Robert Lewis, Session 15: Genesis and Manhood, Part I focused on God's purpose for creating man. As the facilitator of the session, I was fascinated when the men begin to share their thoughts on the consequences of Adam's decision from then until now. It became quite clear that the generational consequences of the sinful nature are still in full effect—even for men who have been redeemed.

As we continued the discussion on challenges we were all facing as men, it also became clear that God's reaction and response to Adam's transgression had generational implications as well. After walking through the garden and not finding Adam as he had on many other occasions, he called out for

him. From his hiding place, Adam confessed he and Eve were in fact hiding because they were naked.

God's reaction was in the form of a question that has gripped my spirit and consequently led to this study. *"Who told you that you were naked?"* I was convinced after hearing each man in our group share personal struggles with the sinful nature that there was much more to the question from God's perspective. *"Who told you that you were naked?"* meant much more than *"Who told you that you did not have on clothes?"*

God knew things would not be the same. However, he was determined to redeem Adam and Eve to a meaningful relationship with himself. His judgment would stand, but to continue with his plan for mankind, Adam's solution of fig leaves would not suffice. So God clothed them with coats of skin through shedding the blood of an innocent lamb. This redemptive solution by God would have generational implications for all of mankind.

The term "naked" in its English translation has been primarily associated with the meaning of being completely nude or without clothing (v.7). However, this definition is but one of many in the Bible. In the King James Version, the word "naked" is used forty-five (45) times and the word "nakedness" is used forty-three (43) times. After a comprehensive review of the use of both words in their proper context, a common theme emerges, God's definition and use of the word "naked" is more comprehensive than Adam's discovery and subsequent use of the word "naked".

Before Adam's discovery of his condition after the transgression, the word had never been spoken. The

instantaneous transformation of his condition from what he had previously known resulted in a shock and awe for Adam that literally blew his mind. That radical reaction led to an astonishing visual revelation, "they saw that they were naked". Yes it includes totally nude, the loss of being clothed with glory, but was also associated with many other consequences (condemnation) and losses (deprivation) that they were yet not aware of before they ate the forbidden fruit.

When God asked the question, "Who told you that you were naked?" he was fully aware of the fullness of the depth and scope of what the word meant for his precious creation. Sin brought condemnation. Condemnation wrought deprivation. Adam never gave God a straight answer to the question. Men today have yet to give God a straight answer. It's time we answer the question, "Who told you that you were naked?"

### Overcoming the Stronghold of Condemnation

*"In the world ye shall have tribulations: but be of good cheer; I have overcome the world." John 16:33*

Jesus overcame all of earth's furies, all of the world's devices. He overcame each trial, tribulation, test and temptation, time and time again. The powers of the adversary were strained to the utmost to break him. They failed. Jesus overcame and conquered for our sake, not for his own sake. From an outside perspective, based upon the persecution and suffering that the people saw him going through, the persecution and the crucifixion, he was conquered. Even in the thoughts of his faithful followers, he was defeated (God Calling, 1989).

In his earthly mission, he came not just to show us God the Father, but he also came to show us God the Son, unconquered, unharmed, untouched by evil and its power. His resurrected body was and is the evidence of his victory over all of earth's furies.

As sons of God, we must share in the experience of his tribulations. Christ's overcoming gives us courage and confidence. In his conquering power we will walk in victory, unharmed and untouched by the evil one and his power.

Overcoming defined is:

- To get the better of in a struggle or conflict; conquer; defeat—to overcome the enemy
- To prevail over (opposition, a debility, temptations, etc.); surmount—to overcome one's weaknesses
- To overpower or overwhelm in body or mind, as does liquor, a drug, exertion or emotion—overcome with guilt
- To overspread or overrun
- To gain the victory: win; conquer—a plan to overcome by any means possible

Stronghold defined is:

- A net
- A snare

Through the act of one man's offense death has reigned by one man—Adam. But we who have received the abundance of grace and of the gift of righteousness shall reign in life by one man—Jesus Christ. (Romans 5:17) Many sons of God are not reigning in life victoriously because we are overcome with

the stronghold of condemnation. Those who suffer with this affliction have placed more emphasis on what Adam did in the Garden of Eden, than on what Jesus did on Calvary. The greatest weapon the enemy has against a man after he has made a confession of faith is condemnation. It spiritually shackles a man to his past, his sinful nature, an enslaved mind and does not allow him to walk in the freedom of his salvation. Christ has overcome the stronghold of condemnation. Condemnation has been conquered. Who told you that you were naked?

## Chapter 1

### The Fall into Condemnation

*When the woman saw that the tree was good for food, and that it was a delight to the eyes, and that the tree was desirable to make one wise, she took from its fruit and ate; and she gave also to her husband with her, and he ate. The eyes of both of them were opened, and they knew that they were naked; Genesis 3:6-7a*

### The Origin of Condemnation

In the beginning, God formed Adam from the dust of the earth; and Eve was formed from a rib taken out of Adam. God nurtured and cared for them. They had a very intimate, visible, physical and interactive relationship with one another.

God established Adam as the chief steward, the earth-blessor. He had authority over everything God created. God empowered Adam to prosper in all things.

God created the Garden of Eden and placed Adam and Eve there, to cultivate it and to keep it. They were both physically *naked* (Genesis 2:25), but spiritually clothed in glory, holiness, honor and righteousness. They were not ashamed.

Adam walked with God, in the fullness of God. He saw himself as God created him, as God purposed for him. After eating the forbidden fruit, he saw himself different from how God saw him. The words of the serpent caused him to do something God told him not to do. That act of disobedience changed how Adam saw himself and how God saw him. The clothing of glory, holiness, honor and righteousness was gone! Adam and Eve required a physical covering and could no longer share the same level of intimacy with God. They had to be separated from the God of Glory, Holiness, Honor and Righteousness. They were *naked*.

Adam's reaction to his spiritual demotion and his physical *nakedness* introduced guilt, shame, fear and death to what was formally perfection. This spiritual demotion and physical revelation brought condemnation and deprivation to the human spirit, body and soul—even all of creation (Romans 8:22). Condemnation and deprivation are the greatest barriers to a man walking in the fullness of his purpose and in the fullness of God in an intimate relationship (Hebrews 11:6).

The mindset that Adam had after his sin was that *nakedness* is shameful, embarrassing and a reason to be afraid. His realization of what he had done caused a deep disappointment he had never experienced. Why was he so ashamed and embarrassed? He realized he doubted the excellence and perfection of God concerning his and Eve's life purpose. He no longer saw himself as God saw him—perfect, holy and righteous. He realized that what he had lost was greater than what he gained from his transgression and that he would never get it back. Just as he

emphatically knew he was naked, he also had an overwhelming conviction that things would never be the same.

Sin is like that. It is so deceitful to make us believe that what we will gain from a transgression is greater than what God has promised. The truth of the matter is we always lose more than we gain when we sin. Consequently, carnal emotions, feelings, sensations and rationale entered into the human soul creating enmity between God and man from then until now. We are born into condemnation.

Eerdman's Dictionary of the Bible indicates that some New Testament writings characterize man's choice of sin as a "*fall under condemnation of the devil*" and a "*fall under condemnation*". *Not a novice, lest being lifted up with pride he fall into condemnation of the devil.* (I Timothy 3:6);

Pride was one of three temptations which caused Eve to eat the forbidden fruit. She was told by the serpent she would be like God, knowing good and evil. This scripture indicates that condemnation originated from the devil and is sustained by the devil.

*But above all things, my brethren, swear not, neither by heaven, neither by the earth, neither by any other oath: but let your yea be yea; and your nay, nay; lest ye fall into condemnation.* (James 5:12).

Condemnation is once again associated with a fall. When a man does not keep his word or makes a vow or an oath with wrong motives, there is a potential for that man to fall into condemnation.

Condemnation occurred when Adam ate, not Eve. Their eyes were opened and they saw that they were naked. Sin changed their predominately spiritual condition to a predominately physical condition. They were both overwhelmed with a sense of doom and loss. As such, when a man is under condemnation, it affects his wife and family. However, when a man overcomes the stronghold of condemnation, it blesses his wife and influences the atmosphere in his entire household.

Things Adam and Eve lost:

- They lost their ability to see spiritual things
- They lost their mind, their God-way of thinking
- They lost their paradise
- They lost their lifespan
- They lost their of purpose
- They lost God consciousness: God is with me, on my side, pleased with me
- They lost their intimacy with God: no longer was he visible, accessible and approachable
- They lost their confidence toward God

### Adam Before the Fall

Everything was created and provided for Adam before he was formed by God (Genesis 1:1-26). Before the fall, Adam had it made. God made a special habitat for him to live in and to thrive. God made him a garden, placed him in it and gave him job specifications (Genesis 2:8-17). God gave him the assignment of naming all creatures and with the assignment, gave him the

knowledge he needed to get the assignment accomplished without God's intervention and supervision.

Whatever Adam called a living creature that was its name. If Adam said it, that was it! (Genesis 2:19) After successfully completing all his assignments and proving himself obedient, God took a rib from him, made a woman and brought her to him to be his wife. The two of them were one flesh. They were naked. They were not ashamed (Genesis 2:23-25).

Sin entered creation through Adam. Since that time all men have been born with a sinful nature. We have all inherited the nature of sinfulness (nakedness). Salvation entered creation (the world) through Jesus Christ. Consequently, from the time of his resurrection all who have confessed him as Savior and Lord and have been baptized are born again and have taken on his nature of righteousness (clothed). In other words, we are clothed with Christ and are no longer naked! (Galatians 3:27) Who told you that you were naked?!

The naked mindset places greater emphasis on what Adam did. The clothed mindset places greater emphasis on what Jesus has done.

#### Adam

Son of God  
Made flesh from dirt  
Sinner  
Nature of Sin  
Condemnation  
Deprivation  
Naked

#### Jesus

Son of God  
Made flesh from the Spirit  
Righteous  
Nature of Righteousness  
Redemption  
Restoration  
Clothed

## Nakedness Defined

According to Eerdman's Dictionary of the bible, nakedness is defined as totally nude or inadequately clothed. Although total nudity could be associated with the innocence of a new born child it was most often a euphemism for sexual organs or sexual activity (Lev. 18:1-23; 20:10-21; Ezek. 16:8).

The first use and context of the word *naked* was not associated with *sex organs* or *sexual activity*. It was associated with a *death to life with God* as they knew it; a loss of spirituality; and an awakening to carnality. Adam and Eve's own shame at the recognition of their nakedness in the wake of their disobedience (Gen. 3:7) is but one example of the facts that nakedness was associated with a variety of human conditions (most of which are associated with the conditions of condemnation and deprivation) often considered shameful or humiliating (Isa. 47:3).

Nakedness symbolized adulterers (1 Sam. 20:30) and was often a defining characteristic in metaphors depicting those who rejected God as either adulterers or prostitutes (Ezek. 16: 36-37; Rev. 17:16). In other words, when a person, tribe or nation *rejects God*, they are naked.

Nakedness in the sense of being inadequately clothed is one of the several types of deprivations used to represent both *poverty* (Job 24:10; Isa. 58:7; James 2:15) and *oppression by one's enemy* (including "the enemy") (Deut. 28:48; Rom. 8:35). Consequently, it was used as a figure of *judgment* against Israel. [A nakedness mindset is a *punishment*; a *curse* (Ezek.23:29) to nations (Isa. 20:2-4) or individuals (Hos. 2:3 [MT 5]).

Nakedness was also associated with ecstatic spiritual states, both positively (1 Sam. 19:24; 2 Sam. 6.20-21) and negatively (Luke 8:27) and laws regarding the attire of priests and the construction of altars showed a particular concern that they avoid accidentally exposing themselves during the performance of their duties (Exodus 20:26; 28:42) whether these laws were a direct reaction against Canaanite religious practices, as some have suggested or reflected a more general taboo regarding nakedness is subject to debate. The priests' attire made them "clothed in righteousness" completely covered. If any part of the body was exposed during their holy duties before our holy God—the judgment was death.

Being spiritually "clothed" or "covered" is an absolute imperative for meaningful interaction with God. God despises nakedness because of its origin in sin, not because he can't look at a totally nude body. Nakedness to God is a visual reminder that his original plan for mankind was destroyed by disobedience. It created enmity between God and man. The Fall has created two human conditions which initiated and continues to widen the gap between God and man. The two human conditions are condemnation and deprivation. All carnal infirmities which prevent a man from walking in his God-ordered purpose and destiny fall under one of these two categories.

## The Naked Condition

Condemnation is the consequence of Adam's disobedience. It describes the adverse spiritual and psychological conditions associated with nakedness. Condemnation is a death sentence. We are all condemned to die. It is an overwhelming, insurmountable sense of being unworthy or inadequate,

accompanied by the sense that there is nothing we can do to stop it.

Deprivation is a consequence of condemnation. It describes the adverse spiritual, psychological and physical losses associated with nakedness. Deprivation is a removal from ecclesiastical office with all its provisions and benefits; dispossession; loss. It is the overwhelming, insurmountable sense of not having enough, accompanied by a never ending quest to be fulfilled.

The human condition of condemnation is an inherent steady state of accusation, blame, censure, damnation, denouncement, *denunciation*, disapproval, doom, judgment, proscription, reproach, reprobation, reproof, sentence and stricture.

From denunciation comes the sense of arraignment, castigation, cursing, and derogation, dressing down, incrimination, reprehension, smearing, stigmatization, upbraiment, and vilification.

The human condition of deprivation is an inherent steady state of dispossession, denial, destitution, disadvantage, distress, divestiture, expropriation, hardship, loss, removal, seizure, want, withdrawal, and withholding.

#### Conditions of Deprivation: Men Struggles

Fatherhood	Marriage
Reconciliation	Stubbornness
Forgiveness	Jealousy
Anger	Rebellion
Envy	Temptation

Depression	Arrogance
Lack	Rejection
Uncertainty	Greed
Addictions	Hopelessness
Commitment	Covetous
Disappointment	Trust
Fear	Surrender
Pride	Lust

The consequences of what occurred in the Garden of Eden has transcended generations. All men are infected with the sinful nature. Condemnation and deprivation are the drivers that result in many afflictions and many infirmities for men. No one is immune. Which of the conditions listed are most applicable to your struggles as a man?

#### Biblical Men with Deprived Experiences

You are not alone. You are not the first to experience these struggles and you will not be the last. The bible has case studies of many men who had challenges with these conditions. Some are touted as bible villains, but there are many we would celebrate as biblical heroes. Consider these challenges and some of the men who struggled in these areas.

- Fatherhood: Jacob, David, Eli, Samuel
- Addictions: Sampson, Solomon
- Jealousy: Cain, Saul
- Temptation: Judah & Tamar; David & Bathsheba
- Reconciliation: Jacob & Esau; David & Absalom
- Depression: Elijah, Hezekiah and Asa
- Stubbornness: Saul, Jeroboam, Ahab

The consequences of the naked condition are quite significant and are played out in the lives of all mankind. Consider the following as described in Deuteronomy 28:15-68. (Dake's pp. 227).

- 15 consequences upon children and material prosperity
- 30 consequences of sickness, crop failure, war, captivity, business failure and poverty
- 26 new and old consequences of defeat, captivity, sickness, persecution and insanity
- 21 consequences of slavery, death, cannibalism and extreme poverty

### The Clothed Condition

Salvation through Jesus Christ reverses all the effects of the Fall and provides a spiritual transformation. Being born again changes our human condition and restores a man to his dominate spiritual condition. We die to the nature of Adam—the sin nature. We inherit the nature of Christ—the righteous nature.

Jesus—the second Adam, was born of God's Spirit-seed through the virgin birth—through Mary. Jesus was born God, manifested in human form. It is the Spirit-seed of God that makes Jesus the only begotten Son. Jesus was born righteous (sinless) and remained sinless until he died on Calvary. He is the first human to be born through the Spirit-seed of God. He is the only human to be born of the Spirit-seed of God by way of the virgin birth. As such, he is the "first born of many brethren".

Our natural birth is by way of man-seed through the procreative process or intercourse between a man and a woman. Because of the first Adam, we are born sinners and will remain

that way until the day we die. Praise be to God that we do not have to die *as* sinners. Through faith in Jesus Christ we can become sons of God and receive his righteous nature. When we are "born", our human DNA dominates our ways, habits and manner of life. When we are "born again" our human DNA is overcome by God's spiritual DNA—the Holy Spirit. Through this divine regeneration we become sons of God. To make it plain, the Son of God became the Son of man, in order that the sons of men may become the sons of God.

The blood of Jesus severed the blood lineage of our humanity. We are no longer identified by the nature of Adam in God's eyes. We are identified by the nature of Jesus Christ in God's eyes. Because the blood line of our humanity has been severed by the blood of Jesus, the description of our lineage is no longer: Adam begat Seth; and Seth begat Enosh, and Enosh begat Kenan....Or in the case of my family, Otis begat George; and George begat Kelvin; and Kelvin begat Kelton and so on. To put it another way, our relationship to the Father is no longer through generational lineage. God has no grandchildren, only sons and daughters. As such the sequence of our lineage is, God begat Jesus (the first born); and God begat Kelvin; and God begat Kelton. Jesus is God's Son. I am God's son, and my son is God's son. We are joint-heirs with Christ. All men who are born again are sons. We are in the direct lineage of God the Father as sons begotten of the Spirit of God.

Hebrews 1:5-6 confirms it. *For unto which of the angels saith he at anytime, thou art my son, this day have I begotten thee? And again, I will be to him a Father, and he will be to me a son? And again, when he bringeth in the first begotten into the world, he saith, and let all the angels of God worship him.*

I Peter 1:3-4 also provides evidence. *Blessed be the God and Father of our Lord Jesus Christ, which according to his abundant mercy hath begotten us again unto a lively hope by the resurrection of Jesus Christ from the dead. To an inheritance incorruptible and undefiled, and that fadeth not away, reserved in heaven for you.*

As born again sons of God we are transformed from a naked condition to a clothed condition; from world consciousness to God-consciousness. Condemnation is reversed to an inherent spiritual state of absolution, acquittal, cleared, discharged, exonerated, freed, pardoned, and released. Consequently, deprivation is overcome by an inherent spiritual state of bestowal, endowment, giving, indulgence, offering, presentation, and supply.

## Case Study: Jesus and a Naked Man

Luke 8:26-39 provides a phenomenal case study on how Jesus makes the difference in the worst case scenario of naked men. When Jesus had traveled to the country of the Gerasenes over against Galilee, it was there where he met a certain homeless man living in a cemetery, possessed with demons.

The NIV Bible description states, "For a long time this man had not worn clothes or lived in a house, but lived in the tombs." This man had been naked and homeless for a long time. According to the text, he had a home and a family. His naked condition existed long before it evolved to a state of him not having on any clothes. He was spiritually naked before he became physically naked.

There were many attempts from others to help him, to keep him from hurting himself and others. They would often bind him in chains and fetters, however, on every occasion he would break them off. He eventually got fed up with his family and friends persistent efforts and fled to live in the tombs—naked.

One of the interesting facts about this case is, the naked man knew who Jesus was and came out to meet him. He fell at Jesus' feet and cried out. His motive was not worship or deliverance, but rejection. He wanted desperately for Jesus to leave him alone. He wanted Jesus to leave him the way he was.

Jesus diagnosed his naked condition. He was filled with a legion of demons. As the story progresses, Jesus commanded the demons to come out of him. They entered into swine that

were feeding in a nearby field. The swine then ran over a cliff to their death.

Jesus delivered, saved and rescued the naked man. There were men tending the swine who witnessed the entire event. They ran to tell the towns people who hurriedly came to see for themselves. When they arrived, they found the man who had been the community vagrant, abusive husband and dead beat dad, sitting at the feet of Jesus. He was no longer naked, but clothed and in his right mind. His body was healed. He was cleaned up.

The life of the man in the tombs describes the status of too many men today. Many men today are so overcome by condemnation and deprivation that their lives are out of control with worldly addictions and selfish ambitions, to the extent they have lost their homes, lost their families, their jobs, are financially devastated and have ruined every meaningful relationship. Like the naked man in the tombs, they too know who Jesus is, but vehemently reject him, begging him to leave them alone. But just as Jesus diagnosed this man's naked condition, he knows every man's condition. He still has the power to command demons to flee, to clean us up, restore our minds, our relationships and our finances. He still has the power to clothe.

## Chapter 2

### The Naked

*Matthew 8:22 "But Jesus said unto him, Follow me; and let the dead (spiritually dead) bury their own dead (physically dead)."*

The naked are spiritually dead. The place of origin of spiritual death for all human kind is the Garden of Eden. From the time of the Fall until now, all are born spiritually dead. The instigator of spiritual death is Satan. The progenitor of spiritual death is Adam. The serpent's provocative conversation led to Eve's transgression, but nothing happened until Adam took the forbidden fruit and ate it. Genesis 3:7 states, "Then the eyes of them both were opened and they knew that they were naked." They became spiritually dead. They lost spiritual-awareness and gained carnal-awareness. They became more self-conscious and less God-conscious. Before sin they saw themselves as God's precious possession. Before sin they saw themselves as God saw them. Before sin they saw themselves through:

- God's eyes
- God's heart
- God's will and purpose

After sin they saw themselves as they perceived themselves as compared to their previous exalted state and to a holy and loving God. They came to the realization that they had been deceived and that what they gained from their sin was far worse and could not be compared to what they had lost. The deceitfulness of sin is the sense we will gain more from the disobedient act than what we already have—that the pleasure of sin is greater than the rewards of the promise of God (Hebrews 11:24-26).

They were no longer clothed in his glory. They were no longer dominant spiritual beings in a physical frame of reference; they were now dominant carnal beings deprived of their former dominant spiritual nature. They lost the power to do good only. They gained the power to do evil. Instead of becoming like God as the serpent proclaimed, they became directly opposed to him. Adam lost that glorious state of sinlessness and became spiritually dead.

As a consequence of spiritual death, they lost their God-way of thinking and gained a man-way of thinking. God's view of nakedness was pure, innocent, holy and beautiful. Man's view of nakedness was shameful, embarrassing and something that must be hidden or covered. Spiritual death, loss of God-consciousness also resulted in the gain of fear, lack of accountability, guilt and many other carnal infirmities (Genesis 3:10-12).

As men of God we have been struggling to see ourselves as God sees us ever since. We are trying to pay for something that has already been bought by the blood of Jesus. Many men are wandering aimlessly and do not know why. The nakedness mentality is of the devil. He is the father of lies and he is still

up to his old deceptive tricks, trying to convince us that we are naked even though we are clothed in righteousness. No one told Adam he was naked. Because of the spiritual death, he simply lost his mind, the mind he had before the Fall. He lost the ability to see himself as God saw him.

“Who told you that you were naked?” Men have yet to give God a straight answer. We keep placing blame. We too have inherited the same nature of the nakedness mindset—the naked way of thinking. We wrestle with the ability to see ourselves from God's perspective in our minds, thoughts, rationale and understanding—even though we have the mind of Christ. (I Corinthians 2:16).

### The Naked Mentality

The naked condition was evident in the religious leaders, the scribes and the Pharisees during Jesus' ministry on earth. The religious leaders were absolutely convinced that their righteousness was based on the staunch law code and their ancestry in the bloodline of Abraham. Jesus Christ could not convince them otherwise. Many believers today are absolutely convinced of their salvation through the blood of Jesus, but that the law code is still essential to righteousness. The Word of God cannot convince them otherwise.

Jewish leaders had made up their mind that the message of righteousness by faith through grace was a message of heresy. They believed in God but they rejected His Salvation, His Son and His message. Many believers today have also made up their mind that the message of righteousness by faith through grace is heresy. They believe in God and His only begotten

Son, but they reject His Salvation, His message of grace and righteousness by faith.

To believe in Jesus Christ and yet believe we are condemned—that we are still sinners who must work or keep the law code to be righteous before God is a condition of nakedness. Nakedness of this sort becomes a conscious choice made by a believer commonly referred to as self-condemnation and self-deprivation. It is a decision to not accept what Christ has done, even after coming into the knowledge of the truth. It is a state of mind that says:

*He came, but he did not accomplish. He came but he did not finish. He came but he did not conquer. He came but he failed.* This is the condition of a clothed man with a nakedness mentality.

Too many men receive the charge to overcome as a directive to conquer the sin nature within the scope of their own strength and power; including both physical and imagined acts of transgression. However, the first and most significant step in conquering the sin nature is to overcome the nakedness mentality of condemnation and deprivation which can only be accomplished through salvation. Our continual futile efforts to overcome condemnation leads to a heavy load of guilt, shame and loss no man has the capacity to conquer. Jesus Christ provides the solution. "Come unto me all ye that labor and are heavy laden, and I will give you rest." (Matthew 11:28)

Being overwhelmed with the burden of sin to a man who has been saved is condemnation. Clothed men should not feel overwhelmed by the burden of our failures, or the burden of

our transgressions. There is a mentality that exists in some of the sons of God where we feel the strength of our salvation only between transgressions. In other words, after a transgression we are overcome with guilt, we ask for forgiveness and then feel the love of God through his blessed pardon and mercy. He is always faithful and just to forgive us. The guilt goes away; we then sense the sweet fragrance of freedom from punishment—that is, until the next transgression. Afterwards, we begin to be overwhelmed with condemnation all over again.

Salvation is continuous, ongoing and everlasting. We are not forgiven for the time being—between transgressions. We are forgiven forevermore. We must become saturated with this truth by the renewing of our mind. We are not saved to the almost. We are saved to the utmost. Repeat this aloud with me:

*"I am not saved for the time being. I am saved forevermore!  
I am not saved to the almost. I am saved to the utmost!"*

Ephesians 2:1-4 has something to say about this issue: *As for you, you were dead in your transgressions and sins, in which you used to live when you followed the ways of this world and the ruler of the kingdom of the air, the spirit who is now in at work in those who are disobedient. All of us also lived among them at one time, gratifying the cravings of our sinful nature and following its desire and thoughts. Like the rest, we were by nature objects of wrath. But because of his great love for us, God, who is rich in mercy, made us alive with Christ even when we were dead in transgressions—it is by grace you have been saved.*

As such, there is no such thing as more or less righteous. There is no such thing as being more or less a sinner. We are either "righteous" or "sinner". The act of disobedience committed by Adam in Eden made all men sinners. The act of obedience by Jesus Christ on Calvary made all men who believe on him righteous. The naked are sinners. The clothed are righteous. There are no levels or degrees of righteousness. Through salvation we are fully clothed, fully and wholly righteous. Subsequently, there are no levels or degrees of a sinner.

We are not half saved! We are not partially redeemed. Our salvation is complete. Our redemption is complete. We are fully clothed, not half naked. A partially clothed man, a man with one hand clinging to the world and the other hand clinging to the Kingdom, is still considered naked.

The naked mentality is the root cause of many men not walking in the fullness of God. Many men are not active in church or do not come to church because of condemnation and deprivation. Men who fall into this category think that the men who come to church and are active in church have got it all together. They are wrong—dead wrong! Though there are various reasons church-going men show up and all are not on the same spiritual development level, the one thing most of them have in common is a conviction that they need the Lord in their life. They come to church to seek his face.

Men who resist seeking the presence and will of God for their life are acting on the instinct of the sin nature received from Adam. Just as he hid himself in the Garden behind a tree with fig leaves for a covering, thinking he was out of the sight of God, men are hiding themselves today, using as a covering

their man caves, duck blinds and deer stands. They are hiding themselves in their bass boats, at tailgate parties, in strip clubs, and on golf courses—covered by their modern-day fig leaves. In these guises they find temporary relief thinking they are out of the sight of God. These are all but futile efforts in an attempt to prevent exposing and revealing their nakedness.

They are hiding behind the fig leaves of their careers and jobs; the fig leaves of their hobbies; the fig leaves of their business and secular success, the fig leaves of their political success and approval ratings, the fig leaves of their Hollywood stardom and celebrity awards, the fig leaves of their athletic prowess, championship rings and MVPs; and even the fig leaves of their philanthropic good deeds, in an effort to satisfy the emptiness caused by their nakedness. In spite of their prominent public name, popularity and celebrity status, they intentionally choose to associate with friends who placate them, encouraging and convincing them that their fig leaves are adequate clothing. Let me help you brother, God sees through your fig leaves. Revelation 3:1 confirms it, "I know thy works, that thou hast a name that thou livest, and art dead." In other words, God is saying. "I know what you have been up to. You think you have it going on. You think that you are living the life! You are dead!"

Fig leaves were not adequate for Adam in the Garden of Eden and fig leaves are still inadequate to clothe men today. God knew that Adam's fig leaves would eventually wither and fall off. They were inadequate and did not cover everything that needed to be covered. So also are our modern-day fig leaves, they are inadequate and not sufficient to cover all that needs to be covered. They too will eventually dry up and fall

off. Hobbies, sports, business success, celebrity status, political popularity, athletic prowess and good deeds eventually fade and lose their ability to fill the longings of a man—the longing for a restored relationship with God. The only covering suitable to resolve our nakedness and to fill our emptiness as men is Jesus Christ.

Jesus did not save us to condemn us. He saved us and set us free. He delivered us from condemnation. When he healed the man with the palsy, his retort was to go and sin no more. When he saved the Samaritan woman at the well he did not vilify her because of her history of shacking up. When he delivered the woman who was taken in adultery, after standing down the pious Jewish leaders who would stone her to death, his response was, “neither do I condemn you...Go and sin no more.”

On the cross at Calvary, when Jesus said, “It is finished”, he meant what he said. He meant he had fulfilled all the law established and all that the prophets had spoken regarding himself. All that was necessary to make salvation complete had been accomplished. A perfect lamb, the Lamb of God shed his blood to take away the sins of the world. It was finished indeed. Condemnation, finished! Deprivation, finished!

For a man to continue to carry the weight of the sin nature and the burden of condemnation after receiving Christ is an indication of his continuous struggle with nakedness mentality. For that man, it is not finished. He still has an ongoing debate taking place in his mind; naked one minute and clothed the next. Jesus says we are clothed, but some men are saying back to

him, “I’m naked”. Jesus did not lie. He ended the debate over two thousand years ago on Calvary. It is finished.

Condemnation expects something bad to happen. Salvation expects something great to happen. Condemnation is fear and doubt. Salvation is faith and confidence. Condemnation is hell on earth. Salvation is heaven on earth.

#### The Indicators of the Nakedness Mentality are:

Guilt	Unrighteous
Shame	Dismay
Embarrassment	Discouragement
Hiding	Lack accountability
Cover up	Low self-esteem
Fear	Low affectivity
Blame	Low self-efficacy
Unworthy	External locus of control

No one told Adam that they were naked. He simply lost the ability to think of himself as God created him. He lost his sight; the ability to see himself as God saw him. Adam drew his own carnal conclusion that he and Eve were naked.

We too have inherited this same nature—the nakedness mentality, mindset, way of thinking. We wrestle with the ability to see ourselves as God sees us in our minds, thoughts, rationale and understanding.

The body is the house of the inner man and the soul and spirit are designers (the sources of thoughts, ideas and plans); the body executes. Man through his body has material or world-consciousness, through his soul, self-consciousness,

and through his spirit, God-consciousness. A man cannot maximize the effectiveness of his life in this world walking around literally naked. He will be shunned everywhere he goes and will eventually end up incarcerated for indecent exposure. Likewise, a son of God cannot maximize the effectiveness of his calling and purpose in this life walking around spiritually naked. Though he is saved, his testimony is as a dead man, having no effect for the Kingdom of God. Salvation clothed us and gave us back our sight. Who told you that you were naked? As the old hymn proclaims:

*At the cross, at the cross  
Where I first saw the light;  
And the burdens of my heart rolled away;  
It was there by faith, I received my sight  
And now I am happy all the day.*

## Case Study: The Emperor's New Clothes

The classic children's story written by Hans Christian Andersen, "The Emperor's New Clothes", is the perfect picture of the nakedness mindset, in the Emperor himself. In this wonderfully orchestrated book, the Emperor was so fond of new clothes he spent all his time and money in order to be well dressed. He did not care about his soldiers or his subjects. He only made public appearances just to show off his clothes.

One day two deceptive men came to his village disguised as weavers, when in all actuality they were thieves. They pretended they knew how to weave cloth of beautiful designs, patterns and colors with a very special magic cloth that could not be seen by anyone who was unfit for their office or who was very stupid. In fact, only those who were fit for their office and who were very clever could see the beautiful fabric.

The Emperor was convinced. He had to have these men make his clothes. He reasoned that if he had on these clothes, he would instantly know who in his kingdom were fit for their office and who were wise or foolish.

So he ordered large sums of money, delicate silk and the purest gold thread for the deceptive weavers who were also referred to as wicked men and rogues in the story. They kept it all for themselves.

After the work had begun, the Emperor sent trusted ministers to inspect and monitor the progress of the making of his new clothes. On two separate occasions, though the ministers saw the motions of work being performed on the looms, they saw

no cloth, but did not want to admit it, because they did not want to be deemed unfit for their office or foolish. So they both gave good reports to their Emperor. Finally he was convinced to inspect himself.

Upon his inspection, he saw the looms and the busy work of the deceivers, and acknowledged in himself he did not see a thing, but did not want to be perceived as unfit for his office or foolish.

As such, he confessed he saw the beautiful clothes and was now ready to adorn them and make a public appearance. As he made his processional through the village, everyone remarked how beautiful the clothes were because no one wanted to be perceived as unfit for their office or foolish.

However, when he passed by a little child, she said to her father, "but the Emperor has nothing on at all." The father said, "The child tells the truth." The word spread throughout and they all said, "The Emperor has nothing on at all." The Emperor felt very silly because he knew the people were right but he thought, "The procession has started and it must go on now!"

This classic children's story describes the spiritual state of many men today. Like the Emperor, they are consumed with the vanities and fantasies of their flesh. They spend most of their time planning and pursuing their carnal creations, surrounding themselves with associates who will not tell them the truth—they are naked. They are easily deceived by wicked men and rogues who feed their vanity. When they are exposed to the truth, they continue walking in their naked ways.

Just like the child in the story who told the truth and that truth was confirmed by its father, a Child has come to reveal the truth to us, that without Him we are naked. His Father has confirmed it—without Him we are naked!

## Chapter 3

### The Need for Covering

*Genesis 3:7 And the eyes of them both were opened, and they knew that they were naked; and they sewed fig leaves together, and made themselves aprons.*

Adam's covering (Genesis 3:7) was aprons made of fig leaves (Heb. Chagorah); something with which to be gird about, as a belt or girdle. This man-made apron of leaves was inadequate to cover their nakedness. The fig leaves were temporary and incomplete. They would eventually become withered, shrink, dry out and die. The fig leaves did not adequately cover their nakedness, nor did it provide the protection they needed.

*Genesis 3:21 Unto Adam also and to his wife did the Lord God make coats of skins, and clothed them.*

God made Adam and Eve coats of skins from an animal believed to be a lamb. The lamb had to die. The lambs' blood was shed. The covering, clothing of Adam and Eve cost a lamb its life. The lamb was sacrificed by God to cover their nakedness in order for them to be righteous and unashamed.

God's solution for clothing was more than adequate to cover the nakedness of Adam and Eve. The coats of skin covered them from front to back while also providing warmth, protection, comfort and durability.

God demonstrated to Adam what was necessary for him to stay in right standing (covered) with him and how to sustain it. As durable as the lamb's skin covering was, it was not adequate long term, especially considering the generations of Adam's seed to come who would inherit his fallen, naked condition. The original covering would become worn and tattered requiring a new covering. Adam would have to sacrifice another lamb to remain clothed and to provide clothing for Eve and his family. For generations to come, animal sacrifices would be essential to atoning for the sins of mankind.

- God initiated sacrifices to cover nakedness
- God chose a perfect lamb without defects or flaws
- God took note that the lamb was innocent and its precious blood was shed
- God set the precedent for the prerequisites for animal sacrifices

This redemptive act of God to reconcile Adam to himself would become the precedent to what would become necessary to reconcile all mankind. God chose and sacrificed perfect lambs to cover Adam and Eve's nakedness (sin). Jesus, the perfect Lamb of God became our sacrifice to cover the nakedness (sins) of the world. We are covered, clothed with Christ. Putting on Christ is a daily process that should take place first thing in the morning—every morning. Putting on Christ is a renewing of the mind, a constant awareness of our clothed condition. A

man in his right mind would never leave home naked. A man of God should never leave home spiritually naked.

### Discovering the Human Condition of Nakedness

*Genesis 3:10-11a* And he said, I heard thy voice in the garden, and I was afraid, because I was naked; and I hid myself. And he said, who told thee that thou wast naked?

Adam's response to the question: "Who told you that you were naked?"

- I heard thy voice—Acknowledgement of God
- I was afraid—Fear discovered
- I was naked—Shame discovered
- I hid myself—Guilt discovered

All these human conditions were formally covered and now have become discovered (to uncover; to become naked).

<u>Before Sin</u>	<u>After Sin</u>
Clothed	Naked
Courageous	Afraid
Confident	Ashamed
Innocence	Guilt

### The Origin of Doubt

*A double-minded man is unstable in all his ways. James 1:8*

The first question in the bible was raised by the serpent. The purpose of the question was to establish doubt regarding

the truth, credibility and authenticity of the Word of God which he had spoken. Genesis 3:1b *Yea, hath God said, Ye shall not eat of every tree of the garden?*

His reply to Eve's affirmative response was a direct attack on the truth. *"You shall not surely die!"* was the serpent's way of saying, *"God has told you a lie."* One of the consequences of our depraved condition is we still have the propensity to doubt the truth of God. We still question the credibility and authenticity of God's word.

- Sarah doubted if God could provide an heir to Abraham through her womb in her old age
- Moses doubted if God had chosen the right man to deliver Israel from bondage
- Gideon doubted if God had chosen the right champion to deliver Israel from the Amalekites
- Saul doubted if God had chosen the right king
- Thomas doubted if Jesus had in fact been raised from the dead and appeared before the disciples in his absence

Doubt initiated the series of events that eventually led to The Fall. In the life of a believer, it essentially questions God's commitment to keep his word or his ability to keep his word. Doubt is the absence of faith or a wavering between belief and unbelief. It is the condition of being double minded. A man that wavers is like a wave of the sea driven with the wind and tossed. That kind of man will not receive anything of the Lord. Because of doubt, a double minded man is unstable in all his ways. (James 1:6-8)

## You Need To Talk To My Husband

Ever wondered what would have happened if Eve would have said, *"You need to talk to my husband."* What if she would have said, *"Do I know you? Who are you? Why would I listen to you? I don't know you. I do know God. He created this garden, these trees, animals and all these creeping things; he created my husband and formed me from my husband's rib. He even created you! Why would I listen to you? You need to talk to my husband."*

*"Adam! Adam! Come over here right now. This snake can talk! He just called God a liar! He's trying to convince me to eat from the one tree that God told us not to eat from lest we die. He told me, "We shall not surely die!"*

I believe those words coming from Eve would have empowered and emboldened Adam as the protector of Eve and the Garden. He would have responded with righteous indignation and killed the serpent on the spot—even cut off his head. The scriptural account could have possibly been, *"And the Spirit of the Lord came upon Adam, and he cut off the serpent's head and they lived happily ever after."*

Unfortunately, that's not what happened. The seed of doubt planted by the serpent was the prelude to the disobedience that changed the entire world. Eve ate and gave some to her husband and he also ate. Their eyes were opened and they saw that they were naked. As the voice of God came walking through the garden in the cool of the day Adam and Eve hid themselves from the presence of the Lord God. Consequently, the second question in the bible was raised, *And the Lord God*

*called to Adam and said to him, Where are you? (Genesis 3:9). Adam responded by saying, "I heard your voice in the garden, and I was afraid, because I was naked; and I hid myself." (Gen. 3:10).*

### The Origin of Fear

*God has not given us the spirit of fear. 2 Timothy 1:7*

Fear is a distressing emotion aroused by impending danger, evil, or pain whether the threat is real or imagined. Fear is the feeling or condition of being afraid. Before sin, Adam knew no fear. The abrupt change of the instantaneous reduction of his spiritual dominance and God-consciousness to the escalation of his human nature and self-consciousness aroused in him impending danger, evil and pain conjured up in his imagination due to what God said would happen if he ate of the tree and his imagination of what would happen when God found out.

None of the things he thought or imagined happened. Such is the case, and is the state of fear in men today. As a result of Adam's experience, men today have many phobias—persistent, irrational fears of a specific object, activity, or situations that lead to a compelling desire to avoid them—most of which pose little or no actual danger. He would die, but not immediately. He was banished from God in the Garden, but not completely from his presence. He would never see God the way he had become accustomed to seeing him ever again.

The fears of the sinful nature have caused many men to completely alter their lifestyle, resulting in behaviors which limit the capacity of God to manifest his fullness in their lives.

Fear of commitment causes a man to go from relationship to relationship, having many women and in some cases, many children from different women. Because of this fear they never get married. The fear of commitment also leads to a man going from job to job. He becomes uneasy and anxious when he begins to sense increasing interpersonal bonds with his coworkers or supervisors.

Fear of failure causes a man to not take risks which build his independence and wealth. As a result he lives a mediocre life, never leaving the home of his mother, or remains in a career well below his gifts. He is afraid to take a promotion because of the fear of greater responsibility, or the fear of a loss of camaraderie. Some men have a desire to see the world, but have a fear of flying, getting on a cruise ship or driving long distances so they settle for fantasizing and dreaming about what it would be like to travel to distant lands or sail beautiful oceans and seas. The fear of self-disclosure causes a man to refrain from sharing personal challenges with his family and friends. Over time, this phobia has the potential to build up levels of frustration and uncertainty that can lead to domestic abuse, drug and alcohol addiction, sex addiction, depression and even suicide.

The spirit of fear and all of its vast phobias are of the devil. Phobias are a mental disorder, the enemy playing tricks on our mind, and winning. I've heard preachers explain fear as an acronym which means "False Evidence Appearing Real". God has not given us the spirit of fear; but of power, and of love, and of a sound mind. (2 Timothy 1:7)

### The Origin of Blame

*The man said, The woman you put here with me—she gave me some fruit from the tree, and I ate it. Genesis 3:12*

“Who told you that you were naked?” was the third question asked in the bible. Adam did not answer the question. The loss of his spiritual nature created the infamous couple of fear and shame which conceived and gave birth to yet another consequence of our depraved condition—blame. Rather than accept responsibility for his role as husband, the person of authority, he blamed Eve. Since God is the one who actually gave Eve to Adam, he was essentially blaming God.

Blame is man’s effort to cover his own sin. It is a natural first inclination when we are caught, called out, or challenged for transgressions or violation of a law, rule, regulation or policy and brought into accountability. Blame in the context of The Fall is the act of placing responsibility for a fault, error or transgression on another and a unwillingness to answer to another for what we have done.

- Adam blamed God and Eve.
- Eve blamed the serpent.

Blame is directly associated with a man’s natural tendency to reject accountability. Lack of accountability is another condition of our state of depravity. Consequently, the common response of men who are held accountable for their actions is, “It’s not my fault!” Failure of fatherhood results in blaming our dads. Failures of marriage result in blaming our wives. Failure in career

results in blaming our employer. Failure in ministry results in blaming the pastor or the congregation.

Doubt, fear, blame and shame are just a few aspects of the human condition that establishes a need for covering. They are all driven by nakedness. When a man is adequately covered, he is confident and accountable. The doubt, fear, blame and shame are gone. A redeemed man is no longer “the naked”. With Christ he is “the clothed”.

## Chapter 4

### The Clothed

*For all of you who were baptized into Christ have clothed yourselves with Christ. Galatians 3:27*

*Now we know that if the earthy tent we live in is destroyed, we have a building from God, an eternal house in heaven, not built by human hands. Meanwhile we groan, longing to be clothed with our heavenly dwelling, because when we are clothed, we will not be found naked. For while we are in this tent, we groan and are burdened, because we do not wish to be unclothed, but to be clothed with our heavenly dwelling; 2 Corinthians 5:1-4a*

#### The Clothed Mentality

The desire to be clothed has been a longing of men since The Fall (2 Corinthians 5:1-4). The overwhelming spiritual and emotional sense of loss of God's divine clothing was only partially and temporarily placated by Adam's solution of fig leaves. He was somewhat covered, but compared to his previous clothes the fig leaves were woefully inadequate. However, they did give Adam some sense of protection, a sense of having made up to some extent for what he had done. His covering helped him

to not have a constant reminder of what he and Eve had done. The fig leaves made him feel presentable before Eve and God, for without them, the guilt and shame would have been even more overwhelming than what he was already experiencing.

Being totally nude was unbearable for him and he did not want God to see them in that condition. The stitched fig leaves were wrapped around the waist and covered their thighs. But he was wise enough to realize it was not enough, so they hid themselves.

Adam's motive was to restore himself to a state of being presentable before God and to cover up what he and Eve had done. His way of thinking still permeates our thinking today as men. Even as little boys when we are told to not do something by our parents and end up doing it any way; and the reason they told us not to do it actually happens, we attempt to cover it up. When we come into the realization that we have messed up, not living in a way pleasing to God, or have done something he commanded us not to do, many men conjure up their own remedy to resolve their nakedness in an effort to atone for their transgressions. We make an effort to cover up and make ourselves presentable before God finds out what we have done.

The reality for Adam and for men today is there are no man made solutions to our nakedness. God knew it from the beginning, so he sacrificed innocent lambs and made coats for Adam and Eve. The fig leaves were not only inadequate due to leaving areas of the body uncovered that needed to be covered, they were inadequate because they would soon wither and fall off. During the fall and winter seasons, there would be no fig leaves to replace them. As a result, they would be naked

for months and unprotected from the elements. Not so with God's remedy. The coats of lambs skin were adequate to cover everything that needed to be covered.

### The Significance of Clothes

In ancient days, their coats were called tunics. A kind of shirt suspended from one or both shoulders, covering the front and the back, down to the thighs. In pictorial bibles we have seen the pictures of tunics where Adam's coat had a strap over one shoulder and Eve had straps over both shoulders. Today, clothes are much more sophisticated.

The primary purpose of clothing from the beginning until now is to cover nakedness and to be presentable before God and people (Revelation 3:18). Walking around in public in the nude has never been acceptable. Since the coats of lamb's skin were made by the Master Designer, there have been significant advancements in clothing. Biblical accounts of clothing differ according to geographical settings, climates, available resources, nationalities and cultures. In essence, a person could be identified by the clothes they wore.

Additionally, dress styles noted in the scriptures differed according to occupation, social status and wealth. Types and styles of clothing are described in forms such as mantles, coats, cloaks, robes, tunics, and sashes. Waist accessories were included such as belts, aprons, loincloths or waist cloths. There were also accessories for the head such as turbans, veils and crowns; and footwear called sandals.

Clothes have a significant impact on how a man feels about himself. Clothes also play a significant role in the first

impression a man makes. Over a period of time, a man's style of clothing, how he dresses, becomes a part of the testimony of his personality and character. This fact is supported by many common phrases in American culture such as, "The clothes make the man."; or the very popular song by Huey Lewis and The News in the 1980's, "Every Girl's Crazy 'Bout a Sharp Dressed Man."

When a man is dressed well he is confident and sure. He is intentional about the selection of his attire on every occasion, whether hunting, golfing, playing basketball, going to the beach, the prom or going to church. Being appropriately clothed plays a major role in a man being self-assured that he is at the top of his game.

On the other side of the issue of clothing, when a man is not appropriately dressed he is insecure, unsure and lacks confidence. If he shows up at an event that has a specific dress code and is the only man in the wrong attire, he is embarrassed and ashamed.

These are the same emotional responses that Adam experienced in the Garden of Eden. These emotional responses are all consequences of condemnation. The divine clothing Adam had before transgression was appropriate for all occasions. It made him feel right before God and Eve. He was confident and sure of himself. When he was appropriately attired, he was always at the top of his game. When God arrived and he was in the wrong attire, he was embarrassed and ashamed.

A man without Christ is naked no matter how good he feels in his clothes. Physical clothing only provides a false sense

of security and makes a man feel presentable before people when he has on the right clothes for the right occasion. On the outside he is confident and sure of himself. Underneath the clothing is a fearful, insecure, naked soul. The vanity which drives his style incites compliments that feed his false sense of fulfillment—like the story of the Emperor.

### Jesus Clothes

God's perspective on clothes is different from man's view of clothing. To be in right standing with God we must have on the clothing he provides, the Lamb's clothing, Jesus clothes. God's clothing is perfect in every way. His clothes are right for all occasions. They are appropriate attire for good and bad occasions; happy and sad occasions; formal and casual occasions. Occasions when we are up, and on occasions when we are down. One size fits all. This Lamb's skin is adequate to cover every sin that needs to be covered. They are tailor-made, custom fit for all men, short or tall, thick or thin. God's clothes for his children are uniform.

The very word uniform expresses God's motive for clothing his own. Uniform as an adjective means identical or consistent from example to example; without variations in detail. In its context as a noun, uniform means an identifying outfit or style worn by members of a given profession, organization, or rank. In other words, because we have been clothed with Christ, in the sight of God we are all identical to the Son. We all look alike. We are uniform. Everyone looks the same.

As a professional firefighter, from the time I began the recruit academy I was placed in uniforms provided by the city that I served. As a new hire we were provided shoes, socks,

T-shirts, five pair of pants, five short sleeve shirts, five long sleeve shirts, a Class A uniform for formal occasions, a neck tie and a dress cap. We were also issued personal protective clothing for firefighting in the form of what is called bunker pants, a bunker coat, firefighting boots, gloves, a heat resistant hood and a helmet with ear protection and a face shield to protect the eyes. After the initial issuance, we are furnished a clothing allowance in order that everything we need to be properly attired could be sustained on an ongoing basis. The uniforms are paid for by taxpayers.

Since being a firefighter was a childhood dream fulfilled, one of my greatest joys has always been wearing the uniform. I took great pride in wearing it properly. I kept my shoes shined, my shirts starched and my pants crisply pressed. Though there were other uniformed city employees, a distinction was made between firefighters and others because of our uniform patch, badges and symbols of rank. Every day before leaving for work, I am very careful and diligent to put on my uniform in order that I may be distinctly identified as a firefighter.

The uniform of the Lord has the same effect in the Kingdom of God. Our clothes distinguish us from other people in the sight of God. From the time we accept Christ and are baptized (Galatians 3:27), we are provided with the attire commensurate to our new status. We are clothed with salvation, adorned with glory, honor and strength—our everyday on duty attire (2 Chronicles 6:41). Similar to the purpose of bunker gear, we are issued the full armor of God for fighting spiritual battles. We have a spiritual clothing allowance which sustains and renews uniforms day by day. The clothing is paid for by the blood of Jesus. Every day before interacting with anyone in our house

or in the community, we should be very careful and diligent to put on Christ (Romans 13:14) in order that we may be identified as sons of the Most High God.

“Who are you wearing?” is a very popular question asked of celebrities as they walk the Red Carpet at the Emmy Awards. The “who” is in reference to the fashion designer, the originator of their clothes. Celebrities are fully aware that they will be in the spotlight. They plan for days, months, weeks consulting with experts and world renowned fashion designers working to decide on the clothes they will wear with the goal of being distinctly astonishing for all the photographers, media, interviews and glitz and glamour. The hope is that their clothes will set them apart from other celebrities. As they arrive on the Red Carpet and are approached by their interviewer, they know one of the first questions asked will be, “Who are you wearing? They are always gleaming with pride when they answer: Giorgio Armani, Ralph Lauren, Gianni Versace, Christian Dior or the like.

This makes for a very fitting analogy to the mindset of a son of God. Like the superstar celebrity, we should be fully aware that we are in the spotlight. Everyone is watching and waiting for us to show up. Every day we should be prepared to leave home properly attired, consulting with the Lord, the originator of our clothes, every morning on the attire he has provided for us to wear with the goal of being distinctly astonishing for every encounter. As we go about our day manifesting the glory, honor, strength and majesty of our God, someone is sure to take notice and ask the question, “Who are you wearing?” Like the celebrities, we should also gleam with glory when we answer, “I’m wearing Christ!”

“Let us therefore, as many as be perfect (clothed), be thus minded: if in anything ye be otherwise minded, God will reveal even this unto you.” (Philippians 3:15) Based upon Philippians 3:9-15, a clothed-minded man is resolute in the following decrees:

I am the righteousness of God through Christ  
I am being conformed to the image of Christ

I am a follower, pursuing my purpose (apprehended)  
I am forgetting those things which are behind  
I am pressing toward the high calling of God

## Chapter 5

### The Distinction Between the Clothed and the Naked

*The Lord loves the righteous ( clothed); but the way of the wicked (naked) he turns upside down. Psalm 146:8c; 9c*

God makes a distinction between the clothed man and the naked man. These distinctions are made throughout scripture, but they are most prevalent in the Book of Psalms and the Book of Proverbs. In these books of the Holy Bible, consider the following words in contrast, which are all synonymous to either clothed or naked. Words synonymous to “clothed” are righteous, upright, perfect, just, good man, diligent, and blessed. Conversely, words synonymous to “naked” are sinner, wicked, ungodly, worker of iniquity, scorner, slothful, evil doer and cursed.

<u>Clothed</u>	<u>Naked</u>
Righteous	Sinner
Upright	Wicked
Perfect	Ungodly
Just	Worker of Iniquity
Good Man	Scorner
Diligent	Slothful
Blessed	Cursed
	Evildoer

When we begin to see these synonyms in the context of scripture, it becomes quite clear and much easier to understand the distinction between the two. Consider how the writer of Proverbs from Chapters 10 through 13 makes comparison after comparison of this distinction, replacing all synonyms with either clothed or naked as appropriate.

#### Proverbs Chapter 10

3 The Lord will not suffer the soul of the clothed to famish; he casts away the substance of the naked.

6 Blessings are upon the head of the clothed; violence covers the mouth of the naked.

7 The memory of the clothed is blessed; the name of the naked shall rot.

11 The mouth of the clothed man is a well of life; violence covers the mouth of the naked.

16 The labor of the clothed tends to life; the fruit of the naked to sin.

20 The tongue of the clothed is as choice silver; the heart of the naked is little worth.

21 The lips of the clothed feed many; but the naked die for want of wisdom.

24 The desire of the clothed shall be granted; the fear of the naked, it shall come upon him.

25 The clothed is an everlasting foundation; as the whirlwind passes, so is the naked no more.

28 The hope of the clothed shall be gladness; the expectation of the naked shall perish.

30 The clothed shall never be removed; the naked shall not inherit the earth.

32 The lips of the clothed know what is acceptable; the mouth of the naked speaks forwardness.

#### Proverbs Chapter 11

5 The righteousness of the clothed shall direct his way; the naked shall fall by his own wickedness.

8 The clothed is delivered out of trouble; the naked comes into his stead.

10 When it goes well with the clothed the city rejoices; when the naked perish there is shouting.

11 By the blessing of the clothed the city is exalted; it is overthrown by the mouth of the naked.

21 The seed of the clothed shall be delivered; the naked shall not be unpunished.

23 The desire of the clothed is only good; the expectation of the naked is wrath.

31 The clothed shall be recompensed in the earth; much more the naked and the sinner.

#### Proverbs Chapter 12

2 The root of the clothed shall not be moved; a man shall not be established by nakedness.

5 The thoughts of the clothed are right; the counsels of the naked are deceit.

6 The mouth of the clothed shall deliver them; the words of the naked are to lie in wait for blood.

7 The house of the clothed shall stand; the naked are overthrown and are not.

10 A clothed man regards the life of his beast; the tender mercies of the naked are cruel.

12 The root of the righteous yields fruit; the naked desires the net of evil men.

21 There shall no evil happen to the clothed; the naked shall be filled with mischief.

26 The clothed is more excellent than his neighbor; the way of the naked seduces them.

Proverbs Chapter 13

5 A clothed man hates lying; a naked man is loathsome and comes to shame.

6 Righteousness keeps him that is clothed in the way; wickedness overthrows the naked.

9 The light of the clothed rejoices; the lamp of the naked shall be put out.

21 The clothed shall be repaid; evil pursues the naked.

25 The clothed eats to the satisfying of his soul; the belly of the naked shall want.

These verses from the book of Proverbs, though paraphrased from words synonymous to clothed and naked, remove any doubt as to how the Lord judges between the clothed and the naked. We cannot be double-minded with regard to our status of adornment before the Lord—clothed one minute and naked the next. A double minded man is unstable in all his ways. That man will not receive anything from the Lord, because a double-minded man is half naked. This double-minded, half-naked way of life for a son of God is a result of the stronghold of condemnation. We belong to Christ! As such we are clothed with Christ. We have on his clothes.

The life of the clothed is blessed. The life of the naked is cursed. Moses made it so easy for us. After defining God's covenant with Israel in great detail he concluded with a charge and a multiple choice exam: "I call heaven and earth to record this day against you, that I have set before you life and death, blessing and cursing." Then he gave them the answer, "choose

life, that you and your children may live." Clothed men have chosen the blessing and life. Naked men have chosen cursing and death.

The covenant blessings of clothed men according to Deuteronomy 28:1-14 include:

- Blessed in the city
- Blessed in the country
- Blessed children
- Blessed household
- Blessed in your profession
- Blessed coming in and going out
- Blessed income and investments
- Blessed with conquered enemies
- Blessed internationally
- Blessed with plenty goods
- Blessed with good treasure
- Blessed to be the head
- Blessed to be a lender

The covenant curses of naked men from Deuteronomy 28:15 to the end of the chapter include:

- Cursed in the city
- Cursed in the country
- Cursed on his children
- Cursed household
- Cursed in his profession
- Cursed coming and going
- Cursed with vexation, rebuke and pestilence
- Cursed with inflammation, burning, blasting and mildew

- Cursed with drought
- Cursed with conquering enemies
- Cursed with hemorrhoids, scab, itch
- Cursed with madness, blindness overwhelmed heart
- Cursed with an adulterous wife

The covenant makes a distinction between the clothed and the naked. Those who are diligently seeking the Lord and walking in his ways are the clothed. On the other hand, those who rebel against the Lord and walk in the ways of the world are naked. The blessings of the clothed man cover every area of what is necessary for a complete and wholesome Kingdom life. The curses of the naked man are devastating in the life of a man and his household, and the list defined in Deuteronomy 28 has even more adverse consequences than those stated above. To be perfectly honest, I stopped listing them because my heart began to get heavy just thinking about all the men who don't even realize why their lives are turned upside down and nothing ever seems to go their way.

A clothed man does not have an excuse for living below God's standard for his life. If a clothed man is experiencing more of the curses in Deuteronomy 28 than the blessings, it is only because he has chosen the wrong answer to the multiple choice question posed by Moses when he stated, "I have set before you blessings and curses; and life and death." The choice is ours to make! Let me give you the answer again just in case you missed it the first time. Choose life! That you and your children may live!!! Who told you that you were naked?

## Chapter 6

### Conviction and Condemnation

*God is mighty, but does not despise men; he is mighty, and firm in his purpose. 6 He does not keep the wicked alive but gives the afflicted their rights. 7 He does not take his eyes off the righteous; he enthrones them with kings and exalts them forever. 8 But if men are bound in chains, held fast by cords of affliction, 9 He tells them what they have done—that they have sinned arrogantly. 10 He makes them listen to correction and commands them to repent of their evil. 11 If they obey and serve him, they will spend the rest of their days in prosperity and their years in contentment. 12 But if they do not listen, they will perish by the sword and die without knowledge. Job 36:5-12(NIV)*

The word conviction has several connotations. In this context, conviction is the act of convincing; being convinced; firm belief; and certainty. Most men often confuse conviction and condemnation. Conviction comes through God-consciousness. Condemnation comes through sin-consciousness. Conviction is the awareness of God at the time of temptation to choose God's way. It is the Holy Spirit reminding us of the commandments, precepts, statutes and laws of God which illuminates to us the

way out of the temptation. Conviction provokes an instantaneous sense of the joy of obedience but also gives us an awareness of the consequences of disobedience (Job 36:5-12; Phil. 1:6; 2:13). Conviction is predominant awareness of our nature of righteousness and what Jesus did on Calvary (I Peter 1:18-20).

God does not take his eyes off of a clothed man. He watches over them in order to perform his word in their lives. He is faithful. He brings promotions and advancements as he has promised according to our faithfulness to him. Along the journey, if we become bound in chains and held back by cords or chains of affliction, through conviction, he tells us what we have done, makes us listen and instructs us to take the appropriate corrective actions. No clothed man cannot continue down a path outside of his purpose without hearing from God. If we are obedient and persevere in serving him, we will spend our days in prosperity and our years in pleasures.

When a man experiences conviction, he is at a critical decision point. Do I choose God's way and do what pleases him; or do I transgress and do what satisfies my flesh? If we choose the latter, for the clothed man, it does not mean we are condemned. Conviction is still at work. It instantaneously prompts us after a transgression to repent and seek forgiveness, strength and power to never go that way again. *If we confess our sins, he is faithful and just to forgive us our sins, and to cleanse us from all unrighteousness. (I John 1:9)* Conviction leads a man to liberty and deliverance. Conviction is a blessing. It is a heightened sense of awareness of our human weaknesses, tendencies and shortcomings, coupled with the compelling sense that we are victorious over it due to the righteousness of God. It is a reminder of what Jesus Christ did on Calvary.

Through the Holy Spirit, conviction is our mentor and guide. Failure to acknowledge the prompting of conviction is rebellion and leads to:

- Yielding to temptations
- Transgressions
- Condemnation

Condemnation is a predominant awareness of the sinful nature and a compelling sense of being defeated by it. It is a reminder of what Adam did and how he felt in the Garden of Eden. When a man experiences condemnation, he has a tendency to linger on an irrepressible sense of judgment, guilt, shame and fear of consequences. Condemnation attempts to shackle a man in the bondage of the nakedness mindset and the bondage of the sin-nature—*"bound in fetters and cords of affliction"*. Condemnation is a curse.

Because we are the righteousness of God, we have the mind of Christ. We are always aware of who we are and whose we are. The more we grow spiritually the more God-conscious we become. Isn't that awesome! Consequently, the more God-conscious we become the more we experience conviction—prompting us to make righteous choices, God-ordered choices, covenant keeping choices. When we fail to do so we are faced with yet two choices: the choice of conviction—the reminder that the blood of Jesus has clothed and covered us, and that God's grace is sufficient; or the choice of condemnation—the lie from the enemy that the Lamb of God is not adequate clothing for what we've done, and that we are doomed to some horrific punishment.

Conviction should not lead to condemnation. Conviction is our companion and advocate; a very present help; a constant counselor of salvation's benefits, righteousness, and a reminder of being clothed with Christ. Condemnation is our enemy, our adversary and a constant agitator, deceiver, and tempter trying to convince us that we are still naked.

Conviction occurs out of God-consciousness. Condemnation occurs out of sin-consciousness. When conviction occurs it is God's relentless effort to move men to perfection. It is God's love in action—a very present help in the time of temptation.

God makes a distinction between a man who is convicted and a man who is condemned. As Jesus was preparing for Calvary, during the Last Supper, he made specific statements regarding two disciples, one to a convicted man and one to a condemned man. Jesus was speaking to Peter when he said, "before the cock crows, you will deny me three times." He was referring to Judas when he said, "one of you will betray me." Peter had the spirit of conviction because he had already confessed Christ as "the Christ, the Son of the Living God". Judas was condemned because he had already made the deal with the enemy for thirty pieces of silver to take them to Jesus and to identify him in order that they might seize him.

These men were set apart by the motives of their heart and their choice of words. (Matthew 12:34-37) Peter had a track record of speaking words which aligned with his confession of faith:

- "Bid me to walk on the water." Matthew 14:28
- "Lord save me!" Matthew 14:30

- "Thou art the Christ, the Son of the Living God." Matthew 16:16-18
- "It is good for us to be here!" Matthew 17:1-4
- "How oft shall my brother sin against me and I forgive him?" Matthew 18:21
- "We have left all to follow you." Matthew 19:27
- "To whom shall we go? Thou hast the words of eternal life." John 6:70
- "I will not deny you." Matthew 26:33-35

Because Peter had believed in his heart and confessed with his mouth that Jesus was the Christ, the Son of the Living God, he was under the divine covering of Jesus. Peter was justified by the words he spoke out of the abundance of faith that was in his heart. (Matthew 12:34, 37) Though the enemy was seeking to "sift him as wheat" to condemn him, Jesus said to Peter, "I have prayed for you that your faith fail not". Men clothed in Christ are still standing under the persistent attacks of the enemy for this very reason. Jesus Christ, our intercessor has prayed for us that our faith does not fail.

Conversely, Judas Iscariot's heart and motives were evil from the beginning of his association with Jesus. (John 6:70) Because his heart was evil, out of his mouth he spoke words which led to his condemnation. As the scripture says, "by your words you are justified, and by your words you are *condemned*."

*"What will you give me, and I will deliver him unto you."*  
Matthew 26:14-16

*"I have sinned in that I have betrayed the innocent blood."*  
Matthew 27:4a

Though the words of Judas recorded in scripture are few, his recorded words and the narratives of his actions provide no evidence that he ever confessed Christ as Messiah, the Son of the Living God. Even his confession after the betrayal was neither to Christ nor to God. His confession was to the Pharisees. A confession to the enemy is not adequate repentance for salvation and forgiveness. Even today, men who are naked have a tendency to talk to everyone else confessing the wrongs they have done. They confess to their worldly friends that they have to get their life together. They confess to their business partners they can no longer cheat and plot unjust schemes to make money and to win clients. They tell their mistress(es) they can no longer be unfaithful to their wife. As honorable as these confessions are, moral convictions which lead to a desire to change to a life of integrity cannot save. Until and unless they accept Jesus Christ as Savior and make their confessions known to him they are still naked and condemned.

During the three episodes in which Peter denied Christ, he made an oath of denial of Christ on the second instance. During Judas' encounter with the Pharisees to establish the plan for betraying Christ, he made a covenant with them. Oaths can change and in some cases be revoked. Covenants are binding and can only end with the death of one of the parties of the covenant. Peter's oath was revoked and forgiven. Judas' covenant ended with his death.

After Peter denied Jesus the third time, conviction reminded him of the words which Jesus had spoken, "before the cock crows, you will deny me three times." Peter was overwhelmed with sorrow over what he had done, in spite of the warning of Jesus. The weight of our condemnation is always heavier when

we have realized that Jesus provided us warning and a way out of the temptation. However, Peter was not condemned, he was convicted. His conviction was further demonstrated after he heard news of the resurrection and after he recognized it was Jesus' voice on the shore while he and the other disciples were in the boat fishing.

When a man is convicted, he is repentant, he is contrite, and he even experiences guilt and shame, but his heart is with the Lord. He is always alert, seeking, looking for the next encounter with the Savior to restore the joy of his salvation. (Psalm 51) His heart is gripped by the words of the old hymn, "O take the stain of guilt away and own me as thy child."

On both occasions after the resurrection, when Peter thought he would get to see Jesus he took immediate and radical action to get to him. On the first occasion, when he heard from Mary Magdalene that Jesus was no longer in the tomb he immediately started running and did not stop until he got there. On the second occurrence, when he recognized it was Jesus talking to them from the shore while he and the other disciples were hauling in the big catch, he immediately dove in the water and swam to shore.

Oddly enough, Peter was naked while in the boat fishing. He was not only naked physically, he was naked mentally. He was overwhelmed with a sense of condemnation and deprivation. In his naked state, he did not recognize the voice of Jesus. It was John (the disciple who loved Jesus) who recognized the voice, and told Peter who it was.

A naked man cannot recognize the voice of Jesus unless it is made known to him by a clothed man. Peter was spiritually clothed but had a naked mindset. A clothed man who walks with conviction is determined in seeking Christ when he experiences transgression. When Peter heard the words of John, his eyes were opened, he knew it was Jesus. So he clothed himself in his fisher's coat and swam to shore to see him. (John 21:7). His next encounter with Christ was a counseling session to affirm his salvation and to refocus his calling and purpose, it was not a condemnation session.

Judas on the other hand, upon realizing what he had done was overwhelmed with condemnation. Faith in Christ was not the source of his realization of what he had done. He turned to the enemies of Jesus for consolation and repentance. He offered to give back the silver he profited. They rejected him and the silver. He could not bear the weight of condemnation, so he hanged himself. He lost his soul and the silver. What does it profit a man to gain the world and lose his soul? There is no man or group of men on earth who has the capacity or authority to console and deliver from condemnation. Good friends may try, but they cannot do it. But in the case of Judas, our enemies most definitely cannot do it.

As clothed men, we must never allow the weight of our conviction to lead to condemnation. For where sin abounded, grace does much more abound. (Romans 5:20).

## Chapter 7

### The State of Depravity

*Then the Lord saw that the wickedness of man was great on the earth, and that every imagination of the thoughts of his heart was only evil continually. Genesis 6:5*

God made man in his own image and according to his likeness. Man was given authority to rule over everything in the earth. As the Creator, God's first act towards man was to bless them and empower them to have authority over everything he created and to be successful (vv.22, 28). God's first words to man was, "Be fruitful and multiply, and fill the earth, and subdue it; and rule over the fish of the sea and over the birds of the sky and over everything living thing that moves on the earth." (v.28). God established expectations. He also provided instructions for food for man and for everything that moves on the earth.

The Lord God formed man of the dust from the ground, and breathed into his nostrils the breath of life, and man became a living being. Genesis 2:7

The Lord God planted a garden and there he placed the man whom he formed. Genesis 2:8

The Lord provided every tree in the garden:

- Pleasing to the sight
- Good for food
- The tree of life in the midst
- The tree of the knowledge of good and evil

The Lord took the man and put him into the Garden of Eden to cultivate it and to keep it. It was the Lord who created and established a place, land, field, career for Adam to fulfill his purpose.

- God made the Garden
- Adam was placed in the Garden to cultivate it and to keep it
- Adam's job (gardener) was given to him by God
- Adam's job description:
  - To cultivate the garden
  - To keep the garden (sustain it)

*Personal Life Application: God gave me my fire service land, field, career. He gave me the job of being a fire service leader, Fire Chief of Atlanta Fire Rescue. He also made me the head—United States Fire Administrator. My job description as a fire chief of Atlanta Fire Rescue Department is:*

- To cultivate its culture for the glory of God
- To keep it focused on its mission of saving lives and property
- To sustain its culture, its members and its capabilities, both now and for future generations

The Lord God commanded the man saying. "From the tree of the garden you may eat freely; but from the tree of the knowledge of good and evil you shall not eat, for in the day you eat from it you will surely die." Genesis 2:16-17

Death occurred when Adam ate—not when Eve ate. Both of them died. Adam's actions impacted Eve and all creation. The Spirit-life of God in them left them. A man without the life of God in him (without Christ) is a depraved, dead man walking around feeding on flesh.

In the science fiction entertainment industry, movies about zombies have become very popular. Zombies are depicted as depraved dead people who are still alive but mute, will-less, and controlled by supernatural evil forces. Zombies have a single focus—finding and feeding on flesh. They cannot be reasoned with nor placated.

A spiritually dead man is like a zombie, he cannot be reasoned with or placated. He feeds on flesh continuously attempting to satisfy a relentless emptiness; a quest to be filled, a longing to quench an appetite for the lust of the flesh, the lust of the eyes and the pride of life (1 John 2:16). No matter how much of the world he takes in, he cannot be satisfied.

Nations in a state of depravity begin to feed on their own people. During the era of the prophet Micah, the spiritual condition and leadership culture of Israel was consumed with greed and injustice, so much so that Micah used *zombie-like* behavior to describe them;

‡:

*"Hear now, heads of Jacob and rulers of the house of Israel. Is it not for you to know justice? You who hate good and love*

*evil, who tear off their skin from them and their flesh from their bones, who eat the flesh of my people, strip off their skin from them, break their bones and chop them up as for the pot and as meat in a kettle." Micah 3:1-3*

Men in a state of depravity begin to feed on their families and anyone else they feel has something to satisfy their carnal cravings. Their quest to be fulfilled through worldly pleasures eventually leads to self-destructive behaviors and addictions. Proverbs 23:31-35 depicts an episode of a man who has a zombie-like lifestyle. It starts with him having too much red wine. It bites like a serpent and stings like an adder. The wine is analogous to a snake, just like the words of their ancestor, the serpent in the Garden of Eden. Because of this habit of too much red wine, his eyes are attracted to strange women, and his heart begins to conjure up perverse fantasies. He has so much to drink, when he lies down it is as if he is lying in the midst of the sea upon a mat. He wakes up the next day and realizes he has been in a fight. He concludes, he was beaten and did not feel a thing. When his head clears from the stupor of his hangover, he will repeat the same pattern all over again. Such is the case of a man without Christ in his life—a depraved man, a naked man. He is consumed with the state of depravity. All he thinks about is fulfilling his carnal desires.

### Lust Originates in the Heart

Lust is a passionate, overwhelming desire or craving for things such as power, prestige, money and other possessions. The most common use of the word "lust" is in the context of intense sexual desire or appetite; or uncontrolled, illicit sensual desire. However, because "lust" is first and foremost a passionate, overwhelming desire, there are righteous, spiritual,

godly applications of the word "lust" although these applications are rarely if ever described as lust.

Synonyms of the word "lust" used in godly applications are desire and pleasure. This kind of lust is associated with God's passionate, overwhelming desire to please his children (Psalm 149:4; Psalm 35:27b) and a clothed man's passionate, overwhelming desire to please God (Psalm 19:7-14). Consequently, there are sinful applications of the word "lust" and there are righteous applications of the word "lust".

God's desire is for a man to enjoy life and to have an abundant life. Here is a news flash from heaven. God's desire is for a man to enjoy sex, but according to his purpose and statutes. God wants a man to be rich, but according to his plan and purpose. God wants a man to have prestige, but according to his plan and for his glory. God does not want a man to be sexually depraved, broke and insignificant. In his presence is fullness of joy (we call it ecstasy), and at his right hand there are pleasures forevermore (Psalm 16:11). But apart from a relationship with God, a man's motives are driven by self-pleasure, self-aggrandizement, and self-exaltation.

A naked man's motives are driven by sensuality—lust of the flesh, lust of the eyes and the pride of life; not spirituality—love, joy, peace, patience, kindness, gentleness, faithfulness, goodness and self-control. Sensuality drives the personality of a naked man. Spirituality drives the personality of a clothed man.

All lusts both sinful and righteous originate in the heart. We are born with the capacity of imaginations. As we get older, our sight, smell, touch, hearing and tastes are exposed to things

that over time develop experiences which are programmed into our flesh. Some are good and some are bad. As children, we hear sounds that make us feel good and sounds that frighten. We saw things that made us happy and things that made us sad. We felt and were touched by things that comforted and soothed us, and things that caused discomfort and pain. Also as kids, our taste buds recalled the sweet things, which brought delight to our tummies (like candy), but we also remembered the bitter things that made us nauseated and caused us to gag (like castor oil).

The myriad of experiences which provoke our feelings and emotions contributed to the evolution of the sensual nature. Getting a big red "A" marked at the top of the paper of our spelling test; an in-the-field home run on the little league team; a Popsicle on a hot summer day at grandmother's house; holding hands with your fourth grade girlfriend on the school bus; getting away with stealing a cookie out of the cookie jar; and wearing a new pair of Chuck Taylor Converse All-Stars all contributed to pleasurable reactions in our bodies—sensualities that incite cravings for those experiences, and imaginations, and also of how it might be possible to experience them yet again, and on a greater scale. Before a man reaches puberty, his sensuality—the awareness and focus on what makes him feel good is in full effect. "For the imagination of man's heart is evil from his youth." (Genesis 8:12c).

### Three Categories of the Depraved State of Man

Of the three categories of the depraved state of man, all three begin with the word "lust". The world is the domain of Satan. His evil forces are constantly at work in human affairs

of the saved and unsaved, the righteous and the wicked, the clothed and the naked. Jesus confirmed this in his rebuke of the Pharisees in John 8:44 saying, "*Ye are of your father the devil, and the "lust" of your father will you do.*"

Lust in the Greek is, *epithumia* which means desire, crave, and a longing for what is forbidden; concupiscence-sexual desire. Satanic lusts are like those of men but much stronger because of being agitated by spiritual forces. A redeemed man in this world order has been delivered, but is still in a relentless fight..

*"For we are not fighting against people made of flesh and blood, but against the evil rulers and authorities of the unseen world, against those mighty powers of darkness who rule this world, and against wicked spirits in the heavenly realms." (Ephesians 6:12 NLT)* Evil spirits and evil men have the capacity to increase in works of the flesh using their imaginative and procreative faculties in greater degrees of sin over time. *I Timothy 3:13 declares, "But evil men and imposters will proceed from bad to worse, deceiving and being deceived."* (NASB)

### The Lust of the Flesh

Lust and works of the flesh are described in several scriptures. The more comprehensive are captured in Romans 1:26-32; Galatians 5:19-21; and II Timothy 3:1-7 which are specific to redeemed men who have the tendencies of wicked or evil men, or men who have the appearance of being redeemed, but are in fact imposters. For the purpose of this study, we will review the seventeen *works of the flesh* describe in Galatians 5:19-21.

**Adultery** – unlawful sexual relations between men and women, single or married when one is married.

**Fornication** – same as adultery above besides all manner of other unlawful sexual relations.

**Uncleanness** – whatever is opposite of purity; including sodomy, homosexuality, lesbianism, pederasty, bestiality, and all other forms of sexual perversion.

**Lasciviousness** – licentiousness, lustfulness, unchastity (sexually suggestive), and lewdness (inciting to lust); wantonness (sexually lawless) and filthy; anything tending to foster sexual sin and lust.

**Idolatry** – image worship, including anything upon which passions are affectionately set; extravagant admiration of the heart.

**Witchcraft** – sorcery, practice of dealing with evil spirits; magical incantations and casting of spells and charms upon one by means of drugs and potions of various kinds.

**Hatred** – bitter dislike, abhorrence, malice, and ill-will against anyone; tendency to hold grudges against or be angry at someone.

**Variance** – dissensions, discord, quarreling, debating, and disputes.

**Emulations** – envies, jealousies; striving to excel at the expense of another; seeking to surpass and out do others;

uncurbed rivalry spirit in religion, business, society, and other fields of endeavor; fervent minded; envy; jealousy; and indignation.

**Wrath** – indignation and fierceness; turbulent passions; domestic and civil turmoils; rage; determined and lasting anger.

**Strife** – contention; disputing; jangling; strife about words; angry contentions; contest for superiority or advantage; strenuous endeavor to equal or pay back in kind the wrongs done to one.

**Seditious** – divisions; parties and factions; popular disorder; stirring up strife in religion, government, home or any other place.

**Heresies** – a doctrinal view or belief at variance with the recognized and accepted tenets of a system, church, or party. It takes on an evil meaning when sound doctrine is rejected and fallacy is accepted and taught in preference to truth. Heretic—a person who holds a heresy, a dissenter, a nonconformist.

**Envy** – Pain, ill-will, and jealousy at the good fortune or blessing of another; the most base of all degrading and disgraceful passions.

**Murders** – To kill; to spoil or mar the happiness of another; hatred.

**Drunkenness** – Living intoxicated; a slave to drink; drinking bouts.

**Revelling**—Rioting; lascivious and boisterous feasting, with obscene music, and other sinful activities; pleasures; carousing.

*“But chiefly them that walk after the flesh in the lust of uncleanness, and despise government; presumptuous are they, self-willed, they are not afraid to speak evil of dignities.” 2 Peter 2:10*

Every one of these infirmities of the flesh are rooted in deprivation—the overwhelming sense of not having enough, consequently engaging in carnal, man-made solutions to fill the void of emptiness and lack. Notice the top four matters of lust of the flesh are related to sex. God’s plan and purpose for sex is always enough. Sex outside of God’s plan and purpose always leaves a man empty, causing him to pursue greater frequency and variety to be sexually fulfilled. He never has enough.

### How Much Sex is Enough

So how much sex is enough? To answer the question, let’s start with the fundamentals. God created sex. His purpose for sex was in accordance with his plan for populating the earth. Because of the number of people required to fill his population agenda in the beginning and across centuries and generations, he intended it to be something that both Adam and Eve would enjoy immensely and frequently. It takes several attempts for conception to occur in some cases. As such, God wanted each effort to be an enjoyable experience so Adam and Eve would keep trying—over and over and over again!

Additionally, since God made sex for procreation, he only intended it to be between a man and a woman. Since procreation

is a spiritual act between carnal beings, God intended it to occur only in the institution of holy matrimony—marriage.

During the rigors and pain of childbirth women often conclude they will never go through the experience again. In other words, she vows she will never have sex again. Thank goodness those thoughts are only temporary. Subsequently, soon after cradling the bundle of joy in her arms, within a short period of time the delight of motherhood gives way to the ecstasy of what made it all possible. Her desire for sexual intimacy is restored and the procreative process begins again.

In holy matrimony, even after a couple has met their charge to be fruitful and will have no more children, the desire for sexual intimacy still exists. So they continue to affectionately enjoy each other in ways that bring one another pleasure, honoring God without defiling their bodies and until death breaks the holy union. This is the lifestyle of sex intended by the Creator. This is the kind of sex that fulfills a man—a clothed man.

Sexual acts pursued for purposes other than procreation and marital pleasure in holy matrimony is the sex life of a naked man. When men are unrestrained in their quest for sex outside of God’s purpose they will never be fulfilled. Naked men refuse to give in, so they pursue sexual fulfillment through multiple partners, with the opposite sex, same sex and sex outside of marriage and many other vile, vulgar and inappropriate ways which defile their body-temple and dishonor God. This is the kind of sex that leaves a man continually empty—the sex life of a naked man. Who told you that you were naked?

### The Lust of the Eyes

The eyes are the gateway to many visual stimulants to sin. Often times the things we see stir up cravings and imaginations that are far from our minds. A man could be walking through the park with his beautiful fiancée, suddenly notice another woman and begin to have inappropriate thoughts about her. A man could be in the grocery store in the check-out line at the end of a long workday, come upon the magazine stand and suddenly notice the voluptuous models and celebrities on the cover of the tabloids and women's magazines. He can even be in church still overwhelmed by the atmosphere of worship and out of nowhere shameful thoughts enter his mind because of something he has just seen.

Lusts of the eyes are the unintentional or the deliberate effort to seek out those things which stimulate thoughts, imaginations and fantasies for sensual gratification. Unrestrained episodes of lust of the eyes eventually go beyond thoughts, imaginations and fantasies and lead to physical acts of sin. A man cannot allow himself to be subjected to things that encourage wicked imaginations after he has been redeemed. We have enough challenges wrestling with memories of the wild and crazy things we did in our wilderness years before we were saved.

As clothed men increase in spiritual growth, we also increase in self-control. Instances of visual provocations will occur throughout our Christian walk. The "and suddenly" and "out of nowhere" instances of visual stimulation of our sinful nature diminishes over time. Instances of deliberate efforts to seek out pictures, movies, books, websites, people and places to visually stimulate lust is not in the nature of a clothed man. If

he does see something provocative, he will be convicted in his spirit, not condemned, ever seeking to discipline his eyes to be fixed only on the things which feed his spirit and God's vision for his life, and to shun the things that feed his flesh leading him into temptation.

When a man's eyes lack spiritual discipline it will lead him to lust for women, lust for other men, covetousness, idolatry and all kinds of desires and evils. The scriptures encourage us to guard our hearts, for out of it flows the issues of life. But men should be even more diligent to guard their eyes, for they are the entry point to a man's soul, which stores up the things that come out of our heart.

When a man looks intentionally upon another woman to lust after her, he has committed adultery already with her in his heart. (Matthew 5:28) Because of this some men would say, since I have already committed adultery in my imagination, I might as well receive the full benefit of the physical act. That is the rationale of a naked man. A clothed man is convicted by even the thought of the visual transgression and does not want it to go any further. He realizes that acting on his imagination has far greater consequences than what has crossed his mind. A naked man does not consider the consequences. In some cases he actually does but is willing to take the risks.

Rather than being intentional in seeking opportunities to lust, clothed men do everything they can to avoid it. Job was intentional in his efforts when he said, "I made a covenant with my eyes, that I would not look with lust upon a young woman." (Job 31:1 NLT) David grew strong in the Lord after his transgression with Bathsheba. The consequences of his sin

on his kingdom reign and his household were overwhelming. After experiencing God's mercy and forgiveness, David wrote a song expressing his gratitude and resolve.

*"I will sing of love and justice; to you, O Lord, I will sing praise. I will be careful to lead a blameless life. When will you come to me? I will lead a life of integrity in my own house. I will refuse to look at anything vile and vulgar. Psalm 101:1-3*

Listen brothers, as a man, God created us with the capacity to recognize and to have a divinely inspired appreciation for the beauty, elegance and femininity of a woman. Don't condemn yourself for having this precious gift. Conversely, don't abuse it. If we are to conquer the stronghold of condemnation, we have to be as determined as Job and David in gaining control over our eyes. Let's pray together.

*"Heavenly Father, I commit my eyes to you, that everything I see will be filtered through the eyes of the Holy Spirit. I will not stare in lust after any women, any man or anything. Let your vision for my life, my family and my future guide and govern the things I deliberately seek. In Jesus name, Amen."*

### The Pride of Life

Pride is the root of many transgressions. A man's desire to please himself rather than please the Most High God is at its core pride. Serving self for the purpose of satisfying egotistic motives and ambitions is the pride of life. Pride leads to condemnation of the devil. Some men are so driven by power, influence and money they will do almost anything to get it. Addiction to prestige has caused men to get involved in activities such as

financial fraud, drug dealing and high stakes gambling. Their ambitions for wealth and a prominent name mean the world to them. But what does it profit a man to gain the whole world and loose his soul? The thirst for positions, power and riches for self-centered reasons can never be quenched. A naked man will never have enough.

God is not intimidated by a man who has a vision for prestige and wealth. He is the one who gave us the desire to have it. He is also the one who gives us the power to achieve it (Deut. 8:17). Because he is a jealous God, he will have no other god take his rightful place as the Sovereign Lord of our lives. When we place God as subordinate to our aspirations of prestige, prestige becomes our god. When we place God as subordinate to our aspiration for wealth, wealth becomes our god. God's covenant is filled with exceedingly great and precious promises which confirm his desire for sons of God to have a prestigious and prosperous life for his glory, not for our self-aggrandizement.

*"I know the plans I have for you says the Lord; plans to prosper you, not to harm you; to give you a future and a hope." (Jeremiah 29:11)*

God's plan for a man includes prospering him in every area of his life. It is his will that his sons be renown in the earth, set apart and distinguished from other men. His aspirations for his sons include making our name great (Genesis 12:2). His covenant includes making us the head and not the tail, above only and not beneath (Deuteronomy 28:13). He even decreed international prominence when he said, *"And all people of the earth shall see that thou art called by the name of the Lord and they shall be afraid of thee" (Deuteronomy 28:10).*

God not only has a plan for our prestige, he also has a process whereby he develops a man to a level of humility, maturity and spirituality to the point where he understands that all his substance and influence is of the Lord. God has a track record of bringing men from obscurity to prominence. Consider Joseph's ascension from a puny tattle tale dreamer to the Prime Minister of Egypt. Look at David's advancement from the shepherd boy to the warrior King of Israel. And God's ascension plan for Daniel took him from a Jewish slave to a governor of one of the provinces in the Babylonian Kingdom.

God has a motive for taking us through trials and tribulations as he works his plan of prestige in our lives. His motive is that when we arrive to our place of destiny, we do not forget that it is he who has brought us through the wilderness into our land of material prosperity and public prominence. He does not want us to be overtaken by the pride of life; *"And thou say in thine heart, my power and the might of mine hand hath gotten me this wealth. But thou shalt remember the Lord thy God: for it is he that giveth thee power to get wealth, that he may establish his covenant which he sware unto thy fathers, as it is this day. (Deuteronomy 8:17-18)*

We don't have to come up with some get-rich-quick scheme to become financially secure and men of renown. God desires for us to have wealth, but he wants us to gain it according to his plan and his way. According to his word, he wants us to have enough money to:

- Pay tithes and give offerings  
Malachi 3:8-10
- Have all sufficiency to give on every occasion II  
Corinthians 9:8

- Lend to many nations and not have to borrow  
Deuteronomy 28:12
- Have wealth and riches in our house  
Psalm 112:3
- Leave an inheritance for his children's, children  
Proverbs 13:22

To put it into practical terms, God wants us to have enough money for:

- Food, clothing, shelter and transportation
- Life insurance
- Healthcare insurance
- Retirement plans
- Savings account
- No credit card debt
- Vacations
- Put our children through college
- Sustaining and maintaining our homes and automobiles without debt
- Sharing with family and friends in need

A son of the Most High God should not be barely making it from pay check to pay check, taking out payday loans, title pawn loans and borrowing money from his neighbors and friends to feed his family. That is the lifestyle of a naked man. We should not have to borrow every time we need a new set of tires, pay for home repairs, or to buy gifts for the Christmas holidays. Neither does he want us to have just enough. Just enough to:

- Pay the minimum payment on your credit card bills
- Pay the interest on your mortgage or car

- Fill up to a quarter tank of gas
- Buy a half dozen roses for your wife

Just enough is still not enough. When a man of God is only getting by he cannot experience the joy of the Lord. At a terrible testimony it is for a God who is supposed to do everything and who can do anything to have sons who are broke, busted and depressed due to insufficient funds to sustain their household. God wants us to have more than enough. Rich men should not have to experience foreclosure, car repossession and bankruptcy. The blessing of the Lord makes a man rich, and he adds no sorrow with it. (Proverbs 10:22)

Lust of the flesh, lust of the eyes and the pride of life has seduced and continues to cause men to fall short of being all that God has called us to be. A lifestyle of lust and pride is the lifestyle of a naked man. When clothed men are caught up in these behaviors, it is usually a result of backsliding, or a lack of abiding in Christ and his word. The further away we get the more inclined we are to the misgivings of lust and pride. Some men don't even put up a good fight. Many do not willfully turn around until transgression turns to tragedy and tribulation. It will not be so with you. Who told you that you were naked?

*Heavenly Father: Strengthen me with strength in my soul; I renew my mind day by day to the fullness of the mind of Christ. Help me that I would not be distracted or deceived in believing that the world has greater things to offer than the love and pleasures of a relationship with you and your kingdom. Help me not forget that in your presence there is fullness of joy, and that at your right hand are pleasures for evermore. Help me stand on your word that if we obey and serve you, we will*

*spend our days in prosperity and our years in pleasures. In Jesus name, Amen.*

*"Man's ecstasy is God's touch on the quickened, responsive spirit-nerves. Joy. Joy. Joy! God Calling"—A. J. Russell*

I have experienced the ecstasy of the joy and pleasure of the glory of God manifested in me and through me. No carnal experience: sex, drugs, alcohol, or public recognition can compare to it. Spiritual ecstasy is far greater than sensual ecstasy. The pleasures of the world are inferior to the pleasures of the Kingdom of God. A clothed man can have more fun by accident than a naked man can have on purpose.

Adam experienced this joy and pleasure in his walk with God all the days of his life before The Fall. Afterwards, he spent the rest of his life trying to get it back. We inherited the emptiness and loss he discovered when his eyes were opened after the transgression.

The serpent still wants to deceive and deprive us of the presence of God. God has restored ancient Eden. The Kingdom of God is here. However, there is a dress code, a prerequisite for entering into Kingdom ecstasy. We must be clothed with Christ (Galatians 3:27). Like the sign on the restaurant door—"No shirt. No shoes. No Service." For men who are still naked, the serpent is working hard to keep them naked in order to keep them out. To those who are clothed, he is working diligently to convince them they are still naked in order that they would not walk in their inheritance as kingdom men.

## Case Study: The Prodigal Son—The Restoration of a Depraved Son

The prodigal son was the youngest of two boys. His father's wealthy. In his father's household he had everything he needed for life and living. Because of his place of inheritance in the household as the youngest son, he would ultimately inherit a wholesome portion of his father's estate in order to support and sustain his own household at the appointed time in the future. His depraved state of mind convinced him that his current state was not good enough and that he could not wait until the appointed time to receive his inheritance. He had no plan of his own which could not wait.

So he pleaded his case before his father. He wanted his inheritance and he no longer wanted to live under the mentorship and guidance of his father. While he should have realized just how blessed his life was, anticipating the certainty of an even greater future state, he grew dejected and was determined to strike out on his own. He was absolutely convinced in his depraved mind that life would be better if he was living by his own standards. Rather than concluding, "Man, I have got it made living and working here at home with my Father." His position was, "There is a better life out there and I'm going to cash in on early retirement right now and go after it."

So he took his portion of the inheritance, "and not many days after" gathered all he had and journeyed to a far country, and there wasted his inheritance on riotous living. He became broke and could not find a job. Eventually, he found a job feeding swine. He did not make enough money to make it from day to pay day. He grew desperate to the point of graving

the husks the swine ate. No man wanted to help him. Like the R&B great Bobby Womack said, "nobody wants you when you're down and out." The prodigal son was in an extreme case of nakedness.

Suddenly, while at the end of his rope, with his back against the wall and ready to throw in the towel, he came to himself. He considered his father's household and how the hired servants were better off, he decided to go back home. When he arrived on their property, while he was still a good way off, his father recognized that his son had returned home. So he ran to him, kissed him in his filthy naked condition and ordered the servants to bring him the best robe and shoes for his feet. The compassionate father clothed him and restored him to his former status in the household with the full rights and benefits of a son.

This story is good news for depraved men who have had their own plan to live life their own way and failed. Depravation has the tendency to keep a man in the hog pen trying to figure out a solution to the mess that he has made. The grace of God leads a depraved man to repentance. Get up O naked man! The Father is waiting on you to come back home. He will clothe you with his best robe and shoes, and restore to you all the rights and benefits of a beloved son. Who told you that you were naked?

*So, chosen by God for this new life of love; dress in the wardrobe God picked out for you: compassion, kindness, humility, quiet strength and discipline. Be even-tempered, content with second place, quick to forgive an offence. Forgive as quickly and completely as the Master forgave you. And regardless of what*

*else you put on, wear love. It's your basic all-purpose garment. Never be without it. Colossians 3:12-14 (MB)*

## Chapter 8

### Lead Us Not Into Temptation

*Let no man say when he is tempted, I am tempted of God: for God cannot be tempted with evil, neither tempteth he any man: But every man is tempted, when he is drawn away of his own lust and enticed. Then when lust hath conceived, it bringeth forth death. James 1:13-15*

Every man is tempted with lust of the flesh, lust of the eyes and with pride. Each of us have our vulnerabilities and our weaknesses. We all have repressed sensations etched in our flesh from the days before we committed our lives to Christ. Many of us are challenged with how long to look at a beautiful woman without allowing lust to be conceived, or how long to look in awe at certain material possessions of others without being covetous. Additionally, there are those among our ranks who wrestle with aspirations of success and achievement whose motive is not for the glory of God but to glorify self. In spite of these truths, we should not be discouraged. Jesus was tempted at all points as we are, yet without sin (Hebrews 4:15). Because Jesus was victorious over temptation, we too have the victory.

How is it then that a clothed man who has victory over temptation falls into temptation which leads to transgression? We fall when we allow ourselves to be drawn away, caught up in the moment and linger in the thought processes that lead to the conception of lust. If we give place, linger, dwell, permit the opportunity for prolonged exposure to our vulnerabilities and weaknesses, we are at the risk of being drawn away into our own lust.

Our "own lusts" are the specific misgivings we have wrestled with over time. They are the tendencies, ways and habits of our flesh that the "old man" was accustomed to during our undisciplined wilderness years.

Because every man is tempted (has the propensity to be drawn away into his own lust) the enemy knows he can be enticed. In other words, he knows the specific misgivings we have wrestled with and he knows when we are at our weakest and most vulnerable state, so he deliberately provokes us with people, places and things that are strategically engineered to make us fall into temptation.

Temptation initiated the sequence of events in the human spirit which led to Adam's transgression. Since that time, men have faced and continue to face temptation on a daily basis. All great men of God from the bible days faced temptation. Many great men of God in modern history and current times faced temptation. Many have fallen and have become trophies of the enemy, discrediting the testimony of God. You and I as clothed men seeking the purpose and promises of God for our lives also face temptation. We cannot give Satan any more trophies.

Temptation is the innate component of our carnality which consistently wonders, "What if...?" or "I wonder what it would be like to...?" Temptation feeds the thoughts and imaginations of the human spirit continuously. Without the counter balance of the Holy Spirit, a man's imaginative carnal "what if" and "I wonder" scenarios can manifest into full blown acts, events, episodes, sequels and even mini-series of transgressions.

Righteous men should not fear temptation, though it is easier said than done. When considering all seventeen works of the flesh studied in Galatians 5, men are tested relentlessly in some way, shape or form to transgress in many of them. Given the challenges of personal and professional relationships, being a bachelor, being married, career and ministry ambitions and maintaining sexual purity, the reality is that on any given day any man can fall. A naked man does not even put up a fight. He has resigned to the sinful nature and is content being naked. A clothed man diligently fights, and is never satisfied with transgression. Praise God we don't have to fight on our own strength. We have a helper in the Holy Spirit.

A clothed man's strength is in the Lord. He overcomes the valleys of temptation and with each victory, he grows stronger and stronger as he diligently seeks and abides in the Lord his God. Psalm 84:5-7 supports this position: *Blessed is the man whose strength is in thee: in whose heart are the ways of them. Who passing through the valley of Baca, make it a well, the rain filleth the pools. They go from strength to strength, every one of them in Zion appeareth before God.*

Abraham's nephew Lot is a great example of a righteous man challenged by the temptations of his environment. In II

Peter 2 the text provides testimonies of God's judgment and condemnation in three historical scenarios: the fallen angels who had sexual relations with the beautiful earth women; the people of Noah's time and the Flood; and the people of Sodom and Gomorrah in Abraham's time. Those angels who were involved in sexual relationships with the earth women were condemned and are still in chains. The people who would not repent after hearing Noah's plea to reconcile with God were condemned to drown in the Flood. The people of Sodom and Gomorrah were condemned to destruction by reducing them to ashes. God made an example out of them to those who would live ungodly lives thereafter. Condemnation is still the verdict for the rebellious today.

However, the text demonstrates an exception made for Lot. Here, Lot is described as, "...vexed with the filthy conversation of the wicked: (for that righteous man dwelling among them, in seeing and hearing, vexed his righteous soul from day to day with their unlawful deeds;) the Lord knows how to rescue the godly out of temptations, and to reserve the unjust unto the day of judgment (vv.7-9). A major component of the weight of condemnation is thinking our deliverance from temptation is ours to deal with on our own. It is God who watches over us while we are going through temptations. He sustains us as we are being buffeted and bewrayed in an environment saturated with concupiscence. He knows how to deliver his sons from temptation.

Because it is God who delivers from temptation, no man can say that he is tempted of God. God cannot be tempted with evil, neither does he tempt any man. (James 1:13)

*But every man is tempted, when he is drawn away of his own lust and enticed. Then when lust hath conceived, it bringeth forth sin: and sin, when it is finished, bringeth forth death. James 1:14-15*

But every man is tempted. Each of us have our areas where we are vulnerable. All of us have our weak spot. We are tempted when we give place to, linger in, dwell on, and permit opportunity for prolonged exposure to thoughts, people, places and things which challenge our vulnerabilities. This prolonged exposure leads to being drawn away in our own lust—specific misgivings, tendencies, fetishes, and favorite sins. As such, we are enticed. The deliberate provocations of certain people, certain movies, magazines and media, certain places and things begin to reduce our spirituality and heighten our sensuality ultimately resulting in transgression.

James 1:14-15 identifies a seven-step process of temptation. *But each man is tempted, when he is drawn away of his own lust, and enticed. Then when lust hath conceived, it bringeth forth sin: and sin, when it is finished, bringeth forth death.*

#### Seven (7) Steps to Temptation (Dake's Study Bible)

- Tempted—the thought of evil v.14
- Drawn Away—strong imagination v.14
- Lust—delight in viewing v.14
- Enticed—weakening of the human will v.14
- Lust Conceived—yielding v. 15
- Sin—sinful act committed v.15
- Death—result of actual sin v.15

So in the words of the old hymn, "He Will Carry You Through": "Yield not to temptation, for yielding is sin. Each victory will help you, some other to win. Fight manfully onward; dark passions subdue. Look ever to Jesus, he will carry you through." Remember this, "*Blessed is the man that endures temptation; for when he is tried, he shall receive the crown of life which the Lord hath promised to them that love him.*" (James 1:12) Oh what treasures we forfeit when we give in to temptation.

### The Escape Route

When I consider my transgressions, I have always experienced a cringe in my spirit when I read I Corinthians 10:13 (NLT) *But remember that the temptations that come into your life are no different from what others experience. And God is faithful. He will keep the temptation from becoming so strong that you can't stand up against it. When you are tempted, he will show you a way out so that you will not give in to it.*

I cringe under the realization that God is faithful in this regard. He always provides an escape route. He always does. Since he always does and I still transgress, it means that I sinned because I chose to, not because the devil made me do it. Upon this realization, I often experience condemnation—the guilt and shame part of it. Condemnation is never the appropriate response for a clothed man. Prior to the transgression, God is at work in me to will and to do according to his good pleasure (Philippians 2:13). The way God works in me is through the Holy Spirit. Consequently, the Holy Spirit recognizes I am in the early stages of temptation and begins to show me God's will so that I can do according to his good pleasure, not my pleasure. His instructions are very clear, even though I am experiencing the

burden, weight, the stress of having to choose. The stress of choice is proof that I know the escape route, but I am tempted not to take it.

Up to this point we are experiencing conviction. Conviction is God's guidance to the escape route when we are drawn away in the grip of enticements. Conviction is God at work in us coaching us to choose according to his good pleasure. Even when we fail and yield, it is conviction, not condemnation which brings us to the prayer of forgiveness and repentance. Let us pray together, brothers:

*Heavenly Father: Thank you for your grace and mercy which always provides us an escape route when we are tempted. Thank you for explaining with such clarity that I have the conviction to do the right thing every time. Now I have the wisdom to make the right choice when I am tempted. Help me to choose obedience over transgression. Give me strength over my favorite sins. Help me to love the things that you love; and to hate the things that you hate. Nothing compares to the promises we have in you. In Jesus name, amen!*

## Chapter 9

### The Wrestling Match

*For we wrestle not against flesh and blood, but against principalities, against powers, against the rulers of the darkness of this world, against spiritual wickedness in high places. Ephesians 6:12*

Temptation in and of itself is not sin. Jesus was "in all points tempted as we are, yet without sin." (Hebrews 4:15) Jesus was tempted by the devil in the wilderness with opportunities which correlate to all three categories of carnal challenge: the lust of the flesh, the lust of the eyes and the pride of life. Having heard the proposals of Satan for his consideration, Jesus cancelled each with scripture. Considering a matter does not constitute a transgression. When we cancel it out with scripture and prayer, the temptation does not progress to a sinful act. In other words, when considering the seven steps of temptation, we can be tempted, drawn away, lust, and enticed; but draw strength through conviction to speak scripture to our situation and pray, but never reach the point of yielding. However as clothed men, righteous men, godly men, good men we are in a constant wrestling match vacillating between the naked

mentality and the clothed mentality; between conviction and condemnation.

Romans 7 depicts a text most men immediately relate to as the Apostle Paul articulates his wrestling match between conviction and condemnation:

*14" For we know that the Law is spiritual, but I am of the flesh, sold into bondage to sin. 15 For what I am doing, I do not understand; for I am not practicing what I would like to do, but I am doing the very thing I hate. 16 But if I do the very thing I do not want to do, I agree with the Law, confessing that the Law is good. 17 So now, no longer am I the one doing it, but sin which dwells in me."*

*18 For I know that nothing good dwells in me, that is, in my flesh; for the willing is present in me, but the doing of the good is not.*

*19 For the good that I want, I do not do, but I practice the very evil that I do not want. 20 But if I am doing the very thing I do not want, I am no longer the one doing it, but sin which dwells in me. 21 I find then the principle that evil is present in me, the one who wants to do good.*

*22 For I joyfully concur with the law of God in the inner man, 23 but I see a different law in the members of my body, waging war against the law of my mind and making me a prisoner of the law of sin which is in my members. 24 Wretched man that I am! Who will set me free from the body of this death? (NASB)*

## The Thorn In The Flesh

For many years men who have not wholly studied this passage of scripture inductively have pondered the mystery of the Apostle Paul's "*thorn in the flesh*". Most men who are aware of it have wondered what it could have been. Many of us have been curious as to how could such an anointed man of God have such a challenge. Many of us have hoped that Paul's thorn in the flesh is the same weakness we've wrestled with for years, yet without victory. While others have concluded that this thorn was a physical malady such as a limp or a hump in his back or even that he was short in stature, without any scriptural evidence to support these conclusions.

We have rationalized our own weakness(s) by thinking, if Paul had a "*thorn in the flesh*" that God did not remove, then so should I. We have wondered whether the anointed Apostle had only one issue or several. Closer examination of the text and deeper study clarifies that Paul as a contender in the spiritual wrestling match had only one thorn, but many infirmities.

## The Messenger of Satan

*And lest I should be exalted above measure through the abundance of the revelations, there was given to me **a thorn in the flesh, the messenger of Satan** to buffet me, lest I should be exalted above measure. 2 Corinthians 12:7*

Paul's thorn in the flesh was "*the messenger of Satan*". This messenger is described as an angel or demonic spirit; an evil spirit; or the evil one as mentioned in The Lord's prayer,

Matthew 6:11. The messenger of Satan was a demonic spirit of condemnation, a tormentor.

The messenger of Satan had a specific job description. His purpose was to buffet and to bewray Paul continuously. A review of these two verbs give a clear description of the messenger's assignment and what Paul was experiencing as he pursued God's calling on his life and ministry.

To Buffet is:

- To knock about
- To strike repeatedly
- To beat back
- To fight or struggle against

In other words Paul was constantly under attack by the messenger of Satan. He would knock him about, strike him repeatedly, beat him back when he sensed progress and consistently engaged in the wrestling match against him.

To Bewray is:

- To accuse
- To torment
- To expose
- To rehearse
- To charge
- To cause to give in

This component of the messenger's job included internal and external accusations, Paul beating up himself and accusations of others leading to torment of guilt, shame and judgment; exposing his weaknesses; rehearsing his past transgressions;

charging him with new allegations and ongoing pressure to throw in the towel and to quit.

The messenger of Satan is still alive and on his job today in the lives of clothed men of God, buffeting and bewraying. If Satan were to give the messenger a performance evaluation, his rating would be "*highly effective*".

The reason for the "*thorn in the flesh*" according to the text was, "*lest I be exalted above measure through the abundance of the revelations*". God had revealed things to Paul that no other Apostle and no other man knew. He was also using Paul to do unprecedented, unusual and incomprehensible wonders, miracles and mighty acts. As God allowed Satan to test Job, God also allowed the messenger of Satan to buffet and bewray Paul to keep him humble in order that he may continue to use him as his chosen vessel to bring the Gospel to the Gentiles. Humility is a quintessential trait for the man who would be a transformer for the Kingdom of God.

God is using many men today to manifest his glory in unprecedented, unusual and incomprehensible ways. He has revealed plans and initiatives to men as leaders of households and ministries and in the marketplace that will transform families, churches, society and businesses. Could it be that God still allows the messenger of Satan to buffet and bewray us to keep us humble, to keep us focused and relying on him for strength to fulfill his mission? We must ask ourselves, "What is the reason I have this thorn in my flesh?" With all this vision and revelation, these wonders and mighty acts, if it were not for this evil messenger, would I digress, become puffed up and be overtaken by the lust of the flesh, the lust of the eyes and

the pride of life? Rather than continue to wrestle, many men need to come to the conclusion and revelation of the Psalmist who wrote, *"It is good for me that I have been afflicted that I might learn thy statutes."* (Psalm 119:71)

Paul's prayers to God to remove the thorn in his flesh were heard, but not answered in the way he requested, *"that it might depart him"*. God's response was, *"My Grace is sufficient for you. For my strength is made perfect in weakness."* Paul's response and resolve is that of a spirit-filled, clothed man. He came to the conclusion he did not have the power to remove the thorn in his flesh. He realized his constant carnal effort to deal with it on his own is the mindset of a naked man. He made up his mind that he would stand on the promise of the grace of God. His soul was saturated with the conviction that *"where sin abounds, grace did much more abound."* (Romans 5:20b)

That conviction led to a bold decree, *"Most gladly therefore will I rather glory in my infirmities, that the power of Christ may rest upon (clothe) me. Therefore I take pleasure in infirmities, in reproaches, in necessities, in persecutions, in distresses for Christ's sake: for when I am weak (naked) then I am strong (clothed).*

Who told you that you were naked!

Glorying and taking pleasure in infirmities is a radical paradigm shift in the mind of a righteous man. We have struggled with condemnation for so long; we just cannot get our minds around this concept. We have embraced the flawed conclusion that guilt, shame and depression over transgressions invokes God's grace and mercy into our situation and by this twisted

behavior, he is more apt to pardon us from the consequences of our sin.

Even those of us who have tried to exercise this faith and freedom eventually begin to feel guilty that we are not feeling guilt, shame and depression from our transgression. This manner of flawed thinking is the work of the messenger of Satan—the spirit of condemnation. When we experience this tormenting we must make the bold decree—the devil is a lie! We have to come to the point in our walk with God where we rejoice while being buffeted and bewrayed. We might as well rejoice, because the messenger will not relent.

Paul spoke of this mind of the clothed man when he said, *We are troubled on every side, yet not distressed; we are perplexed, but not in despair; persecuted, but not forsaken; cast down, but not destroyed (II Corinthians 4:8-9).* We should not allow the loss of a round in the wrestling match to cause us to feel defeated and condemned. The trials of the wrestling match are ordered by God to keep us focused and humble and to build our faith. We have already won.

So brothers, *"think it not strange concerning the fiery trial which is to try you, as though some strange thing happened unto you: But rejoice, inasmuch as you are partakers of Christ's suffering; that, when his glory shall be revealed, ye may be glad also with exceeding joy. If you are reproached for the name of Christ, happy are ye; for the spirit of glory and of God rests upon you (clothes you): on their part he is evil spoken of, but on your part he is glorified. (I Peter 4:12-14)*

*Therefore being justified by faith, we have peace with God through our Lord Jesus Christ, 2 by whom also we have access by*

*faith into this grace wherein we stand, and rejoice in hope of the glory of God. 3 And not only so, but we glory in tribulations also: knowing that tribulation worketh patience; 4 and patience, experience; and experience, hope: and hope maketh not ashamed because the love of God is shed abroad in our hearts by the Holy Ghost which is given unto us. (Romans 5:1-5)*

The disposition of a clothed man during the entire wrestling match should be rejoicing, glad, exceeding joy, happy and peace. We should not allow our infirmities nor the frequency of our transgressions to cause us to walk in condemnation.

### The Issue of Infirmities

The Apostle Paul's confession was that he had one thorn in the flesh and infirmities—plural. Paul, the man of God had several infirmities. In his letters he spoke of many trials, tribulations and persecutions. He was shipwrecked, snake bitten, beaten, stoned, imprisoned and many other perils (II Corinthians 11:23-33). However, these sufferings are external. The infirmities he spoke of were specific to internal sufferings of body and soul—but not associated with a physical disease.

Infirmities in the Greek translation is "astheneia", want of strength; weakness; infirmity: meaning a moral, mental, or physical weakness or flaw. Dictionary.com defines infirmities as feebleness of mind and body, malady, frailty, disease, sickness and weakness. Dake's Annotated Study Bible offers these definitions and cross references for our review.

- Utter helplessness of the body in death (I Cor. 15:43; 2 Cor. 13:4)

- Infirmity of body (Mt. 8:17; Luke 5:15; 8:2; 13:11-12; Jn. 5:5; 11:4; Acts 28:9; I Tim. 5:23)
- Weakness of ability (Heb. 11:34)
- Weakness of nature (Rom. 6:19; 8:26; Gal. 4:13; Heb. 4:15; 5:2; 7:28)
- Weakness of human ability (I Cor. 2:3)

All of our infirmities were bore on the cross according to Isaiah 53. Every infirmity is not a disease or sickness. Jesus was touched by all the infirmities of our flesh yet he did not sin. In other words, he experienced the temptations and the sensations of the human nature. The point here is that not all infirmity is associated with disease or sickness. Jesus was never sick and he never had a disease, though all sicknesses and diseases are infirmities.

Priest's had infirmities, but not disease or physical imperfections, for they had to be perfect physically to serve in the temple (Leviticus 21:17-24). All saints have infirmities or weaknesses of various kinds, but not necessarily all are sickness and disease.

Paul's infirmities more than likely were not sickness and disease, for he healed many of sickness and disease. What a poor testimony of the Lord would this have been to have a healer who himself was sick and could not be healed. A review of the cross references does not identify specifically what those infirmities were, however, it seems unlikely that they were associated with external sufferings, diseases, sicknesses or a physical defect. As such, the Apostle Paul could have been afflicted with one or more of the seventeen infirmities identified in Galatians 5:19-21.

Paul continued steadfast in ministry in spite of infirmities in his flesh (Galatians 4:12-16). God had him covered (clothed). He pressed toward the mark for the prize of the high calling in God. When he became weak, he had confidence in the grace of God and became as strong as a man clothed with Christ could become. Like Clark Kent, had the clothing of Superman beneath his carnal exterior clothing, a man of God is clothed with Christ internally, and has his carnal exterior literally covered. When we are weak, then we are strong. We cannot succumb to the tormenting lies of condemnation. We must press on in the high calling of God. Who told you that you were naked?

## Case Study: Samson—A man of God with Many Infirmities (Judges 13-16)

Samson is one of the most renowned men of scripture. Since childhood we have known that Samson was the notorious strongest man to have ever lived. He is listed in the "hall of faith" in the book of Hebrews Chapter 11. However this famous biblical hero to all men of God was afflicted with great temptation and had many infirmities. As a matter of fact, of the seventeen infirmities listed in Galatians 5:19-21, Samson was afflicted with at least eleven and debatably more. Considering their definitions and the narrative of Samson's life he was afflicted with: adultery, fornication, uncleanness, lasciviousness, hatred, variance, emulations, wrath, emulations, strife, seditions and murders.

Samson was born miraculously to a barren mother through a miraculous angelic announcement. His purpose was to launch the deliverance of Israel from the oppression of their enemy the Philistines. He was to be a Nazarite from birth—anoined, set apart as holy from his conception, but did not fulfill his calling due to an addiction to strange women and a host of carnal afflictions. In Chapter 14, Samson saw a Philistine woman in Timnah that caught his eye. For Samson, it was "lust" at first sight. He wanted desperately to marry her. His mother and father opposed his choice of women. They wanted him to marry an Israelite woman according to the commandment of God, however, in Samson's eyes she was "the one".

Samson's bachelor party was a seven-day feast. On the first day he challenged the men with the riddle of "the lion and the honey". The bet was thirty changes of clothes—a wardrobe of

fine suits. The men could not figure it out, so they coerced his fiancé that Samson would give her the answer. After seven days of crying and nagging, Samson gave in and gave her the answer. His weakness for whining, nagging women would ultimately cost his destiny. He lost the bet because of her.

In his wrath he killed thirty innocent men, gave their clothes to settle the bet and went back home to live with his mama and daddy—angry. Because of his abrupt and brash departure, his father-in-law gave his wife to his best man. In Chapter 15, he returns to reclaim his wife, and discovered she was given to his best man. Samson went into a rage and burned all the fields of the crop of the Philistines. When the Philistines found out it was Samson's doing and why he did it, they burned his wife and her father to death. In his wrath of revenge, Samson killed a thousand Philistines with the jawbone of an ass.

Though he was anointed, he could not control his temperament nor his temptations. His infirmities dominated his character. Satan is not intimidated by your anointing if he has control of your character. In Chapter 16 it does not get any better. Samson gets involved with a prostitute in Gaza. Because his enemies knew his habits and where he hung out, they laid an ambush for him there. He escaped by lifting the entire gate of the city off its brackets.

He now falls in love with Delilah—another Philistine woman. His temptation and depravity kept taking him back to the same kind of women, no matter how much pain and loss he had experienced before. Delilah was also a nagger, she was devious and she used sex as a manipulative weapon.

The Philistines knew her weaknesses. They were familiar with all her ways. She loved money, attention and material things more than she loved Samson. She also served a different god than the God of Samson. So they made an offer of money, influencing an agreement to discover the source of Samson's strength. Due to Samson's experience of telling his secret riddle to his first wife, he knew not to trust Delilah. The first response to her diabolical request was a false answer to test her love and loyalty—she failed—but tried it three more times!!! However, he still stayed in the relationship even though he knew she was plotting to kill him.

Falling once again to relentless nagging and whining, he revealed the secret of his source of strength. Delilah set a trap for a fourth time. Samson thought he would wake up and shake free as times before, but his anointing was gone. God had abandoned him.

When a clothed man persists in dabbling in his infirmities and does not put up a good fight of faith with temptation, God releases him to his own demise. Like Samson, God always gives a clothed man plenty of warnings, signs and indications of when his mercy has been taken for granted before he allows us to fall. Samson was a sex addict with out-of-control emotions. His behavior cost his first marriage and the life of his wife and father-in-law; because he never gained control, it ultimately cost his vision and his future. Brothers, let us learn from the life of Samson. As clothed men, we must fight temptations and lay all our infirmities down for the joy of the Lord. Who told you that you were naked?

## Chapter 10

### Work Out Your Soul Salvation

*Wherefore, my beloved, as ye have always obeyed, not as in my presence only, but now much more in my absence, work out your own soul salvation with fear and trembling. Philippians 2:12*

To work out your soul salvation is to put into practice God's saving work in our lives. To work at establishing a lifestyle of order and discipline, aligned with the precepts, values and principles of the Word of God. "With fear and trembling", speaks to the intensity of our reverence toward our God and our staunch determination to do those things that are pleasing in his sight. The Message Bible translation says it this way, "Be energetic in your life of salvation, reverent and sensitive before God." Philippians 2:12

To work out our soul salvation involves the activities of the Christian life which are necessary to have a steady state of "walking in the Spirit". In order for God to be at work in us to will and to do according to his good pleasure (Philippians 2:13) a man must be a willing participant. He must have a life consecrated to God all the days of his life. In other words, his life must be wholly committed to God.

Told You That You Were Naked?

Spirit is the state of being in Spirit-mode. When we are in Spirit-mode, God is able to maximize us and through us. This brings him great joy. 1:2-10 describes a constant, diligent effort to work out the behavior, ways and manner of life to the manifestation of the exceeding great joy of our salvation.

When a man works out physically, his body becomes the result of diligent efforts he has demonstrated over a long period. A runner who runs consistently, combined with a healthy diet, will have evidence of their efforts in the shape and appearance of their body, improved muscle tone. A body builder who works out diligently will have the evidence of muscle mass and definition of muscle as the evidence of their effort. A cyclist who works out diligently will produce evidence of faithfulness through cycling greater distances, and their physical appearance.

In the same sense, a clothed man too must work out to obtain his soul salvation. We are not working out to be saved if we have received Christ. We are working out to obtain our soul salvation in order that we will increase the spiritual, physical and material evidence of God. The longer and more consistent we work out, the more evidence we should have of the proof of our faith.

When men are working out, they have their sights set on the ultimate prize. Those who are passionate about their sport are successful in high school or college. As great as the rewards are, every athlete who feels a calling in

that area of sports passion is working toward getting into the pros. Even so, getting to the pros is a great accomplishment, but no athlete who is passionate about their sport is satisfied with just getting in. They want to achieve the ultimate prize associated with their sport, the Lombardi Trophy (Superbowl), The Commissioner's Trophy (World Series), the Larry O'Brien Championship Trophy (NBA), the FIFA World Cup (Soccer), the Stanley Cup (Hockey) or the Olympic gold medal. Those who stay the course through good times and bad times, victories and defeat, injuries, rehabilitation, discouragement and jubilation will become the champions of the sport.

Working out our own soul salvation for a clothed man is like the lifestyle of a passionate athlete. It is a man who is diligently "working out" to achieve a heightened steady state of "walking in the Spirit". He has his eyes on the prize of the high calling of God—The Superbowl of the Kingdom of God where every man has a chance at being the MVP. He is passionate about his purpose as a man and is not satisfied with the small trophies along the way. He celebrates long enough to show his gratitude, then presses on, driven by the faith and expectations that there are even greater rewards and greater purposes for the elect of God.

A clothed man continuously works out. The sustaining motivation and energy of his workout is not only the anticipation of the ultimate prize, but also the joy of redemption when he falls short. The determination in his workout is the hope of the recompense of the rewards and promises when he feels like giving up. He will continue to press on until his life is evidence of the spiritual attributes of a son of God, until he is filled with all the fullness of God, unto the fullness of the measure and

stature of Christ (Ephesians 4:13), the MVP. He continues to work out until the material evidence of the covenant is manifest in his household (Psalm 112).

*I Corinthians 9:24-27 Know ye not that they which run in a race run all, but one receiveth the prize? So run, that ye may obtain. And every man that striveth for the mastery is temperate in all things. Now they do it to obtain a corruptible crown; but we an incorruptible. I therefore so run, not as uncertainly; so fight I, not as one that beateth the air: But I keep my body, and bring it into subjection: lest that by any means, when I have preached to others, I myself should be a castaway.*

### We Have a Coach

A coach can only do so much. Coaches, as great as their desire to see everyone on the team succeed and develop to maximum athletic potential, are limited. Coaches can provide access to workout facilities and practice fields, the workout schedule, practice sessions, a book of plays, dietary plans, assistant coaches and mentors. Coaches also provide ongoing words of instruction, guidance, direction and even inspiration. However, it takes an obedient, diligent athlete to utilize all the resources available through the coach and to apply those resources on an ongoing basis to win the ultimate prize.

Likewise, the Heavenly Father can only do so much in his loving desire to see all sons of God fulfill his purpose for their lives and to reach their maximum potential of being filled with all of his fullness. As our Heavenly Father, God provides his sons with facilities: our (place of worship); a workout schedule and practice sessions: (men coming together in large and small

group ministry and retreats); a dietary plan of (fasting and prayer); and he provides pastors, teachers and mentors for spiritual and personal development.

Pastors and teachers provide instruction; guidance, direction and inspiration through God's play book—the Holy Bible. Yet, it takes an obedient, diligent son to take advantage of all the resources available through our Heavenly Coach, and apply them on an ongoing basis to achieve the ultimate prize of the high calling.

From time to time a coach will bring in a role model—living legends of former players that were developed to maximum potential while under their leadership or Hall of Famers who were once part of their sports organization. The value of role models to a coach is that they are living proof that when athletes commit themselves wholly to the guidance of the coach; they too can achieve the prize.

God also provides role models in history and in current times who were successful at achieving the ultimate prize of the high calling. The bible is filled with such role models. God is seeking to increase the number of living role models as evidence that his play book still works. Clothed men are best "suited" to achieve the ultimate prize. "Who told you that you were naked?"

### The Diligence of the Clothed Man

*And it shall come to pass, if thou shalt hearken diligently unto the voice of the Lord thy God, to observe and to do all his commandments which I command thee this day, that the Lord*

*thy God shall set thee on high above all nations of the earth.  
Deuteronomy 28:1*

One of the most endearing traits of a world-class athlete is diligence. It is simply not enough to establish a workout schedule and within a matter of a couple of weeks, the workout schedule is abandoned for other priorities. It's not enough to begin a dietary regiment geared toward maximizing physical strength and agility and within a matter of days revert back to sedentary ways and unhealthy eating habits. For the world class athlete, working out is a way of life.

In contrast, diligence is an imperative to a clothed man who is working out his soul salvation. The diligent are constant and earnest in their efforts to accomplish what has been undertaken. They are persistent and attentive in the disciplines necessary to achieve their destiny. The diligent are hardworking and industrious. They are careful and steady in all their decisions, persevering through difficult assignments and painstakingly working to overcome ways and habits which stifle their spiritual growth and development. As a result of the unrelenting effort, they go from strength to strength and from faith to faith.

The activities of our workout begin with a commitment to a spiritual regiment that evolves and improves over time into a way of life. A clothed man has a daily routine of which he engages for the sole purpose of honoring God and invoking his presence throughout his day. He wakes up early in the morning to spend time worshipping and talking to the Father. He is careful and attentive in feeding on the Word of God through daily bible reading, bible study and small groups meetings. He has planned and impromptu periods of fasting prompted by his relationship

with the Holy Spirit. He diligently seeks reconciliation of broken relationships and works to strengthen established ones. He joyfully subjects himself to the accountability of other clothed men. He values their feedback and embraces the lessons learned from sharing with men of his fellowship.

The Holy Bible is quite clear on the significance of this virtue. Only the diligent will achieve the full slate of the blessings and promises of God. According to Deuteronomy 28, verses 1 and 2 confirms "And it shall come to pass, if thou shall hearken diligently unto the voice of the Lord thy God, to observe and to do all his commandments which I command thee this day, that the Lord thy God shall set thee on high above all nations of the earth. And all these blessings shall come upon thee, and overtake thee, if thou shall hearken unto the voice of the Lord thy God."

The prerequisite to all the blessings which follow is clearly stated in verse 1—and that is to "diligently hearken". In other words, we must exert a constant and earnest effort to hear, a constant and earnest effort to observe and a constant and earnest effort to perform the activities which demonstrate the Lordship of Christ and our obedience to him.

### The Activities of the Diligent

The activities of the diligent man are well defined in scripture. As men, we do not have to guess what God would have us to do in order to demonstrate our faithfulness in pursuing his purpose for our lives. Consider the following as a scorecard for a diligent purpose driven clothed man:

keep thy soul	Deuteronomy 4:9
teach thy children	Deuteronomy 6:7
ask	Deuteronomy 13:14
inquire	Deuteronomy 17:4; 19:18
heed	Deuteronomy 22:5
search	Psalms 77:6
keep thy heart	Proverbs 4:23
obey	Zechariah 6:15
keep your	Proverbs 27:23

What we call life is a marathon, not a sprint. The diligent increase more and more with the working out our soul salvation. The race is not to the swiftest or to the strongest, but to the one who perseveres. The excellence of a diligent man is defined in scripture:

A man diligent in his business, he shall stand before the king. Proverbs 22:29

The diligent sees good and procures favor. Proverbs 10:16

The fruits of the diligent tend only to plenteousness. Proverbs 11:5

For the diligent shall be made fat. Proverbs 13:4

The diligent bears rule. Proverbs 12:24

The diligent maketh rich. Proverbs 10:4

Working out our soul salvation simply explains the ethic of a man who has made up his mind to obey after all that God has promised. It is not an effort to be righteous, to get on God's good side and to please Him. For all of us who have confessed Christ are already

on God's good side and our righteousness is secured in Him. Diligently working out our soul salvation is the obedient lifestyle which causes us to grow and mature overcoming the curses of condemnation and walking in the blessings of our redemption.

- We are free from the law of sin and death
- The law could not save, it only condemns to death
- For the freed (clothed), the law convicts and brings life
- The righteousness required by the law was not nullified but fulfilled in us
- The carnally minded still walk in condemnation
- The spiritually minded have life and peace

Who told you that you were naked?

## Chapter 11

### The Disciplined Life of a Clothed Man

*But if the Spirit of him who raised up Jesus from the dead dwell in you, he that raised Christ shall quicken your mortal bodies by his Spirit that dwells in you. Romans 8:11*

#### Walking in the Spirit

The Spirit of God dwells in a clothed man. It is not the works of the law that sustains him spiritually. It is the Holy Spirit within the clothed man that sustains him spiritually. God the Holy Spirit does the work (Romans 9:11; Philippians 2:13). We do not have the capacity in our carnal condition to make ourselves righteous. If we did, there would have been no need for Jesus to come.

#### The Work of the Holy Spirit

Set Free from sin	Cancels the death penalty
Fulfills righteousness	Indwells believers
Gives life	Quickens our mortal body
Mortifies sinful members	Leads children to God

Adopts us to God's family  
Helps our infirmities

Bears witness of sonship  
Makes intercession for saints

There is no amount of work or good deeds a man can perform to atone for his sins and stay that way. Once we have confessed Christ, we are clothed in his righteousness. We are no longer the man we were before. We are new creatures. Old things have passed away. All things have become new. We are born again! We are delivered! Set free! No more condemnation.

To sustain the mind of Christ we must walk in the Spirit. The ways and habits that cause us to feel naked occur when we are walking in the flesh. The ways and habits which create our awareness of being clothed occur when we are walking in the Spirit.

"Walking in the Spirit" is a continuous steady-state of moving forward step by step toward the purpose and calling of God—falling down, getting back up again, relentlessly pursuing a God-ordained Kingdom destiny. Walking in the spirit is a way of life which seeks the pleasures of the Kingdom of God. Conversely, "walking in the flesh" is a continuous steady-state of moving forward step by step toward the lust of the flesh, the lust of the eyes and the pride of life—falling down, getting back up again, relentlessly pursuing carnal cravings which ultimately lead to destruction. Walking in the flesh is also a way of life but with a different motive. It is a lifestyle which seeks the pleasures of the world. If we walk in the Spirit we are inclined toward the things of the Spirit. If we walk in the flesh we are more inclined toward the things of the flesh. Walk in the spirit and you shall not fulfill the lust of the flesh.

Walking in the Spirit

Mind things of the Spirit  
Spiritually minded  
Reconciled to God  
Submitted to God  
In the Spirit  
Belongs to Christ  
Dead to sin  
Spiritually alive  
Christ led life  
Spirit-filled  
Debt-free flesh  
Righteous Life  
Spirit is helper  
Eternal life

Walking in the Flesh

Mind things of the flesh  
Carnally minded  
Enmity with God  
Not subject to God  
In the Flesh  
None of His  
Alive to sin  
Spiritually dead  
No Christ  
Carnal  
Debtor to the flesh  
Sinful life  
Self is helper—no help  
Death

Walking in the Spirit is a steady-state of moving forward step by step toward the purpose and calling of God; falling down, getting back up again; relentlessly pursuing a God-ordained destiny. Jesus said, "...if any man will come after me, let him deny himself, and take up his cross daily, and follow me. (Luke 9:23) Walking involves submitting our will to the Lordship of Christ and accepting the challenge of sufferings associated with our spiritual growth and development on a day to day basis for the purpose of following Christ.

To fulfill God's calling on our lives, our walk must not only be daily but must also be diligent. Daily means occurring each day. Diligently is defined as constant in effort to accomplish something. Diligent also indicates attentive and persistent in doing. Walking in the Spirit is a step by step process. In other

words, there are steps which should be taken daily, consistently and constantly in an effort to live a spirit-filled virtuous life. The steps of overcoming the stronghold of condemnation for a clothed man are:

- Step 1: Daily quiet time
- Step 2: Prayer and Fasting
- Step 3: Daily feeding on the Word of God
- Step 4: Wholesome relationships with family and friends
- Step 5: Accountability to others

### Daily Quiet Time

Everyday a man should begin his day spending time with God. We should all have a designated place in our house consecrated as the place where we meet God for worship and meditation. Spending time with God in the morning is powerful. It is an indication to him of just how much we honor and acknowledge his sovereignty over our lives. Worshiping God in our consecrated place assures a daily encounter with the Creator of the ends of the earth. Being in His presence early in the morning invokes the powers of heaven to invade our earthly space. It engulfs our atmosphere and is with us wherever we go for the rest of the day.

During our quiet time God speaks. As we worship we must be careful to take time to be still. Take time to be quiet and to listen. The time devoted to worship and prayer should be governed by the Holy Spirit. We should wake up early enough to be at ease and not have the stress of a time constraint. Our posture should be governed by the move of the Holy Spirit. Bow as the Spirit moves. Lay prostrate as the Spirit moves.

Stand and lift holy hands as the Spirit moves. As the Spirit leads, from time to time, offer your body to the Lord to be used for his glory and as living proof of his exceeding great and precious promises. Here is the "Offer Your Body" prayer given to me from the Lord.

### Offering Your Body

Lift your hands look up and say: Heavenly Father, I offer my body to you, as a living sacrifice, holy and pleasing to you, which is my spiritual act of worship. I will not be conformed any longer to the patterns of this world. I will be transformed by the renewing of my mind; that I may be living proof of what your will is; your good, pleasing and perfect will. (Rom. 12:1-2)

Lay your hands on your head and say: I commit my mind to you. I have the mind of Christ. Wisdom, sound judgment, good discretion, common sense, supernatural knowledge, intellect, ideas and witty inventions are mine in Jesus name.

Lay one hand over each eye and say: I commit these eyes to you, that all I see will be filtered through the eyes of the Holy Spirit. I will not stare after any woman or anything in lust or covetousness which leads to transgression. My vision for my family, my ministry and my future are ordered of the Lord.

Lay your hands on your ears and say: I commit these ears to you dear God; that I will hear your voice clearly and distinctly above any other voice, any noise or distractions. I will hear what God the Lord will speak, for he will speak peace unto his people and to his saints and I will not return again to folly. I am an anointed listener and discerner in Jesus name.

Touch with the tips of your fingers your lips, tongue and vocal cords and say: I commit these lips, this tongue and these vocal cords to you; that everything I say will be ordered of the Holy Spirit. The Spirit of the Lord speaks through me, and his words are in my tongue. The Word of God is nigh me, in my mouth and in my heart.

Lay your hands on your heart and say: I commit my heart to you, that it will be filled with your personality and character of love, joy, peace, patience, kindness, gentleness, faithfulness, goodness and self-control against these there is no limit;

Lay your hands on your stomach and say: Out of my belly shall flow rivers of living water;

Lay your hands on your heart and say: Out of the abundance of my heart, my mouth will speak;

Keeping your hands on your heart, lay your head back and say: I open my mouth wide that you might fill it;

Stretch your arms wide as though forming a dam and say: My left hand is in the sea; my right hand is in the rivers; that the lands (marriage, family, congregation, ministry, etc.) which the Lord my God gives me shall be overflowing with goodness and abundance; and

Stretch your hands to heaven and say: I commit these hands to you, that you would bless all the works of these hands and all that they set themselves unto; and that whatsoever they do shall prosper....

Since your hands are freshly blessed of God, touch and or lay your hands over every body part: your head, face, eyes, ears, mouth, neck, chest, heart, lungs and internal organs, groin and loins, legs, feet, shoulders, upper and lower arms and your hands. Say a prayer over each part as you touch and move from one to the next.

Conclude with: From the top of my head to the soles of my feet; I offer you my life; that I may be filled with all the fullness of God; unto the fullness of the measure and stature of Christ; that as you are, so am I in this world. Let my life be undeniable evidence of your exceeding great and precious promises. I give you all the praise—IN JESUS NAME—AMEN!!!!

### Prayer and Fasting

A clothed man should pray one time a day—all day long. However, he should start his day in fervent prayer to the Father. A most significant part of our quiet time with God includes expressing words of thanksgiving, supplication and intercession to him in prayer. It is amazing to even meditate on the fact of having the blessed privilege to talk to the Most High God—the Creator of the ends of the earth at the beginning of each day and throughout the day as often as we choose. No matter where we are or when we call on him he is always there.

Our prayers should be inclusive of matters of global and national significance; matters pertaining to federal, state and local significance; matters pertaining to our community, neighbors and friends; matters related to the Body of Christ and our local church and matters concerning our household and family—spiritually, physically, financially and relationally;

and our own personal petitions and confessions. However, if we were to attempt to cover all areas every morning it would take hours. Our prayers would also become so structured and monotonous, it would do well for us to simply record it and play it back to God every day. Our prayers to God should be as a loving son talking to a loving Father. It should be an authentic heartfelt conversation between Father and son. He knows everything, but he does not want to have the same conversation every time you come together.

The power of prayer is magnified when it is accompanied by a lifestyle of fasting. The combination of prayer and fasting invokes a greater level of spiritual awareness, power and sensitivity to the guidance of the Holy Spirit. There are some issues in life that cannot be conquered with just prayer alone. When the Jesus was in the mount during the Transfiguration, he returned to discover a crowd frustrated with his disciples because they could not cast out a demon from a young lad. They were frustrated because they knew these were Jesus' disciples and they knew they had done this before on other occasions. The disciples were also discombobulated and frustrated. Jesus intervened and cast out the demon from the boy. Afterwards, the disciples wanted to know why they could not cast the demon out. Jesus replied, "...this kind goeth not out but by prayer and fasting." (Matthew 17:24)

For a clothed man to sustain his spiritual peak, he must establish a lifestyle of fasting where throughout the year there are periods of time when he brings his body under submission through the sacrifice of giving up certain things which his carnal nature craves in order that his spiritual nature would increase in dominance. Fasting is answering the command to mortify

our members—to subjugate our body and its passions to the glory of God. It is a spiritual discipline which elevates our supernatural being.

Before a vow is made to fast, prayerfully consider when to fast, what to fast and how long the commitment should be. Fasting should be sacrificial. The degree of sacrifice varies from one believer to another. The question I always ask myself before committing to a fast is, "How bad do you want to hear from God?"

### Feeding on the Word of God

Feeding on the word of God is essential to overcoming the stronghold of condemnation. The enemy is relentless in his buffeting strategies to cripple men with the nakedness mentality. He will never stop his deceptive ways to convince us that what God has planned for us will not fulfill us as men and that his plan is better. His attempts on Christ in the wilderness failed because Jesus was at his spiritual peak after forty days of fasting and prayer, and because he countered all the proposals of Satan with the word of God.

As clothed men we must establish a way of life where we are consistent in feeding our spirit-man on God's word. When a man relies solely on sermons on Sunday mornings, Wednesday night bible study, and occasional television broadcasts, he does not receive the spiritual nourishment essential to maximizing his virtue. Clothed men need to feed on the word every day. Daily bible reading changed my life. It is an absolute necessity to overcome the stronghold of condemnation. However, daily bible reading alone is not enough. Men should be engaged

in small group bible study as a part of his ongoing efforts for spiritual growth and development. There is so much more to learn of God and his purpose for our lives that cannot be achieved outside of small group bible study using inductive methodologies.

The bible has exceedingly, great and precious promises decreed to the man who commits his life to feeding on the word of God. Two of my favorites are:

*Joshua 1:7-8 Only be thou strong and very courageous, that thou mayest observe and do according to all the law, which Moses my servant commanded thee: turn not from the right hand or to the left, that thou mayest prosper whithersoever thou goest. This book of the law shall not depart out of thy mouth; but thou shalt meditate therein day and night, that thou mayest observe to do according to all that is written therein: for then thou shalt make thy way prosperous, and then thou shalt have good success.*

*Psalms 1:1-3 Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sinners, or sitteth in the seat of the scornful. But his delight is in the law of the Lord; and in his law doth he meditate day and night. And he shall be like a tree planted by the rivers of water that bringeth forth his fruit in his season; his leaf shall not wither; and whatsoever he doeth shall prosper.*

### Sustaining Wholesome Relationships

A clothed man's family is one of his greatest sources of conquest over condemnation. A single man in strong and

wholesome relationship with his mother, father, brothers and sisters is not easily brought into condemnation. A married man who takes serious his commitment to holy matrimony and being faithful to his wife is not easily brought into condemnation. A father who is faithful to supporting, sustaining, nurturing and protecting his children is not easily brought into condemnation.

We are stronger when we work to sustain robust relationships with our family. Conversely, we are vulnerable when there are existing and ongoing issues which have broken the love and fellowship of family members. When a clothed man has unresolved dissension with his mother, father, brothers, sisters, wife and children no matter how hard he tries he cannot help but feel naked. Reconciliation should be the top priority of the man who seeks to overcome condemnation when all the other areas previously mentioned are in order. Initiating faithful efforts to reconcile broken relationships within the family structure brings healing and restoration in the spirit of a man, even if it takes a long time to accomplish, even if the other family member never relents.

### Accountability

A clothed man must have relationships outside of the family structure if he is to sustain victory in overcoming condemnation and walking in the Spirit. As the song says, "No man is an island; No man stands alone. Each man's joy is joy to me; Each man's grief is my own. We need one another; so I will defend, each man as my brother, each man as my friend."

Like Jesus, a clothed man should have an inner circle of men that he can trust and be vulnerable to. There are too many things

that men carry on the inside of them that must come out in ways other than talking to God about them. Much of our suffering with the naked mentality is a result of the many secrets and struggles we keep to ourselves with no credible outlet. Having biological brothers are great, but not always accessible. In some cases, they are not on the same spiritual level or even of the same denomination. Though a brother is born for adversity, a man needs a friend who is closer than a brother—closer in accessibility and closer in spiritual development to share things with, to hold him accountable.

Using the bible as a model, a man should have two to three friends who can be relied on who are accessible and approachable to share with one another the issues of life. As iron sharpens iron, so a man sharpens the countenance of his friend. (Proverbs 27:17) Clothed men should be able to talk to one another about everything without being judged, condemned and in the strictest of confidence. There should be an understanding among them of the commitment to meet face to face either on a scheduled basis or upon request or both. All involved in the inner circle should be confident that the ultimate desire of each man is to please God in every area of his life and to be a faithful family man. Each must be devoted to the motto: "To hold each other up, we must hold each other accountable."

God is the greatest example of accountability for clothed men to follow. He gave us his written Word: commandments, precepts, statutes, ordinances, doctrine, promises and covenant. He expects his children to hold him accountable to his word as much as he expects his children to be accountable to his word. Accountability is modeled in the Holy Trinity. God the Father

is accountable to God the Son. God the Son is accountable to God the Father. God the Son is accountable to God the Holy Spirit. God the Holy Spirit is accountable to God the Son. God the Father is accountable to God the Holy Spirit and God the Holy Spirit is accountable to God the Father. Each component of the Triune God holds the other accountable to his role in the will of God and to the Word of God. If one fails to hold the other accountable, heaven and earth would pass away.

As such, when clothed men have a core circle of friends to hold each other accountable, we are most apt to fulfill God's plan for our life. Accountability will lead to a testimony of that group of men which says, "These are the men who turned the whole world upside down. (Acts 17:6) Accountability is the greatest ingredient to greatness.

The five steps of walking in the Spirit work together to build and sustain momentum for moving in the divinely ordained destiny which God has ordered for us before the foundation of the world. If the heart of a cloth man is steadfast and fully committed in abiding in the support of our Helper, the Holy Spirit, we will experience the exceeding great and precious promises of a spirit-filled virtuous life. *"For the eyes of Lord move to and fro throughout the earth, that he may strongly support those whose heart is completely his."* (2 Chronicles 16:9)

## Chapter 12

### A Spirit-filled Virtuous Life

*II Peter 1:2-5 Grace and peace be multiplied unto you through the knowledge of God, and of Jesus our Lord, According as his divine power hath given unto us all things that pertain unto life and godliness, through the knowledge of him that hath called us to glory and virtue; Whereby are given unto us exceeding great and precious promises: that by these ye might be partakers of the divine nature, having escaped the corruption that is in the world through lust. And by all this, add to your faith virtue; (KJV)*

It is God's desire that as clothed men, we are filled with all the fullness of God, unto the fullness of the measure and stature of Christ (Galatians 4:13). Consistently exercising the disciplines of a clothed man sustains us at our spiritual peak.

According to II Peter 1:2-3, God has given us all things that pertain to life and godliness. Through the knowledge of him that hath called us to glory and virtue. A spirit-filled life is a life manifesting God's glory and virtue. The lifestyle of a clothed man is one that in all roles, relationships and responsibilities reveals compelling evidence that he is a son of God. In other

words, people can look at his life and see that all the promises of God are true because he is living proof.

### Called to Glory

The glory of God in clothed men is the expressions of the attributes of God. We are the physical expression of what God is like in the earth. (As he is, so are we in this world. I John 4:17). The attributes of God are manifested in his children. The attributes of Christ are manifested through His Body through spiritual gifts. The personality and character of God are also manifested in his children, first in Jesus and now in us—his brothers and sisters. Those traits can best be described as the fruit of the Spirit: love, joy, peace, patience, kindness, goodness, faithfulness, gentleness and self-control.

The definitions of glory in the Greek include: very apparent, dignity, honor, praise, and worship. It also means apprehended to be the expressions of the attributes of God. Because we are the expressions of the attributes of God, as clothed men, we should strive in spiritual beauty, a strong mind, in health, wellness fitness, grooming and clothing to be as fit an expression for him as we can be. It should not take a long time to determine whether the glory of God is in a man. His worship and praise should cause instant recognition. The honor and dignity he resonates should give him away. It should be very apparent that he is not like other men and that he has distinguished himself as a son of God. We have been apprehended to be the expressions of the attributes of God.

### Called to Virtue

Virtue is defined as moral excellence; goodness; righteousness; conformity to one's life and conduct to moral and ethical principles; effective force; power; potency; the traits or order of angels. (Webster)

According to The New Strong's Exhaustive Concordance of the Bible, virtue in the Greek translation is defined as miraculous power, force, ability and abundance; mighty deed; worker of miracles; strength, violence, mighty (wonderful) work. In other context of scripture virtue is defined as volition; will; purpose; advise; and counsel.

In the Hebrew translation virtue is defined as a force whether of men, means or other resources (an army, virtue, valor, strength); able activity, army, band of men, company, (great) forces, goods, host, might, power, riches, strength, strong substance, train, valiant, valor, war and worthy.

These three references which define virtue can be summarized as the physical and spiritual resources essential to living victoriously, in all things that pertain to life and godliness. Though we are filled by receiving the Holy Spirit, the very activities associated with fulfilling our many manhood obligations at home, in the marketplace, and in the community of faith are dependent on appropriations of this divine nature. Virtue is the divine order that energizes and gives meaning, purpose, stamina and focus to our existence as men.

I have often asked myself, "What is this internal influence, this driving force on the inside that keeps us going when going doesn't make sense?" When we give and give as husbands and fathers, papaws and uncles, followers and leaders, how is it that we still have enough to keep going even in seemingly insurmountable environments. It is because of the power of virtue.

Smith Wigglesworth says, "Virtue is that something which propels us into the Kingdom of God—out of the natural order, into a divine order with divine power for promotion charged by the power of God by another greater than us, a divine order". Sometimes even in the course of serving and empowering others, we become overly reliant on the natural order of things. We begin to put our faith in methods, traditions, procedures, politics, systems and past successes. These are the behaviors of a naked man. The Kingdom of God is not confined to the natural order of things. Virtue is an awareness of the Kingdom of God and all its resources which keeps us operating above and beyond the natural order.

It is virtue that compels us to conduct ourselves in all human affairs according to the will of God (Phil. 2:13) It is virtue that causes us to perform in supernatural ways. Consequently, expending and exerting ourselves into the lives of others depletes virtue. Jesus walked in this divine power in his earthly ministry. In Acts 1:8, the disciples came into it. After receiving Christ, we are in it, and into it. You cannot get rid of it once it is in you—this divine power. (Smith Wigglesworth paraphrased)

*Mark 5:30 And Jesus, immediately knowing in himself that virtue had gone out of him, turned him about in the press, and said, Who touched my clothes? (KJV)*

*Luke 6:19 And the whole multitude sought to touch him: for there went virtue out of him, and healed them all. (KJV)*

*Luke 8:46 And Jesus said, Somebody hath touched me: for I perceive that virtue is gone out of me. (KJV)*

There are several accounts in scripture that describe the power of Jesus in his earthly ministry using the word virtue. Remember the woman with the issue of blood who decreed, "If I could just touch the hem of his garment, I shall be made whole." When she pressed her way through the crowd and touched his hem, Jesus said, "Who touched my clothes?" Because he felt virtue go out of him. While on earth Jesus was fully God, but he was also fully man.

In his divine carnal state, as he went about interacting each day with people—teaching the disciples, healing the sick, raising the dead, and debating the scribes and Pharisees, virtue was going out of him. Even so, he never allowed his virtue fuel tank to reach empty. He replenished his virtue on an ongoing basis, giving glory to God for all his miracles and mighty acts, stealing away from the crowds to spend personal one-on-one time with the Father and going to the synagogue to worship and receive the word.

In our divinely clothed but carnal state, we too are partakers of this divine nature. (II Peter 1:4). As we interact with people, performing the activities of our purpose and calling, virtue goes

out of us. Being a good husband depletes virtue. Fathering depletes virtue. Ministry depletes virtue. Fighting temptation and condemnation depletes virtue. Like Jesus, we should never allow our virtue fuel tank to reach empty. We should replenish our virtue through the steps of walking in the Spirit: daily quiet time; prayer and fasting; feeding on the word of God; wholesome relationships with family and friends, and accountability to others.

These are the spiritual disciplines that give us the confidence to declare; *Now unto him who is able to do exceeding abundantly above all we can ask or think according to the power (virtue) that works in us. (Ephesians 3:20)* Adam lost dominion, authority and power in the Garden of Eden through sin. By virtue of the blood of Jesus Christ dominion, authority and power has been restored. We have the measure of faith that has caused us to be redeemed from condemnation, but to live the spirit-filled victorious life, we must add to our faith, virtue (2 Peter 1:5)

### Called to Faith

*"...we must add to our faith, virtue." 2 Peter 1:5*

Imagine two men going on a journey on a long winding road, occasionally hilly, occasional valleys. On a certain very long straight stretch, they could see for miles. Ahead, they could see a vast lake reflecting the sun, surrounded by lush green forests, covered mountains all around.

One of them considers all they have been through along the journey. He concludes the lake is too great an obstacle and decides to turn back. The other man concludes he has

made it this far, he cannot turn around. So he continues the journey. After several miles, the straight road begins a descent which could not be seen from a distance. The brightness of the sun has yielded to evening revealing the lakeshore. From the peak of the declining road downward, there appears a bridge stretching all the way across to the other side.

Faith is the substance of things hoped for, the evidence of things not seen. We have heard it most of our spiritual lives. To live the spirit-filled virtuous life demands a walk of faith. We have got to believe that God can make a way out of no way. Our confidence in and toward our destiny cannot be based on only that which we can see. The man who pressed on tried to encourage his companion with the old spiritual songs: "Step by step, we'll make the journey even though our way seems hard. Step by step, we'll make the journey, but we must put our trust in God. As he pressed on alone toward the lush green forests, he encouraged himself with the old spiritual hymn, "We've Come This Far By Faith", the lyrics are:

*"We've come this far by faith; leaning on the Lord. Trusting in his holy word, he's never failed my yet. Oh, oh, oh, can't turn around; we've come this far by faith."*

Faith and virtue sustains our victory over condemnation and deprivation. When we are full of faith and virtue, we walk consistently in the glory of God. Condemnation has no root in the life of a man whose faith is strong, whose virtue is replenished day by day; the man who manifests the glory of God in all challenges and in his interactions with others. It is impossible that a man would hope in God that the purposes, and promises of God be fulfilled in his life, diligently pray and

seek after them, and the purpose and promises fail to come into fruition.

A man cannot walk in a state of deprivation when he is full of faith and virtue. He knows that "the promises of God in him are yea, and in him, Amen unto the glory of God by us!" (II Corinthians 1:20). He knows emphatically that God is his source and that nothing that he needs will be denied of the Father. When our virtue is consistently low, we beg and plead to our Father for what we need. When our virtue is full we come before him boldly and confidently with our petitions.

A deprived man sits at the door of his Father's house begging to come in to enjoy his presence and the bounty of his household, when he has the key in his hand and knows the security code. A man of virtue, a clothed man, boldly and confidently enters in, knowing that all that the Father has belongs to him.

Faith, glory and virtue are the present tense of divine power which causes us to act and talk as if the things that we believe God for has already occurred. As a clothed man, it is acting and speaking in divine authority as sons of God. (Romans 8:19) Our words and our conversation are the greatest evidence of our faith, evidence of things hoped for but yet unseen.

One of the greatest pictures of the spirit-filled life can be seen in examining Job 29 in reverse. In this chapter, Job is reminiscing on what his life was like before the series of calamities which led to his current state as he talked with his three friends. He was speaking in past tense and how he expected his life to conclude if he had continued on that path. This paraphrased version from the Message Bible places this chapter in present

and future tense, and is God's intent for the life testimony of a clothed man. Taste and see.

### God is On My Side

A Present Tense Paraphrase of Job 29 (MB). The biographical sketch of the life of a clothed man:

I am having the time of my life!  
 God is taking such good care of me.  
 He always holds a lamp before me  
 As I walk through the dark by its light.  
 Oh, how I love these golden years  
 As God's friendship graces my home;  
 The Mighty One is still by my side  
 And my children are all around me.  
 Everything is going my way,  
 And nothing is too difficult.

When I walk downtown  
 And sit with my friends in the public square,  
 Young and old greet me with respect;  
 I am honored by everyone in town.  
 When I speak everyone listens;  
 They hang on my every word.  
 People who know me speak well of me.  
 I am known for helping people in trouble,  
 And standing up for those who are down on their luck.  
 The dying bless me  
 And the bereaved are cheered by my visits.

All my dealings with people are good.  
 I am known for being fair to everyone I meet.  
 I am eyes to the blind;  
 And feet to the lame,  
 Father to the needy,  
 And champion of abused aliens.  
 I grab street thieves by the scruff of the neck  
 And make them give back what they've stolen.

I will die peacefully in my own bed,  
 Grateful for a long and full life,  
 A life deep-rooted and well watered.  
 A life limber and dew-fresh  
 My soul suffused with glory  
 And my body robust until the day I die.  
 Men and Women listen when I speak.  
 They hang expectantly on my every word.  
 After I speak they are quiet,  
 Taking it all in.  
 They welcome my counsel like spring rain,  
 Drinking it all in.  
 When I smile at them they could hardly believe it.  
 Their faces light up, their troubles take wings!

I am their leader, establishing the mood  
 And setting the pace by which they live.  
 Where I lead, they follow.

## Chapter 13

### We Have Overcome the Stronghold of Condemnation

*"There is therefore now no condemnation to those who are in Christ Jesus, who do not walk according to the flesh, but according to the Spirit. Romans 8:1*

*"For whatsoever is born of God overcometh the world: and this is the victory that overcometh the world, even our faith, who is he that overcometh the world, but he that believeth that Jesus Christ is the Son of God." II Timothy 5:4-5*

*"In this world ye shall have tribulation: but be of good cheer; I have overcome the world" John 16:33*

In spite of The Cross—and everything we know about The Blood of Jesus, we have been treating sin as an incurable disease. Condemnation constantly renews this mindset. Jesus came to cure the world from its sin condition. He accomplished what he came here to do! "It is finished!!!"

Jesus overcame all the world's devices, including the enemies' buffeting. He overcame each difficulty and each

temptation as each presented itself. The powers of evil were strained to their utmost to discourage, distract and defeat him. They failed.

Jesus overcame and conquered for our sake, not for his own sake. On the outside, based on what he was going through and from what everyone could see, he was conquered—even in the minds of his followers who fled.

So as he came to show us God the Father, he also had to show us God the Son, unconquered, unharmed, and untouched by evil and its power. His resurrected body was and is the evidence of his victory over all of earth's fury.

We too share in the experience of his tribulations. Christ's overcoming gives us courage and hope that we too shall overcome. In his conquering power we walk victorious and unharmed even today.

*"There is therefore now no condemnation to those who are in Christ Jesus, who do not walk according to the flesh, but according to the Spirit. 2 For the law of the Spirit of life in Christ Jesus has made me free from the law of sin and death. For what the law could not do in that it was weak through the flesh. God did by sending His own Son in the likeness of sinful flesh, on account of sin: He condemned sin in the flesh, that the righteous requirement of the law might be fulfilled in us who do not walk according to the flesh but according to the Spirit. For those who live according to the flesh set their minds on the things of the flesh, but those who live according to the Spirit, the things of the Spirit. 6 For to be carnally minded is death, but to be spiritually minded is life and peace." Romans 8:1-6 (NKJV)*

## Victory Over Condemnation

*"And I heard a loud voice saying in heaven, "Now is come salvation, and strength, and the Kingdom of God, and the power of His Christ: for the accuser of the brethren is cast down, which accused them before God day and night. And they overcame him by the blood of the Lamb, and by the word of their testimony and they loved not their lives unto death." Revelation 12:10-11*

When a clothed man overcomes condemnation, it brings the Kingdom of God into his entire household. John 4:46-54; Acts 11:13-14; Acts 16:30-31; Luke 19:1-10; "And this is the condemnation, that light has come into the world, and men loved darkness rather than light, because their deeds were evil. Everyone that doeth evil hated the light neither cometh to the light, lest his deeds be reproved. But he that doeth truth cometh to the light; that his deeds may be made manifest, that they are wrought in God." John 3:19-21

Rejecting Jesus after being enlightened of him is condemnation. It is a conscious choice to choose darkness over light. The naked love darkness, the works of the flesh, and the pleasures of sin more than the light. The clothed love the works of the Spirit and the pleasures of righteous and therefore walk in the light. Those who make a conscious choice for darkness hate the light out of fear that their sin will be exposed by the light. They fear the guilt. They fear the shame. They fear the punishment. These are all rooted in condemnation. They do not realize that without Christ—the Light—they are dead already. They are naked.

Those who practice the truth—clothed men—come to the light. They are driven by faith to walk in the Spirit. Those who make a conscious choice daily to walk in the light have a staunch determination to be living proof of the promises of God, and that all they do in works and deeds are wrought in God. They are compelling evidence of what it is to be filled with all the fullness of God. (Ephesians 4:13)

Naked, self-serving men are predominately deprived. Clothed men serving from the heart are predominately filled. A filled man is less distracted by temptations. A man fulfilled in marriage is not distracted by other women. A man fulfilled financially through the blessing of the Lord is not distracted by fraud, embezzlement and income tax evasion. A man filled with all the fullness of God is not distracted by what the world has to offer. "For whatsoever is born of God overcometh the world: and this is the victory that overcometh the world, even our faith. Who is he that overcometh the world, but he that believeth that Jesus Christ is the Son of God." II Timothy 5:4-5

Jesus overcame all of earth's efforts and all of the world's devices. He overcame every difficulty, every temptation. The principalities and powers threw everything they could and tried to the utmost to break him. They failed.

Jesus conquered for our sake, not his own. Even the road to Calvary was the manifestation of the extent he was willing to suffer for our victory over condemnation. He was wounded for our transgressions. He was bruised for our iniquities. The chastisement of our peace was upon him. And with his stripes we are healed, set free and delivered. Christ overcoming

grants us glory and virtue. As clothed men, we walk today as champions of the Most High God.

"There is therefore now no condemnation to them which are in Christ Jesus who walk not after the flesh, but after the Spirit." (Romans 8:1) If a man thinks he is condemned he will therefore act like he is condemned. The devil is a lie! We have the mind of Christ. When we think that what Adam did in Eden is greater than what Jesus did on Calvary; we persist in a state of deprivation. God said we are the righteousness of God in Christ Jesus. We are clothed in white raiment, washed in the blood of the Lamb, not "filthy rags".

Being transformed in the renewing of our mind is believing and walking in the truth of what God said in his Word about us:

- We are not condemned; we are redeemed!
- We are not deprived; we have all things that pertain to life and godliness!
- We are not sinners; we are the righteousness of God in Christ Jesus!
- We are not naked; we are clothed with Christ!

WHO TOLD YOU, THAT YOU WERE NAKED!!!

## References

Eerdmans, W. B., (2000) Eerdmans Dictionary of the Bible. Grand Rapids, MI: David Noel Freeman, Editor-in-Chief

Deuteronomy 28: 1-14 (KJV)

Chagorah( Hebrew): something with which to be gird about, as a belt or girdle. New Strong's Exhaustive Concordance of the Bible, (1995, 1996) Nashville, TN. Thomas Nelson Publishers.

Epithumia (Greek) which means desire, crave, and a longing for what is forbidden; concupiscence-sexual desire. . New Strong's Exhaustive Concordance of the Bible, (1995, 1996) Nashville, TN. Thomas Nelson Publishers.

New American Stand Bible

Baptist Hymnal (1977) "He Will Carry You Through", Nashville, TN: National Baptist Publishing Board

Astheneia (Greek) want of strength; weakness; infirmity: meaning a moral, mental, or physical weakness or flaw. New Strong's Exhaustive Concordance of the Bible, (1995, 1996) Nashville, TN. Thomas Nelson Publishers.

After receiving Christ, we are in it, and into it. You cannot get rid of it once it is in you—this divine power. (Smith Wigglesworth paraphrased) Liardon, R. (1996) Smith Wigglesworth: The Complete Collection of His Life Teachings: Tulsa, OK. Albury Publishing.

Baptist Hymnal, (1977) We've Come This Far By Faith. Nashville, TN: National Baptist Publishing Board

Message Bible

Dake, F. J., (1993) Dake's Annotated Study Bible: Lawrenceville, GA.

Dictionary.com

A.J. Russell, (1989) God Calling, A. J. Russell. Uhrichsville, OH: Barbour Publishing, Inc.

King James Version of the Bible

New American Standard Bible

New International Version of the Bible

New King James Version of the Bible

Soleyn, S. (2012) My Father My Father: Albuquerque, NM: Soleyn Publishing LLC. New Strong's Exhaustive Concordance of the Bible, (1995, 1996) Nashville, TN. Thomas Nelson Publishers.

Liardon, R. (1996) Smith Wigglesworth: The Complete Collection of His Life Teachings: Tulsa, OK. Albury Publishing.

Thorndike Barnhart Advanced Dictionary (1994) Glenview, IL: Scott Foresman & Company

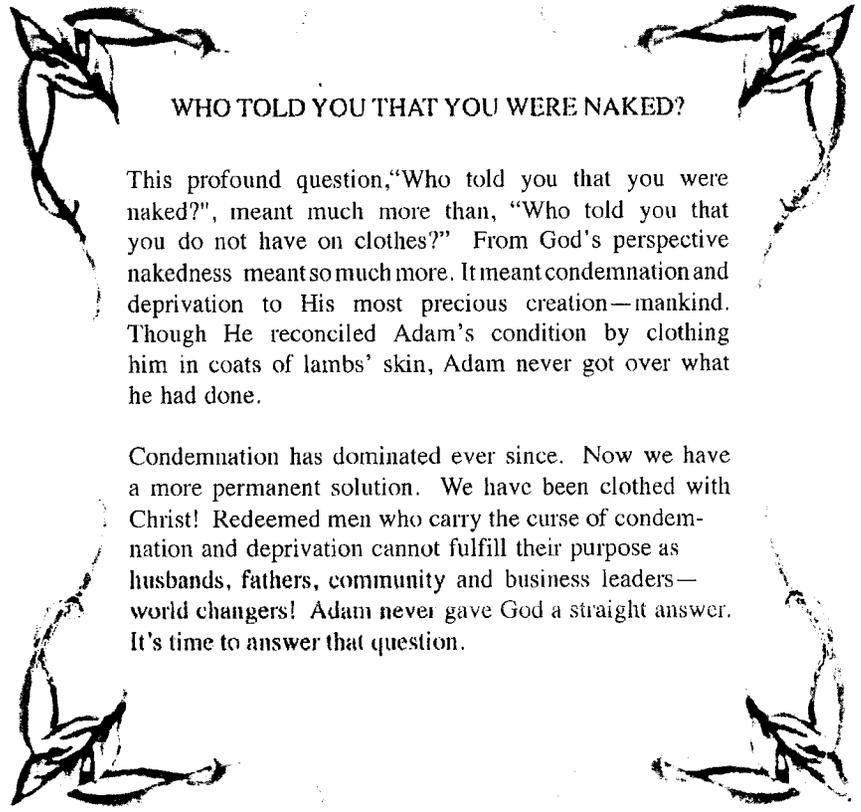
CPSIA information can be obtained at [www.ICGtesting.com](http://www.ICGtesting.com)

Printed in the USA  
LVOW11s0311080115

421970LV00002B/47/P



9 780985 496852



### WHO TOLD YOU THAT YOU WERE NAKED?

This profound question, "Who told you that you were naked?", meant much more than, "Who told you that you do not have on clothes?" From God's perspective nakedness meant so much more. It meant condemnation and deprivation to His most precious creation—mankind. Though He reconciled Adam's condition by clothing him in coats of lambs' skin, Adam never got over what he had done.

Condemnation has dominated ever since. Now we have a more permanent solution. We have been clothed with Christ! Redeemed men who carry the curse of condemnation and deprivation cannot fulfill their purpose as husbands, fathers, community and business leaders—world changers! Adam never gave God a straight answer. It's time to answer that question.



3G Publishing, Inc.  
Loganville, GA 30052  
888-442-9637  
[www.3gpublishinginc.com](http://www.3gpublishinginc.com)



**Regional Leadership**

*Regional Board Chair*

Steven A. Pepper

*Regional Director*

Mark Moskowitz

**National Leadership**

*National Chair*

Barry Curtiss-Lusher

*National Director*

Abraham H. Foxman



Anti-Defamation League®

December 22, 2014

The Honorable Kasim Reed  
Mayor of Atlanta  
2<sup>nd</sup> Floor, Atlanta City Hall  
55 Trinity Avenue  
Atlanta, GA 30303-3520

Dear Mayor Reed:

The Anti-Defamation League is one of the nation's leading civil rights and human relations agencies. For over 101 years, the ADL has devoted itself to combating anti-Semitism and all forms of prejudice and to securing justice and fair treatment for all people.

The Anti-Defamation League writes to share our perspective with you on Atlanta Fire Chief Cochran's recent book and on the issues it raises. Unfortunately, the Chief published his book without City leaders being aware of its content. We have serious concerns that the attitudes expressed in the book condemn homosexuality and reject, with very strong pejorative language, any faith other than Chief Cochran's brand of evangelical Christianity.

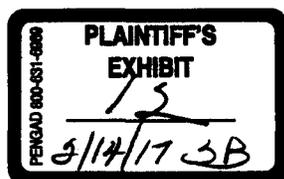
The issues at hand are not about Chief Cochran's religious freedom or free speech rights, though these are undoubtedly the issues you have heard the most about. As an organization, ADL strongly supports the right to religious freedom and freedom of speech. We respect every person's right to freely observe their faith and to express their views, but any cogent analysis of this situation requires that you look beyond just these issues. The Chief is the leader of the City of Atlanta Fire Department and a representative of a demographically diverse workforce and City. As such, the attitudes he has expressed contradict the value commitment to employees of respect, fairness and inclusion, and ultimately erode trust with employees and citizens of the City of Atlanta.

As the leader of the City of Atlanta Fire Department, the Chief must be a role model and representative of the City's nondiscrimination policy. The statements of personal belief contained in the book blatantly contradict that policy. With higher levels of authority and leadership, there are definite higher standards for behavior that must result in building trust and credibility. Top level organizational leaders must not indicate they favor one demographic group over another with their behavior and personal statements. This includes race, gender, sexual orientation, gender identity, religious and faith beliefs, and individuals who do not identify with any religion, as examples, all of which are specifically protected in the City's nondiscrimination policy.

**Imagine a World Without Hate®**

**Southeast Region**

One Securities Centre, 3490 Piedmont Road NE, Suite 610, Atlanta, GA 30305, T 404.262.3470 F 404.262.3548 www.adl.org



December 22, 2014  
The Honorable Kasim Reed  
Page 2 of 2

Due to the deep personal sentiments expressed in the book and the uncompromising nature in how he presented his beliefs and points of view, the Chief has irrevocably compromised his leadership position. It is difficult and unreasonable to believe the Chief can check his prejudices at the door and lead the City of Atlanta Fire Department without his decision-making, both overt and covert, being significantly influenced by these beliefs. This becomes even more evident when you review the Chief's post-suspension comments on the matter at hand.

If the Chief returns to his position, it is likely and understandable that City employees, both within and outside the City of Atlanta Fire Department, will not feel included and respected; and, particularly within the fire department, that they will have concerns and perceptions of a hostile work environment. They may also harbor fears of retaliation if they confront and express different viewpoints than those of the top person in the organizational position of power and authority. This is not only true for LGBT, non-Christian, and individuals who do not identify with any religion, but other Christian employees who do not adhere to the beliefs expressed by the Chief.

Finally, if the circumstance had to do with obvious expressions of racial or gender prejudice by an organizational leader, the situation would likely result in an immediate termination of that individual.

ADL is an organization that values inclusion and respect for all. We believe leaders must be role models in exemplifying these values. We encourage and support you in your continued investigation of this matter and believe the final resolution will be reflective of the highest standards of respect, fairness and inclusion of all employees and citizens of the City.

Sincerely,



Mark Moskowitz  
Southeast Regional Director



Steven A. Pepper  
Southeast Regional Board Chair

# INVESTIGATIVE REPORT

Atlanta Fire Rescue Department – Chief Cochran Book Publication

City of Atlanta Law Department

January 9, 2015



## INVESTIGATIVE REPORT

Atlanta Fire Rescue Department – Chief Cochran Book Publication

January 9, 2015

As requested, the Law Department conducted an investigation to determine (1) whether publication of the book *Who Told You That You Were Naked*, by Atlanta Fire Rescue Department Chief Kelvin Cochran had been authorized; (2) whether and to what extent the book had been distributed in the workplace; and, (3) if there was any indication that Chief Cochran allowed his beliefs, as expressed in the book, to influence his disciplinary decisions. The investigation involved in-person interviews with Commissioner of Human Resources, Yvonne Yancy, members of the Atlanta Fire Rescue Department's (AFRD) command staff, the City's Ethics Officer Nina Hickson, AFRD Public Information Officer Janet Ward, and union president Steven Borders.

### **I. Was Publication of the Book Authorized?**

The Standards of Conduct provide a clear directive to “commissioners, deputy commissioners [and] department heads” to seek approval of the Board of Ethics before the department head “may engage in private employment or render services for private interests.”<sup>1</sup> No such approval was sought or rendered in the publication of the book that is available on Amazon.com for purchase.

At the outset of the investigation, Chief Cochran admitted that he did not inform Mayor Reed that he was publishing the book and did not have the Mayor's

---

<sup>1</sup> City of Atlanta Code of Ordinances Section 2-820 (d) Commissioners, deputy commissioners, department heads, chief operating officer, deputy chief operating officers, chief of staff, deputy chiefs of staff, bureau directors, and employees of the office of the mayor who report directly to the mayor shall not engage in any private employment or render any services for private interests for remuneration, regardless of whether such employment or service is compatible with or adverse to the proper discharge of the official duties of such employee. However, the employees named in this paragraph may engage in private employment or render services for private interests only upon obtaining prior written approval from the board of ethics in accordance with this paragraph. The board of ethics shall review each request individually and provide written approval or disapproval of the notification within 30 days. All requests for approval of outside employment shall state the type and place of employment, the hours of work, and the employer's name and address. City employment shall remain the first priority of the employee, and if at any time the outside employment interferes with city job requirements or performance, the official or employee shall be required to modify the conditions of the outside employment or terminate either the outside employment or the city employment. This paragraph shall not apply to single speaking engagements or to participation in conferences or on professional panels; provided, however, that any expense reimbursements received for such engagements must be reported in accordance with section 2-815.

## INVESTIGATIVE REPORT

Atlanta Fire Rescue Department – Chief Cochran Book Publication

January 9, 2015

permission. The only indication there was any mention of the book to anyone in the Mayor's Office is the Chief Operating Officer at the time of publication remembering that Chief Cochran had talked about writing a book on leadership.

Chief Cochran insists Ethics Officer Hickson authorized both the publication of the book and the reference in the book to his position as AFRD Chief. His recollection is that he first contacted Ms. Hickson to determine if it was permissible to publish the book and that he later asked if it was appropriate to identify himself in the book as AFRD Chief. Ms. Hickson indicated that she did not approve publication of the book and had no authority to grant such approval. She said she told him that he would need to get the Mayor's permission as well as a formal opinion from the Board of Ethics.

Contemporaneous notes from Ms. Hickson's log read as follows:

*31 Oct 2012...T/C 10:34 a.m.....Advise regarding non-city-related book he is authoring...will check back w/ me in about 6 mos.*

*2:22 p.m.....9 July 2013...T/C Fire Chief Cochran...mentioning in book...advice-> Leadership Association...assoc...MLM...get a percentage of profit...told him to clear with Mayor...then get authority from Board of Ethics.*

## **II. To What Extent Was the Book Distributed in the Workplace?**

Chief Cochran stated that he provided the book to certain members of his command staff as a personal gift. He originally stated that he did not provide it to anyone who did not request a copy. The investigation disclosed that the book was distributed in the workplace to at least nine (9) individuals. Three (3) of these officers stated that the book was given to them without a request on their part.

Battalion Chief Stephen Hill stated he had been in a professional counseling one-on-one session with Chief Cochran regarding what he needed to do to prepare himself for appointment to Assistant Chief, the only sworn position over which Chief Cochran had sole appointing authority.

Chief Christopher Wessels stated the book was given to him unsolicited at a Chiefs' retreat, but there was no discussion about the book.

## INVESTIGATIVE REPORT

Atlanta Fire Rescue Department – Chief Cochran Book Publication

January 9, 2015

Chief William Collier received an unsolicited book from Chief Cochran at a workshop conducted at the airport but there was no discussion of the book's content.

Chief Cochran acknowledged that he had given these three individuals unsolicited copies of the book.

### **III. Did the Expressed Beliefs Influence Disciplinary Decisions?**

There is currently no indication that Chief Cochran allowed his religious beliefs to compromise his disciplinary decisions. While the fire chief has final authority over disciplinary decisions, the initiation of discipline occurs at lower management ranks for investigation by the Office of Professional Standards. Final recommendations on the level of discipline are made by a Disciplinary Review Panel consisting of chief officers that convenes to review cases sustained by OPS. This Panel then vets each case individually and recommends a level of discipline based on a preset grid that ensures consistency. The recommendation from the Panel must fall within the range set within the grid. Once the Panel forwards its recommendation to the fire chief, he then makes a decision to accept the recommendation, to reduce or to increase within the range or to refer back to the Panel for further review.

The consensus of the command staff witnesses interviewed is that Chief Cochran is more likely to adopt a level of discipline lower than what the Panel recommends. A review of the disciplinary recommendations presented to Chief Cochran from September 2012 through December 2014 shows that, of the 120 cases presented, Chief Cochran deviated from the recommendation of the Disciplinary Review Panel in three instances. In one case, Chief Cochran decreased a firefighter's discipline for a first occurrence failure to report accident infraction from the recommended written reprimand to no discipline. In two cases involving lieutenants, Chief Cochran upgraded discipline from the recommended Category B violation to Category C. In those two cases, the vote of the Disciplinary Review Panel had been split between Category B and C, and both employees held the rank of lieutenant, which Chief Cochran considered to warrant an enhanced level of accountability.

There was a consistent sentiment among the witnesses that firefighters throughout the organization are appalled by the sentiments expressed in the book.

## INVESTIGATIVE REPORT

Atlanta Fire Rescue Department – Chief Cochran Book Publication

January 9, 2015

There also is general agreement the contents of the book have eroded trust and have compromised the ability of the chief to provide leadership in the future.

No interviewed witness could point to a specific instance in which any member of the organization has been treated unfairly by Chief Cochran on the basis of his religious beliefs.

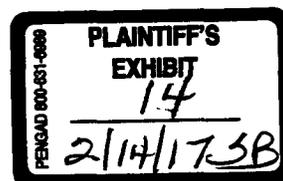
Union president Borders was unable to offer any examples of maltreatment. He echoed the sentiment of distrust and disgust created by the contents of the book with the representation in the book that Chief Cochran is speaking in his capacity as AFRD Chief. He cited to an example wherein firefighters were disciplined for expressing support of *Chick-fil-A* CEO Dan Cathy's stance on homosexuality. In that case, during the height of the controversy, a squad of AFRD firefighters took a group picture showing them in uniform at one of Cathy's restaurants. One of the firefighters then posted the picture on Facebook expressing support for Cathy's religious beliefs and his opinion of homosexuality and gay marriage. When a citizen complained, Chief Cochran directed the captain of the squad to initiate an OPS complaint. The complaint was sustained for a work rule violation and the firefighters were given thirty day suspensions. Borders' opinion was that Chief Cochran should be held to the same standard.

Retired Battalion Chief Cindy Thompson, a lesbian, expressed her views publicly after the contents of the book became an issue, indicating that she had suspected Chief Cochran had such beliefs. She stated that she took a voluntary demotion because of these suspicions. Steven Borders stated that the employees who brought the issue to his attention did not feel comfortable coming forward, but he also indicated that there were no specific complaints of maltreatment. He also advised that the employees thought the "investigation" would not be a serious effort to get at the truth, but said that he was convinced in seeing what was being done that the investigation was legitimate. He was then asked to have any of these employees who wanted to share their concerns contact us. None of them ever did so.

Robin Shahar, LGBT advisor to Mayor Kasim Reed, provided us with the names of two individuals who contacted her. AFRD retiree Mary Pharr and AFRD Lt. Joette Castronova were both contacted for telephone interviews. Both stated that they were intensely offended by the viewpoints expressed in Chief Cochran's book, but neither provided any examples of having experienced Chief Cochran displaying the influence of any of these viewpoints in his professional capacity.

**Transcription of Mayor Reed Discussing Atlanta Fire Chief Cochran on Fox 5 Atlanta (1/6/2015)**

**Mayor:** Good afternoon. I wanted to brief you all today on my decision to separate from the Atlanta Fire and Rescue Department, Chief Kelvin Cochran. I have called this press conference because I want to make my position and the City of Atlanta's position crystal clear. Over the last 30 days, I have worked very hard to refrain from commenting because we had an active investigation going on into Chief Cochran's conduct as our Fire Chief. Unfortunately, he did not chose to pay me the same courtesy. What I want you to know is the City's position is a very clear one. The City's non-discrimination policy endorsed by my office and by the Atlanta City Council really unequivocally states that we will not negotiate – that we will not discriminate-- on the basis of race, nor gender, nor religion, nor creed, nor sexual orientation, nor physical ability, nor gender identity. And, that's been codified by our City Council and that has been the rule of the Executive Branch as well. And what we have said is that any person that violates this conduct or creates an environment where we believe that that is a concern, will not be a part of our administration. Said another way, we have a strong non-discrimination policy. I want to know or want you all to know that I appreciate Chief Cochran's service as Fire Chief and his personal religious beliefs are not the issue at all-- despite the number of comments and emails that I have been receiving on a daily basis. The City and my administration stand firmly in support of the right to religious freedom, freedom of speech and the right to freely observe one's face, faith. And, I also want Chief Cochran to know that I take no pleasure in making this decision. But, as the commanding officer of 750 employees within the Fire and Rescue Department, his judgment and ability to manage that department was the subject of this inquiry. And, I also want to point out to a lot of folks who have been calling my home, emailing me on a nonstop basis, that I too am a person of very deep religious faith. And, I would like to point out to some of those folks that 1 Corinthians 14 and 40 says "let all things be done decently and in order." And I want to make very clear in my judgment that was not done here. Chief Cochran's book, Who Told You You Were Naked was published in violation of the City's Standards of Conduct which require prior approval from the Ethics Officer and the Board of Ethics. Chief Cochran has acknowledged that he communicated on multiple occasions with the Chief Ethics Officer of the City of Atlanta. Those facts are not in dispute. Despite my respect for Chief Cochran's service, I believe his actions and decision making undermine his ability to manage our Fire Department. Every single employee under the Fire Chief's command, deserves a certainty that he or she is a valued member of the team and that fairness and respect guide employment decisions. His actions around the book and his statements during this investigation have eroded my confidence in his ability to convey that message. And, I want to make it clear that I thought that his decision to continue to speak out during the course of the investigation while we were not, was not the appropriate path and certainly contributed to the decision that I have made today. I also want to point out that if we had made the decision to retain Chief Cochran, uh really that the folks in the Fire and Rescue Department who may have been discriminated against in some future occasion would have had uh a valid case in my mind – and I know Kathy is getting nervous – but, after the Fire Chief so clearly stated his position on a number of issues, I thought that it created a potential liability for the City that was unacceptable to me as Mayor of the City of Atlanta. Now, I want to speak from my heart for a minute because this has really been troubling to me. This is about judgment. I hope everybody at home and everybody who reads about this is crystal clear. I don't think that anyone who works in a business could make a decision to write a



book that required them to contact the Ethics Officer in that business, have multiple conversations with the Ethics Officer and never talk to the leader of that organization, which is me. Not one time during the course of preparing this book did Chief Cochran ever think that it was appropriate to have a conversation with me despite the fact that I have made my opinion and this administration's opinion clear on this topic. So if anybody wants to know the most important factor that lead me to my decision – that is it. And everybody at home knows that you if you work in an organization, you check in with the person that signs your check. And that's me -- and that didn't happen here. And after that didn't happen, there was no contrition about it. No, I made a mistake. No, I messed up. No, I should have gotten the necessary approvals from the ethics officer in writing. And that did not happen. So let's stop trying to make this about religious freedom when it's about making sure that we have an environment in government for everyone, no matter who they love can come to work from 8:30 or 8:00 to 5:30 and do their job and then go home without fear of being discriminated against. That is what this is about. And, so the Chief has been talking for 30 days, in multiple forms, and so I'm here today to talk too. To the extent that he continues to talk, so am I. Because my faith in God does not take a back seat to anyone else's faith. And I deeply resent the emails and phone calls to my home, to my wife, during the holidays while I was spending time with my daughter – literally calling me an anti-Christ -- anti-Christ. And I don't mean one time or two times. So this is what Chief Cochran brought to my door. Because he made the judgment that he should write a book that con-- contains material that is clearly inflammatory and never ask me how I felt, felt about it. In his book, he says that the world would be a better place -- and I'm paraphrasing-- if Eve had gotten permission before she talked to the snake. This isn't just about the LGBT community. This is about how we treat one another. And so those folks who were calling me and telling me that I should retain him, I just want you to know one thing. His religious decisions are not the basis of the problem. His judgment is the basis of the problem. With that, today I would like to announce that Chief Joel Baker will serve as the interim Chief and will be allowed to compete to be the permanent Chief for the Atlanta Fire and Rescue Department. Going forward, the Fire Rescue Department command staff and all members of my cabinet will participate in sensitivity training offered by the well respected firm, Basic Diversity. Al Vivian is here. The same training will be rolled out to all managers this year. And with that, I'll take any questions you have.

**Question from reporter:** Can you tell us about the terms of separation – Chief Cochran's separation?

**Mayor:** You know what-- hold on – one thing you all know about me is that I'm going to answer your questions. I'm not rushing. Morris, the bottom line is, is that he was terminated and that happened within the last hour, so it is all too new to know what the details are. The bottom line is he met with our Human Resources commissioner, Yvonne Yancy. Um, there was some conversation had between both of them. We certainly would have given him the ability to resign because we do appreciate the service he provided to the City. I understand that the conversation was very respectful, but at the end of the day, he was given the opportunity to either resign or terminated. He chose not to resign and we terminated him – at my request.

**Question from reporter:** Obviously on a level here, this has become personal. How did you and your family move forward beyond these disparaging remarks? What would you say has been brought to your doorstep?

**Mayor:** Um, you know, I was really stunned. I was stunned about it. I was stunned because just the level of vitriol that was directed at me and my family uh because we made the decision to review this matter. We did exactly what any serious organization would do when confronted with uh this book, and, candidly, um folks in-- on my team know I like and respect Chief Cochran. And I think, and thought, that he added value to our team. And when folks in my administration have had challenges I've stood behind them. But, I will tell you, I did not appreciate during the course of the 30-day investigation, multiple statements being made while we were doing our best to respect his privacy and to provide him a fair hearing. But, every day when I have gotten to work during the course of this, I can't tell you how many emails that I have received every day -- and that's just fine -- it comes with uh the job. It does cross the line a bit when that comes into my home. And so I did not appreciate that but you know I want to be clear. The problem here is -- you know, everybody who is serious knows that if you were going to, if you were going to do something like this, you would speak to the leading decision maker in your organization. I suspect that's the case in all of the organizations that are represented here before you wrote a book that contained the contents of this book. Somebody else?

**Question from reporter:** I have another question if nobody else has one. Homeowners of Atlanta -- speak to them for a moment. They just lost one of the most highly recognized Fire Chiefs in the nation. Speak to them.

**Mayor:** Oh, sure. I mean what, I would say that no administration in the history of this office has invested more in the Atlanta Fire Department than I have. We have more firefighters than we have ever had before. We have the highest ISO rating in the history of the City of Atlanta. And we will continue to have that. And I have absolute confidence in Chief Baker and what our administration has shown time and time again is that this is about the team. And, we have a competent staff certainly in the Atlanta Fire and Rescue Department; and the Fire Department will run as well or better than it ever has.

**Question from reporter:** Mayor Reed, did you check with city council members when you were deciding whether or not to terminate Cochran over the last few days, over the last few weeks? Did you check with City Council members?

**Mayor:** I did, Jonathan. I talked to somewhere between 6 to 8 members of the Atlanta City Council and uh the opinion was uh pretty divided with the exception of Chairman Wan. Clearly, his opinion was that uh was that we should....

**Jonathan:** So there was some opposition to this among the City Council members. What did you say to them?

**Mayor:** You know, you know, I think opposition is too strong a word. Everybody knows, you know, that this is tough, but um I think that we are making the right judgment. I think that we need to send a clear message and I wanted to do that. And, I think everybody understood because what's not in question is that Chief Cochran never had a conversation with me. And that really does move people because everybody understands the hierarchy of our government. He is a member of my cabinet. He's not a middle level manager and he talks to me and interacts with me on a number of other matters. So, it's

not like he doesn't have direct access to me. He has access to me that all other members of the cabinet have.

**Question from reporter:** During the investigation did you discover that-- whether or not Cochran was releasing uh the book to employees while on the job?

**Mayor:** We are not going to discuss the investigation because Kathy has to tie up some loose ends, um but once she does, then we can have the appropriate conversations about making the information available to you.

**Question from reporter:** How long do you think, Mayor, it will take you to make a decision about the interim or permanency?

**Mayor:** I don't know. I feel terrific about Joel. He ran the Fire Department when I was-- first got elected Mayor and did a very good job. He was one of the three finalists before, so that's not an area where I have any unreadiness. Chief Baker certainly has my confidence.

**Question from reporter:** Mayor, what level of healing -- I've got that this requires some personal healing between you and Chief Cochran, but within the department itself, what level of healing do you think is required at this point and what will you do to that end?

**Mayor:** Well, one, I think that we have the right Chief in place. Um, we have a person who has worked his way up through the department, um who knows the women and men of our department and whatever is required of me, I will do. Because I certainly do understand uh that healing is required. And, and I want everyone who works in the Atlanta Fire and Rescue Department to feel that they are welcome and that they have an opportunity to go wherever their talents take them. And, I think uh that's the message that we are trying to send.

**Question from reporter:** Mayor Reed, this comes out of in the backdrop of an ongoing statewide debate over religious liberty, lawmakers uh there's already been a pre-filed bill related to religious liberty...uh can you talk about if you are going to be involved at all at the Capitol advocating either for or against that bill or if you are concerned by that being debated by lawmakers right now.

**Mayor:** I'm not concerned about it. You know, I spent 11 years at the Capitol. Legislators are going to have the debates that they are going to have. They would be debating this whether um Chief Cochran was terminated or not. I do think that uh that this termination may add something some intensity to the debate, but I think debate is healthy and um it doesn't give me any unreadiness. I don't plan on getting involved in the issue. What I think about every day is running the Atlanta city government and this has been a massive distraction from the operation of government.

**Question from reporter:** Have you heard at all from business leaders during your consideration of this?

**Mayor:** I have --

**Question from reporter:** They played a very an influential role during the last legislative session on the religious liberty bill did they reach out to you during this process at all?

**Mayor:** Um, not about the debate at the State Capitol, just about their feelings regarding the book that was published by Chief Cochran. But, I've really heard from the entire spectrum, to be fair. I've heard from business leaders. I've heard from a number of leaders in the faith community. And, once folks – I had a meeting with a leading member of the faith community this morning. But once folks hear both sides, which is why I am having this press conference, because for 30 days I've come to work and I've read email after email and had my home called about people who clearly don't know what they are talking about because this has nothing to do with his religious beliefs. It has everything to do with the decision to publish a book with the contents of this book without talking to your boss. Period. And, we have a genuine question around the liability that is created when a member of your cabinet with supervisory authority over 750 people has made his feelings about gays and lesbian people known. And bisexual and transgender people. And some pretty strong feelings as they relate to women. And, so I have a genuine concern as a lawyer about creating a prima facie case for discrimination claims against the City of Atlanta – which goes to judgment – because you are a commissioner who has a book on record. And, so if actions are taken against employees who may be gay, bisexual or transgender – if you've got a decent attorney, you're gonna have a pretty good shot at bringing a claim related to discrimination. And so, all of those are factors, but I said the most important factor.

**Question from reporter:** Mayor Reed, you mentioned the employees at the department. Some gay employees at the fire department have expressed concern about the book and whether they can be uh feel safe as possible in the Department. Is it time with this incident to a possibility of an LGBT liaison for the fire department like you have on the police department.

**Mayor:** Absolutely. I am open to any and all suggestions, but it was important that before we did anything that we conclude this investigation. And, put this chapter behind us so that we can have a new chapter going forward. That's why I wanted to make sure that we acted on today – and that this was brought to a close on the 30th day so that Chief Baker and his team can begin to one address the healing that was needed in the Atlanta Fire and Rescue Department and I cannot say enough about the advice that I have gotten through this entire process from Robin Shahar from day 1. From the moment that this became an issue, Mrs. Shahar has been invaluable and has been in every important meeting related to this matter. And, I think it shows how important it is to make sure that at critical times that the voices of the LGBT community are heard and at the table. And, I think you, Robin can speak for herself, but I think that she would share that that was the case here. I also think Councilmember Wan was essential in terms of bringing us to a-- an appropriate result as well.

**Question from reporter:** Mayor Reed, for clarity, did Chief Cochran go to the Ethics Officer? I understand you said he didn't talk to you but did he approach the ethics officer.

**Mayor:** Yes, he did. So Chief Cochran definitely contacted the ethics officer and they definitely have multiple conversations. The Ethics officer's position is that she did not grant him approval.

**Question from reporter:** And to piggyback on his question, in speaking to some in the fire department there is still, to use the term, “don’t ask don’t tell” culture, what concrete steps are you taking to address that?

**Mayor:** What I am going to do is listen to people that can make change. Of course, we are going to move forward with sensitivity training. Robin Shahar and Chief Baker are going to work in partnership with my support uh to make sure that we reform the department and make sure that folks feel absolutely safe. So, I am not going to – from the podium – make up a series of things to do, but what I am going to do is to listen to people who have unquestioned integrity around these issues. And, what we have tried to do is – when we have been faced with tough issues -- certainly related to the LGBTQ community – we have tried to respond in a thoughtful way; that is what we are going to do here.

**Question from reporter:** Mayor, you have a huge gathering here today. Is this-- did you want this represen-- Why is this representation so much?

**Mayor:** It’s important because basically I have uh my Cabinet with me today because um this was a heavy decision. I don’t want to say a hard one, but it’s tough. As I said, uh Chief Cochran definitely added value to our department and to this City. And these are the folks who work together every single day to run the City of Atlanta and um we really did not come to this conclusion easily; and this is um extremely unpleasant for me.

**Question from reporter:** Mayor, can I ask you something on a separate matter, Sir?

**Mayor:** Yes.

**Question from reporter:** Um, yesterday, Council President Caesar Mitchell asked Council to set aside uh 14 million dollars for the Atlanta Beltline for APS. Do you have thoughts on that sir?

**Mayor:** I think two things. I think number one that’s why we were broke when we got here. So, when I got here there was 7.4 million dollars in the bank. Today, when we just had an unqualified audit from KPMG and we will finish the fiscal year at 142 million in reserves. And, I don’t understand how in the middle of negotiations where we have been actively negotiating for months you come forward with a 13.8 million dollar proposal when there are multiple – several millions of dollars in dispute. He didn’t say we should resolve the 26 million. I just don’t know where it comes from. The Council President is the number two fiduciary in the City of Atlanta. And for the second time, he has taken public positions against the City of Atlanta. I don’t understand that. We have been working for months to bring this matter to close. So to come forward with a resolution that says “Hey, let’s just write 13.8 million out of reserves.” Right? When we were negotiating the acquisition of Morris Brown, he said let’s pay Morris Brown more – while he was on the board of Morris Brown. So, on both instances, the number two fiduciary for the City of Atlanta made a decision against the City’s financial interests alone. So, that’s why we were broke. And, I think those kinds of decisions are the kinds of decisions that took us to the brink of insolvency. So, if you look at where we were when I walked into this office, there was 7.4 million dollars in the bank for a 1.9 billion dollar organization. Today, there’s 142 million in reserves. We’re just getting back to financial health. And for whatever reasons, the Council President keeps out

of the blue – and we all know it's politics – putting forth proposals that go directly to the bottom line and harm the City of Atlanta. What interest of it was the City of Atlanta to pay Morris Brown College more money? What interest is it in the City of Atlanta to agree to write a check to the APS School Board when there is an open question about whether they have counted 26 million dollars that we gave them? So that's what I think. I think that they are incredible violations of his fiduciary duty. And, I'll say one other thing on this because I know you all are going to ask follow-up questions about the kids. I care about kids about as much as anybody in the City of Atlanta. Where was the Council President when the APS's accreditation was on the line? Go pull your file tape then. I know where I was. See, I was in that library over there negotiating a solution with people who were getting ready to take their accreditation. I was across the street at the Capitol moving a bill to remove people who were creating the dysfunction. Right? And then he writes this long soliloquy where he is talking about how he doesn't know why people haven't been able to decide. Well, I've got something for him. That's why he's not Mayor.

**Question from reporter:** Mayor can you--

**Mayor:** No, no, wait a minute– that's why he's not Mayor. You do know he ran for Mayor?

**Question from reporter:** Yes, sir.

**Mayor:** Right?

**Question from reporter:** Obviously, Chief Cochran is not going to stop stepping in front of cameras to talk about this issue. How do you put closure on this because clearly he has a bunch of folks who follow him, his thoughts and his opinions?

**Mayor:** You know what, I don't believe we're gonna – I'll follow him. But I'll tell you what I'm not going to do – the investigation is closed. So if Chief Cochran wants to have a debate with me about his faith and my faith – and if Chief Cochran wants to have an open conversation about all of the things that I did for him when he was Fire Chief, let's have it. You tell me where to be; I'll show up.

**Question from reporter:** Can you talk about the timing of the Caesar Mitchell proposal? I mean, we are heading for a referendum March 17th and you guys are going to be going out to the bond market, you want those reserves to be as healthy as possible. Can you talk about the timing of that proposal?

**Mayor:** I don't know – you would have to go talk to him, Jonathan. I've given you real clear guidance on where I stand. This is the bottom line. This is the bottom line. The proposal on infrastructure passed 12/0. It passed 12/0 because 83% of the people of Atlanta – it's their number 1 issue. Anybody who is in this town can go out and see that the roads, bridges, tunnels, traffic lights, needs to be fixed. And whatever political stunts they want to run, run them. Please challenge the referendum. You're going to lose. So I'm not worried about these political stunts. So the referendum passed 12/0. It's up for a vote in March. 83% of the people are in favor of it or strongly in favor of it. The bond markets and ratings agencies have responded favorably to the City's capacity to fund it. And, it's not a tax increase on anyone. So if you don't support it, you are going to be voting against fixing bridges and roads and traffic lights that you are not going to have to pay more taxes for because we don't pull political stunts like

offering to pay 13.8 million dollars to someone in the middle of a negotiation where you are the number two fiduciary in the City. Where do they do that at? Please tell me if the CEO of WABE were being threatened by litigation – right? – and the party that’s threatening to sue WABE, right, had said “I’m getting ready to sue you” and you stood up and said “Hey, I think we ought to settle. I think we ought to pay them whatever they want.” How long would you have your job? And so the voters are going to have the opportunity to answer that question.

**Question from reporter:** Mayor Reed--

**Mayor:** They answered that once and I got elected Mayor.

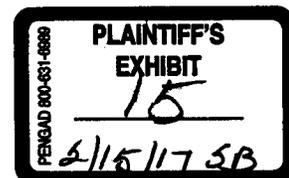
**From:** Winger Deborah <deborahw@comteck.com>  
**Sent:** Wednesday, February 04, 2015 8:34 PM  
**To:** Ward, Janet L.  
**Subject:** Re: Shame on you!

Sorry I thought we lived in a country that supported religious liberty and FREE SPEECH..YOU are WRONG!  
On Feb 4, 2015, at 6:50 PM, Ward, Janet L. wrote:

> Ms. Winger,  
> Chief Cochran was not fired for his beliefs. He was fired because he failed to adhere to city policy. He published a book, in which he identified himself as the fire chief for the City of Atlanta, without asking for approval from the mayor or his ethics office. Mayor Reed is a Christian, as devout as Chief Cochran. He has been very clear about the reasons for the firing. Your comments, which are not shared by the staff at AFRD have been hidden on our Facebook page.

>  
> Janet Ward  
> Community Affairs Director  
> 226 Peachtree St. SW  
> Atlanta GA 30303  
> 404-546-7004 (o)  
> 404-782-2567 (c)  
> [Jlward@atlantaga.gov](mailto:Jlward@atlantaga.gov)

>  
>  
>> On Feb 4, 2015, at 5:21 PM, Winger Deborah <deborahw@comteck.com> wrote:  
>>  
>> <http://www.foxnews.com/opinion/2015/01/07/atlanta-fire-chief-was-fired-because-my-christian-faith/>



**Subject:** FW: Just wanted you to know

**From:** Ward, Janet L. [<mailto:JLWard@AtlantaGa.Gov>]

**Sent:** Tuesday, November 25, 2014 9:51 AM

**To:** Cochran, Kelvin; Cochran, Kelvin

**Subject:** Just wanted you to know

I am In your corner. I am not religious. I am too into science for that. But I think your faith is a wonderful faith. You have my support in everything. You are the best person I have ever worked for and i have worked for a lot of people in my career. I truly mean that. There is no part of me that thinks you would hate people based on who they are. You are a true Christian. And I don't say that lightly. Many people who call themselves Christians do not follow the teachings of that religion. You do. And I respect and admire you for that.

Janet Ward

Community Affairs Director

226 Peachtree St. SW

Atlanta GA 30303

404-546-7004 (o)

404-782-2567 (c)

[Jlward@atlantaga.gov](mailto:Jlward@atlantaga.gov)





# **ATLANTA FIRE RESCUE DEPARTMENT**

## **DOCTRINE**

BY and FOR

**The Members  
of  
The Atlanta Fire Rescue Department**



**COA-Cochran 000786**

## ATLANTA FIRE RESCUE DEPARTMENT DOCTRINE

### Introduction

The Atlanta Fire Rescue Department (AFRD) Doctrine shall serve as the foundation for all actions and decisions made by the organization and its personnel. This doctrine will serve as the framework of how others will view us and as a mirror of how we view ourselves. It will represent the organizational purpose, philosophy, and commitment plan of the AFRD. This communication shall depict our vision, mission and values and their influence on our organizational goals, objectives and strategic plan.

### Purpose

The Vision: ***“Atlanta Fire Rescue strives for excellence in emergency preparedness and response, to enhance our customer-focused, innovative role as industry leaders, while overcoming expanding risks.”*** Our vision statement is the focal point of the department. Through continuous environmental scanning, we will analyze trends, programs, and services to provide to our external and internal customers.

The Mission: ***“Atlanta Fire Rescue shall provide prompt quality services to our stakeholders that promotes safety, security, enhances sustainability, and enriches quality of life through professional development and dedication to service.”*** Our mission statement is our roadmap. We exist as an organization to serve the citizens of Atlanta. Ultimately, our customers decide the services we deliver. Our personnel have an obligation to provide those services in the most professional and efficient manner.

### The Doctrine

The Atlanta Fire Rescue Department is organized to provide the community with the resources necessary to meet their needs at the highest level of proficiency and quality attainable. Responsive, quality public safety services provided by committed AFR personnel build community equity, which determines the degree of trust that stakeholders have in leadership to make decisions in their best interest. We will continue to become more intimately involved with our customers by establishing stronger relationships, through meaningful interaction beyond emergency response. We will always listen to their needs and develop a reputation of responsiveness. The Department will be marketed as a model for all-hazard response and other community services.

AFRD will provide diverse programs to meet the personal fulfillment and professional development needs of its personnel. Efforts to provide motivation and incentives for

### **ATLANTA FIRE RESCUE DEPARTMENT DOCTRINE**

participation will strengthen morale, self-worth, and individual confidence in supporting the department's vision and mission.

*Organizational Core Values* determine our image. The image of the department is exemplified by each individual. Our collective professionalism is the integrity of our organization. *Membership* within AFRD means that each person must value the personal needs and aspirations of others and recognize the following needs:

- A. Preserving **integrity** through respect, honesty and personal honor of its members
- B. Maintaining **competence**, including the professional and personal development of one's ability to improve their working and living conditions
- C. Providing best in class services that meet and exceed industry standards for **excellence**
- D. Enhancing **predictability** through properly derived, regularly reviewed and equally enforced departmental controls
- E. Providing an atmosphere that encourages **honesty**, camaraderie, and high regard for the common good of all
- F. Providing an **ism-free** climate devoid of racism, sexism, favoritism, nepotism and territorialism
- G. Embracing **accountability** to ensure that all members contribute to organizational success

Each individual can and will make a difference. Every employee is expected to accomplish their own tasks with a sense of duty, respect, and honor to the department and their fellow employees as it pertains to the organizational vision, mission, and core values.

Teamwork is expected and all personnel are part of the team. By working in teams, with effective communication, we strive to maximize our capabilities: thus allowing us to provide quality service to each other and fulfill expectations. Quality improvement can only be achieved when it is the goal of all personnel. Active participation and support by all AFRD employees is essential to the successful pursuit of our vision and the successful accomplishment of our mission.

The Atlanta Fire Rescue Department provides an exciting, challenging, and rewarding work environment. Leadership has an obligation to insure employees have the facilities, equipment, and training needed to accomplish the mission of the department. This provides the foundation for personal and professional growth. The primary responsibility for personal growth rests with each employee. Additional opportunities exist for those who are motivated, and whose personal goals are in-line with the AFRD

Doctrine. Each person shall be empowered to take action supported by these

## **ATLANTA FIRE RESCUE DEPARTMENT DOCTRINE**

principles, as long as those actions are reported through proper channels with respect to departmental divisions of labor.

### **Decision Making Priorities**

The Atlanta Fire Rescue Department decision-making culture, built on the acceptance of a mission-driven process, is to be considered and used to evaluate decisions. All decisions made by AFRD leaders and personnel should directly or indirectly benefit the **citizens** of Atlanta. Considered next is the needs and benefits to the **department** as a whole. **Divisions** of labor should make decisions aligned with the needs of the department and citizens, but also must consider the impact of their decision on other divisions of labor. Decisions, which benefit one division of labor, should not have an adverse effect on another division.

There are many **groups** within the AFRD. All groups are important. Decisions made to benefit one group will also be applicable to other groups that are similarly situated. **Individual** needs are also very important. Decisions made to benefit an individual will be applicable to individuals similarly situated and who make the same request. Decisions made based on racism, sexism, favoritism, nepotism, and territorialism shall not be tolerated. Lastly, the needs of the leader will be considered. Applying this systematic approach assures mission driven decisions derived from mission driven motives.

- ▶ **Citizens**
- ▶ **Departments**
- ▶ **Division(s)**
- ▶ **Groups**
- ▶ **Individual(s)**
- ▶ **Leader**

### **Leadership Culture**

All AFRD leaders will be **predictable** by establishing expectations in accordance with departmental controls and by consistently modeling those expectations. Being **visible** and engaged in meaningful interactions with personnel fosters good morale. Leaders will also present themselves as **approachable**; where employees feel comfortable addressing them with needs and concerns. Leaders will be **accessible** at all levels, creating an atmosphere where employees can be heard. The final piece of the leadership culture is to be **accountable**. Everyone will answer for the results of their actions if not in line with the department's doctrine.

- ▶ **Predictable**
- ▶ **Visible**

## **ATLANTA FIRE RESCUE DEPARTMENT DOCTRINE**

- ▶ Approachable
- ▶ Accessible
- ▶ Accountable

### **Organizational Priorities**

The greatest obligation of the Atlanta Fire Rescue Department is emergency response. When our customers call, we answer. The AFRD will continue to implement programs, activities, and services purposed around the premise of emergency response. A structured budget shall support our emergency services needs. Activities related to training, maintenance, fire prevention, communications, safety, human resources, and support services comprise a strategic approach to the overall organizational priorities. A lack of understanding of the departments priorities and their relativity to the department's mission can lead to frustration or apathy among elected, appointed, and community leadership, as well as fire personnel. To minimize a lack of understanding the strategic approach to accomplish our vision and mission includes:

- I. Human Resource Management**
- II. Professional Development**
- III. Emergency Preparedness and Response**
- IV. Facilities, Equipment, Supplies, and Technology**
- V. Customer Service Programs**
- VI. Public Information, Education, and Relations**

A literal approach to these priorities is not always practical. Continuous assessment of our strengths, weaknesses, opportunities, and threats will dictate emphasis in specific financial and strategic planning. Understanding the principles outlined in the ***Atlanta Fire Rescue Department Doctrine*** should offer clarity in this area.

It is an absolute priority to deliver the highest quality service attainable in the most cost-effective manner. The leadership will evaluate every operation in the department and ensure that each makes the best use of appropriated funds. Where there is inefficiency or duplication, changes will be made to make better use of resources. Value-added service, or getting more use out of current resources for the benefit of the customer, will be the purpose of this initiative.

How can the Atlanta Fire Rescue Department Doctrine be utilized as a guideline for organizational priorities? This is accomplished by providing departmental direction, establishing and attaining our stated goals and objectives. The Atlanta Fire Rescue

Department is not a private business selling a product for a profit; however, we do merchandise human services and resources, which make the human aspect a first priority. Everything we do will be measured against our Doctrine.

## **ATLANTA FIRE RESCUE DEPARTMENT DOCTRINE**

Our strategic approach addresses the following:

### **I. Human Resource Management Programs**

- A. Recruit the most qualified persons for employment
- B. Employ enough personnel for adequate staffing
- C. Provide wellness programs consistent with the IAFC/IAFF Wellness Fitness Initiative
- D. Address employee concerns promptly and in good faith
- E. Promote good faith labor/management relations
- F. Assure personnel safety
- G. Establish human resource programs and services that meet the needs of personnel
- H. Improve internal communication processes
- I. Improve personnel assignment processes

Personnel must have faith in the leadership to guide their efforts to a successful outcome. They must trust in the judgment and actions of other personnel. In addition, one must be able to count on their partners to back them even when faced with the risk of making the supreme sacrifice. It is the knowledge of our own uniquely heroic character which produces faith and trust in each other and causes us to place high value on our personal integrity, honor, and respect. When we neglect that duty, we fail our residents, damage our image, and become a liability to our city government.

### **II. Professional Development**

- A. Develop training programs for officer training, supervision, management, planning skills appropriate to each rank
- B. Enhance emergency management with regard to the Incident Command System (ICS) and the National Incident Management System (NIMS); pre-incident planning and post-incident analysis
- C. Enhance emergency operations efficiency in accordance with National Fire Protection Association (NFPA) Standards and departmental standard operating guidelines and protocols
- D. Enhance driver training adaptive to all emergency response vehicles and their specific functions
- E. Enhance verbal and written communication skills, administrative and technical skills appropriate to each rank
- F. Develop probationary skills assessments with documentation during employee probation periods

### **ATLANTA FIRE RESCUE DEPARTMENT DOCTRINE**

- G. Provide training to enhance customer service skills
- H. Create a professional development and succession plan for all ranks

These important measures will ensure that individuals and the department as a whole have the knowledge, skills, and abilities necessary to deliver required services. Company-level training will be strengthened. Our current rate of attrition does not allow the AFRD Fire Academy to keep pace with the leadership and management training needs of the department. Training is our edge against failure. We will strive for excellence. Taking a chance or guessing in an emergency can mean the difference between life and death. Our greatest assurance for optimum performance on the emergency scene is training. Our greatest defense against injuries and line-of-duty deaths is training. We will make and take the time to be sharp.

### **III. Emergency Preparedness and Response**

- A. Enhance Homeland Security Initiatives
- B. Conduct a formal Community Risk Assessment and Resource Capability Assessment
- C. Revise the Integrated Emergency Response Plan to comply with the results of the assessments
- D. Provide technical and logistical support services
- E. Strengthen the Pre-Incident Fire Survey Program
- F. Reduce the Inspector/building ratio to improve program efficiency
- G. Develop a company-level inspection program
- H. Evaluate Standards of Response Coverage on an ongoing basis

Community risk assessments and resource capability assessments identify and rank potential emergencies and disasters, determine resources available at the local, state, and federal levels. The decision will be made at the local level as to whether local resource capabilities meet the homeland security landscape. Strategic and operational plans should focus on eliminating gaps in these capabilities. The issue is balancing risks versus resources. The question must be posed, "What is the acceptable level of risk that our stakeholders are willing to pay for?" This is the time for the entire organization, the community, elected and appointed leadership to become emergency managers.

Standards of response coverage (SORC) are statements that combine service-level objectives with staffing levels to define how and when resources will respond to a call for service. In essence, SORC statements identify criteria for trained personnel and response times needed to effectively mitigate an incident. AFRD identifies these SORC targets and goals for major hazards such as fires, EMS, technical rescue, and

### **ATLANTA FIRE RESCUE DEPARTMENT DOCTRINE**

hazardous materials incidents. Measuring performance against standards of response coverage allows us to determine if current resources and service objectives effectively address the assessed risks within the City of Atlanta.

An efficient pre-fire survey and inspection program not only secures our property insurance rating, but also increases emergency management efficiency through having prior knowledge of buildings before their involvement in fires. Fire and life safety hazards noticed and corrected during a fire inspection can eliminate a hazard and prevent loss. Through these processes, the overall emergency response needs for the City of Atlanta can be achieved.

#### **IV. Facilities, Equipment, Supplies, and Technology**

- A. Ensure that all emergency equipment used to protect personnel and serve citizens meet OSHA, FAA, DOT, ISO and NFPA standards, Federal, State and Local regulations and protocols
- B. Maintain thorough fire apparatus equipment inspection and testing programs
- C. Provide timely apparatus and equipment maintenance and replacement in accordance with standards and regulations
- D. Maintain an adequate level of supplies for emergency operations and environmental needs of personnel
- E. Maintain fire stations, maintenance garage, fire academy and other fire facilities in an safe and sanitary condition
- F. Test all fire, medical, hazardous material, and rescue equipment in accordance with standards and regulations
- G. Identify and maintain technological resources for administrative and operational functions
- H. Provide timely replacement of technological hardware and software to keep pace with advances in technology as much possible

All equipment used in the delivery of emergency services must be of the highest quality and must always perform when needed. Without our equipment, all we have are good intentions. Our equipment is critical to fulfilling our mission. We must know how to properly deploy and use our equipment to give our customers maximum benefit. Most issues relative to facilities, equipment, supplies, and technology can be planned and

scheduled as necessary.

#### **V. Customer Service Programs**

- A. Strive to exceed internal and external customer expectations
- B. Develop processes that reduce/eliminate inconveniences to

### **ATLANTA FIRE RESCUE DEPARTMENT DOCTRINE**

business owners and developers during inspection and plans review initiatives

- C. Identify objectives common to other city departments relative to the public safety needs of our customers and develop cooperative agreements to meet those needs
- D. Establish community partnership programs with organizations that address health and life safety needs of our customers
- E. Implement formal post-emergency programs that provide counseling, shelter, food, clothing and other needs

The Atlanta Fire Rescue Department shall be dedicated to identifying customer needs and then do everything possible to meet those needs. This will not be simply a fad and then fade; it will become an expected level of performance. Anything less is unacceptable to the customer. Serving the community through effective customer service will be an essential part of the fire service. In addition, responding directly to the needs of our stakeholders is the most effective way to gain the support of local elected and appointed leadership. By gaining the trust of stakeholders and decision-makers, the department will be able to propose new programs and needs that are objectively considered. The public will trust the judgment of the department and thus become advocates and change agents.

### **VI. Public Information, Education, and Relations Programs (PIER)**

- A. Establish a comprehensive community education program with a strong focus on injury prevention, heart health, stroke prevention, and management of diabetes
- B. Fine-tune fire prevention and fire survival programs to target children and elderly citizens
- C. Develop community wellness programs in cooperation with local health care systems
- D. Adopt more effective life safety codes
- E. Use operational personnel to conduct neighborhood education and fire prevention
- F. Develop a more effective relationship with the media
  
- G. Provide better information to elected and appointed leadership and community leadership
- H. Enhance public education in schools, nursing homes, and independent living communities for the elderly

An informed public is the best way to secure support for fire and emergency services. It is important to look at the relationship of public information, public education, and

## **ATLANTA FIRE RESCUE DEPARTMENT DOCTRINE**

public relations functions and their role in fire departments, both today and in the future. They are the keys to effective prevention programs and garnering support for our vision.

***Public information is the process of informing the public about the operations of and actions taken by the Atlanta Fire Rescue Department during emergencies.*** The public has a right to know about these operations, and public information ensures public awareness about emergency services provided by the Department.

***Public education is the process of changing people's attitudes and behavior related to safety, as most fires and injuries can be prevented with changed behavior.*** The human element is the primary cause of fires. Most incidents are due to carelessness or inappropriate behavior. Public education seeks to change a person's attitude about his or her personal safety and wellness, resulting in a change in behavior, theoretically lowering the number of fatalities/property loss.

***Public Relations are the processes of developing a positive public perception about the Fire Department, its personnel, programs, and services.*** Public Relations programs encompass methods such as media, public service announcements, newspaper articles, fact sheets, presentations to the public and programs at community events. Collectively, PIER PROGRAMS help decision makers understand that customers are pleased with the Atlanta Fire Rescue Department and support our vision.

### **Conclusion**

The future of the fire service will continue to be driven by changes in society. These changes include new expectations of our stakeholders and fire personnel such as greater accountability for the use of public resources, improving the overall efficiency of programs and services, and true transparency. The Atlanta Fire Rescue Department is committed to becoming more diverse, in both personnel and services. To keep pace with society, the Atlanta Fire Rescue Department will continue to review its current mission and determine if that mission indeed meets the demands of the new century.

What will the Atlanta Fire Rescue Department of the 21<sup>st</sup> century look like? It will be a Fire Department filled with opportunities and challenges. We will be prepared to meet them all head on!



# **ATLANTA FIRE RESCUE DEPARTMENT**

## **DOCTRINE**

BY and FOR

**The Members  
of  
The Atlanta Fire Rescue Department**

## ATLANTA FIRE RESCUE DEPARTMENT DOCTRINE

### Introduction

The Atlanta Fire Rescue Department (AFRD) Doctrine shall serve as the foundation for all actions and decisions made by the organization and its personnel. This doctrine will serve as the framework of how others will view us and as a mirror of how we view ourselves. It will represent the organizational purpose, philosophy, and commitment plan of the AFRD. This communication shall depict our vision, mission and values and their influence on our organizational goals, objectives and strategic plan.

### Purpose

The Vision: ***“Atlanta Fire Rescue strives for excellence in emergency preparedness and response, to enhance our customer-focused, innovative role as industry leaders, while overcoming expanding risks.”*** Our vision statement is the focal point of the department. Through continuous environmental scanning, we will analyze trends, programs, and services to provide to our external and internal customers.

The Mission: ***“Atlanta Fire Rescue shall provide prompt quality services to our stakeholders that promotes safety, security, enhances sustainability, and enriches quality of life through professional development and dedication to service.”*** Our mission statement is our roadmap. We exist as an organization to serve the citizens of Atlanta. Ultimately, our customers decide the services we deliver. Our personnel have an obligation to provide those services in the most professional and efficient manner.

### The Doctrine

The Atlanta Fire Rescue Department is organized to provide the community with the resources necessary to meet their needs at the highest level of proficiency and quality attainable. Responsive, quality public safety services provided by committed AFR personnel build community equity, which determines the degree of trust that stakeholders have in leadership to make decisions in their best interest. We will continue to become more intimately involved with our customers by establishing stronger relationships, through meaningful interaction beyond emergency response. We will always listen to their needs and develop a reputation of responsiveness. The Department will be marketed as a model for all-hazard response and other community services.

AFRD will provide diverse programs to meet the personal fulfillment and professional development needs of its personnel. Efforts to provide motivation and incentives for

### **ATLANTA FIRE RESCUE DEPARTMENT DOCTRINE**

participation will strengthen morale, self-worth, and individual confidence in supporting the department's vision and mission.

*Organizational Core Values* determine our image. The image of the department is exemplified by each individual. Our collective professionalism is the integrity of our organization. *Membership* within AFRD means that each person must value the personal needs and aspirations of others and recognize the following needs:

- A. Preserving **integrity** through respect, honesty and personal honor of its members
- B. Maintaining **competence**, including the professional and personal development of one's ability to improve their working and living conditions
- C. Providing best in class services that meet and exceed industry standards for **excellence**
- D. Enhancing **predictability** through properly derived, regularly reviewed and equally enforced departmental controls
- E. Providing an atmosphere that encourages **honesty**, camaraderie, and high regard for the common good of all
- F. Providing an **ism-free** climate devoid of racism, sexism, favoritism, nepotism and territorialism
- G. Embracing **accountability** to ensure that all members contribute to organizational success

Each individual can and will make a difference. Every employee is expected to accomplish their own tasks with a sense of duty, respect, and honor to the department and their fellow employees as it pertains to the organizational vision, mission, and core values.

Teamwork is expected and all personnel are part of the team. By working in teams, with effective communication, we strive to maximize our capabilities: thus allowing us to provide quality service to each other and fulfill expectations. Quality improvement can only be achieved when it is the goal of all personnel. Active participation and support by all AFRD employees is essential to the successful pursuit of our vision and the successful accomplishment of our mission.

The Atlanta Fire Rescue Department provides an exciting, challenging, and rewarding work environment. Leadership has an obligation to insure employees have the facilities, equipment, and training needed to accomplish the mission of the department. This provides the foundation for personal and professional growth. The primary responsibility for personal growth rests with each employee. Additional opportunities exist for those who are motivated, and whose personal goals are in-line with the AFRD

Doctrine. Each person shall be empowered to take action supported by these

## **ATLANTA FIRE RESCUE DEPARTMENT DOCTRINE**

principles, as long as those actions are reported through proper channels with respect to departmental divisions of labor.

### **Decision Making Priorities**

The Atlanta Fire Rescue Department decision-making culture, built on the acceptance of a mission-driven process, is to be considered and used to evaluate decisions. All decisions made by AFRD leaders and personnel should directly or indirectly benefit the **citizens** of Atlanta. Considered next is the needs and benefits to the **department** as a whole. **Divisions** of labor should make decisions aligned with the needs of the department and citizens, but also must consider the impact of their decision on other divisions of labor. Decisions, which benefit one division of labor, should not have an adverse effect on another division.

There are many **groups** within the AFRD. All groups are important. Decisions made to benefit one group will also be applicable to other groups that are similarly situated. **Individual** needs are also very important. Decisions made to benefit an individual will be applicable to individuals similarly situated and who make the same request. Decisions made based on racism, sexism, favoritism, nepotism, and territorialism shall not be tolerated. Lastly, the needs of the leader will be considered. Applying this systematic approach assures mission driven decisions derived from mission driven motives.

- ▶ **Citizens**
- ▶ **Departments**
- ▶ **Division(s)**
- ▶ **Groups**
- ▶ **Individual(s)**
- ▶ **Leader**

### **Leadership Culture**

All AFRD leaders will be **predictable** by establishing expectations in accordance with departmental controls and by consistently modeling those expectations. Being **visible** and engaged in meaningful interactions with personnel fosters good morale. Leaders will also present themselves as **approachable**; where employees feel comfortable addressing them with needs and concerns. Leaders will be **accessible** at all levels, creating an atmosphere where employees can be heard. The final piece of the leadership culture is to be **accountable**. Everyone will answer for the results of their actions if not in line with the department's doctrine.

- ▶ **Predictable**
- ▶ **Visible**

## **ATLANTA FIRE RESCUE DEPARTMENT DOCTRINE**

- ▶ Approachable
- ▶ Accessible
- ▶ Accountable

### **Organizational Priorities**

The greatest obligation of the Atlanta Fire Rescue Department is emergency response. When our customers call, we answer. The AFRD will continue to implement programs, activities, and services purposed around the premise of emergency response. A structured budget shall support our emergency services needs. Activities related to training, maintenance, fire prevention, communications, safety, human resources, and support services comprise a strategic approach to the overall organizational priorities. A lack of understanding of the departments priorities and their relativity to the department's mission can lead to frustration or apathy among elected, appointed, and community leadership, as well as fire personnel. To minimize a lack of understanding the strategic approach to accomplish our vision and mission includes:

- I. Human Resource Management**
- II. Professional Development**
- III. Emergency Preparedness and Response**
- IV. Facilities, Equipment, Supplies, and Technology**
- V. Customer Service Programs**
- VI. Public Information, Education, and Relations**

A literal approach to these priorities is not always practical. Continuous assessment of our strengths, weaknesses, opportunities, and threats will dictate emphasis in specific financial and strategic planning. Understanding the principles outlined in the ***Atlanta Fire Rescue Department Doctrine*** should offer clarity in this area.

It is an absolute priority to deliver the highest quality service attainable in the most cost-effective manner. The leadership will evaluate every operation in the department and ensure that each makes the best use of appropriated funds. Where there is inefficiency or duplication, changes will be made to make better use of resources. Value-added service, or getting more use out of current resources for the benefit of the customer, will be the purpose of this initiative.

How can the Atlanta Fire Rescue Department Doctrine be utilized as a guideline for organizational priorities? This is accomplished by providing departmental direction, establishing and attaining our stated goals and objectives. The Atlanta Fire Rescue

Department is not a private business selling a product for a profit; however, we do merchandise human services and resources, which make the human aspect a first priority. Everything we do will be measured against our Doctrine.

## **ATLANTA FIRE RESCUE DEPARTMENT DOCTRINE**

Our strategic approach addresses the following:

### **I. Human Resource Management Programs**

- A. Recruit the most qualified persons for employment
- B. Employ enough personnel for adequate staffing
- C. Provide wellness programs consistent with the IAFC/IAFF Wellness Fitness Initiative
- D. Address employee concerns promptly and in good faith
- E. Promote good faith labor/management relations
- F. Assure personnel safety
- G. Establish human resource programs and services that meet the needs of personnel
- H. Improve internal communication processes
- I. Improve personnel assignment processes

Personnel must have faith in the leadership to guide their efforts to a successful outcome. They must trust in the judgment and actions of other personnel. In addition, one must be able to count on their partners to back them even when faced with the risk of making the supreme sacrifice. It is the knowledge of our own uniquely heroic character which produces faith and trust in each other and causes us to place high value on our personal integrity, honor, and respect. When we neglect that duty, we fail our residents, damage our image, and become a liability to our city government.

### **II. Professional Development**

- A. Develop training programs for officer training, supervision, management, planning skills appropriate to each rank
- B. Enhance emergency management with regard to the Incident Command System (ICS) and the National Incident Management System (NIMS); pre-incident planning and post-incident analysis
- C. Enhance emergency operations efficiency in accordance with National Fire Protection Association (NFPA) Standards and departmental standard operating guidelines and protocols
- D. Enhance driver training adaptive to all emergency response vehicles and their specific functions
  
- E. Enhance verbal and written communication skills, administrative and technical skills appropriate to each rank
- F. Develop probationary skills assessments with documentation during employee probation periods

### **ATLANTA FIRE RESCUE DEPARTMENT DOCTRINE**

- G. Provide training to enhance customer service skills
- H. Create a professional development and succession plan for all ranks

These important measures will ensure that individuals and the department as a whole have the knowledge, skills, and abilities necessary to deliver required services. Company-level training will be strengthened. Our current rate of attrition does not allow the AFRD Fire Academy to keep pace with the leadership and management training needs of the department. Training is our edge against failure. We will strive for excellence. Taking a chance or guessing in an emergency can mean the difference between life and death. Our greatest assurance for optimum performance on the emergency scene is training. Our greatest defense against injuries and line-of-duty deaths is training. We will make and take the time to be sharp.

### **III. Emergency Preparedness and Response**

- A. Enhance Homeland Security Initiatives
- B. Conduct a formal Community Risk Assessment and Resource Capability Assessment
- C. Revise the Integrated Emergency Response Plan to comply with the results of the assessments
- D. Provide technical and logistical support services
- E. Strengthen the Pre-Incident Fire Survey Program
- F. Reduce the Inspector/building ratio to improve program efficiency
- G. Develop a company-level inspection program
- H. Evaluate Standards of Response Coverage on an ongoing basis

Community risk assessments and resource capability assessments identify and rank potential emergencies and disasters, determine resources available at the local, state, and federal levels. The decision will be made at the local level as to whether local resource capabilities meet the homeland security landscape. Strategic and operational plans should focus on eliminating gaps in these capabilities. The issue is balancing risks versus resources. The question must be posed, "What is the acceptable level of risk that our stakeholders are willing to pay for?" This is the time for the entire organization, the community, elected and appointed leadership to become emergency managers.

Standards of response coverage (SORC) are statements that combine service-level objectives with staffing levels to define how and when resources will respond to a call for service. In essence, SORC statements identify criteria for trained personnel and response times needed to effectively mitigate an incident. AFRD identifies these SORC targets and goals for major hazards such as fires, EMS, technical rescue, and

### **ATLANTA FIRE RESCUE DEPARTMENT DOCTRINE**

hazardous materials incidents. Measuring performance against standards of response coverage allows us to determine if current resources and service objectives effectively address the assessed risks within the City of Atlanta.

An efficient pre-fire survey and inspection program not only secures our property insurance rating, but also increases emergency management efficiency through having prior knowledge of buildings before their involvement in fires. Fire and life safety hazards noticed and corrected during a fire inspection can eliminate a hazard and prevent loss. Through these processes, the overall emergency response needs for the City of Atlanta can be achieved.

#### **IV. Facilities, Equipment, Supplies, and Technology**

- A. Ensure that all emergency equipment used to protect personnel and serve citizens meet OSHA, FAA, DOT, ISO and NFPA standards, Federal, State and Local regulations and protocols
- B. Maintain thorough fire apparatus equipment inspection and testing programs
- C. Provide timely apparatus and equipment maintenance and replacement in accordance with standards and regulations
- D. Maintain an adequate level of supplies for emergency operations and environmental needs of personnel
- E. Maintain fire stations, maintenance garage, fire academy and other fire facilities in an safe and sanitary condition
- F. Test all fire, medical, hazardous material, and rescue equipment in accordance with standards and regulations
- G. Identify and maintain technological resources for administrative and operational functions
- H. Provide timely replacement of technological hardware and software to keep pace with advances in technology as much possible

All equipment used in the delivery of emergency services must be of the highest quality and must always perform when needed. Without our equipment, all we have are good intentions. Our equipment is critical to fulfilling our mission. We must know how to properly deploy and use our equipment to give our customers maximum benefit. Most issues relative to facilities, equipment, supplies, and technology can be planned and

scheduled as necessary.

#### **V. Customer Service Programs**

- A. Strive to exceed internal and external customer expectations
- B. Develop processes that reduce/eliminate inconveniences to

### **ATLANTA FIRE RESCUE DEPARTMENT DOCTRINE**

- business owners and developers during inspection and plans review initiatives
- C. Identify objectives common to other city departments relative to the public safety needs of our customers and develop cooperative agreements to meet those needs
- D. Establish community partnership programs with organizations that address health and life safety needs of our customers
- E. Implement formal post-emergency programs that provide counseling, shelter, food, clothing and other needs

The Atlanta Fire Rescue Department shall be dedicated to identifying customer needs and then do everything possible to meet those needs. This will not be simply a fad and then fade; it will become an expected level of performance. Anything less is unacceptable to the customer. Serving the community through effective customer service will be an essential part of the fire service. In addition, responding directly to the needs of our stakeholders is the most effective way to gain the support of local elected and appointed leadership. By gaining the trust of stakeholders and decision-makers, the department will be able to propose new programs and needs that are objectively considered. The public will trust the judgment of the department and thus become advocates and change agents.

### **VI. Public Information, Education, and Relations Programs (PIER)**

- A. Establish a comprehensive community education program with a strong focus on injury prevention, heart health, stroke prevention, and management of diabetes
- B. Fine-tune fire prevention and fire survival programs to target children and elderly citizens
- C. Develop community wellness programs in cooperation with local health care systems
- D. Adopt more effective life safety codes
- E. Use operational personnel to conduct neighborhood education and fire prevention
- F. Develop a more effective relationship with the media
  
- G. Provide better information to elected and appointed leadership and community leadership
- H. Enhance public education in schools, nursing homes, and independent living communities for the elderly

An informed public is the best way to secure support for fire and emergency services. It is important to look at the relationship of public information, public education, and

## **ATLANTA FIRE RESCUE DEPARTMENT DOCTRINE**

public relations functions and their role in fire departments, both today and in the future. They are the keys to effective prevention programs and garnering support for our vision.

***Public information is the process of informing the public about the operations of and actions taken by the Atlanta Fire Rescue Department during emergencies.*** The public has a right to know about these operations, and public information ensures public awareness about emergency services provided by the Department.

***Public education is the process of changing people's attitudes and behavior related to safety, as most fires and injuries can be prevented with changed behavior.*** The human element is the primary cause of fires. Most incidents are due to carelessness or inappropriate behavior. Public education seeks to change a person's attitude about his or her personal safety and wellness, resulting in a change in behavior, theoretically lowering the number of fatalities/property loss.

***Public Relations are the processes of developing a positive public perception about the Fire Department, its personnel, programs, and services.*** Public Relations programs encompass methods such as media, public service announcements, newspaper articles, fact sheets, presentations to the public and programs at community events. Collectively, PIER PROGRAMS help decision makers understand that customers are pleased with the Atlanta Fire Rescue Department and support our vision.

### **Conclusion**

The future of the fire service will continue to be driven by changes in society. These changes include new expectations of our stakeholders and fire personnel such as greater accountability for the use of public resources, improving the overall efficiency of programs and services, and true transparency. The Atlanta Fire Rescue Department is committed to becoming more diverse, in both personnel and services. To keep pace with society, the Atlanta Fire Rescue Department will continue to review its current mission and determine if that mission indeed meets the demands of the new century.

What will the Atlanta Fire Rescue Department of the 21<sup>st</sup> century look like? It will be a Fire Department filled with opportunities and challenges. We will be prepared to meet them all head on!

**From:** Ward, Janet L.  
**Sent:** Tuesday, January 06, 2015 5:08 PM  
**To:** janetward@gmail.com  
**Subject:** Fwd: Statement on Chief Cochran

Janet Ward  
Community Affairs Director  
226 Peachtree St. SW  
Atlanta GA 30303  
404-546-7004 (o)  
404-782-2567 (c)  
[Jlward@atlantaga.gov](mailto:Jlward@atlantaga.gov)

Begin forwarded message:

**From:** "Mullinax, Melissa" <[MJMullinax@AtlantaGa.Gov](mailto:MJMullinax@AtlantaGa.Gov)>  
**Date:** January 6, 2015 at 4:35:01 PM EST  
**To:** "Ward, Janet L." <[JlWard@AtlantaGa.Gov](mailto:JlWard@AtlantaGa.Gov)>  
**Cc:** atlmedia <[atlmedia@AtlantaGa.Gov](mailto:atlmedia@AtlantaGa.Gov)>  
**Subject:** FW: Statement on Chief Cochran

Janet --  
Our official statement is below. Thanks, MM

**From:** Torres, Anne  
**Sent:** Tuesday, January 06, 2015 4:26 PM  
**To:** Fausset, Richard ([richard.fausset@nytimes.com](mailto:richard.fausset@nytimes.com))  
**Cc:** atlmedia  
**Subject:** Statement on Chief Cochran

Hi Richard-

Here's the official statement:



Statement from Mayor Kasim Reed on the Termination of Atlanta Fire Chief

**ATLANTA** – Mayor Kasim Reed issued the following statement today, announcing the termination of Atlanta Fire and Rescue Chief Kelvin Cochran:

"I have made a decision to separate from Atlanta Fire and Rescue Chief Kelvin Cochran, effective immediately. I want to make my position and the City of Atlanta's position clear. The City's non-discrimination policy is non-negotiable. Neither race, nor gender, no religion, nor

not the issue. The City and my Administration stand firmly in support of the right to religious freedom, freedom of speech, and the right to freely observe one's faith.

I take no pleasure in this decision, but as the Commanding Officer of 750 employees within the Fire and Rescue Department, his judgment and management skills were the subject of the inquiry and my decision to terminate his employment with the City of Atlanta.

I am person of deep faith, and we are a city of laws. Chief Cochran's book, "Who Told You You Were Naked," was published in violation of the city's Standards of Conduct, which required prior approval from the Board of Ethics.

Despite my respect for Chief Cochran's service, I believe his actions and decision-making undermine his ability to effectively manage a large, diverse workforce. Every single employee under the Fire Chief's command deserves the certainty that he or she is a valued member of the team and that fairness and respect guide employment decisions. His actions and his statements during the investigation and his suspension have eroded my confidence in his ability to convey that message.

Chief Cochran also failed to notify me, as Mayor and Chief Executive of the City of Atlanta and his employer, of his plans to publish the book and its inflammatory content. This demonstrates an irreconcilable lapse in judgment.

Chief Joel Baker will serve as the Interim Fire Chief and will be able to compete for the permanent job. Going forward, the Fire and Rescue Department Command Staff and all members of my Cabinet will participate in a sensitivity training offered by the well-respected Basic Diversity firm in January. This same training will be rolled out to all managers this year.

Any Fire and Rescue Department employees with additional suggestions for moving forward are invited to share those ideas with me. I am all ears and will do everything I can to support the healing that needs to take place within the Fire and Rescue Department and for all City employees."

**Anne Torres**

Director of Communications  
Office of Mayor Kasim Reed  
(O) 404.330.6423  
(C) 404.904.2618  
(F) 404.546.2983  
[www.atlantaga.gov](http://www.atlantaga.gov)  
@AnneMTorres

**Stay connected on Twitter:** @CityofAtlanta and @KasimReed

Coch

# 3rd, Slight  
Museum  
Shows - covered  
b: R ⇒ Kline

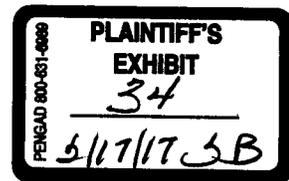
Spoken as Clerk  
Spirit Coach

No Sam Malyon.

Anna Adams  
↳ DF/Coach ⇒ MRP  
↳ Santa based back  
NO - exhibit

BPM ⇒

COA-Cochran 001777



Chad Cochran / Gosh / Gosh

1/6/15

- Bob never involved.
    - Mayor appeal
    - Hillman disapproval
    - Std of conduct 2.8201
    - ballot disapproval
    - workplace safety → no incidents of ballot vote work
- \* Safety of our staff disapproval?

Gosh-

- Run in 2014

Chad

It's been a while to see the city  
 To request it has on mayor  
 hoped he could return / request to my  
 change

- ① City for advice re - rely on the expertise
- ② Less the \$1M of the amount

- Issue of going back to Mayor - include in documents
- 10 day limit w/ checks: some  
prior established paid relationships
- Go back to people who I had  
checked relationships with less than 25  
As follows
- 34 yrs expected I could loose my  
life => we don't ask anything with  
9/11 calls = we will die if we  
hunts.
- culture => directly mean this and  
I cannot accept death -  
"please with God  
allow" => culture of what liberty  
means good.
- lib / liberty / happiness.

Why did you speak?

Nothing I've seen @ my factory  
- Mary I know

Rest of \$ test Cochran 001779

Shirley M. [Signature]

COA-Cochran 001780

**From:** webmaster@atlantaga.gov  
**Sent:** Tuesday, January 13, 2015 7:53 PM  
**To:** Mullinax, Melissa  
**Subject:** City of Atlanta, GA: City of Atlanta Releases the Law Department's Investigative Report of Kelvin Cochran

Visit the link below to read this on our website.  
<http://www.atlantaga.gov/index.aspx?page=632&recordid=3233>



**City of Atlanta Releases the Law Department's Investigative Report of Kelvin Cochran**  
Posted Date: 1/13/2015 2:30 PM



Mayor's Office of Communications  
55 Trinity Avenue, Suite 2500 • Atlanta, Georgia 30303

**Anne Torres, Director**  
404-330-6423, office  
404-904-2618, cell  
[amtorres@atlantaga.gov](mailto:amtorres@atlantaga.gov)

**Jenna Garland, Press Secretary**  
404-330-6612, office  
404-357-5579, cell  
[jgarland@atlantaga.gov](mailto:jgarland@atlantaga.gov)

FOR IMMEDIATE RELEASE: January 13, 2015

**News Release**

**City of Atlanta Releases the Law Department's Investigative Report of Kelvin Cochran**

**ATLANTA** – The City of Atlanta Law Department performed a thirty-day investigation into the publication of the book *Who Told You That You Were Naked* by former Fire Chief Kelvin Cochran. The Law Department issued its findings in an Investigative Report released on January 9, 2015.

The Investigative Report shows that Mr. Cochran did not have authority to publish the book as required by the Atlanta Code of Ordinances and that he distributed the book to at least nine subordinates at work. It also describes a general consensus among the interviewed Atlanta Fire Rescue Department employees that Mr. Cochran's book publication, in his capacity of Fire Chief, undermined his ability to provide leadership to the Department in the future.

The findings demonstrate the inaccuracy of the relentless assertions, by a vocal minority, that the Mayor terminated Mr. Cochran for his religious beliefs.

"Mr. Cochran and I are both men of faith," said Mayor Kasim Reed. "My decision has nothing to do with his religion and everything to do with his judgment and conduct as the leader of the Atlanta Fire Rescue Department and a member of my Cabinet. Mr. Cochran ignored the City's Ethics Code which establish a clear protocol which *must* be followed before a Commissioner may engage in private activity for pay. Mr. Cochran made numerous judgment decisions regarding the book that are unacceptable for a leader in City of Atlanta

government: he sold the Book without the requisite approval; he authored the book identifying himself as the Atlanta Fire Chief; he distributed the book at work, despite the fact that its content expressed opinions which are contrary to the City's and my personal commitment to nondiscrimination; he exposed the City to potential litigation from employees; and he published the book without ever mentioning it to me. Mr. Cochran's decisions as a City official, not his religion, resulted in his termination."

### **Authority**

Atlanta's Ethics Code establishes the required approval process for Department heads who wish to engage in outside activities "for remuneration".

Commissioners . . . may engage in private employment or render services for private interest only upon obtaining prior written approval from the board of ethics in accordance with this paragraph. The board of ethics shall review each request individually and provide written approval or disapproval of the notification within thirty days. (Atlanta Code of Ordinances, Section 2-820 (d)).

The independent report found that "no such approval was sought or rendered in the publication of the book that is available on Amazon.com for purchase". (Investigative Report, p. 1).

### **Distribution of Book in Workplace**

The Investigative Report determined that Mr. Cochran distributed his book in the workplace to at least nine individuals. Three of them stated that the book was given to them without a request on their part. (Investigative Report, p. 2)

Most notably, Mr. Cochran provided the book to a Battalion Chief during a professional counseling one-one-one session. The Battalion Chief did not request a copy of the book. The purpose of the session was to discuss what the Battalion Chief needed to do to prepare himself for appointment to the position of Assistant Chief. The Assistant Chief position is the *only* sworn position that a Fire Chief may appoint using his sole discretion; all other sworn positions are filled through a pre-determined selection process. (Investigative Report, p. 2)

### **Disciplinary Decisions**

The Investigative Report found no indication that Mr. Cochran allowed his religious beliefs to compromise his disciplinary decisions. (Investigative Report, p. 3)

None of the witnesses interviewed for the Investigative Report were able to identify a *specific* instance of unfair treatment by Mr. Cochran based on his religious beliefs. One of the witnesses, a lesbian who is a retired Battalion Chief, stated that during her employment, she suspected Mr. Cochran's religious beliefs and consequently took a voluntary demotion. (Investigative Report, p. 4)

### **Judgment as Department Head**

The Investigative Report evinces that Mr. Cochran's actions undermined his ability to lead the Atlanta Fire Rescue Department. "There was a consistent sentiment among the witnesses that firefighters throughout the organization are appalled by the sentiments expressed in the book. There is also a general agreement the contents of the book have eroded trust and have compromised the ability of the chief to provide leadership in the future. . . . [Union president Borders] echoed the sentiment of distrust and disgust created by the contents of the book with the representation in the book that Chief Cochran is speaking in his capacity as AFRD Chief." (Investigative Report, pp. 3-4)

Law Department Investigation Re Chief Cochran Book, 1-9-15.pdf

###

For more information about the City of Atlanta, please visit <http://www.atlantaga.gov> or watch City Channel 26. Follow the City of Atlanta on [Facebook](#) and Twitter [@CityofAtlanta](#). Follow Mayor Reed on [Facebook](#) and Twitter [@KasimReed](#)

To change your eSubscriptions preferences, click the following link:

<http://www.atlantaga.gov/index.aspx?page=657&subscriberguid=3ea4c45a-a605-4406-b112-baa4e682ac18>

To unsubscribe from all City of Atlanta, GA eSubscriptions, please click the following link:

<http://www.atlantaga.gov/index.aspx?page=657&subscriberguid=3ea4c45a-a605-4406-b112-baa4e682ac18&unsubscribe=1>

---

**From:** Mullinax, Melissa  
**Sent:** Monday, November 24, 2014 10:32 AM  
**To:** Shahar, Robin  
**Subject:** RE: need your approval - confidential- atty client priv. Atty wk product

yes

---

**From:** Shahar, Robin  
**Sent:** Monday, November 24, 2014 10:12 AM  
**To:** Mullinax, Melissa  
**Subject:** need your approval - confidential- atty client priv. Atty wk product  
**Importance:** High

Hi. **I want to ask Ms. Thompson to come** in so that I can hear the information she has- I will not give any information out.

**Want to get your approval first.**

Are you ok with that?

Robin

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

To: [cdhampton@AtlantaGa.Gov](mailto:cdhampton@AtlantaGa.Gov)

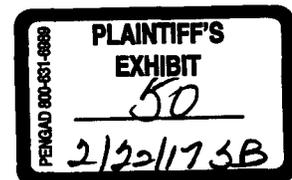
To: [MJMullinax@AtlantaGa.Gov](mailto:MJMullinax@AtlantaGa.Gov)

Subject: Fw: Book authored by Atlanta Fire Chief Kelvin Cochran- confidential- atty client priv. Atty wk product

Sent: Nov 23, 2014 11:27 PM

Important- Please see below...

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



From: Cindy Thompson

To: Robin Shahar

Subject: Book authored by Atlanta Fire Chief Kelvin Cochran

Sent: Nov 23, 2014 7:58 PM

Ms Shahar,

I am a retired Fire Batt Chief/ Captain with Atlanta Fire and Rescue. I worked for close to 30 yrs, mostly as an open Lesbian. I think we met some time in the past, I do not remember the circumstances.

I have been contacted in reference to a book written by Fire Chief Cochran. A number of employees have knowledge of the book, one even said he was given a autographed copy! The handful of LGBT firefighters I know, and others, are extremely insulted and saddened by the discriminatory text in the book. The employees are not comfortable coming forward from fear of retaliation from the Fire Chief and his inner circle.

I would like very much to speak with you in person. I can meet almost anytime mon, tues or wed. I will only be intown until Friday morn. I live almost full time in California now that I am retired.

I have a copy of the book and would like you to see it first hand. I believe that Chief Cochran would have had to have this book approved by the Mayor before publishing, as it states that he is the Fire Chief of the City of Atlanta. This book reflects horribly on a city with such a progressive anti-discrimination policy.

Please contact me at your earliest convenience, I have employees waiting for a reply!

Thank you in advance for your time!

Cindy Thompson

404-606-1041

[cgthomp@gmail.com](mailto:cgthomp@gmail.com)

---

**From:** Torres, Anne  
**Sent:** Wednesday, November 26, 2014 5:13 PM  
**To:** Ohlheiser, Abigail; atlmedia  
**Subject:** RE: Press inquiry frm. Washington Post: Kelvin Cochran suspension

Hi Abby-

Answers to your questions are in red. Let me know if you need anything else.

1) My understanding, based on media reports is that the mayor's office suspended the fire chief in part because the book was distributed to subordinates. Is this true, and do you know how many employees may have received the book? We suspended the Chief because he published the book without the City's knowledge, and identifies himself as the Fire Chief for the City of Atlanta. Employees sent concerns about the content of the book to the Administration, and we took action. We are not sure about how many employees received the book.

2) Has the mayor reviewed the book in question? Can you point to any specific passages that prompted a suspension? Yes, the Mayor has read the book. There are a number of passages in the book that directly conflict with the City's non-discrimination policies.

3) Some LGBT groups have called for Cochran's permanent dismissal in the wake of the suspension. What options are the mayor's office considering going forward? It is too soon to tell if additional disciplinary action will be taken. That will be based on the outcome of the Administration's investigation.

Thanks,  
Anne

---

**From:** Ohlheiser, Abigail [mailto:Abigail.Ohlheiser@washpost.com]  
**Sent:** Wednesday, November 26, 2014 8:06 AM  
**To:** atlmedia  
**Subject:** Press inquiry frm. Washington Post: Kelvin Cochran suspension

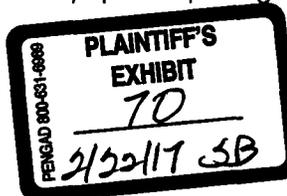
Hi there,

I'm a reporter at the Washington Post. I'm looking to get a little more information on the suspension of Fire Chief Kelvin Cochran.

Can someone from the Mayor's office confirm or elaborate on the following aspects of the story for me:

1) My understanding, based on media reports is that the mayor's office suspended the fire chief in part because the book was distributed to subordinates. Is this true, and do you know how many employees may have received the book?

2) Has the mayor reviewed the book in question? Can you point to any specific passages that prompted a suspension?



3) Some LGBT groups have called for Cochran's permanent dismissal in the wake of the suspension. What options are the mayor's office considering going forward?

Thanks  
Abby Ohlheiser

**From:** Torres, Anne  
**To:** Matt Hennie  
**Sent:** 1/9/2015 10:22:28 PM  
**Subject:** RE: Statement RE: Chief Cochran  
**Attachments:** Law Department Investigation Re Chief Cochran Book, 1-9-15.pdf

Final copy of the investigation is attached.

**From:** Matt Hennie [mailto:matt@projectqatlanta.com]  
**Sent:** Wednesday, December 17, 2014 1:42 PM  
**To:** Torres, Anne  
**Subject:** Re: Statement RE: Chief Cochran

Thanks for the update.

Matt

--

Founder & Managing Editor  
Project Q Atlanta  
678-519-0543

On Wed, Dec 17, 2014 at 1:15 PM, Torres, Anne <amtorres@atlantaga.gov> wrote:  
Hey Matt-

Report is substantially complete, but not 100% just yet. Will keep you posted.

Thanks,  
Anne

**From:** Matt Hennie [mailto:matt@projectqatlanta.com]  
**Sent:** Wednesday, December 17, 2014 11:55 AM

**To:** Torres, Anne  
**Subject:** Re: Statement RE: Chief Cochran

Hey Anne,

Turns out, the chief appeared before leaders of the Georgia Baptist Convention last week, while serving his suspension, to discuss his book. The GBC then rallied its supporters and created an online petition supporting him.

Here's the story I just posted to Project Q:

[http://www.projectq.us/atlanta/atlanta\\_fire\\_chief\\_rallies\\_anti\\_gay\\_supporters?gid=16380](http://www.projectq.us/atlanta/atlanta_fire_chief_rallies_anti_gay_supporters?gid=16380)

If the city has comment beyond my initial question about the status of the investigation, of course I'll update my story to include that.

Thanks,

Matt

--



On Wed, Dec 17, 2014 at 10:03 AM, Matt Hennie <[matt@projectqatlanta.com](mailto:matt@projectqatlanta.com)> wrote:  
Thanks. Forgot you had that going on this morning.

Matt

--  
Founder & Managing Editor  
Project Q Atlanta  
678-519-0543

On Wed, Dec 17, 2014 at 9:58 AM, Torres, Anne <[amtorres@atlantaga.gov](mailto:amtorres@atlantaga.gov)> wrote:  
Hey Matt-

I will follow up after our Underground presser this am.

Thanks,  
Anne

**From:** Matt Hennie [mailto:[matt@projectqatlanta.com](mailto:matt@projectqatlanta.com)]  
**Sent:** Wednesday, December 17, 2014 9:55 AM

**To:** Torres, Anne  
**Subject:** Re: Statement RE: Chief Cochran

Hey Anne,

Touching base to follow up on Chief Cochran. Has the internal investigation been completed?  
What's the current status of the matter?

When we talked last week, the investigation was nearing completion. I'm working on a follow up this morning, so I wanted to include the latest developments from your end.

Thanks,

Matt Hennie

--  
Founder & Managing Editor  
Project Q Atlanta  
678-519-0543

On Fri, Dec 12, 2014 at 10:51 AM, Matt Hennie <[matt@projectqatlanta.com](mailto:matt@projectqatlanta.com)> wrote:  
Thanks for the update.

Matt

--  
Founder & Managing Editor  
Project Q Atlanta  
678-519-0543

On Fri, Dec 12, 2014 at 10:51 AM, Torres, Anne <[amtorres@atlantaga.gov](mailto:amtorres@atlantaga.gov)> wrote:  
Hey Matt-

Our Director of HR has been out vaca, so I've been trying to get answers re: status of investigation and when he is expected to complete sensitivity training. He returns to work on January 6<sup>th</sup>.

FYI on the sensitivity training –training will be for Chief, AFRD command staff and all cabinet members (this includes commissioners).

I will keep you posted. Hopefully, I will have something today.

~Anne

**From:** Matt Hennie [<mailto:matt@projectqatlanta.com>]

**Sent:** Friday, December 12, 2014 10:25 AM

**To:** Torres, Anne

**Subject:** Re: Statement RE: Chief Cochran

Hey Anne,

Happy Friday! Circling back around to check on the status of the responses to the questions I sent on Wednesday.

Thanks,

Matt Hennie

--

Founder & Managing Editor  
Project Q Atlanta  
[678-519-0543](tel:678-519-0543)

On Wed, Dec 10, 2014 at 3:49 PM, Matt Hennie <[matt@projectqatlanta.com](mailto:matt@projectqatlanta.com)> wrote:

Thanks!

Matt

--

Founder & Managing Editor  
Project Q Atlanta  
[678-519-0543](tel:678-519-0543)

On Wed, Dec 10, 2014 at 3:29 PM, Torres, Anne <[amtorres@atlantaga.gov](mailto:amtorres@atlantaga.gov)> wrote:

Hi Matt-

Let me check on answers to your first three questions. As for the last one, here is our response:

The Reed Administration suspended Chief Cochran because he exercised poor judgment and violated city policy.

The City of Atlanta employs a diverse workforce. The Reed Administration expects all city commissioners and managers to respect every employee's personal religious beliefs and sexual orientation. By identifying himself as the Atlanta Fire and Rescue Chief in his book, Chief Cochran disregarded the city's anti-discrimination policies. He also failed to notify the Mayor of the book before it was published. City policy requires employees to notify their

supervisor if they are publishing a book identifying themselves as City of Atlanta employees.

- \* What's the status of the "review of facts" surrounding the book and its distribution?
- \* When does the chief's suspension end and he returns to active duty?
- \* When is he expected to complete the sensitivity training?
- \* Some conservative pundits and activists claim that Chief Cochran was suspended over the anti-gay remarks in his book. And on at least one occasion, you've countered that. Can you clarify why he was suspended?

**From:** Matt Hennie [mailto:matt@projectqatlanta.com]  
**Sent:** Wednesday, December 10, 2014 1:32 PM

**To:** Torres, Anne  
**Subject:** Re: Statement RE: Chief Cochran

Hey Anne,

I'm working on a follow up about Chief Cochran's suspension, so I wanted to touch base with a couple of questions:

- \* What's the status of the "review of facts" surrounding the book and its distribution?
- \* When does the chief's suspension end and he returns to active duty?
- \* When is he expected to complete the sensitivity training?
- \* Some conservative pundits and activists claim that Chief Cochran was suspended over the anti-gay remarks in his book. And on at least one occasion, you've countered that. Can you clarify why he was suspended?

Thanks,

Matt Hennie

--  
Founder & Managing Editor  
Project Q Atlanta  
678-519-0543

On Mon, Nov 24, 2014 at 5:11 PM, Torres, Anne <amtorres@atlantaga.gov> wrote:  
Thanks, Matt.

**From:** Matt Hennie [mailto:matt@projectqatlanta.com]  
**Sent:** Monday, November 24, 2014 5:01 PM

**To:** Torres, Anne  
**Subject:** Re: Statement RE: Chief Cochran

Anne -- Thanks for the updated statement. I've added to that to my story as well as highlighted the mayor's actions on social media.

Matt

--

Founder & Managing Editor  
Project Q Atlanta  
678-519-0543

On Mon, Nov 24, 2014 at 4:27 PM, Torres, Anne <[amtorres@atlantaga.gov](mailto:amtorres@atlantaga.gov)> wrote:  
Updated statement. This is from Mayor Reed:

I was surprised and disappointed to learn of this book on Friday. I profoundly disagree with and am deeply disturbed by the sentiments expressed in the paperback regarding the LGBT community. I will not tolerate discrimination of any kind within my administration.

We are conducting a thorough review of the facts surrounding the book and its distribution. In the interim, I have directed that the following steps be taken:

- Chief Cochran will be suspended for one month without pay;
- Chief Cochran will be required to complete sensitivity training;
- Chief Cochran will be prohibited from distributing the book on city property; and
- Deputy Chief Joel G. Baker will serve as Acting Fire Chief in Chief Cochran's absence.

I want to be clear that the material in Chief Cochran's book is not representative of my personal beliefs, and is inconsistent with the Administration's work to make Atlanta a more welcoming city for all of her citizens - regardless of their sexual orientation, gender, race and religious beliefs.

**From:** Matt Hennie [<mailto:matt@projectqatlanta.com>]  
**Sent:** Monday, November 24, 2014 3:45 PM  
**To:** Torres, Anne  
**Subject:** Re: Statement RE: Chief Cochran

Thanks. Will keep an eye out for the updated statement.

Matt

--

On Mon, Nov 24, 2014 at 3:26 PM, Torres, Anne <[amtorres@atlantaga.gov](mailto:amtorres@atlantaga.gov)> wrote:  
Updated statement coming!!!

**From:** Torres, Anne  
**Sent:** Monday, November 24, 2014 2:29 PM  
**To:** [matt@projectatlanta.com](mailto:matt@projectatlanta.com)  
**Subject:** Statement RE: Chief Cochran

Hi Matt-

Didn't get your email, but here is our statement. If you have additional questions, please let me know.

The Reed Administration was not notified of the book before it was published. The Reed Administration will not tolerate discrimination of any kind. In fact, the City of Atlanta has a number of laws that prohibit discrimination based upon sexual orientation and gender identity, as well as race, color, religion, and sex. The Reed Administration is currently conducting a review of the facts surrounding the book. If disciplinary action is recommended as a result of the investigation, we will take decisive action to prevent any inappropriate behavior from occurring in the future.

Thanks,  
**Anne Torres**  
Director of Communications  
Office of Mayor Kasim Reed  
(O) 404.330.6423  
(C) 404.904.2618  
(F) 404.546.2983  
[www.atlantaga.gov](http://www.atlantaga.gov)  
[@AnnMcMTorres](https://twitter.com/AnnMcMTorres)

*Stay connected on Twitter: [@CityofAtlanta](https://twitter.com/CityofAtlanta) and [@KasimReed](https://twitter.com/KasimReed)*

---

**From:** Torres, Anne  
**Sent:** Tuesday, January 06, 2015 11:16 PM  
**To:** Leslie, Katie (CMG-Atlanta)  
**Cc:** atlmedia  
**Subject:** RE: copy of book

You talked to him on the phone..I think you got his point.

His point doesn't matter after the fact. You keep avoiding the central point which is that he did not even have a conversation with his boss (the Mayor) BEFORE the book was published. He doesn't deny that. He did not read the book when he handed it to him.

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

From: Leslie, Katie (CMG-Atlanta) [mailto:Katie.Leslie@ajc.com]  
Sent: Tuesday, January 06, 2015 4:58 PM  
To: Torres, Anne  
Cc: atlmedia  
Subject: RE: copy of book

To be fair, I think Cochran's point is that the administration has known about his book for a long while.

Katie Leslie  
Atlanta City Hall Reporter, AJC  
ph: 404-526-5969  
Twitter: @katieleslienews and @ajcatlantaneews

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

From: Torres, Anne [mailto:amtorres@AtlantaGa.Gov]  
Sent: Tuesday, January 06, 2015 4:51 PM  
To: Leslie, Katie (CMG-Atlanta)  
Cc: atlmedia  
Subject: Re: copy of book



Katie-

Mayor receives hundreds of books every year. What the Mayor has said repeatedly is that Chief Cochran did not have a conversation with him PRIOR to the book being published. Handing someone a book after the fact is ridiculous.

-Anne

Sent from my iPhone

On Jan 6, 2015, at 4:44 PM, Leslie, Katie (CMG-Atlanta) <Katie.Leslie@ajc.com<mailto:Katie.Leslie@ajc.com>> wrote:

Cochran said he gave a copy of the book to Reed's office last January, and that the mayor later confirmed receiving it and told Cochran he planned to read it.

Does anyone there deny this?

Thanks. Deadline at 6.

Katie Leslie  
Atlanta City Hall Reporter, AJC  
ph: 404-526-5969  
Twitter: @katieleslienews and @ajcatlantaneews

**From:** Torres, Anne  
**Sent:** Wednesday, January 07, 2015 5:42 PM  
**To:** Mary Reichard; atlmedia  
**Subject:** RE: media inquiry for today/radio broadcast tomorrow



Hi Mary-

Mayor Reed is unavailable, but I want to be clear considering your line of questioning below. Chief Cochran was not let go because of his religious beliefs. He was let go because he exercised poor judgment and violate the city's ethics code by not notifying the proper city officials, Mayor included. The Mayor's official statement is below. Feel free to use for the broadcast.

Thanks,  
Anne

"I have made a decision to separate from Atlanta Fire and Rescue Chief Kelvin Cochran, effective immediately. I want to make my position and the City of Atlanta's position clear. The City's non-discrimination policy is non-negotiable. Neither race, nor gender, no religion, nor creed, nor sexual orientation, nor physical ability, nor gender identity will be used to discriminate against any City of Atlanta employee.

I appreciate Chief Cochran's service as Fire Chief. Chief Cochran's personal religious beliefs are not the issue. The City and my Administration stand firmly in support of the right to religious freedom, freedom of speech, and the right to freely observe one's faith.

I take no pleasure in this decision, but as the Commanding Officer of 750 employees within the Fire and Rescue Department, his judgment and management skills were the subject of the inquiry and my decision to terminate his employment with the City of Atlanta.

I am person of deep faith, and we are a city of laws. Chief Cochran's book, "Who Told You You Were Naked," was published in violation of the city's Standards of Conduct, which required prior approval from the Board of Ethics.

Despite my respect for Chief Cochran's service, I believe his actions and decision-making undermine his ability to effectively manage a large, diverse workforce. Every single employee under the Fire Chief's command deserves the certainty that he or she is a valued member of the team and that fairness and respect guide employment decisions. His actions and his statements during the investigation and his suspension have eroded my confidence in his ability to convey that message.

Chief Cochran also failed to notify me, as Mayor and Chief Executive of the City of Atlanta and his employer, of his plans to publish the book and its inflammatory content. This demonstrates an irreconcilable lapse in judgment.

Chief Joel Baker will serve as the Interim Fire Chief and will be able to compete for the permanent job. Going forward, the Fire and Rescue Department Command Staff and all members of my Cabinet will

participate in a sensitivity training offered by the well-respected Basic Diversity firm in January. This same training will be rolled out to all managers this year.

Any Fire and Rescue Department employees with additional suggestions for moving forward are invited to share those ideas with me. I am all ears and will do everything I can to support the healing that needs to take place within the Fire and Rescue Department and for all City employees.”

**From:** Mary Reichard [mailto:maryrkadi@gmail.com]  
**Sent:** Wednesday, January 07, 2015 11:57 AM  
**To:** atlmedia  
**Subject:** media inquiry for today/radio broadcast tomorrow

--

Topic: Kelvin Cochran let go over LGBT views  
Deadline: today by 3:00 eastern  
Desired Interviewee: Mayor Reed or spokesperson of your choice  
Time required of you: 7 minutes by telephone  
Format: Radio, edited to fit  
Special info: I must originate call for recording purposes

Questions:

How do you see the line between personal views and ability to do a job?  
How will you find out if others in the government believe in the traditional understanding of marriage and what will you do if those views aren't yours?

Mary Reichard, JD, MHA

Legal Affairs Correspondent  
The World & Everything In It  
World News Group  
417-316-3134

---

**From:** Torres, Anne  
**Sent:** Tuesday, January 13, 2015 4:56 PM  
**To:** Mullinax, Melissa  
**Subject:** Messages for Social Media

MM-

Please forward to all of our supporters and organizations. These are ready to go. We want #IStandWithKasim trending.

**Twitter Messages**

#IStandWithKasim because all employees have a right to a boss who does not speak of them as 2<sup>nd</sup> class citizens. <http://nyti.ms/1KFECYc>

#IStandWithKasim because there is no place for discrimination in the workplace. <http://nyti.ms/1KFECYc>

Religious freedom have been violated? An assertion that is as wrong as it was predictable. <http://nyti.ms/1KFECYc> #IStandWithKasim

Atlanta is a welcoming city for all - let's keep it that way #IStandwithKasim <http://nyti.ms/1KFECYc>

**Facebook Messages**

Finally! Someone gets it right. There is no place for discrimination in the workforce. I support Mayor Kasim Reed's decision to terminate the Fire Chief. <http://nyti.ms/1KFECYc>

Religious freedoms have been violated? An assertion that is as wrong as it was predictable. Read today's New York Times Editorial here: <http://nyti.ms/1KFECYc>

#IStandwithKasim because he has it right: everyone, no matter who they love, should come to work without fear of discrimination. Read it here: <http://nyti.ms/1KFECYc>

**Anne Torres**  
Director of Communications  
Office of Mayor Kasim Reed  
(O) 404.330.6423  
(C) 404.904.2618  
(F) 404.546.2983  
[www.atlantaga.gov](http://www.atlantaga.gov)  
@AnneMTorres

**Stay connected on Twitter:** @CityofAtlanta and @KasimReed



**From:** Garland, Jenna  
**Sent:** Friday, January 23, 2015 10:11 PM  
**To:** Ohlheiser, Abigail; Torres, Anne  
**Cc:** atlmedia  
**Subject:** RE: Wapo request for comment on reports that former fire chief has filed EEOC complaint

Hi Abby - here is our statement in response. You can attribute to me as a spokesperson for Mayor Reed.

Thank you -

Jenna

Former Chief Cochran filed a Charge of Discrimination with the Equal Employment Opportunity Commission (EEOC) and declared under penalty of perjury that the statements in the charge are true and correct. Unfortunately, the only truthful portions are his statements about his tenure as Chief and the identity of those in the room with him during two meetings. Everything else is patently false.

The City will respond directly to the EEOC at the appropriate time to inform the agency that instead of "unspecified policies," Mr. Cochran was informed at the time of his suspension that he had failed to follow the City Code in seeking to engage in an outside income-producing venture. He was also informed that the issue was not the religious nature of his book, but the fact that he was espousing theories about certain groups of people that were in conflict with the City's policy of inclusiveness. He was further informed that there was an issue with his espousing these beliefs while identifying himself as the Atlanta Fire Chief and while falsely claiming that his job description required him to run the Atlanta Fire Rescue Department on the basis of these beliefs. Finally, Mr. Cochran was informed that distributing the book to members of his command staff in the workplace was improper and sent a message to his staffers that they were expected to embrace his beliefs.

Although Mr. Cochran continues to claim that the City Ethics Officer authorized his publication of the book, that claim is as untruthful today as it was when first uttered. Mr. Cochran was told that the City Code required him to get the approval of the Board of Ethics before publishing his book, something he admits he never did.

Mr. Cochran states in his EEOC charge that he was told his faith influenced his leadership style and that this was the reason for his termination. What he was actually told was that his distribution of a book about his beliefs within his department had caused his employees to question his ability to continue to lead a diverse workforce.

The religious nature of his book is not the reason he is no longer employed by the City of Atlanta. The totality of his conduct—including the way he handled himself during his suspension after he agreed not to make public comments during the investigation—reflected poor judgment and failure to follow clearly defined work protocols.

Mr. Cochran continues to make false statements and accusations, even under penalty of perjury to the EEOC. This is just further proof that he has shown himself to be the wrong person for a leadership role in the City of Atlanta.

###

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

From: Ohlheiser, Abigail [mailto:Abigail.Ohlheiser@washpost.com]  
Sent: Thursday, January 22, 2015 10:47 PM  
To: Torres, Anne  
Cc: atlmedia  
Subject: Re: Wapo request for comment on reports that former fire chief has filed EEOC complaint



Hey there,

We've published on the complaint after getting confirmation elsewhere. If you have a statement to send along when available (tomorrow or later is fine), please do send along and we can update to include.

Thanks  
Abby

---

From: Torres, Anne <amtorres@AtlantaGa.Gov>  
Sent: Thursday, January 22, 2015 6:42 PM  
To: Ohlheiser, Abigail  
Cc: atlmedia  
Subject: Re: Wapo request for comment on reports that former fire chief has filed EEOC complaint

Will do!

Have a good night.

Sent from my iPhone

On Jan 22, 2015, at 6:26 PM, Ohlheiser, Abigail <Abigail.Ohlheiser@washpost.com<mailto:Abigail.Ohlheiser@washpost.com>> wrote:

Great, that's what I thought. Thanks. Please do let me know if you do receive such a notification?

From: Torres, Anne [mailto:amtorres@AtlantaGa.Gov]  
Sent: Thursday, January 22, 2015 6:02 PM  
To: Ohlheiser, Abigail  
Cc: atlmedia  
Subject: RE: Wapo request for comment on reports that former fire chief has filed EEOC complaint

Yes, when the EEOC receives a complaint, the city is notified. I'm not sure of the exact process, but I assume that it sends notice to our HR Dept, Law Dept, and Chief Operating Officer.

From: Ohlheiser, Abigail [mailto:Abigail.Ohlheiser@washpost.com]  
Sent: Thursday, January 22, 2015 5:59 PM  
To: Torres, Anne  
Cc: atlmedia  
Subject: RE: Wapo request for comment on reports that former fire chief has filed EEOC complaint

Thanks.

Could you clarify, if you know (on background is fine) whether the city would receive some sort of alert if such a complaint were filed?

Thanks  
Abby

From: Torres, Anne [mailto:amtorres@AtlantaGa.Gov]  
Sent: Thursday, January 22, 2015 5:57 PM  
To: Ohlheiser, Abigail  
Cc: atlmedia  
Subject: RE: Wapo request for comment on reports that former fire chief has filed EEOC complaint

Hi Abigail-

Here is our statement:

"The City has received no information that former Chief Cochran filed a complaint with the EEOC. We intend to defend the Mayor's decision vigorously whether, through the EEOC administrative process or in any other appropriate forum."

Thanks,  
Anne

From: Ohlheiser, Abigail [mailto:Abigail.Ohlheiser@washpost.com]  
Sent: Thursday, January 22, 2015 5:10 PM  
To: Torres, Anne  
Subject: Wapo request for comment on reports that former fire chief has filed EEOC complaint

Hi there,

I'm a reporter at the Washington Post. I'm seeing reports that Kelvin Cochran has filed an EEOC complaint against Atlanta for the termination of his employment. I was wondering if the Mayor's office had a comment or any information on that complaint. Thanks!

Abby Ohlheiser

---

**From:** Torres, Anne  
**Sent:** Tuesday, February 17, 2015 11:57 PM  
**To:** Solomon, Erica; atlmedia  
**Subject:** RE: Mayor Reed Response FW: Georgia House Delegation: Letter to Mayor Kasim Reed on the recent termination of Atlanta Fire Chief Kelvin Cochran

Attribute to city spokesperson:

Mr. Cochran was informed at the time of his suspension that he had failed to receive the required approvals pursuant to the City Code in seeking to engage in an outside income-producing venture. He was also informed that the issue was not the religious nature of his book, but the fact that he was espousing theories about certain groups of people that were in conflict with the City's nondiscrimination policy. He was further informed that there was an issue with his espousing these beliefs while identifying himself as the Atlanta Fire Chief. Finally, Mr. Cochran was informed that distributing the book to members of his command staff in the workplace was improper and risked sending a message to his staffers that they were expected to embrace his beliefs.

The religious nature of his book is not the reason he is no longer employed by the City of Atlanta. The totality of his conduct—including the way he handled himself during his suspension after he agreed not to make public comments during the investigation—reflected poor judgment and failure to follow clearly defined work protocols.

Please note that the Mayor will officially respond to this letter separately.

---

**From:** Solomon, Erica [mailto:esolomon@wxia.gannett.com]  
**Sent:** Tuesday, February 17, 2015 6:51 PM  
**To:** atlmedia  
**Subject:** Mayor Reed Response FW: Georgia House Delegation: Letter to Mayor Kasim Reed on the recent termination of Atlanta Fire Chief Kelvin Cochran

Hello,  
Does Mayor Reed have a response to the letter that the Ga. House Delegation sent about the rumination of former Atlanta Fire Chief Kelvin Cochran?

Thank you,

*Erica-Denise Solomon*  
Assignment Desk Editor  
WXIA-TV/ Myatltv  
newsroom/ 404-873-9114  
cell/ 404-670-6181  
[esolomon@11alive.com](mailto:esolomon@11alive.com)





**From:** Turner, Lisa  
**Sent:** Tuesday, February 17, 2015 6:45 PM  
**To:** Solomon, Erica  
**Cc:** Thomas, Marcita  
**Subject:** FW: Georgia House Delegation: Letter to Mayor Kasim Reed on the recent termination of Atlanta Fire Chief Kelvin Cochran

---

**From:** Mercer, Shawna [mailto:Shawna.Mercer@mail.house.gov]  
**Sent:** Tuesday, February 17, 2015 5:04 PM  
**Subject:** Georgia House Delegation: Letter to Mayor Kasim Reed on the recent termination of Atlanta Fire Chief Kelvin Cochran

Dear members of the media –

Please see the attached letter from Rep. Barry Loudermilk (GA-11) and several members of the Georgia House delegation on the recent termination of Atlanta Fire Chief Kelvin Cochran.

Other co-signers of the letter include:

- Rep. Buddy Carter (GA – 01)
- Rep. Lynn Westmoreland (GA – 03)
- Rep. Tom Price (GA – 06)
- Rep. Austin Scott (GA – 08)
- Rep. Jody Hice (GA – 10)

If you have any additional questions or concerns, please don't hesitate to contact me.

**Shawna Mercer** | *Director of Communications*  
 Congressman Barry Loudermilk | GA-11  
 238 Cannon HOB | Washington D.C. 20515  
 (202) 225-2931 | loudermilk.house.gov



---

**From:** Torres, Anne  
**Sent:** Wednesday, February 18, 2015 3:56 PM  
**To:** Max Blau; atlmedia  
**Subject:** RE: GOP Congressmen letter the mayor

Mayor's formal response is forthcoming. Here's what we said yesterday....and the week before....and the week before that....

Attribute to spokesperson:

Mr. Cochran was informed at the time of his suspension that he had failed to receive the required approvals pursuant to the City Code in seeking to engage in an outside income-producing venture. He was also informed that the issue was not the religious nature of his book, but the fact that he was espousing theories about certain groups of people that were in conflict with the City's nondiscrimination policy. He was further informed that there was an issue with his espousing these beliefs while identifying himself as the Atlanta Fire Chief. Finally, Mr. Cochran was informed that distributing the book to members of his command staff in the workplace was improper and risked sending a message to his staffers that they were expected to embrace his beliefs.

The religious nature of his book is not the reason he is no longer employed by the City of Atlanta. The totality of his conduct—including the way he handled himself during his suspension after he agreed not to make public comments during the investigation—reflected poor judgment and failure to follow clearly defined work protocols.

**From:** Max Blau [mailto:maxcblau@gmail.com]  
**Sent:** Wednesday, February 18, 2015 10:47 AM  
**To:** atlmedia  
**Subject:** GOP Congressmen letter the mayor

Hi Anne and Jenna,

Has the mayor's office responded to that 2/10 letter yet? If so, could you pass that along? If not, would you like to respond?

Thanks,

--  
Max Blau  
Staff Writer: Creative Loafing  
Twitter: @MaxBlau; Website: [maxblau.blogspot.com](http://maxblau.blogspot.com)  
Phone: 224.436.2120



---

**From:** Torres, Anne  
**Sent:** Thursday, February 19, 2015 4:00 PM  
**To:** Margolin, Emma (NBCUniversal); atlmedia  
**Subject:** RE: Statement request for msnbc

Hi Emma-

Statement below. Please attribute to city spokesperson.

Mr. Cochran was informed at the time of his suspension that he had failed to receive the required approvals pursuant to the City Code in seeking to engage in an outside income-producing venture. He was also informed that the issue was not the religious nature of his book, but the fact that he was espousing theories in the workplace about certain groups of people that were in conflict with the City's nondiscrimination policy.

He was further informed that there was an issue with his espousing these beliefs while identifying himself as the Atlanta Fire Chief. Finally, Mr. Cochran was informed that distributing the book to members of his command staff in the workplace was improper and risked sending a message to his staffers that they were expected to embrace his beliefs.

The religious nature of his book is not the reason he is no longer employed by the City of Atlanta. The totality of his conduct—including the way he handled himself during his suspension after he agreed not to make public comments during the investigation—reflected poor judgment and failure to follow clearly defined work protocols.

The City of Atlanta remains a place where all people, including those who share Mr. Cochran's beliefs, are equally valued and respected. However, religious beliefs cannot shield any employee from the consequences of poor judgment and insubordination.

The City will vigorously defend its actions in any legal proceedings brought by Mr. Cochran and is confident that the decision to terminate Mr. Cochran was both the right thing to do and fully legal.

Thanks,  
Anne

**Anne Torres**  
Director of Communications  
Office of Mayor Kasim Reed  
(O) 404.330.6423  
(C) 404.904.2618  
(F) 404.546.2983  
[www.atlantaga.gov](http://www.atlantaga.gov)  
@AnneMTorres

*Stay connected on Twitter:* @CityofAtlanta and @KasimReed



**From:** Margolin, Emma (NBCUniversal) [mailto:Emma.Margolin@nbcuni.com]  
**Sent:** Thursday, February 19, 2015 10:52 AM  
**To:** atlmedia  
**Subject:** Statement request for msnbc

Hi there,

I'm a reporter at msnbc in New York, and I was wondering if Mayor Reed had a statement in response to the federal lawsuit filed yesterday on behalf of former Fire Chief Kelvin Cochran. Feel free to email me back here, or you can give me a call at the below number.

Office: 212-664-1774

Thanks so much,  
Emma

**From:** Torres, Anne  
**To:** Sean Keenan; atlmedia  
**Sent:** 3/3/2015 4:28:10 PM  
**Subject:** RE: ex-Fire Chief sues



Hi Sean-

The City will not (and can't) answer questions on any pending lawsuit. The Mayor has spoken out on this issue on numerous occasions and the city's position has not changed. Please feel free to use the language below for a quote which you can attribute to spokesperson.

Thanks,

Anne

**Anne Torres**

Director of Communications  
Office of Mayor Kasim Reed  
(O) 404.330.6423  
(C) 404.904.2618  
(F) 404.546.2983  
[www.atlantaga.gov](http://www.atlantaga.gov)  
[@AnneMTorres](https://twitter.com/AnneMTorres)

**Stay connected on Twitter:** @CityofAtlanta and @KasimReed

Mr. Cochran was informed at the time of his suspension that he had failed to follow the City Code in seeking to engage in an outside income-producing venture. He was also informed that the issue was not the religious nature of his book, but the fact that he was espousing theories about certain groups of people that were in conflict with the City's non-discrimination policy. He was further informed that there was an issue with his espousing these beliefs while identifying himself as the Atlanta Fire Chief and while falsely claiming that his job description required him to run the Atlanta Fire Rescue Department on the basis of these beliefs. Finally, Mr. Cochran was informed that distributing the book to members of his command staff in the workplace was improper and sent a message to his staffers that they were expected to embrace his beliefs.

Although Mr. Cochran continues to claim that the City Ethics Officer authorized his publication of the book, that claim is as untruthful today as it was when first uttered. Mr. Cochran was told that the City Code required him to get the approval of the Board of Ethics before publishing his book, something he admits he never did.

Mr. Cochran states that he was told his faith influenced his leadership style and that this was the reason for his termination. What he was actually told was that his distribution of a book about his beliefs within his department had caused his employees to question his ability to continue to lead a diverse workforce.

The religious nature of his book is not the reason he is no longer employed by the City of Atlanta. The totality of his conduct—including the way he handled himself during his suspension after he agreed not to make public comments during the investigation—reflected poor judgment and

failure to follow clearly defined work protocols.

**From:** Sean Keenan [mailto:theseankeenan@gmail.com]  
**Sent:** Monday, March 02, 2015 10:19 AM  
**To:** atlmedia  
**Subject:** ex-Fire Chief sues

To whom it may concern,

My name is Sean Keenan and I write for the Georgia State Signal newspaper.

Next week, we will be running an article about former Atlanta Fire Chief Kelvin Cochran's decision to sue the city for what he felt was an unjust termination.

I hoped I could speak with someone regarding the mayor's perspective on the matter.

I wrote a couple articles about this situation when Cochran was originally fired and it seemed quite clear that he was relieved of duty due to a breach in department protocol.

Cochran has amassed a sizable backing for his cause, so I am curious as to what grounds for suit they think they have.

Please contact me as soon as possible regarding contacts that will be able to entertain similar questions.

Additionally, I would love to have a quote from the Mayor Reed on the subject if possible.

My deadline is this Thursday afternoon. Thank you.

Regards,

Sean Keenan  
678.654.9443

---

**From:** Mullinax, Melissa  
**Sent:** Tuesday, January 13, 2015 6:06 PM  
**To:** Joe Binns  
**Subject:** Fwd: Messages for Social Media

Joe:  
See below. Help how you can.

Thanks.

Sent from my iPhone

Begin forwarded message:

**From:** "Torres, Anne" <[amtorres@AtlantaGa.Gov](mailto:amtorres@AtlantaGa.Gov)>  
**Date:** January 13, 2015 at 11:56:20 AM EST  
**To:** "Mullinax, Melissa" <[MJMullinax@AtlantaGa.Gov](mailto:MJMullinax@AtlantaGa.Gov)>  
**Subject:** **Messages for Social Media**

MM-

Please forward to all of our supporters and organizations. These are ready to go. We want #IStandWithKasim trending.

**Twitter Messages**

#IStandWithKasim because all employees have a right to a boss who does not speak of them as 2<sup>nd</sup> class citizens. <http://nyti.ms/1KFECYc>

#IStandWithKasim because there is no place for discrimination in the workplace.  
<http://nyti.ms/1KFECYc>

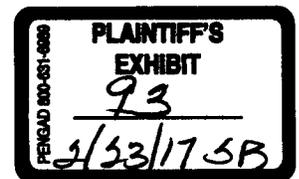
Religious freedom have been violated? An assertion that is as wrong as it was predictable. <http://nyti.ms/1KFECYc> #IStandWithKasim

Atlanta is a welcoming city for all - let's keep it that way #IStandwithKasim  
<http://nyti.ms/1KFECYc>

**Facebook Messages**

Finally! Someone gets it right. There is no place for discrimination in the workforce. I support Mayor Kasim Reed's decision to terminate the Fire Chief. <http://nyti.ms/1KFECYc>

Religious freedoms have been violated? An assertion that is as wrong as it was predictable. Read today's New York Times Editorial here: <http://nyti.ms/1KFECYc>



#IStandwithKasim because he has it right: everyone, no matter who they love, should come to work without fear of discrimination. Read it here: <http://nyti.ms/1KFECYc>

**Anne Torres**

Director of Communications

Office of Mayor Kasim Reed

(O) 404.330.6423

(C) 404.904.2618

(F) 404.546.2983

[www.atlantaga.gov](http://www.atlantaga.gov)

@AnneMTorres

**Stay connected on Twitter:** @CityofAtlanta and @KasimReed

---

**From:** Mullinax, Melissa  
**Sent:** Tuesday, January 13, 2015 6:08 PM  
**To:** Norma Driebe  
**Subject:** Fwd: Messages for Social Media

NJ-  
The Mayor is getting hit pretty hard by the religious right. Will you help us by posting on your Facebook page?

See suggested messages below.

Thanks!

Sent from my iPhone

Begin forwarded message:

**From:** "Torres, Anne" <[amtorres@AtlantaGa.Gov](mailto:amtorres@AtlantaGa.Gov)>  
**Date:** January 13, 2015 at 11:56:20 AM EST  
**To:** "Mullinax, Melissa" <[MJMullinax@AtlantaGa.Gov](mailto:MJMullinax@AtlantaGa.Gov)>  
**Subject:** Messages for Social Media

MM-

Please forward to all of our supporters and organizations. These are ready to go. We want #IStandWithKasim trending.

**Twitter Messages**

#IStandWithKasim because all employees have a right to a boss who does not speak of them as 2<sup>nd</sup> class citizens. <http://nyti.ms/1KFECYc>

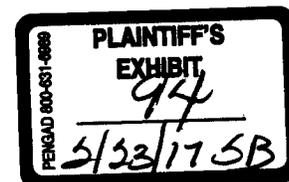
#IStandWithKasim because there is no place for discrimination in the workplace.  
<http://nyti.ms/1KFECYc>

Religious freedom have been violated? An assertion that is as wrong as it was predictable. <http://nyti.ms/1KFECYc> #IStandWithKasim

Atlanta is a welcoming city for all - let's keep it that way #IStandwithKasim  
<http://nyti.ms/1KFECYc>

**Facebook Messages**

Finally! Someone gets it right. There is no place for discrimination in the workforce. I support Mayor Kasim Reed's decision to terminate the Fire Chief. <http://nyti.ms/1KFECYc>



Religious freedoms have been violated? An assertion that is as wrong as it was predictable.

Read today's New York Times Editorial here: <http://nyti.ms/1KFECYc>

#IStandwithKasim because he has it right: everyone, no matter who they love, should come to work without fear of discrimination. Read it here: <http://nyti.ms/1KFECYc>

**Anne Torres**

Director of Communications

Office of Mayor Kasim Reed

(D) 404.330.6423

(C) 404.904.2618

(F) 404.546.2983

[www.atlantaga.gov](http://www.atlantaga.gov)

@AnneMTorres

**Stay connected on Twitter:** @CityofAtlanta and @KasimReed

---

**From:** Mullinax, Melissa  
**Sent:** Tuesday, January 13, 2015 6:09 PM  
**To:** Natalie Zellner; Cecily Craighill  
**Subject:** Fwd: Messages for Social Media

NZ, CC:  
See below. If you guys can help by posting on FB or twitter, that'd be great.

Thanks.

Sent from my iPhone

Begin forwarded message:

**From:** "Torres, Anne" <amtorres@AtlantaGa.Gov>  
**Date:** January 13, 2015 at 11:56:20 AM EST  
**To:** "Mullinax, Melissa" <MJMullinax@AtlantaGa.Gov>  
**Subject:** Messages for Social Media

MM-

Please forward to all of our supporters and organizations. These are ready to go. We want #IStandWithKasim trending.

**Twitter Messages**

#IStandWithKasim because all employees have a right to a boss who does not speak of them as 2<sup>nd</sup> class citizens. <http://nyti.ms/1KFECYc>

#IStandWithKasim because there is no place for discrimination in the workplace.  
<http://nyti.ms/1KFECYc>

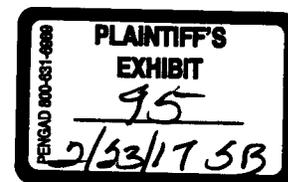
Religious freedom have been violated? An assertion that is as wrong as it was predictable. <http://nyti.ms/1KFECYc> #IStandWithKasim

Atlanta is a welcoming city for all - let's keep it that way #IStandwithKasim  
<http://nyti.ms/1KFECYc>

**Facebook Messages**

Finally! Someone gets it right. There is no place for discrimination in the workforce. I support Mayor Kasim Reed's decision to terminate the Fire Chief. <http://nyti.ms/1KFECYc>

Religious freedoms have been violated? An assertion that is as wrong as it was predictable. Read today's New York Times Editorial here: <http://nyti.ms/1KFECYc>



#IStandwithKasim because he has it right: everyone, no matter who they love, should come to work without fear of discrimination. Read it here: <http://nyti.ms/1KFECYc>

**Anne Torres**

Director of Communications

Office of Mayor Kasim Reed

(O) 404.330.6423

(C) 404.904.2618

(F) 404.546.2983

[www.atlantaga.gov](http://www.atlantaga.gov)

@AnneMTorres

**Stay connected on Twitter:** @CityofAtlanta and @KasimReed

**From:** lillian govus <liliangovus@gmail.com>  
**Sent:** Tuesday, January 13, 2015 6:39 PM  
**To:** Mullinax, Melissa  
**Subject:** Re: Messages for Social Media

You got it!

On Tue, Jan 13, 2015 at 1:06 PM, Mullinax, Melissa <MJMullinax@atlantaga.gov> wrote:  
Lillian -  
Can you help with this? Posting on twitter and FB?

Thanks.

Sent from my iPhone

Begin forwarded message:

From: "Torres, Anne" <amtorres@AtlantaGa.Gov<mailto:amtorres@AtlantaGa.Gov>>  
Date: January 13, 2015 at 11:56:20 AM EST  
To: "Mullinax, Melissa" <MJMullinax@AtlantaGa.Gov<mailto:MJMullinax@AtlantaGa.Gov>>  
Subject: Messages for Social Media

MM-

Please forward to all of our supporters and organizations. These are ready to go. We want #IStandWithKasim trending.

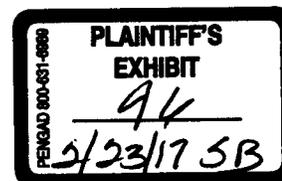
Twitter Messages

#IStandWithKasim because all employees have a right to a boss who does not speak of them as 2nd class citizens. <http://nyti.ms/1KFECYc>  
#IStandWithKasim<<https://twitter.com/search?q=%23IStandWithKasim>> because there is no place for discrimination in the workplace. <http://nyti.ms/1KFECYc>  
Religious freedom have been violated? An assertion that is as wrong as it was predictable. <http://nyti.ms/1KFECYc>  
#IStandWithKasim<<https://twitter.com/search?q=%23IStandWithKasim>>  
Atlanta is a welcoming city for all - let's keep it that way #IStandwithKasim <http://nyti.ms/1KFECYc>

Facebook Messages

Finally! Someone gets it right. There is no place for discrimination in the workforce. I support Mayor Kasim Reed's decision to terminate the Fire Chief. <http://nyti.ms/1KFECYc>  
Religious freedoms have been violated? An assertion that is as wrong as it was predictable. Read today's New York Times Editorial here: <http://nyti.ms/1KFECYc>  
#IStandwithKasim because he has it right: everyone, no matter who they love, should come to work without fear of discrimination. Read it here: <http://nyti.ms/1KFECYc>

Anne Torres  
Director of Communications  
Office of Mayor Kasim Reed  
(O) [404.330.6423](tel:404.330.6423)



(C) 404.904.2618

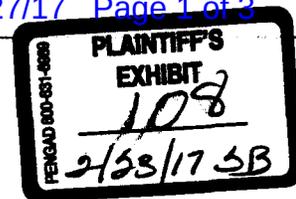
(F) 404.546.2983

www.atlantaga.gov<http://www.atlantaga.gov/>

@AnneMTorres

Stay connected on Twitter: @CityofAtlanta and @KasimReed

**From:** Wan Alex  
**To:** David E. Weisberg  
**Sent:** 11/11/2015 7:35:14 PM  
**Subject:** RE: First Amendment



You need to re-read your original email. You specifically say "When he or she is at the place of work and on the job, he or she must conform to Atlanta's rules, including rules about the kinds of sentiments he or she can express." Here is my entire quote from last fall: "I respect each individual's right to have their own thoughts, beliefs and opinions, but when you're a city employee and those thoughts, beliefs and opinions are different from the city's, you have to check them at the door." Surprise. It sounds like you and I think along the same lines.

Your cookie gift notion fails, as a cookie doesn't contradict any city policies. Now, if the cookie had a message written on it against Christianity, I can only imagine how you and your kind would react. And, ironically enough, I would be right there with you protesting, just as I would if someone had been distributing a book he/she had written and published condemning Christianity. It's pathetic you can't see that.

The courts will decide the constitutionality of the Mayor's action. I didn't fire him. Get a clue.

Alex Wan  
Council Member, District 6

(404) 330-6049 Phone  
(404) 658-6073 Fax  
www.AtlantaDistrict6.com

Stay informed! Sign up for the District 6 eNewsletter by clicking [here](#).

---

**From:** David E. Weisberg [dew47nj@yahoo.com]  
**Sent:** Wednesday, November 11, 2015 1:43 PM  
**To:** Wan Alex  
**Subject:** Re: First Amendment

Dear Mr. Wan:

So, you are telling me that the City of Atlanta has a rule that makes it a firing offense for any employee to give a gift (whether solicited or unsolicited) to another employee while both are on the job? It would have been grounds for firing Chief Cochran if he had distributed cookies to other employees? If there is such an administrative rule in Atlanta, please provide a cite to the section of Atlanta's code of regulations that sets forth that rule.

Of course, even the mayor has claimed that Mr. Cochran was fired because he failed to get prior approval for his book (which Atlanta cannot constitutionally require him to do), and also because he refused to remain silent during the investigation (which Atlanta again cannot constitutionally require him to do).

The fact is both you and the mayor are dissembling, but the two of you can't even agree on the "facts" you want to misrepresent.

Chief Cochran was fired because he has expressed views that you don't like, plain and simple. You are ignorant of the First Amendment, and that is a disgrace.

**I'll be waiting for that citation to Atlanta's regulations, the one that makes it a firing offense for an employee to give another employee a gift (whether solicited or unsolicited) while both are on the job.**

Thanks,

David E. Weisberg

---

**From:** Wan Alex <awan@AtlantaGa.Gov>  
**To:** David E. Weisberg <dew47nj@yahoo.com>  
**Sent:** Wednesday, November 11, 2015 1:09 PM  
**Subject:** RE: First Amendment

Mr. Cochran distributed his book AT WORK (which he admits and the Law Department's investigative report found).

You should learn to check your facts lest you be the one making a fool of yourself.

Alex Wan

Council Member, District 6

(404) 330-6049 Phone

(404) 658-6073 Fax

www.AtlantaDistrict6.com

Stay informed! Sign up for the District 6 eNewsletter by clicking here<[https://webmail10.atlantaga.gov/owa/14.3.123.3/scripts/premium/redir.aspx?C=u3BJZGP1\\_0Gq1CsDJv-zzYKZGp9butAI0Wsn\\_xihLPo0\\_aEG0DL1okVSEdJTSxQxJctTXFRax\\_k.&URL=http%3a%2f%2fwww.atlantadistrict6.com%2fnewsletter.html](https://webmail10.atlantaga.gov/owa/14.3.123.3/scripts/premium/redir.aspx?C=u3BJZGP1_0Gq1CsDJv-zzYKZGp9butAI0Wsn_xihLPo0_aEG0DL1okVSEdJTSxQxJctTXFRax_k.&URL=http%3a%2f%2fwww.atlantadistrict6.com%2fnewsletter.html)>.

---

From: David E. Weisberg [[dew47nj@yahoo.com](mailto:dew47nj@yahoo.com)]

Sent: Wednesday, November 11, 2015 12:25 PM

To: Wan Alex

Subject: First Amendment

Dear Mr. Wan:

It is frightening that a public official in Atlanta should be so ignorant of the rights that all Americans--including Americans who disagree with you--have under the First Amendment. You say city employees have to "check their rights at the door," but that door is the one that leads INTO an employee's place of work. When he or she is at the place of work and on the job, he or she must conform to Atlanta's rules, including rules about the kinds of sentiments he or she can express. When the employee walks through the door that leads OUT OF the workplace and returns to his or her private life, the city can place no restrictions whatsoever on speech or expression. Even if the city had a rule requiring approval of writings published by the employee during off-duty hours, that rule would be unconstitutional.

You ought to learn some constitutional law very fast, if you don't want to continue to make a fool of yourself.

Yours,

David Weisberg  
Cary, NC

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>KELVIN J. COCHRAN,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>CIVIL ACTION FILE NO.</b>
	)	<b>1:15-CV-00477-LMM</b>
<b>v.</b>	)	
	)	
<b>CITY OF ATLANTA, GEORGIA;</b>	)	
<b>and MAYOR KASIM REED, IN</b>	)	
<b>HIS INDIVIDUAL CAPACITY,</b>	)	
	)	
<b>Defendants.</b>	)	

**PLAINTIFF KELVIN J. COCHRAN’S RESPONSES TO DEFENDANT  
CITY OF ATLANTA’S SUPPLEMENTAL FIRST INTERROGATORIES**

Pursuant to this Court’s order dated January 31, 2017, the Federal Rules of Civil Procedure 26 and 33, Plaintiff Kelvin J. Cochran (“Cochran” or “Plaintiff”) by and through his undersigned counsel, hereby responds to Defendant City of Atlanta’s Supplemental First Interrogatories as follows:

**GENERAL OBJECTIONS, RESERVATIONS, AND STATEMENTS**

The objections, reservations, and statements set forth in this section apply to each Interrogatory propounded by Defendant and are not necessarily repeated in response to each individual Interrogatory. The assertion of the same, similar, or additional objections in Plaintiff’s specific objections to an individual Interrogatory,

or the failure to assert any additional objection to an individual Interrogatory does not waive any of the objections set forth in this section or the following sections.

1. Plaintiff objects to the definition of “Plaintiff” as including “any individuals representing or purporting to represent him” and to the definition of “you” or “your” as including “any individual or entity acting on behalf of Plaintiff, and any representatives, agents, or assigns of Plaintiff” to the extent that it includes attorneys representing him.

### **INTERROGATORIES**

#### **INTERROGATORY NO. 18:**

On what date did Plaintiff decide to write “Who Told You That You Were Naked?”

#### **RESPONSE:**

Plaintiff began making notes regarding a Bible study in early 2012 and decided to write a book regarding the topics contained therein around October 2012.

#### **INTERROGATORY NO. 19:**

On what date did Plaintiff first contact every publisher about publishing his book?

#### **RESPONSE:**

Plaintiff first contacted his publisher in approximately early-May of 2013.

Plaintiff did not contact any other publishers.

INTERROGATORY NO. 20:

Did Plaintiff ever write, publish, promote, or market his book during the hours he worked as a City of Atlanta employee while using City of Atlanta property including cell phones, text messages, computers, etc.? If yes, provide an explanation of such activity.

RESPONSE:

Plaintiff objects to this request as untimely and outside the scope of the Court's permitted Interrogatories, which were to concern the timeframe of the book's composition and publication. Plaintiff also objects to this Interrogatory as vague and irrelevant to any party's claims or defenses. It is unclear, for instance, what Defendants mean by "during the hours [Plaintiff] worked as a City of Atlanta employee." To the extent that Defendants are suggesting that Chief Cochran worked a normal 9-5 shift as head of the department, such a view is not supported by the facts of his tenure with the department. As Fire Chief of the City of Atlanta Chief Cochran was essentially on call 24 hours a day, 7 days a week, and often worked long and irregular hours, as the dictates of the position warranted and required. Chief Cochran never had a set time schedule, never punched a time clock, and often worked considerably more than what would be considered a "normal" or "standard"

work day for a regular city employee. Chief Cochran, for instance, often worked at home on City matters from the very early morning until quite late at night. Given the breadth of his responsibilities, Chief Cochran was thus by necessity required to take care of personal matters when he got the opportunity to do so, whether “in the office” or not. Ultimately, the needs and obligations of the job determined the timing of the discharge of his personal responsibilities. Subject to the foregoing objections and clarifications, Chief Cochran responds that he did not write, publish, promote, or market his book during the hours he worked for the City of Atlanta. Because his work computer was during his city employment his principal word processing device, Plaintiff likely used his work computer to draft or edit portions of the book and to send e-mails regarding the book as well, but he did not do so while working for the City of Atlanta. As for his cell phone, Plaintiff recalls texting Mayor Reed after his termination in an attempt to discuss the matter further. He does not recall whether he used the phone on any other occasion to communicate regarding the book or its contents, but may have done so, as this was the principal phone he carried on his person throughout his tenure as chief. In previous requests for production Plaintiff has requested from Defendants relevant text messages, but Defendants have not produced any. Thus Plaintiff directs Defendants to the party which has custody

and control of the Chief's former city property, which party is presumably Defendant City of Atlanta itself.

INTERROGATORY NO. 21:

Please state the number of drafts Plaintiff wrote during the publishing process and date of submission of each draft to publisher.

RESPONSE:

To the best of Plaintiff's recollection he completed approximately six drafts of the book on or about the following dates: June 24, 2013; June 24, 2013; July 23, 2013; September 18, 2013; October 29, 2013; and May 29, 2014. Plaintiff does not recall the date of each submission to his publisher.

INTERROGATORY NO. 22:

When did Plaintiff negotiate and sign a publishing agreement with each of his publishers?

RESPONSE:

Plaintiff had only one publisher and began negotiating an agreement in or around May of 2013. Plaintiff is not currently aware of the date of the signed publishing agreement, but will supplement this response if he becomes aware of it.

INTERROGATORY NO. 23:

On what date was "Who Told You That You Were Naked Published?"

RESPONSE:

Plaintiff's book was published beginning at or around November 28, 2013 and continuing thereafter.

Respectfully submitted this 7th day of February, 2017.

By: /s/Kevin H. Theriot

JONATHAN D. CRUMLY, SR.  
Georgia Bar No. 199466  
**MANER CRUMLY CHAMBLISS LLP**  
2900 Paces Ferry Road  
Suite B-101  
Atlanta, GA 30339  
(770) 434-0310  
(404) 549-4666 (facsimile)  
Jcrumly@Manercc.com

DAVID A. CORTMAN  
Georgia Bar No. 188810  
**ALLIANCE DEFENDING FREEDOM**  
1000 Hurricane Shoals Road, NE  
Suite D-1100  
Lawrenceville, GA 30043  
(770) 339-0774  
(770) 339-6744 (facsimile)  
dcortman@adflegal.org

Garland R. Hunt  
Georgia Bar No. 378510  
**HUNT & ASSOCIATES**  
12110 Helleri Hollow  
Alpharetta, GA 30005  
(770) 294-0751  
(770) 777-5847 (facsimile)  
garlandhunt1@gmail.com

KEVIN H. THERIOT  
Georgia Bar No. 373095  
KENNETH J. CONNELLY\*  
Arizona Bar No. 025420  
**ALLIANCE DEFENDING FREEDOM**  
15100 N. 90th Street  
Scottsdale, AZ 85260  
(480) 444-0020  
(480) 444-0028 Fax  
ktheriot@adflegal.org  
kconnelly@adflegal.org

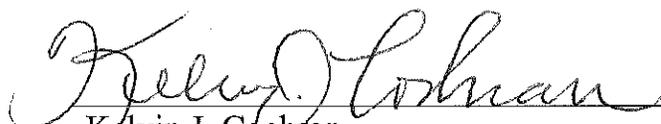
*\*pro hac vice admission*

ATTORNEYS FOR PLAINTIFF

**VERIFICATION**

I, Kelvin J. Cochran, a citizen of the United States and a resident of the State of Georgia, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

Executed this 7<sup>th</sup> day of February, 2017 at Atlanta, Georgia.

  
Kelvin J. Cochran

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

---

**KELVIN J. COCHRAN,** )

Plaintiff, )

vs. )

Civil Action No. )

1:15-cv-00477-LMM )

**CITY OF ATLANTA, GEORGIA;** )  
**and MAYOR KASIM REED, IN** )  
**HIS INDIVIDUAL CAPACITY,** )

Defendants. )

---

**DEFENDANT CITY OF ATLANTA'S RESPONSES AND OBJECTIONS  
TO  
PLAINTIFF'S FIRST SET OF REQUESTS FOR ADMISSION**

---

COMES NOW Defendant City of Atlanta, Georgia, by and through its undersigned counsel of record, pursuant to Federal Rule of Civil Procedure 36, responds to *Plaintiff's First Set of Requests for Admission* as follows:

**RESPONSES TO REQUESTS FOR ADMISSION**

**REQUEST NO. 1:** Admit that the City received no complaints about Chief Cochran's book entitled "Who told you that you were naked? Overcoming the Stronghold of Condemnation" prior to November of 2014.

**RESPONSE NO. 1:** Admitted.

**REQUEST NO. 2:** Admit that there is no written policy requiring any City employee to receive permission from the Mayor prior to publishing a book.

**RESPONSE NO. 2:** Denied.

**REQUEST NO. 3:** Admit that the civil service board did not hold a hearing about Chief Cochran.

**RESPONSE NO. 3:** Admitted.

**REQUEST NO. 4:** Admit that the ethics board did not conduct an investigation regarding Chief Cochran.

**RESPONSE NO. 4:** Defendant admits that the ethics board was not asked to, and thus did not, conduct an investigation into Chief Cochran with respect to his book, *Who Told You That You Were Naked*.

**REQUEST NO. 5:** Admit that the ethics board did not hold a hearing regarding Chief Cochran's publication of the book "Who told you that you were naked? Overcoming the Stronghold of Condemnation."

**RESPONSE NO. 5:** Defendant admits that the ethics board was not asked to, and thus did not, hold a hearing regarding Chief Cochran's publication of the book *Who Told You That You Were Naked*.

**REQUEST NO. 6:** Admit that Chief Cochran contacted Nina Hickson on more than one occasion regarding the book "Who told you that you were naked? Overcoming the Stronghold of Condemnation."

**RESPONSE NO. 6:** Denied. Hickson testified only that Chief Cochran contacted her regarding a "leadership book" and a multi-level marketing campaign.

**REQUEST NO. 7:** Admit that no statute, ordinance, regulation or manual governs communications by a suspended individual.

**RESPONSE NO. 7:** Defendant objects to this request on the ground that the phrase "communications by a suspended individual" is vague, ambiguous, and subject to more than one reasonable interpretation. Defendant admits that there are no statutes, ordinances, regulations or manuals explicitly governing

communications by suspended employees, but also states that there are City policies regarding insubordination and general standards of conduct that apply to such communications.

**REQUEST NO. 8:** Admit that Chief Cochran received no written instructions from the City regarding his suspension other than the letter signed by Yvonne Cowser Yancy, dated November 24, 2014.

**RESPONSE NO. 8:** Admitted.

**REQUEST NO. 9:** Admit that no City officials participated in any meetings concerning disciplinary action against Chief Cochran prior to Alex Wan bringing Chief Cochran's book entitled "Who told you that you were naked? Overcoming the Stronghold of Condemnation" to the attention of the City in November of 2014.

**RESPONSE NO. 9:** Denied.

**REQUEST NO. 10:** Admit that the City had not commenced any disciplinary process or disciplinary investigation of Chief Cochran prior to Alex Wan bringing Chief Cochran's book entitled "Who told you that you were naked?"

Overcoming the Stronghold of Condemnation” to the attention of the City in November of 2014.

**RESPONSE NO. 10:** Denied.

**REQUEST NO. 11:** Admit that Chief Cochran was never disciplined for any act of discrimination against any AFRD employee.

**RESPONSE NO. 11:** Admitted.

**REQUEST NO. 12:** Admit that Chief Cochran was never disciplined for creating or enforcing any discriminatory policy while Fire Chief of AFRD.

**RESPONSE NO. 12:** Admitted.

**REQUEST NO. 13:** Admit that Chief Cochran was never disciplined for permitting discrimination by or against AFRD employees while Fire Chief of AFRD.

**RESPONSE NO. 13:** Admitted.

**REQUEST NO. 14:** Admit that during his first evolution as Fire Chief under Mayor Shirley Franklin, Chief Cochran directed his subordinates to

assemble a diverse group of AFRD employees to develop a vision, mission, and governing philosophy for AFRD.

**RESPONSE NO. 14:** Admitted.

**REQUEST NO. 15:** Admit that the process—described in Plaintiff’s Request for Admission to the City of Atlanta No. 14—under Chief Cochran’s leadership resulted in a document called the Atlanta Fire Rescue Doctrine.

**RESPONSE NO. 15:** Defendant admits that Plaintiff participated in the creation of the document called the Atlanta Fire Rescue Doctrine.

**REQUEST NO. 16:** Admit that the document attached as Exhibit A is a true and correct copy of the Atlanta Fire Rescue Doctrine.

**RESPONSE NO. 16:** Admitted.

**REQUEST NO. 17:** Admit that there is no informal policy requiring any City employee to receive permission from the Mayor prior to publishing a book.

**RESPONSE NO. 17:** Denied.

Submitted this the 27th day of February, 2017.

Respectfully submitted,



David E. Gevertz

GA Bar No. 292430

Kathryn J. Hinton

GA Bar No. 542930

Hannah E. Jarrells, Esq.

GA Bar No. 784478

BAKER DONELSON BEARMAN  
CALDWELL & BERKOWITZ, P.C.

3414 Peachtree Rd NE

Monarch Plaza, Suite 1600

Atlanta, Georgia 30326

Phone: 404-221-6512

Fax: 678-406-8816

[dgevertz@bakerdonelson.com](mailto:dgevertz@bakerdonelson.com)

[khinton@bakerdonelson.com](mailto:khinton@bakerdonelson.com)

[hjarrells@bakerdonelson.com](mailto:hjarrells@bakerdonelson.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27th day of February, 2017, a copy of the foregoing document was served on the following via e-mail and U.S. mail, postage prepaid:

Kevin H. Theriot, Esq.  
Jeana Hallock, Esq.  
Kenneth J. Connelly, Esq.  
Alliance Defending Freedom  
15100 N. 90th Street  
Scottsdale, AZ 85260  
[ktheriot@ADFlegal.org](mailto:ktheriot@ADFlegal.org)  
[jhallock@ADFlegal.org](mailto:jhallock@ADFlegal.org)  
[kconnelly@ADFlegal.org](mailto:kconnelly@ADFlegal.org)

  
Kathryn J. Hinton  
GA Bar No. 542930  
Attorney to Defendants

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Mayor Kasim Reed on 02/14/2017**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

KELVIN J. COCHRAN, )  
 )  
Plaintiff, )  
 ) CIVIL ACTION FILE  
vs. )  
 ) NO. 1:15-cv-00477-LMM  
CITY OF ATLANTA, GEORGIA; )  
and MAYOR KASIM REED, IN )  
HIS INDIVIDUAL CAPACITY, )  
 )  
Defendants. )

- - -

VIDEOTAPED DEPOSITION OF  
MAYOR KASIM REED

FEBRUARY 14, 2017  
9:35 A.M.

BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, P.C.  
MONARCH PLAZA, SUITE 1600  
3414 PEACHTREE ROAD, N.E.  
ATLANTA, GEORGIA

(TRANSCRIPT CONTAINS CONFIDENTIAL PORTIONS)  
PAGE 10, LINE 4 TO PAGE 10, LINE 7  
PAGE 31, LINE 4 TO PAGE 39, LINE 5  
PAGE 110, LINE 4 TO PAGE 114, LINE 22

Reported by: Suzanne Beasley, RPR  
CCR-B-1184

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Mayor Kasim Reed on 02/14/2017**

Page 41

1 Q. Okay. How are those opinions rendered?  
2 Is it usually in writing?

3 A. Well, the ethics office, I think, is  
4 independent, first and foremost. That's why it has  
5 its own board.

6 But typically there are two forms of  
7 communication: There is -- there is a communication  
8 with the ethics office by telephone or interacting  
9 with employees for advice. But, in my judgment, in  
10 order for it to be an official decision, you would  
11 get an opinion in writing.

12 Q. Okay. So tell me about the first way.  
13 Who -- how is that -- you can ask the ethics officer  
14 for an opinion by telephone, is that what you're  
15 saying?

16 A. I'm not going to advise you on that. What  
17 I know is, is that you can interact with them and get  
18 advice from them. I haven't ever done it before.

19 Q. Okay.

20 A. But I know that for it to be valid, you  
21 would want to get an opinion letter or have the  
22 ethics board act.

23 I'm not going to speak on how it operates  
24 because I intentionally don't get into the bowels of  
25 how the ethics office operates because that would

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Mayor Kasim Reed on 02/14/2017

Page 54

1 BY MR. THERIOT:

2 Q. Okay. If you don't make any money -- if  
3 you were to write a book and did not sell it, would  
4 you have to get an opinion from the ethics board?

5 A. I think it depends what the content of the  
6 book was --

7 Q. Okay.

8 A. -- and the impact that the book would have  
9 upon the administration. But the fact of the matter  
10 is, is in this instance, no opinion was given from  
11 the ethics board for a book that earned money.

12 Q. But even if it didn't earn money, if there  
13 was a topic that it covered, that there still may  
14 need to be a reason to get an opinion from the ethics  
15 board?

16 A. Not that I'm aware of.

17 Q. When you said that it's important  
18 for -- in order for the ethics code to apply, that  
19 the -- that there actually be earning of money, if  
20 they could show that there was no money earned, that  
21 there was actually -- they spent more on the book  
22 than they actually got from it, then would they need  
23 to get permission from the ethics commissioner?

24 MR. GEVERTZ: Object to the form.

25 THE WITNESS: I mean, I'm not going

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Mayor Kasim Reed on 02/14/2017**

Page 86

1 press release dated August 29th, 2014. Is that a  
2 press release that you approved?

3 A. The answer is, I don't know because it  
4 doesn't have a -- okay, if I -- if I have a quote in  
5 it, then I approved it, yes. So let me read my  
6 quote.

7 Q. All right.

8 A. Okay.

9 Q. Okay. Is there -- is there anything about  
10 the press release that you saw that was inaccurate?

11 A. Not that I saw.

12 Q. But it indicates that, in fact, this was  
13 for the first time in the city's history that you  
14 obtained a Class 1 rating, right?

15 A. That's correct.

16 Q. And that's correct as far as you know?

17 A. Yes.

18 Q. Okay. And the -- the result was that  
19 insurance premiums, particularly to commercial  
20 properties, would be lowered by the year's end; is  
21 that right?

22 A. Uh-huh.

23 Q. So the -- the money that you -- that you  
24 gave and -- and through the efforts that the  
25 department took to make the upgrades, they were able

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Mayor Kasim Reed on 02/14/2017**

Page 90

1 Q. Okay.

2 A. And he wanted me to have a copy.

3 Q. Okay.

4 A. And so what I -- what I want to give you a  
5 sense of is the amount of materials that I receive on  
6 a daily basis is beyond voluminous, so I don't recall  
7 ever seeing his book until Commissioner Yancy walked  
8 in my office with it.

9 Q. Okay.

10 A. And I've never read it.

11 Q. Did your executive assistant,  
12 Lilly Cunningham, ever mention to you that  
13 Chief Cochran had left a copy of the book with her?

14 A. Not that I recall at all.

15 Q. Did -- did you ever ask her about that  
16 since the events of this -- underlying this lawsuit  
17 took place to see if she remembered that?

18 A. No.

19 Q. Is it possible that Chief Cochran could  
20 have given her a copy of the book and gave it to you  
21 and he had a conversation about that with you?

22 A. It's also possible that he did not.

23 Q. Okay. You don't have any specific  
24 recollection one way or the other?

25 A. I do not. I mean, people send books to me

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Mayor Kasim Reed on 02/14/2017**

**Page 91**

1 literally on a constant basis from all over the  
2 world, so.

3 Q. The -- the City of Atlanta has a -- is it  
4 called a mayor's or city book club; is that right?

5 A. They do. We have a book club. I don't  
6 think it's called the mayor's book club, but we have  
7 a book club.

8 Q. And how -- are you involved in that at  
9 all?

10 A. Not at all.

11 Q. Do you have any idea what kind of books  
12 that they review?

13 A. No. That's run by Commissioner Yancy's  
14 shop. So the answer is no. On occasions there are  
15 authors that will ask me to come by their book  
16 signing or book event.

17 On occasion, if there is someone of  
18 outstanding note, like H.J. Russell, I participated  
19 in hosting an event for him. I participated in  
20 hosting an event for a man named Frank Savage. But  
21 in seven years, I've been involved in the book club  
22 less than six times.

23 Q. What were those two books about that you  
24 mentioned?

25 A. Well, H.J. Russell is a person who

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Mayor Kasim Reed on 02/14/2017**

Page 92

1 mentored me and is probably one of the most talented  
2 business people that I've never known, and he -- and  
3 we had a book event where I interviewed him.

4 Frank Savage is a man, another business  
5 man, that I served on the board of Howard University  
6 with and he wrote a book called The Savage Way, and I  
7 interviewed him for his book as well.

8 Q. Is that also a business-related book?

9 A. It is.

10 Q. Did -- did you ever tell Chief Cochran  
11 that you got a copy of his book and you would read it  
12 on an upcoming flight?

13 A. Not that I recall.

14 Q. When did you first hear that someone  
15 complained about Chief Cochran's book? Was that when  
16 Yvonne Yancy came into the office and --

17 A. Yvonne Yancy came into my office with a  
18 book and said that were -- that I needed to take a  
19 look at it. She had highlighted some passages in the  
20 book. I listened to her at the time, and then -- and  
21 then I left. I went for a jog. And then at the end  
22 of my jog, I got a phone call from Alex Wan, who is a  
23 member of the Atlanta City Council, expressing his  
24 concerns about the book to me.

25 Q. Okay. So let's take the -- the first

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Mayor Kasim Reed on 02/14/2017

Page 94

1 meeting?

2 A. It appears to be.

3 Q. Did you look at it at that time?

4 A. I looked at some of it. I didn't look at  
5 all of it at that time, so.

6 Q. But the marks in here, and they're not  
7 real evident, there are some editing marks in writing  
8 and then you can kind of see there's some gray  
9 shading.

10 A. Uh-huh.

11 Q. Those were done -- were those done by you?

12 A. They were not done by me.

13 Q. Do you know who did them?

14 A. I do not.

15 Q. All right. After she spoke to you and  
16 told you, did she point out particular portions of  
17 the book that you should read and take notice of?

18 A. She did. She pointed out the passage  
19 regarding members of the Jewish community, she  
20 pointed out a passage that related to women, and she  
21 pointed out a passage that related to homosexuality.

22 Q. Do you know how she was able to obtain a  
23 copy of the book?

24 A. I have no idea.

25 Q. She never mentioned who she got it from.

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Mayor Kasim Reed on 02/14/2017**

Page 95

1 She just said that she had it.

2 A. I think that there was some information  
3 around it, but I don't recall. I mean, I get an  
4 enormous amount of information. My human resources  
5 commissioner walked into my office, she said, We have  
6 received a complaint from an employee who has brought  
7 this to our attention -- I don't know if "complaint"  
8 was the word that was used -- and I'm concerned about  
9 it.

10 Q. She didn't tell you who brought it to her  
11 attention?

12 A. Not that I recall.

13 Q. And then you -- about that same time you  
14 got a -- I believe maybe even the same day after your  
15 jog, you got a phone call from Councilman Wan.

16 A. Yeah, on or near that time. I'm giving  
17 you my best recollection.

18 Q. Sure.

19 A. I got a phone call from Councilman Wan  
20 telling me that he was very concerned about a call  
21 that he had received from a member of our fire  
22 department, and I returned -- I either returned his  
23 phone call or answered his call.

24 Q. How did he contact you?

25 A. By cell phone.

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Mayor Kasim Reed on 02/14/2017

Page 107

1 Q. So you didn't direct anyone to write a  
2 letter like this?

3 A. No. I directed that he be suspended for  
4 30 days. Commissioner Yancy made the recommendation  
5 for a 30-day suspension, and I agreed with the  
6 recommendation.

7 Q. All right. It says that, "This notice of  
8 a 30-day suspension without pay is being issued to  
9 you for your performance of an action that  
10 constitutes a cause of action as outlined in  
11 Section 114-528."

12 What cause of action is being referred to  
13 here?

14 A. Creating and producing a book for sale  
15 without authorization of the ethics board. I mean,  
16 the sentence in front of me really articulates it  
17 pretty clearly.

18 In the document, your Exhibit 1, it says,  
19 "Commissioners, deputy commissioners, department  
20 heads, chief operating officer, deputy chief  
21 operating officer, chief of staff, deputy chief of  
22 staff, bureau directors and employees of the office  
23 of the mayor who report directly to the mayor shall  
24 not engage in any private employment or render any  
25 services for private interests for remuneration

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Mayor Kasim Reed on 02/14/2017

Page 118

1 Q. Okay.

2 A. -- in almost any respect.

3 I mean, this process -- number one, there  
4 was a book that was written without my permission,  
5 that I was never -- it was not discussed with me.  
6 There was -- there is a -- there was dollars that  
7 were earned. There was no opinion given in writing  
8 by our ethics officer. There were people who were  
9 complaining and saying that they had received this  
10 book.

11 The Anti-Defamation League came to my  
12 office to meet with me regarding the matter that  
13 we're discussing. So I think to say it was usual, it  
14 wasn't usual.

15 This is the advice that I was getting from  
16 people who have positions of responsibility, and the  
17 advice was very forceful. I actually restrained it.

18 The majority opinion among my team was  
19 that once -- this offense was very serious and needed  
20 to be acted on immediately. I pushed back. I said,  
21 we need to take our time and we need to respect the  
22 chief's career, and so we did an investigation.

23 Q. Why was he suspended without pay?

24 A. He was suspended without pay because, in  
25 my opinion, writing a book and earning money off of

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Mayor Kasim Reed on 02/14/2017**

Page 119

1 it, which we knew pretty quickly, was completely  
2 inappropriate and wrong. And at no time did my chief  
3 of -- at fire and rescue come in my office and sit  
4 down and have an in-person conversation and say, I am  
5 writing a book and I would like you to support me.

6 And a passing "I wrote a book that I'd  
7 love for you to read" doesn't cut it when you're  
8 responsible for a fire department that has  
9 responsibility for 150,000 people's lives.

10 And it should not have been a vacation.  
11 And the only way that it's not a vacation is that if  
12 you're not compensated during that month.

13 Q. So that was -- that was part of the reason  
14 why he was suspended without pay, was that he didn't  
15 check with you first?

16 A. The reason -- no. The reason that  
17 he -- I'm a human being with feelings. He was  
18 suspended because he wrote a book without getting an  
19 opinion from our ethics officer in writing. I don't  
20 believe that that required extraordinary judgment or  
21 additional steps. And then he passed the book out.

22 Now, I don't know whether he was paid or  
23 gave the book freely. I don't know. But if you are  
24 the head of a department with a thousand people, if  
25 they feel pressured to accept a book that cost \$10 or

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Mayor Kasim Reed on 02/14/2017**

Page 120

1 \$20, that's real money.

2 Q. Did --

3 A. So I have no -- no, but I have no idea  
4 whether he charged people for the book or not. But  
5 in my opinion, I shouldn't have to be figuring this  
6 out for my fire chief.

7 Q. Would it have mattered if he charged or  
8 gave it away?

9 A. I'm not going to give you -- I'm not going  
10 to address that, whether it would have mattered.  
11 What I know is, I felt it inappropriate for the chief  
12 of the fire department for the City of Atlanta to be  
13 passing out a book that they authored to make money  
14 off of and to gain a profit.

15 Q. You mentioned that you spoke with the ADL.  
16 Was that prior to his suspension?

17 A. I don't remember the exact date, but the  
18 local office of the ADL came to meet with me about  
19 how offensive they found this book. I was just  
20 citing it as an example.

21 Q. Okay.

22 A. What I'm laying out is, there was a need  
23 for an investigation in a calm space. That's what  
24 I'm getting at. The advice that I received from law  
25 and from HR, the concerns that I had heard from

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Mayor Kasim Reed on 02/14/2017**

Page 121

1 counsel, the fact that other people in the fire  
2 department had gotten the book, I didn't know whether  
3 he had given it to them or charged for it, there are  
4 a number of facts.

5 I couldn't make a decision on someone's  
6 career without having a factual investigation. And I  
7 was not going to have an investigation during the  
8 time and be paying for it. I just wasn't going to do  
9 that.

10 Q. The concern about him not talking with you  
11 first, is that based upon any kind of policy or is  
12 that just a practice?

13 A. No. It's based upon professional  
14 courtesy, being a colleague.

15 Q. Would that -- what would that have looked  
16 like? Would he have made an appointment through  
17 Mr. Geisler?

18 A. He could have made an appointment through  
19 Mr. Geisler. He could have made an appointment  
20 through my chief of staff.

21 Q. Up to the point where he was --  
22 before -- let me strike that.

23 Before November 24th, 2014, was  
24 there -- were there any articles in the press or was  
25 there anything that you were aware of in the media

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Mayor Kasim Reed on 02/14/2017

Page 124

1 Q. So this, on November 24th, the day he was  
2 suspended, was in response to some press that  
3 occurred that day?

4 A. I don't recall what it was in response to.

5 Q. You say that, "I was surprised and  
6 disappointed to learn of this book on Friday."

7 So it's your testimony that he -- that was  
8 the first time you were aware of the book, was the  
9 Friday before November 24th?

10 A. I testified --

11 MR. GEVERTZ: Object to the form.

12 THE WITNESS: -- that the first time  
13 that I learned of the book was when  
14 Yvonne Yancy walked in my office and talked  
15 to me about it on whatever that day was, so  
16 I'm not going to guess on the dates.

17 BY MR. THERIOT:

18 Q. All right.

19 A. But this is consistent with my testimony.  
20 But I did not -- what I know is, is that the person  
21 that walked in my office with the book with  
22 highlighted sections was Yvonne Yancy. After I met  
23 with Yvonne, I received a telephone call from  
24 Councilmember Alex Wan. So that -- those were the  
25 series of events that made me aware of this book.

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Mayor Kasim Reed on 02/14/2017**

Page 125

1 Q. And there was a time during a meeting  
2 where he may have mentioned it, but you didn't know  
3 about the content; is that right?

4 A. There was.

5 Q. Okay. All right. And you say, "I  
6 profoundly disagree with and am deeply disturbed by  
7 the sentiments expressed in the paperback regarding  
8 the LGBT community."

9 What specific sentiments were you  
10 referring to?

11 A. I didn't agree with the provisions -- with  
12 some of the provisions that were highlighted and  
13 shown to me by Yvonne Yancy.

14 Q. Was it -- let's go back and look at  
15 Exhibit Number -- the excerpts of the book. Let's  
16 see. It's the one that looks like this in a -- I  
17 apologize. Yes, there it is.

18 A. Is it --

19 Q. Yeah, Exhibit Number 8.

20 A. Okay.

21 Q. So if you would turn to page 82, please,  
22 of that exhibit.

23 A. Okay.

24 Q. All right. If you look down, there's  
25 a -- it's grayed out there. Can you read that? And

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Mayor Kasim Reed on 02/14/2017**

Page 126

1 if you can't, I can -- I can --

2 A. Uh-huh.

3 Q. Okay. Is that the provision that you're  
4 speaking about regarding the LGBT community?

5 A. It may be, but -- because I didn't read  
6 the book. What I did was to look at the highlighted  
7 sections.

8 Q. Okay.

9 A. But that provision is offensive to me.

10 Q. Okay. And you -- you say you "profoundly  
11 disagree" with it. What is it about it that you  
12 disagree with?

13 A. What I disagreed with was a book being  
14 published by a member of my cabinet for profit  
15 without the approval of the ethics board and without  
16 me having knowledge of it.

17 Q. But the Facebook post says that, "I  
18 profoundly disagree...and am deeply disturbed by the  
19 sentiments expressed in the paperback."

20 So what sentiments in the paperback were  
21 you concerned about? Was this one of them?

22 A. This was among them.

23 Q. Okay. And what was it that you disagree  
24 with regarding this particular sentiment on page 82?

25 A. I don't -- first of all, I don't agree

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Mayor Kasim Reed on 02/14/2017**

Page 127

1 with the comments around homosexuality. And there  
2 were other parts of the book that I thought were  
3 insensitive to women. And there were other parts of  
4 the book that I thought were insensitive to Jewish  
5 people. But I'm not -- I cannot tell you what was in  
6 my mind as I sit here in 2017, three years later, so  
7 that was it.

8 Q. So this -- but this was one of the  
9 things -- or you're saying could have been one of the  
10 things you disagreed with?

11 A. It certainly could have.

12 Q. All right. And the -- was the reason why  
13 you disagreed with it because you think that  
14 it's -- that that definition of uncleanness is wrong?

15 MR. GEVERTZ: Object to the form.

16 THE WITNESS: I think it's  
17 inappropriate for a member of the cabinet  
18 to use their title as chief of the Atlanta  
19 Fire and Rescue to sell a book to make a  
20 profit without getting written approval  
21 from the ethics board and having a  
22 conversation with me as a member of my  
23 cabinet.

24 BY MR. THERIOT:

25 Q. I understand that. But that's not what

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Mayor Kasim Reed on 02/14/2017**

Page 134

1 bad spot, whether you all want to acknowledge it or  
2 not, I fully supported him.

3 And he concluded that he could write a  
4 book with content that would clearly be offensive to  
5 some without getting an approval and make a profit.  
6 That's unacceptable to me. And personally I feel  
7 that it was wrong that he didn't have a sit-down with  
8 me. That's it.

9 Q. Those are the personal beliefs you're  
10 talking about there at the bottom of --

11 MR. GEVERTZ: Objection to the form.

12 THE WITNESS: I have told you  
13 regarding my personal beliefs. I am not  
14 going to go back and tell you what I was  
15 thinking in 2014 when these comments were  
16 reviewed.

17 I told you that I reviewed the  
18 highlighted portions of the book, that they  
19 offended me. I said that, and that I  
20 thought an investigation should occur.

21 But I'm not going to fast forward  
22 under oath and tell you the paragraphs that  
23 were offensive to me in hindsight. I'm not  
24 going to -- I'm not going to play that game  
25 with you.

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Mayor Kasim Reed on 02/14/2017**

Page 135

1 BY MR. THERIOT:

2 Q. But you were offended by some of the  
3 sentiments?

4 A. I was. I was offended by comments that I  
5 thought were offensive to Jewish people, women, and  
6 homosexual people.

7 Q. Based upon your beliefs.

8 A. Based upon my beliefs.

9 Q. Now, the response to the book -- I'm  
10 sorry, strike that.

11 The response -- what was the response to  
12 your Facebook post? And -- and I'm not trying to  
13 hide anything.

14 A. I don't know what the response to the  
15 Facebook post was.

16 Q. Well, if you look -- I was just going  
17 to -- if you look at Number 10 at the bottom, there  
18 were some responses.

19 A. Do you see the Facebook post?

20 Q. I'm sorry.

21 A. Plaintiff's Exhibit Number 10?

22 Q. There it is.

23 A. Okay.

24 Q. If you look at the bottom there, there's a  
25 comment from Steve Erwin and a comment from

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Mayor Kasim Reed on 02/14/2017**

Page 149

1           A.     But I do know -- not that I'm aware of.  
2     But I do know that once a supervisor or a manager, a  
3     person in a position of authority over another  
4     employee is notified, that acts which could, and I  
5     emphasize could, constitute discrimination, if those  
6     acts aren't at least reviewed and an investigation  
7     conducted, then the liability potential rises, and  
8     that guided my decision.

9           Q.     Part of -- I believe part of -- I can  
10    probably dig out the exhibit, but let me see if you  
11    can agree with me here in the interest of time. I  
12    believe part of the -- what you said regarding the  
13    suspension is that Chief Cochran would have to  
14    undergo sensitivity training. Does that sound right?

15          A.     That was a part of his suspension.

16          Q.     Okay. Are there formal classes for  
17    sensitivity training that the City of Atlanta has or  
18    that the executive branch has?

19          A.     There are, and I went through them.

20          Q.     And when did -- who teaches those?

21          A.     I don't know the name of the instructor.

22          Q.     Is it based in the HR department?

23          A.     I don't know. But I know that we can get  
24    the information from you for human resources -- from  
25    human resources.

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Mayor Kasim Reed on 02/14/2017**

Page 156

1 chief has irrevocably compromised his leadership  
2 position."

3 Q. Right. And then the next sentence.

4 A. "It is difficult and unreasonable to  
5 believe that the chief can check his prejudices at  
6 the door and leave the City of Atlanta Fire  
7 Department without his decision-making, both overt  
8 and covert, being significantly influenced by these  
9 beliefs."

10 Q. Okay. Are you aware of any instances  
11 where Chief Cochran was unable to check his  
12 prejudices at the door?

13 A. I am not aware of any.

14 Q. Were you aware of any at the time this  
15 letter was written?

16 A. I was not. But at the time that this  
17 letter was written there wasn't a book that was being  
18 distributed throughout the City of Atlanta that was  
19 written by my fire chief, who did so without  
20 authorization.

21 Q. Are you saying the book wasn't distributed  
22 at that point?

23 A. I mean that it had not come to the  
24 attention in a broad sense.

25 Q. Okay. To -- not -- you're not talking

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Mayor Kasim Reed on 02/14/2017**

Page 167

1 Are you aware of any instance where he  
2 displayed the influence of these viewpoints in his  
3 professional capacity?

4 A. I was made aware by a person, one of  
5 his -- one of the people that worked for him, that he  
6 gave his book to, regarding his leadership style.

7 Q. What did they say?

8 A. I don't recall. This was a part of  
9 deposition preparation. But as part of my direct  
10 knowledge, the answer is no.

11 Q. Okay.

12 A. But that's not why he was terminated.

13 Q. Okay.

14 A. If someone had done this investigation and  
15 showed me a letter from the ethics board that granted  
16 him approval to write this book, I wouldn't have made  
17 the judgment that I made.

18 Q. If he had approval to write the book, you  
19 wouldn't have terminated him?

20 A. I would have been less inclined to make  
21 the decision that I made.

22 Q. I'm going to -- we've got about  
23 15 minutes. I'm going to back up because I missed a  
24 couple of things, and I don't want to get out of  
25 order. I already am.

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

KELVIN J. COCHRAN, )  
 )  
Plaintiff, )  
 ) CIVIL ACTION FILE  
vs. )  
 ) NO. 1:15-cv-00477-LMM  
CITY OF ATLANTA, GEORGIA; )  
and MAYOR KASIM REED, IN )  
HIS INDIVIDUAL CAPACITY, )  
 )  
Defendants. )

- - -

VIDEOTAPED DEPOSITION OF  
YVONNE COWSER YANCY

FEBRUARY 17, 2017  
10:02 A.M.

BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, P.C.  
MONARCH PLAZA, SUITE 1600  
3414 PEACHTREE ROAD, N.E.  
ATLANTA, GEORGIA

(TRANSCRIPT CONTAINS CONFIDENTIAL PORTION)  
PAGE 9, LINE 4 TO PAGE 9, LINE 10

Reported by: Suzanne Beasley, RPR  
CCR-B-1184

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 20

1 I know that part.

2 Q. Was this in close proximity to the time  
3 when Chief Cochran was suspended?

4 A. I believe Mr. Cochran was suspended the  
5 following Monday, so the week prior to that  
6 suspension.

7 Q. So you received a phone from Councilmember  
8 Wan the week prior to the suspension of  
9 Chief Cochran, and that phone call was the first time  
10 that you learned about Chief Cochran's book?

11 A. Yes.

12 Q. And is that the book entitled Who Told You  
13 That You Were Naked?

14 A. Yes.

15 Q. What did Councilmember Wan say to you on  
16 that phone call?

17 A. We didn't speak. It was voicemail, and  
18 what he said was he really wanted to talk to me about  
19 a book he received, and would I please call him back.

20 Q. Did you return his call?

21 A. I did, and he subsequently met me in my  
22 office on the Wednesday on that week.

23 Q. So you found out about the book the  
24 Wednesday prior to the Monday that Chief Cochran was  
25 suspended?

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 21

1 A. Correct.

2 Q. And what did Councilmember Wan say?

3 A. That he was really concerned that some  
4 employees had brought the book to him. He did not  
5 want to create a big issue out of it. He was  
6 concerned that they might protest at the Fire  
7 Foundation breakfast that was later that week, and he  
8 wanted to be sure that we knew about it and that we  
9 were going to actively, you know, address the topic.

10 He specifically was not interested in  
11 Mr. Cochran being terminated. He just was concerned  
12 about the book. He definitely knew about the book,  
13 and so he wanted us to handle it, that we would  
14 handle any other process.

15 Q. You said he was specifically not concerned  
16 about Chief Cochran being terminated. Did that topic  
17 come up?

18 A. Yes. He said, I specifically am not  
19 trying to have Mr. Cochran separated. I just want  
20 you all to know about this book, and employees are  
21 concerned. And he really didn't want us to have a  
22 sort of PR nightmare of employees protesting us at a  
23 foundation breakfast that was scheduled for later  
24 that week.

25 Q. Did he say anything else during that

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 22

1 meeting?

2 A. No.

3 Q. And what did you tell him?

4 A. I don't recall. I told him I would read  
5 the book and I would, you know, follow up  
6 appropriately; and I thanked him for bringing it to  
7 our attention.

8 Q. Did he give you a copy of the book?

9 A. Yes.

10 Q. And you read it?

11 A. Yes.

12 Q. Cover to cover?

13 A. Yes.

14 Q. Did you do that right away?

15 A. No.

16 Q. When did you read it?

17 A. The next day, Thursday.

18 Q. Thursday.

19 A. Yes.

20 Q. So by the end of Thursday, you had read  
21 the entire book?

22 A. Yes.

23 Q. Why did the topic of termination come up  
24 during the phone call -- I'm sorry, the meeting with  
25 Councilmember Wan?

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 26

1           A.     I said, Sir, I have received this book  
2     from Councilman Wan. I read it from cover to cover.  
3     I spoke with the COO about the book. I have concern  
4     about the book's reference as his employer. Did you  
5     provide permission for Mr. Cochran to write the book?  
6     Are you aware of this book?

7           Q.     And was the mayor aware of the book?

8           A.     No, he was not.

9           Q.     And what concerns about the book did you  
10    tell the mayor that you had specifically?

11          A.     Specifically that the City of Atlanta is  
12    referenced in the book, that Mr. Cochran's role as  
13    the fire chief is referenced in the book as a point  
14    of reference in terms of his leadership and his  
15    activity, and that -- and we had not given permission  
16    for the book, that in fact was a problem.

17                 It appeared as though the City of Atlanta  
18    had endorsed the book, when in fact if we had not  
19    given permission for the book, that would not be  
20    acceptable.

21          Q.     Did you relay any other concerns?

22          A.     I thought the content was problematic, but  
23    the issue in the book was whether or not we had given  
24    permission for it.

25          Q.     Did you talk about any content that you

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 27

1 thought was problematic with the mayor?

2 A. I was offended by it, so yes.

3 Q. What specifically were you offended by  
4 that you talked about with the mayor?

5 A. I was offended by how women were  
6 referenced, and how Jews were referenced, and how the  
7 LGBT community was referenced. And I was really  
8 offended that the City of Atlanta was presented as a  
9 factor in the book because it was not a book that I  
10 was aware the City had in fact endorsed or approved.

11 Q. Any other concerns you expressed to the  
12 mayor?

13 A. No. Oh, yes. I was concerned about the  
14 breakfast that he was going to be at. And I was  
15 concerned about employees having a protest or this  
16 issue being raised to embarrass us at the breakfast.  
17 I did not want him to be surprised with that  
18 possibility.

19 Q. When was this breakfast to be held?

20 A. On Friday.

21 Q. So that was the next morning?

22 A. Yes.

23 Q. And what did Councilmember Wan tell you  
24 might happen at this breakfast?

25 A. Councilmember Wan indicated -- he received

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 37

1 Q. Do you remember anything else about the  
2 conversation at all?

3 A. No.

4 Q. Do you remember anything else you haven't  
5 told me about the conversation with Katrina  
6 Taylor-Parks?

7 A. No. I conveyed the same -- it's the same  
8 matter. Katrina's role is to speak with council and  
9 to manage the council relationships; and so I was  
10 concerned that she would get a call from some other  
11 council member because employees had called  
12 Councilman Wan.

13 Q. Do you recall any additional details about  
14 your conversation with Mayor Reed that evening that  
15 you haven't told me about?

16 A. I just told him that we would have to make  
17 an employment decision about this matter.

18 Q. What did you mean by that?

19 A. That if in fact he had not approved the  
20 book, that we were going to have to suspend or  
21 terminate Mr. Cochran. That there is not -- I didn't  
22 see a path that didn't include that conversation.

23 Q. This was the day after you first received  
24 the book?

25 A. That's correct.

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Yvonne Cowser Yancy on 02/17/2017

Page 44

1 the City of Atlanta in the book, and making income  
2 from the book, which was for sale on Amazon.com.

3 Q. When did you first learn that it was for  
4 sale on Amazon.com?

5 A. When I Googled it and bought a copy.

6 Q. That was on?

7 A. Thursday.

8 Q. The court reporter will place in front of  
9 you what has been previously marked as Plaintiff's  
10 Exhibit 9.

11 A. Okay.

12 Q. So Plaintiff's Exhibit 9 is a letter dated  
13 November 24th, 2014, signed by you; is that correct?

14 A. Yes.

15 Q. This is to Mr. Cochran, correct?

16 A. Correct.

17 Q. And the subject line is "Notice of 30-day  
18 suspension without pay," correct?

19 A. Correct.

20 Q. So was this hand delivered to Mr. Cochran?

21 A. Yes, it was.

22 Q. At the meeting that you described on  
23 November 24th?

24 A. Yes.

25 Q. Did you draft this letter?

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 48

1 option because we're familiar with them internally,  
2 and that I thought Mr. Cochran would respect Al  
3 Vivian, C.T. Vivian, if they were the people that we  
4 asked him to work with around the department  
5 afterwards; and put together sort of a process for  
6 how to deal with that.

7           The communication process in terms of, you  
8 know, we would have to say the fire chief was not at  
9 work. We'd have to have an interim fire chief in  
10 that process. Joel Baker was identified as the  
11 interim fire chief. He was currently a deputy of  
12 Mr. Cochran's, who was well regarded internally, and  
13 I thought that Mr. Cochran would support Mr. Baker  
14 being put in that interim role, that would not be  
15 seen as problematic for him. And then we put  
16 together a process to notify Mr. Cochran.

17           Q.     So tell me, what were all the bases for  
18 the suspension decision?

19           MR. GEVERTZ: Object to the form.

20           If you can read the mayor's mind, go  
21 for it.

22           THE WITNESS: In lieu of terminating  
23 Mr. Cochran, there had to be disciplinary  
24 activity for his failure to get approval  
25 from his direct manager for this book.

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 49

1           There was also a failure to disclose  
2     it in the ethics forms that we gather. The  
3     ethics officer had indicated in our  
4     conversation with her that she had not  
5     given permission for the book and was not  
6     aware that it had been published.

7           And we also had to conduct a process  
8     to investigate whether or not Mr. Cochran's  
9     beliefs had led to different outcomes in  
10    his management of the department because he  
11    referenced his leadership of the department  
12    and how he led the department in his book.  
13    That cannot take place with Mr. Cochran at  
14    work.

15           And so the discipline was about his  
16    failure to get approval, his failure to  
17    operate within the processes that are  
18    clearly identified, not just in the code,  
19    but in general expectations as an employer.

20           And then the second part of that  
21    process was he could not be present while  
22    we ensured there wasn't a Title 7 issue,  
23    which we had to make sure of because as the  
24    employer, we're compelled to offer an  
25    environment where employees are treated

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Yvonne Cowser Yancy on 02/17/2017

Page 51

1 if in fact to receive second income. You have to get  
2 permission to receive that income before it happens.  
3 It's well known. It's signed off on by department  
4 heads. I assume Mr. Cochran had signed one before  
5 because I'm sure people who work for him have had  
6 second income.

7           There's also an ethics pledge you sign  
8 when you start an employee that talks about getting  
9 permission from your manager, and then a perception  
10 or a conflict, or an actual conflict and income.

11           And then the ethics code requires that if  
12 you in fact are going to engage in receiving second  
13 income and you report the certain line in the  
14 organization, the ethics board has to actually give  
15 you approval for that as well.

16           Q. Do you know whether Chief Cochran was  
17 receiving any profit from this book?

18           A. I did not know, but I did know it was for  
19 sale, and so at least one of us had bought a book.  
20 So that would be profit because I bought one, so --

21           Q. Well, it would be --

22           A. A profit if it was for sale.

23           Q. Maybe not, right?

24           A. Well, I can't speak to the contract, so  
25 no. But we will presuppose if it was for sale that

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
Yvonne Cowser Yancy on 02/17/2017

Page 55

1 outside employment form, is a part of the code, and  
2 you have the responsibility on both sides of the  
3 operations groups and HR to ensure that it's  
4 communicated and signed if in fact someone is  
5 receiving second employment.

6 Q. You also mentioned an alleged failure to  
7 get permission from the ethics board or ethics  
8 officer?

9 A. Yes. Actual failure. There's no ethics  
10 board vote giving permission for this book.

11 Q. Do you know whether Mr. Cochran spoke with  
12 the ethics officer about this book?

13 A. Yes. I spoke with Ms. Hickson, and I  
14 spoke with Mr. Cochran, and both concurred they had a  
15 conversation. They do not agree on the content of  
16 that conversation.

17 Q. When did you speak with Ms. Hickson --  
18 when did you first speak with Ms. Hickson regarding  
19 the book?

20 A. I spoke with Ms. Hickson I believe on that  
21 Monday. I'm not sure if the law department talked to  
22 her while I was out of town, but I spoke with her on  
23 Monday personally.

24 Q. And what was the substance of that  
25 conversation?

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

**Page 58**

1 house. So there are times it can run concurrent, but  
2 typically it does not, and they don't -- one does not  
3 require the other.

4 Q. Did you have any authority you can point  
5 to for the proposition that one does not require the  
6 other or that you can discipline for an ethics  
7 violation without a determination of an ethics  
8 violation from the board?

9 A. Absolutely. The ethics board is  
10 independent. I don't have the code in front of me,  
11 but the City code says that pretty clearly that if  
12 the officer reports to the ethics board, and this  
13 board's appointed by a host of stakeholders, we have  
14 no interaction or control over that process. It  
15 simply happens.

16 Employment process, we entirely control,  
17 and the code also states that as well. And so, you  
18 know, an employment action can take place without the  
19 ethics board. The ethics board can take an ethics  
20 action without an employment action because they are  
21 independent entities.

22 Q. So you maintain that you can discipline an  
23 employee for ethics violation without any input from  
24 the ethics board?

25 A. Absolutely. If you violate the terms of

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Yvonne Cowser Yancy on 02/17/2017

Page 60

1 there has been no ethics board input?

2 A. I believe I've answered the question.

3 MR. GEVERTZ: Object to the form. I  
4 think it would help if you'd clarify  
5 whether you're talking about a classified  
6 employee versus an unclassified employee  
7 because the whole world is split.

8 BY MR. WARDLOW:

9 Q. I may or may not get to that, but are you  
10 able to answer that question as I asked?

11 A. Could you try repeating it again?

12 MR. WARDLOW: Could you read back?

13 (The record was read by the  
14 reporter.)

15 THE WITNESS: As I previously stated,  
16 the ethics board is independent, and ethics  
17 actions are handled by the ethics board.  
18 Employment actions are handled by the  
19 administration and the operations groups  
20 that are led by me. So I don't need an  
21 ethics violation to discipline an employee  
22 for a matter that's unethical.

23 So the discipline process is  
24 articulated in the code and driven by  
25 employee status, but as at-will employees,

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 62

1 an employer, we have to make sure that we don't have  
2 a potential Title 7 issue, and so that investigation  
3 could not occur with Mr. Cochran in the workplace --

4 Q. So --

5 A. -- because the mayor decided to keep him  
6 as an employee, the decision was made to suspend as  
7 opposed to terminating.

8 Q. And that led to an investigation then?

9 A. Yes.

10 Q. The investigation was about whether his  
11 beliefs, Mr. Cochran's beliefs, had affected his  
12 leadership in the department and had possibly led to  
13 Title 7 issues in the department?

14 A. Correct.

15 Q. So you're talking about possible hostile  
16 work environment issues?

17 A. Potentially or potential allegations that  
18 because I am -- insert any category -- Mr. Cochran is  
19 not going to treat me fairly. That could be  
20 religion. It could be gender. It could be, you  
21 know, sexual orientation, et cetera. It can be, you  
22 know, faith, and so we had to ensure that hadn't  
23 taken place.

24 Q. So your specific concern was that  
25 Chief Cochran's religious beliefs may have affected

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 63

1 how he was running the department?

2 A. I didn't know if they had affected how he  
3 was running the department, but we had to do an  
4 inquiry to ensure that was not the case. As an  
5 employer, we're on notice that we have a leader who  
6 espouses a certain subset of beliefs, data that we  
7 not had before.

8 As an employer, we have an obligation to  
9 ensure that we had an environment that was open and  
10 that was friendly to every employee category, which  
11 is consistent with our philosophy. And so I didn't  
12 know what had happened or hadn't happened, but I did  
13 know that we had to document and thoroughly ensure  
14 that was not the case.

15 Q. Because of the content of the book?

16 A. Absolutely.

17 MR. GEVERTZ: Object to the form.

18 BY MR. WARDLOW:

19 Q. The book, more specifically the content of  
20 the book with respect to Mr. Cochran's religious  
21 beliefs.

22 A. Mr. Cochran espoused beliefs that were in  
23 conflict with how women are treated, people of  
24 different faiths are treated, how the LGBT community  
25 was treated. He talked about how he led the -- led

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 64

1 the fire department through his view of God and  
2 upholding God's standards.

3 So, yes, we had to ensure because we had  
4 been named in the book. He had talked about his  
5 leadership role under the City of Atlanta in the  
6 book. He talked about how he chose to do leadership  
7 in the book about the City of Atlanta.

8 We had to ensure that the actions of  
9 Mr. Cochran were reflective of our policy. We don't  
10 particularly care how you feel about stuff. We care  
11 about what you do in our workplace. So we had to  
12 ensure that our workplace was consistent with the  
13 values and things that we espouse in our code.

14 Q. And you were concerned that Mr. Cochran's  
15 religious beliefs conflicted with those values?

16 A. I didn't know --

17 MR. GEVERTZ: Object to the form.

18 THE WITNESS: I don't know how

19 Mr. Cochran feels about things.

20 Mr. Cochran and I have never discussed  
21 faith in any significant way.

22 BY MR. WARDLOW:

23 Q. Based on his book.

24 A. I simply had a book, and I had an employee  
25 who raised issues about the book. And as an

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Yvonne Cowser Yancy on 02/17/2017

Page 67

1 contains subject matter such that a reader might  
2 think that the City approved the book, or approved of  
3 the book?

4 A. Absolutely.

5 Q. If you look back at Exhibit 8, which is  
6 the exhibit containing excerpts from the book, does  
7 this contain any excerpts from the book that -- well,  
8 basically, that is what you're referencing, that it  
9 conveys the approval of the City, or is that not  
10 contained in this -- in this exhibit?

11 A. I don't know where it is specifically.  
12 There's some section --

13 Q. If we could place in front of you what's  
14 been previously marked as Exhibit 11. You mentioned  
15 sensitivity training before.

16 A. Yes.

17 Q. And that came up in your discussion with  
18 the mayor. And who else was present at that meeting?  
19 And this was Monday morning, I think you said?

20 A. Yes. I believe it was the city attorney.  
21 I believe Bob Godfrey, who's also from the law  
22 department was present. And I believe Candace Byrd,  
23 who's chief of staff, was also present.

24 Q. And you suggested sensitivity training?

25 A. I did.

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 68

1 Q. And why did you suggest that?

2 A. Because there was a perception that it was  
3 possible Mr. Cochran had a lack of sensitivity to  
4 people who have different beliefs, and if our intent  
5 was to keep him in our employ, as an employer we had  
6 to show a proactive way of ensuring that Mr. Cochran  
7 was in fact not managing to those beliefs or treating  
8 people differently.

9 And so once the mayor decided that he  
10 wanted to keep Mr. Cochran in our employ, it was  
11 important that when he returned to work that we made  
12 a proactive position to ensure the department and to  
13 protect us as an employer with potential Title 7  
14 activities that -- or litigation, that if someone  
15 came up, you know, six months later and said, Oh, but  
16 I feel like I'm being treating differently, we would  
17 have had this documented sensitivity training and  
18 awareness that we could say, Oh, no, no, our  
19 employment environment, you know, meets all standards  
20 meets the code, et cetera.

21 So doing that is an acceptable proactive  
22 action to take under the EEOC umbrella guidelines,  
23 and so, you know, it made sense to include that,  
24 given our circumstance.

25 Q. And you made a determination that it would

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Yvonne Cowser Yancy on 02/17/2017

Page 69

1 be good to do that?

2 A. Yes.

3 Q. Why did you think that Chief Cochran may  
4 have had a lack of sensitivity to other people's  
5 beliefs, as you said?

6 A. Well, I didn't know, so to that end --

7 Q. Why do you think he may have had that --

8 A. Because he espoused beliefs that were  
9 offensive to many different groups, and he had to  
10 lead a department that reflected many different  
11 groups. We had to as an employer -- my role was to  
12 ensure that the employer is protected. I am -- I am  
13 responsible for ensuring that we meet our standards.

14 And so my focus was really on how the City  
15 was going to be impacted. And offering that training  
16 and documenting that took place was, yeah, another  
17 way of validating that we did not have any potential  
18 issues down the road.

19 Q. You also mentioned a communications  
20 process that you discussed at that meeting, correct?

21 A. Yes.

22 Q. And tell me about the substance of those  
23 conversations surrounding the communications process.

24 A. Well, we had to make sure that we brought  
25 in the communications staff, and that the mayor would

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 71

1 he was not in the workplace. We knew the letter was  
2 going to become an open record, and so that the  
3 notification that he was being unpaid would be  
4 published, and that Joel Baker would be operating as  
5 the interim chief until his return.

6 Q. And you also talked about the process to  
7 notify Mr. Cochran, correct?

8 A. Yes, and you have to keep in mind it's not  
9 typical for people in this leadership level to be  
10 suspended. They're typically terminated. There's no  
11 sort of halfway. And so it was not going to go  
12 unnoticed, number one; and then number two, our  
13 policy has been to not talk about employment matters.  
14 So because of the visibility of the person involved,  
15 it sort of forced us to be prepared to discuss an  
16 employee matter.

17 Q. Looking back at Plaintiff's Exhibit 9,  
18 which is the suspension letter.

19 A. Yes.

20 Q. The first paragraph of the notice states,  
21 "This notice of 30-day suspension without pay is  
22 being issued to you for your performance of an action  
23 that constitutes a cause of action as outlined in  
24 Section 114-528 of the Code of Ordinances, City of  
25 Atlanta." Do you see that?

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 72

1 A. Uh-huh. Yes.

2 Q. So this was a for-cause suspension?

3 A. No, it wasn't. This is really an error,  
4 administrative error.

5 Q. So this letter -- this paragraph of the  
6 letter is an administrative error?

7 A. Absolutely. It's a standard -- it's a  
8 form letter that we use for most suspensions, and so  
9 there's an error there. There's also an error on the  
10 date on January 6th, 2014. It should say 2015.

11 Q. Oh. You're talking about the last  
12 sentence of the next paragraph --

13 A. Yes.

14 Q. -- where it says, "You are to return to  
15 work at the expiration of this suspension on Monday,  
16 January, 6, 2014"?

17 A. Right. It should say January 6, 2015.

18 Q. And that's the day that Chief Cochran was  
19 terminated, correct?

20 A. It's the day he returned and the day he  
21 was terminated, yes.

22 Q. So this letter --

23 A. Should not have referenced that section of  
24 the code, no. It was not necessary.

25 Q. What should it have referenced?

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
Yvonne Cowser Yancy on 02/17/2017

Page 73

1           A.       Just shown a 30-day suspension. The  
2 section that -- Section 114 of the code covers most  
3 human resources actions, and it references a section  
4 that's specific to classified employees, and  
5 Mr. Cochran is not a classified employee --  
6 classified employee.

7           Q.       So it's your contention that  
8 Section 114-528 applies only to classified employees?

9           A.       Yeah. I believe the code says that, yes.  
10 It lists causes of action for classified employees.  
11 We're unclassified employees, and so that section of  
12 the code doesn't apply to us.

13          Q.       So what should have this said?

14          A.       It should have said, Dear Mr. Cochran,  
15 your 30-day suspension without pay is being issued to  
16 you, period. And we're at-will. There's no --  
17 there's no requirement to provide a reason or a code  
18 section, and so that's an error.

19          Q.       So do you remember anything else about  
20 that conversation with the mayor and others on Monday  
21 morning?

22          A.       Just that people were sad.

23          Q.       Why were they sad?

24          A.       Mr. Cochran was held in pretty high  
25 regard, and so it is -- it was unfortunate that we

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 74

1 found ourselves having a conversation about his  
2 employment or not or suspension or not. You know,  
3 people were -- were sad.

4 Q. Now, tell me a bit about the investigation  
5 that was prompted by all this. When did that begin?

6 A. We communicated to Mr. Cochran in his  
7 suspension meeting that there would be an  
8 investigation into potential Title 7 issues.

9 Q. That was later the same day?

10 A. Yes. Mr. Godfrey, Bob Godfrey, who's in  
11 the law department, would be conducting that  
12 investigation. Mr. Cochran was aware of that. In  
13 that meeting we explained that Mr. Cochran -- would  
14 give Mr. Cochran an opportunity to respond to  
15 anything that came up in the investigation, and that  
16 we would keep him apprised of the investigation.

17 Q. During that suspension meeting, who was  
18 there?

19 A. The chief of staff, Candace Byrd, because  
20 the COO was not available, Mr. Cochran, and  
21 Mr. Godfrey from the law department, and myself.

22 Q. And where did that take place?

23 A. In my office.

24 Q. So you asked Chief Cochran to come to your  
25 office?

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 75

1 A. Yes.

2 Q. And then what happened next?

3 A. We asked him to come to the office. We  
4 explained that we were having this meeting because of  
5 our notification of the book, and the fact that we  
6 were unable to find any documentation where he in  
7 fact received permission to write the book.

8 We asked Mr. Cochran if he had in fact  
9 gotten permission to write the book from the mayor or  
10 the COO. His answer was no. We explained that the  
11 book itself was an issue because the City is  
12 referenced in the book. His leadership of the  
13 department, of the fire department was referenced in  
14 the book. That at that juncture, we had not found  
15 anything that indicated he had received permission  
16 from his manager or the ethics board.

17 He said that he had spoken with Nina  
18 Hickson, and they'd had a conversation that perhaps  
19 Nina was misunderstanding; she was confused. We  
20 explained that at this point we had not gotten that  
21 same data point from Ms. Hickson.

22 That we were going to be suspending him  
23 without pay for 30 days. That we would again follow  
24 up with Ms. Hickson. We would give him an  
25 opportunity to respond to what she said. That we'd

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 76

1 do the Title 7 investigation. We'd give him an  
2 opportunity to respond to the investigation.

3 That our hope was that over the 30-day  
4 period of time that we'd be able to resolve this  
5 entire matter; that he'd return to work on the date  
6 of January 6th. I talked about the diversity  
7 training that would happen when he returned to work;  
8 that that would be a part of the expectation for him  
9 to return to work.

10 Mr. Cochran puts people on suspension, and  
11 so we referenced the process when you're on  
12 suspension you don't discuss the suspension. We  
13 talked about returning his vehicle and, you know, his  
14 badge, et cetera, the things that you have as an  
15 employee. We talked about how he would get back  
16 home.

17 We talked about naming Joel Baker as the  
18 interim chief. He was fine with that choice. I  
19 mean, he wasn't fine with being suspended, but he was  
20 fine in the lieu of that that Joel Baker was an  
21 appropriate person to name to be the interim chief.  
22 We explained that we would not be commenting on this  
23 employment matter, and that per our process we  
24 expected him not to comment on this employment  
25 matter.

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
Yvonne Cowser Yancy on 02/17/2017

Page 77

1           The meeting was really informational for  
2 him. We made sure that Bob Godfrey has his cell  
3 phone, and we said we'd be in contact as we moved  
4 forward with the investigation.

5           Q.     You said that there was a disagreement as  
6 to some data point with respect to a conversation  
7 that the chief -- or conversation that the chief had  
8 with Ms. Hickson, correct?

9           A.     Yes. Mr. Cochran was very clear that he  
10 had gotten permission from Ms. Hickson, and  
11 Ms. Hickson was equally clear that she had not  
12 provided that, that approval. And the code actually  
13 states that Ms. Hickson can't provide independently,  
14 that the board would have to vote on it. But that  
15 notwithstanding, they did not agree on the  
16 conversation that they'd had.

17           Mr. Cochran indicated that Ms. Hickson was  
18 really -- was confused and that he was sure if he  
19 talked with her that he could help clarify. And we  
20 explained that he could not talk with her, but that  
21 we would again, go through a thorough review with  
22 her. And when I say we, I mean Bob Godfrey and the  
23 law department, and give Mr. Cochran the opportunity  
24 to respond to any of the data that we received or the  
25 commentary that Ms. Hickson had.

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Yvonne Cowser Yancy on 02/17/2017

Page 81

1 of Atlanta?

2 A. Yes.

3 Q. So what are the rules for what constitutes  
4 an endorsement by the City of Atlanta in a book?

5 A. I don't have a formal rule for that, but  
6 the book talks about his role as the leader of a  
7 department, and references the City of Atlanta and  
8 cultivating its culture for the glory of God. That  
9 is something that would require the permission of the  
10 entity.

11 Q. Who determines whether an endorsement has  
12 been made in a book?

13 A. Well, if we'd gone through the appropriate  
14 channel to approve the book, it would have been  
15 discussed at that point in time. That's the point of  
16 the approval process is to review the content and,  
17 you know, is there a conflict and is it about the  
18 City or not, and if not, and there's no conflict,  
19 then things move forward. There are people who write  
20 books who write while they work for us.

21 Q. And that would be the ethics board that  
22 would do that under 820(d)?

23 A. The ethics board would have to approve it  
24 based on the reporting line of Mr. Cochran's role.  
25 And then of course you have to have permission from

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 87

1 going through the process that's clearly articulated  
2 in the City code and the basic employment  
3 expectation. Which frankly, was disappointing and  
4 upsetting because he's a credentialed, successful,  
5 accomplished leader who knows how to follow the  
6 process. He upheld the process for others, but he  
7 did not find it appropriate and applicable to  
8 himself, and that is a problem.

9 Q. So the content of the book was relevant  
10 because that's what you thought could possibly lead  
11 to a situation where you had some kind of hostile  
12 work environment problem, right?

13 A. Or a Title 7 issue, yes, that is correct.

14 Q. Now, if a book doesn't have any content  
15 that might lead to, in your view, a Title 7 issue,  
16 and isn't published for remuneration, is not done for  
17 profit, is not sold, and does not convey the  
18 impression of endorsement by the City, would you be  
19 able to discipline, in your view, an employee for  
20 such a book?

21 A. If they did not follow the process to get  
22 approval to write said book, absolutely.

23 Q. So you need to get approval for any book  
24 whatsoever?

25 A. Absolutely. You have to get approval for

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 88

1 anything that creates a perception of a conflict,  
2 actually is a conflict, could be remuneration, could  
3 be perceived as remuneration. You have to get  
4 permission from who you work for to do anything  
5 outside of work. The form clearly says that.

6 Q. To do anything outside of work?

7 A. Yeah. Yes. And it has a little subpart  
8 that says is not a speech here or there like work.  
9 So you can speak on Saturday to the kids. You can do  
10 different things, but if you're doing something  
11 consistently that's perceived as work, has the  
12 potential for remuneration, you have to in fact get  
13 permission for that. And people do get permission  
14 for it.

15 So it's not just a process that's written.  
16 It's one that's actually employed by others and  
17 signed off on by others, including Mr. Cochran. So  
18 again, my point is he knows the process. He didn't  
19 follow it.

20 Q. So what exactly constitutes an ethics  
21 violation?

22 A. I can't speak to that. You have to speak  
23 to the ethics officer. I don't make that  
24 determination.

25 Q. So you don't determine what's an ethics

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Yvonne Cowser Yancy on 02/17/2017

Page 89

1 violation and what's not?

2 A. No, I don't.

3 Q. But you can discipline based on an ethics  
4 violation?

5 A. I can discipline on an employment  
6 violation, yes. I don't -- an ethics violation could  
7 be an employment issue, but I don't determine ethics  
8 issues. The ethics officer determines ethics issues.

9 Q. So if there's an ethics violation and  
10 there needs to be discipline for that ethics  
11 violation, then there needs to be a determination by  
12 the board of ethics?

13 A. So, again -- we discussed this earlier.  
14 You can have an ethics matter that has nothing to do  
15 with employment. You can have an employment matter  
16 that's an ethics matter. The ethics board determines  
17 things with an ethics complaint. There could be an  
18 ethics issue where there is no ethics complaint. And  
19 so what I determine and what I give guidance and  
20 counsel with to managers to determine are things that  
21 impact employment. The ethics officer and the ethics  
22 board handles ethics complaints.

23 At the time that they intersect, we  
24 operate independently. We don't operate in parallel.  
25 The ethics board decision has nothing to do with the

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
Yvonne Cowser Yancy on 02/17/2017

Page 90

1 employment conversation and vice versa. They can  
2 be -- they can impact each other, but they're not --  
3 they're made independently.

4 Q. So with respect to the bases for  
5 Chief Cochran's suspension, you mentioned there was a  
6 failure to get approval from the board of ethics. Is  
7 that an ethics issue?

8 A. It is an ethics issue, but I would defer  
9 to the ethics board on handling it. There is no  
10 decision from the ethics board rendering approval for  
11 this book. That's a matter of fact. The ethics  
12 officer can't give permission for a book.  
13 Notwithstanding their disagreement on what happened  
14 in their conversation, Nina can't independently say,  
15 you're approved. The ethics board has to say, you're  
16 approved.

17 There's a pledge that you sign that  
18 includes a data point that says, your manager  
19 approves. His manager did not approve. There's a  
20 form that is not an ethics form that you sign when  
21 you have backing -- when you have approval from your  
22 manager for other work. He did not submit, nor was  
23 it ever signed. Those are the bases for his  
24 suspension.

25 Q. So you contend that you made no

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 91

1 determination as to any ethics violation in this  
2 matter?

3 A. I cannot make an ethics determination.  
4 The ethics board makes a determination. I could make  
5 an employment recommendation based on the data that  
6 we had already uncovered, and Mr. Cochran's admission  
7 in his suspension meeting that the mayor had not  
8 approved his book that took place in that meeting on  
9 the 24th.

10 Q. Well, was that --

11 A. Which the mayor contends is also accurate.  
12 Mr. Cochran's got a different opinion today, but on  
13 the 24th, he said the mayor in fact did not approve  
14 his book.

15 Q. What exactly did -- tell me everything you  
16 recollect about what Mr. Cochran said at that  
17 meeting.

18 A. Mr. Cochran said that he had gotten  
19 approval from Nina Hickson. Mr. Cochran said he had  
20 not gotten approval from the mayor. He had not  
21 talked to the mayor about the book. Mr. Cochran said  
22 that he had never led the department in any way that  
23 was not appropriate. That he was confident the  
24 investigation that we were going to do would find  
25 that he operated in an effective, neutral manner;

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 93

1 A. Yes.

2 Q. And what did you use the copy of the book  
3 for at the meeting?

4 A. I just had it. It was the copy that I  
5 bought that Thursday.

6 Q. Did you talk about any sections of the  
7 book with Chief Cochran at that meeting?

8 A. No, but I did ask him -- not that I can  
9 recall, no. We did ask him did he get permission to  
10 write the book. The issue at the meeting was who  
11 gave you permission to write this book; and the  
12 answer was Ms. Hickson had, Mr. Cochran said.

13 Q. Did you have any discussion at that  
14 meeting about the content of the book regarding  
15 homosexuality or sexuality?

16 A. We discussed religion, women, and the  
17 LGBTQ issues that are raised in the book  
18 specifically, and the need for a Title 7  
19 investigation that Bob Godfrey from the law  
20 department would lead; and that Mr. Cochran would  
21 have the opportunity to respond to anything that come  
22 up -- that came up in that investigation, because we  
23 explained that we had to do an investigation to  
24 ensure and to document that he had not in fact  
25 treated anyone differently because of the beliefs he

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

1 BY MR. WARDLOW:

2 Q. So we have --

3 A. -- and we have to do an investigation  
4 around Title 7. The issue as relates to the content  
5 of the book triggers a Title 7 investigation that  
6 would have happened whether he was an employee or not  
7 because we had created a risk by having a leader of a  
8 department espouse his views, and we had to make sure  
9 those views had not been replicated throughout the  
10 department.

11 The investigation showed that he had in  
12 fact not treated people differently, which I was  
13 actually, frankly, ecstatic to see and hear, and it's  
14 consistent with my knowledge of Mr. Cochran. But our  
15 decision to separate Mr. Cochran was about his  
16 failure to go through the process and to speak to the  
17 people he worked for, which would give the minimum,  
18 not just courtesy but respect and process where we  
19 work and for our employer.

20 BY MR. WARDLOW:

21 Q. Did an employee bring the book to you?

22 A. No. A council member brought the book to  
23 me.

24 Q. Okay.

25 A. The council member said the book came from

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Yvonne Cowser Yancy on 02/17/2017

Page 104

1 answer.

2 A. I know about the book because Mr. Wan  
3 brought the book to me and said it came from an  
4 employee, but he did not name that employee. I can't  
5 speak to when other employees became disturbed by the  
6 book, but the only people who seemed to not know  
7 about the book are the people Mr. Cochran worked for,  
8 and that would be the mayor and the COO and so -- and  
9 the ethics board, who approves books, because  
10 Mr. Cochran had distributed the book to employees,  
11 according to Mr. Cochran. And after Mr. Cochran's  
12 suspension, we heard from employees, and Mr. Cochran  
13 included that in his investigation.

14 Q. So why was the suspension without pay  
15 recommended?

16 A. Because there was a punitive factor to not  
17 telling your boss about a book that you wrote, and us  
18 finding out about it through a council member and  
19 through other channels as opposed to the document you  
20 signed, the remuneration form you didn't sign, and  
21 not talking to your manager. We work for the mayor  
22 at his pleasure, and he was upset that he was unaware  
23 of this information, had not been given permission,  
24 and the COO had also not given permission, so there  
25 was a consequence to that.

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
Yvonne Cowser Yancy on 02/17/2017

Page 105

1 Q. Was the option of suspension with pay  
2 discussed?

3 A. No, because it was not a vacation. It was  
4 intended to be punitive. You were suspended because  
5 of your failure to follow the process, and we put  
6 together a process to bring you back. So it's clear  
7 in our conversation that we're not trying to  
8 terminate you.

9 Although that was recommended, it was not  
10 accepted, and so we put together a process that would  
11 cover the City in terms of potential claims in the  
12 future, ensure that Chief Cochran was able to come  
13 back into his position and be chief, create a process  
14 that we had documented around a proactive position  
15 with sensitivity training through an entity that we  
16 thought he and other people respect and think of as  
17 credible, and that process didn't work out.

18 Q. Is there a standard for determining when  
19 someone should be suspended with pay or without pay?

20 A. Typically, when we have not made a  
21 determination about the outcome, we suspend you with  
22 pay pending the outcome of the investigation. When  
23 we spoke with Mr. Cochran on that Monday, we already  
24 knew he didn't have permission for the book. We knew  
25 that because people who give permission hadn't given

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
Yvonne Cowser Yancy on 02/17/2017

Page 106

1 it. His manager didn't know anything about it.

2 And Mr. Cochran said in that meeting he  
3 did not -- that the mayor did not know anything about  
4 it. And we work for the mayor and for the COO. And  
5 so we'd already covered the baseline issue. That's  
6 enough to fire you right there on its face. We  
7 didn't separate him. We chose to bring him back to  
8 work, but in the interim, there was going to be a  
9 consequence and something punitive about that.

10 At the same time, we had to deal with the  
11 Title 7 issue, which would have happened regardless.  
12 If we had terminated him on the 24th, we still would  
13 have had Bob Godfrey do the Title 7 investigation,  
14 right?

15 Q. So is that --

16 A. So the issue was, the discipline -- the  
17 discipline that was given was that unpaid time. The  
18 point of that was we didn't know. You didn't go  
19 through our process. We are not pleased. There's a  
20 negative outcome to that. That is being suspended  
21 without pay. If we were unsure of those things and  
22 those facts weren't clear, then he would have been  
23 suspended with pay.

24 Q. So the investigation then, what was the  
25 purpose of the investigation?

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Yvonne Cowser Yancy on 02/17/2017

Page 107

1 A. The Title 7 investigation?

2 Q. Is that the investigation that resulted in  
3 the January 9th public investigative report?

4 A. Yes. That's Bob Godfrey's investigation.  
5 The purpose of that investigation was to ensure that  
6 Mr. Cochran in his capacity as fire chief had not  
7 treated anyone differently because of the views he  
8 espoused in the book, because printing the book and  
9 publishing his views opened us to risk that he had  
10 treated other people in that same fashion. And we as  
11 an employer have to ensure that's not the case.

12 And that investigation -- there's a public  
13 component to that that was released, and it said that  
14 Mr. Cochran had in fact not operated in a way that  
15 negatively impacted others based on the views he  
16 espoused.

17 Q. So there's a finding that there was no  
18 Title 7 issue?

19 A. That's correct. And we were pleased with  
20 that.

21 Q. So then --

22 A. It would have been terrible if there had  
23 been a different finding.

24 Q. Did you speak with the chief at any time  
25 between November 24th and January 6th, 2015?

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
Yvonne Cowser Yancy on 02/17/2017

Page 114

1 discourse about the suspension. His  
2 perpetuating the mythology in the  
3 suspension, and his employment was at risk  
4 because of his faith, which is factually  
5 inaccurate. And that he continued to push  
6 a narrative that stated that we were  
7 impinging -- impugning upon his freedom of  
8 religion in the workplace, which is, I  
9 mean, just blatantly false. The man had  
10 had faith in the workplace for years at  
11 that point in time.

12           So it wasn't because of his faith.  
13 It was because of his failure to operate  
14 appropriately as an employee. And  
15 sometimes when you operate outside the  
16 guidelines that are clear and define a  
17 suspension, you can be terminated as a  
18 result of your behavior in the suspension.

19           If we had wanted to fire Mr. Cochran,  
20 we would have fired him on November 24th.  
21 We didn't want to fire Mr. Cochran because  
22 we actually like him. He was really good  
23 at his job. He was nationally recognized  
24 at it, I might add.

25           And so the fact that he then went on

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 121

1 possible -- there were petitions that came. We had  
2 spiritual leaders contact us and make protests. So  
3 they came lots of different ways.

4           They did not come to me directly, but  
5 certainly I was aware of them, and they were coming  
6 through the general -- we had to teach the assistant  
7 at the switchboard how to respond when people called  
8 and threatened and cursed and threatened to harm her  
9 and others. And so the volume of things that came  
10 through -- and then of course every stakeholder group  
11 had an opinion around what we should or shouldn't do.  
12 Employees had opinions.

13           And those things, while interesting,  
14 didn't have anything to do with the original issue,  
15 which is did you get permission. Because the truth  
16 of the matter is, if you'd gotten permission in  
17 advance for this book, we would have dealt with the  
18 communication plan. We would have had that tucked  
19 away. If it ever became a problem, we would have  
20 defended you. We would have backed you up. Because  
21 at the end of the day, you can have a viewpoint, but  
22 you have to get permission to do it. You cannot put  
23 us in a negative posture. You cannot put the City or  
24 your employer in a place where we're trying to defend  
25 your point of view and we don't even know what the

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
Yvonne Cowser Yancy on 02/17/2017

Page 122

1 point of view is. That's not acceptable.

2 Q. Looking back at Exhibit 34, second page,  
3 the one dated January 6th, 2015, from your notes.

4 A. Uh-huh.

5 Q. What is this page referencing?

6 A. This is a summary of the things we  
7 discussed at the termination meeting itself. So the  
8 first part of my notes talks about Bob. I'm giving a  
9 review of the investigation. That we had not found  
10 anything where the mayor had given approval.

11 He references the standard of conduct of  
12 2-820(d). The book was distributed in the workplace.  
13 There was nothing that indicated that Chief Cochran  
14 had treated people differently because of the book,  
15 but people certainly did not take the book not to be  
16 a work activity. When he signed it Kelvin, that they  
17 didn't take it as Kelvin. They took it as the chief  
18 of the fire department.

19 Q. How do you know that?

20 A. I'm sorry?

21 Q. How do you know that?

22 A. Well, I was in the meeting. I heard him  
23 say that so --

24 Q. Oh, and that --

25 A. You were asking what the notes referenced,

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Yvonne Cowser Yancy on 02/17/2017**

Page 123

1 and I'm telling you that --

2 Q. Okay. So you're just telling me what the  
3 notes reference about the conversation.

4 A. Well, now, the notes were just sort of  
5 components of the meeting. So you don't want to know  
6 the whole meeting? You just want the components I  
7 noted.

8 Q. Let's start with the notes.

9 A. Okay. So the notes reference Bob's review  
10 of the investigation. Then Geisler talks about that  
11 his employment was terminated. The chief said --  
12 because he was disappointed -- it was an honor to  
13 serve the City; that he regrets the impact this is  
14 having on the mayor. He hoped that he could return.  
15 He asked for back pay. He had relied -- he relied on  
16 the kindness of others, and so he wanted the dollars  
17 that we had not paid him back, that remuneration. I  
18 don't know the last sentence because it's not copied  
19 on this page. It's sort of broken off.

20 Q. If you look at the bottom of the notes  
21 where you have a one and it's circled?

22 A. Uh-huh.

23 Q. And it says -- what does that -- can you  
24 read that?

25 A. I think it's referencing the cash advance.

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
Yvonne Cowser Yancy on 02/17/2017

Page 129

1           A.     No. The reason for termination was  
2 Mr. Cochran talked about the suspension, and  
3 Ms. Cochran lost the trust of the person that he  
4 worked for, which is a fundamental requirement to  
5 appointment, the trust of the appointing entity,  
6 which he no longer had.

7           Q.     At the time of the meeting, you believe  
8 that the chief had spoken about the suspension --

9           A.     Absolutely.

10          Q.     -- and the mayor and Ann had spoken about  
11 the suspension, correct?

12          A.     The mayor and Ann had not talked about the  
13 suspension. The mayor did not speak about the  
14 suspension, and that's recorded and documented.

15          Q.     What did he speak about?

16          A.     Mr. Cochran believes he did, but the mayor  
17 did not. And it actually took an enormous amount of  
18 strength not to speak about it, but he did not.  
19 Mr. Cochran did not hold up his end of the bargain.

20                 We took a lot of heat for Mr. Cochran. We  
21 were besieged by people because of Mr. Cochran. We  
22 intended to bring him back to work. I contracted to  
23 do sensitivity training with the vendor. We had a  
24 plan, a course of action, a communications strategy,  
25 all of which went out the window. Mr. Cochran's

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Michael J. Geisler on 02/28/2017**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

KELVIN J. COCHRAN, )  
 )  
Plaintiff, )  
 ) CIVIL ACTION FILE  
vs. )  
 ) NO. 1:15-cv-00477-LMM  
CITY OF ATLANTA, GEORGIA; )  
and MAYOR KASIM REED, IN )  
HIS INDIVIDUAL CAPACITY, )  
 )  
Defendants. )

- - -

VIDEOTAPED DEPOSITION OF  
MICHAEL J. GEISLER

FEBRUARY 28, 2017  
1:55 P.M.

BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, P.C.  
MONARCH PLAZA, SUITE 1600  
3414 PEACHTREE ROAD, N.E.  
ATLANTA, GEORGIA

Reported by: Suzanne Beasley, RPR  
CCR-B-1184

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Michael J. Geisler on 02/28/2017**

**Page 30**

1           A.       Initially that he was extremely upset over  
2       the comments, couldn't understand why the comments  
3       were made, and I think that was probably the extent  
4       of it.

5           Q.       What were the comments that Councilman Wan  
6       was extremely upset about?

7           A.       The comments that compared homosexuality  
8       to bestiality.

9           Q.       Any others?

10          A.       That's -- those are -- that's the specific  
11       comment that I recall.

12          Q.       What about Ms. Shahar? What comments was  
13       she particularly concerned about?

14          A.       The comments that related to same sex  
15       marriage, I believe. I think that was hers.

16          Q.       Did you speak with -- strike that.

17                   Were there concerns expressed when you  
18       talked to Ms. Yancy from any other group or any other  
19       besides Ms. Shahar and Mr. Wan?

20          A.       Ms. Yancy indicated that there were people  
21       in the fire department who were gay. At, you know,  
22       some point she made that comment to me that there  
23       were people there who were concerned that it could  
24       affect their promotability --

25          Q.       When did she --

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Michael J. Geisler on 02/28/2017**

Page 41

1 THE WITNESS: The mayor thought it  
2 was appropriate to take some action,  
3 recognizing that there had been a violation  
4 of City policy with respect to the book,  
5 and that was his response.

6 BY MR. THERIOT:

7 Q. What were the City policies that were  
8 violated with respect to the book?

9 A. Again, it was the big issue over the  
10 ethics officer's approval --

11 Q. Okay.

12 A. -- to go ahead and publish the book as the  
13 fire chief. I think that was the -- that was the  
14 main issue that the mayor had. There was also the  
15 issue with respect to the content of the book. Those  
16 two were key, and it was a response necessary given  
17 the union issue with what that might mean for gay  
18 members of the community, the fire department, the  
19 union.

20 Q. Did you speak with Ms. Shahar -- I believe  
21 you did say that you did speak with Ms. Shahar on one  
22 occasion prior to suspension. Any other occasions  
23 prior to suspension that you spoke to Ms. Shahar?

24 A. I suspect during the course of the  
25 discussion we did talk about it, but I don't recall

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Michael J. Geisler on 02/28/2017**

Page 47

1 moves that would affect them.

2 Q. Was there ever any evidence that you saw  
3 that indicated that it had ever influenced the career  
4 moves of individuals --

5 A. No.

6 Q. Let me see if I can finish that question.  
7 I'll get you to answer again.

8 Was there any evidence that you saw or  
9 heard of that indicated that Chief Cochran's views  
10 had influenced his input into the careers of  
11 individuals in the Atlanta Fire and Rescue  
12 Department?

13 A. No.

14 Q. Thank you.

15 Just so I'm clear, but there was no  
16 particular rule that prohibited distribution of books  
17 or other types of gifts in the workplace that you  
18 were concerned or that Chief Cochran had violated?

19 A. I know that there were rules about the  
20 distribution of political materials at city hall, for  
21 instance, that may have applied here.

22 Q. Do you know where those rules are found?

23 A. I would say on the City website on the  
24 City policy manual.

25 Q. Were those mentioned during any of the

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Michael J. Geisler on 02/28/2017**

**Page 57**

1 in on an interim basis, so, you know, I would have  
2 told him that if there were any issues, any  
3 assistance that he required, contact me. You know,  
4 other than Chief Baker, I don't recall any specific  
5 directions to people.

6 Q. Were you involved in the investigation at  
7 all?

8 A. No.

9 Q. Did you speak with anyone about the  
10 investigation?

11 A. I didn't have a whole lot of knowledge  
12 about the book or about the situation, so no. I  
13 think that people would have, you know, viewed it as  
14 something of a conflict of interest to be doing the  
15 investigation, that more independent views would be  
16 appropriate.

17 Q. What was your understanding of the purpose  
18 of the investigation?

19 A. The purpose of the investigation was to  
20 get at just the significance of the issues that had  
21 been raised, whether, you know, indeed there was  
22 concern within the fire department over how this book  
23 might affect the chief's judgment toward people.

24 The investigation also was to address any  
25 concerns, different community groups, the LGBT would

1 have had about the chief's stand on things.

2 The investigation would have looked at  
3 whether or not the chief could keep a fair and  
4 unbiased view of his operations, or whether it was  
5 unduly influenced by his views as expressed in the  
6 book.

7 Q. Is an investigation pretty routine when  
8 someone is suspended?

9 A. Yes.

10 Q. Was there any investigation done before  
11 the suspension?

12 A. Not that I'm aware of. Not a formal  
13 investigation.

14 Q. Did -- and I apologize if I already asked  
15 this. Did you speak with anyone about the  
16 investigation while it was going on?

17 A. No, not that I recall.

18 Q. Did you ever speak with the  
19 representatives from the Anti-Defamation League about  
20 the chief's book?

21 A. No, I don't believe that I did.

22 Q. You're aware that they sent a letter to  
23 the mayor?

24 A. I know that the mayor received several  
25 letters, yes.

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Michael J. Geisler on 02/28/2017

Page 66

1 understanding of the facts.

2 A. The sentence, "This is currently no  
3 indication"?

4 Q. Yes.

5 A. -- "that Chief Cochran allows his  
6 religious beliefs to compromise his disciplinary  
7 decisions"? I would --

8 MS. HINTON: Object to the form. Go  
9 ahead.

10 THE WITNESS: I would agree.

11 BY MR. THERIOT:

12 Q. And it says, currently as of January 9th.  
13 Was there any time after that that there was some  
14 evidence presented to you that Chief Cochran had  
15 allowed his religious beliefs to compromise his  
16 disciplinary decisions?

17 A. No.

18 Q. Is there any indication that he had  
19 allowed his religious beliefs to compromise any of  
20 his decisions as fire chief?

21 A. None that I'm aware of.

22 Q. If you look at page four, the first full  
23 paragraph beginning with "No interviewed witnesses."  
24 If you would read that and let me know if that  
25 comports with your understanding of the facts of

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Michael J. Geisler on 02/28/2017

Page 67

1 Chief Cochran's tenure as fire chief?

2 A. "No interviewed witness," starting that  
3 sentence?

4 Q. Yes, sir.

5 MS. HINTON: Object to form.

6 THE WITNESS: I would agree with it.

7 BY MR. THERIOT:

8 Q. Did you ever hear of any witness, whether  
9 interviewed or not, that could point to a specific  
10 instance in which any member of the AFRD had been  
11 treated unfairly by Chief Cochran?

12 A. No.

13 Q. Do you know of any individuals who were  
14 afraid to speak out to investigators about their  
15 relationship with Chief Cochran?

16 A. I had heard that there were some members  
17 of -- gay members of his staff who expressed concern.

18 Q. And do you know who those were?

19 A. My recollection, I just saw one of the  
20 names here, Cindy. I don't recall her last name  
21 right now.

22 Q. Cindy Thompson?

23 A. Thompson. So I think -- I believe she was  
24 one of those people.

25 Q. It's your understanding that Chief Cochran

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Michael J. Geisler on 02/28/2017**

Page 68

1 had discriminated against her in any way, though?

2 A. No.

3 Q. Are you aware of any employee that  
4 indicated that Chief Cochran's leadership was  
5 undermined by the book?

6 A. No. You know, I should say Commissioner  
7 Yancy had opinions --

8 Q. Right.

9 A. -- so I would say Commissioner Yancy.

10 Q. But any employee in the AFRD, you weren't  
11 aware of any?

12 A. No.

13 Q. Did the mayor meet with any of  
14 Chief Cochran's church members while he was on  
15 suspension?

16 A. He did.

17 Q. Okay. When was that?

18 A. I believe it was before the suspension, I  
19 believe. Commissioner Boone, I believe, facilitated  
20 that meeting.

21 Q. Where did that meeting take place?

22 A. It was on the second floor at city hall.  
23 I'm trying to recall -- it was a large group -- if we  
24 did it in the board room or in the mayor's library.

25 Q. Was that around the beginning of December

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Michael J. Geisler on 02/28/2017

Page 72

1 THE VIDEOGRAPHER: This begins Media  
2 Number 2 in the deposition of Michael  
3 Geisler. We're back on the record at  
4 3:47 p.m.

5 BY MR. THERIOT:

6 Q. Mr. Geisler, you understand you're still  
7 under oath?

8 A. Yes.

9 Q. Let's talk a little bit about the decision  
10 to terminate Chief Cochran. When was that decision  
11 to terminate Chief Cochran made?

12 MS. HINTON: Object to form.

13 THE WITNESS: Late 2014 or early  
14 2015.

15 BY MR. THERIOT:

16 Q. So was it, in regards to the suspension,  
17 if I can get an idea, was it about halfway through  
18 the suspension? After the suspension? About when?

19 A. It was probably made during the  
20 suspension.

21 Q. During the suspension. Who made that  
22 decision?

23 A. The mayor.

24 Q. Was -- strike that.

25 Were you the one involved in his

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Michael J. Geisler on 02/28/2017**

Page 73

1 termination, the actual termination?

2 A. Yes.

3 Q. Was that at a meeting on January 6th?

4 A. I believe it was the 6th, yes.

5 Q. But the mayor is the one who directed you  
6 to terminate?

7 A. Yes.

8 Q. What did he say to you about that, about  
9 term -- excuse me, about terminating Chief Cochran?

10 A. He was concerned that, you know, there had  
11 been a violation of the City policy on going forward  
12 with publishing the book. It was an ethics  
13 violation, that given all of the other concerns that  
14 had been raised about the chief's actions, that  
15 continued employment wasn't -- wasn't going to be  
16 extended.

17 Q. What were the other concerns about  
18 Chief Cochran's actions?

19 A. Well, again, it goes back to the ethics  
20 issues with the book, publishing the book. It comes  
21 back to the local community issues, the concerns that  
22 employees had expressed with respect to his ability  
23 to be fair with them, so those were among the issues.

24 Q. Any other issues that you recall?

25 A. Nothing specific -- nothing else.

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Michael J. Geisler on 02/28/2017**

Page 74

1 Q. Where did that meeting take place?

2 A. In a conference room. I think it was in  
3 the HR department at city hall.

4 Q. What did -- who was at the meeting?

5 A. Myself, Yvonne -- Commissioner Yvonne  
6 Yancy. I believe it was Bob Godfrey from the legal  
7 department and Chief Cochran.

8 Q. What did you say to Chief Cochran during  
9 that meeting?

10 A. It's hard to remember the specific words.  
11 It's always difficult to terminate someone. But I  
12 believe that we did talk about those issues that I  
13 just named, and the conclusion that those were  
14 sufficient grounds for termination, and that we were  
15 going to go forward with the termination.

16 Q. Did Mr. Godfrey say anything at that  
17 meeting?

18 A. I don't recall him saying anything.

19 Q. Did Ms. Yancy say anything at that  
20 meeting?

21 A. I don't recall her saying anything --  
22 anything specifically that she said. I take it back.  
23 I think she probably told the chief what the terms of  
24 the termination would be, his pay, his benefits,  
25 whatever. The type of HR-type thing that would --

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Michael J. Geisler on 02/28/2017**

Page 75

1 that would be addressed in a termination proceeding.

2 Q. Do you recall exactly what those were?

3 A. No.

4 Q. What did Chief Cochran say at that  
5 meeting?

6 A. I don't recall any specifics.

7 Q. Do you recall him asking to speak with the  
8 mayor?

9 A. I believe that he did, yes.

10 Q. What was your response to that question?

11 A. That, you know, the proceeding was final  
12 and we were going to move forward from there and, you  
13 know, the opportunities had all been taken.

14 Q. Was there any one basis that was more  
15 important than the others that you spoke about to  
16 Mr. -- Chief Cochran?

17 MS. HINTON: Object to form.

18 THE WITNESS: Well, again, it comes  
19 down to the ethics issue. It comes down to  
20 the publication of the book on -- without  
21 adequate disclosure of the publication of  
22 the book, even though as fire chief he was  
23 labeling it as something produced by the  
24 fire chief of the City of Atlanta, so those  
25 were the primary issues that I recall.

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Michael J. Geisler on 02/28/2017**

**Page 84**

1 Q. From the article?

2 A. Probably from the article, yes.

3 Q. Were you -- at the time of Chief Cochran's  
4 termination, were you aware of any communications or  
5 did you receive any communications from members of  
6 the fire department that -- specifically in support  
7 of his termination?

8 A. No.

9 Q. Did you receive any from members of the  
10 fire department opposed to his termination?

11 A. No.

12 MR. THERIOT: I believe that's all  
13 that I have.

14 MS. HINTON: Okay. I have a few  
15 questions.

16 EXAMINATION

17 BY MS. HINTON:

18 Q. Mr. Geisler, when was the fact that Chief  
19 Cochran did not get permission to publish his book  
20 first raised as an issue by someone at the City?

21 A. Yvonne Yancy in that initial visit brought  
22 up that the permission hadn't been granted, and part  
23 of her concern had to do with the fact that the  
24 ethics board and Nina Hickson, the ethics officer,  
25 had not approved of the book or prior to its being

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Michael J. Geisler on 02/28/2017**

Page 85

1 published.

2 Q. And this was before the decision to  
3 suspend was made?

4 A. Correct.

5 Q. Besides Yvonne Yancy, did the mayor  
6 express that as a potential concern as well?

7 A. It was his concern, yes.

8 Q. And that was also before the suspension?

9 A. Yes.

10 Q. Going back to your testimony about the  
11 phone call you had with Chief Cochran during his  
12 suspension, do you recall that you testified that  
13 Chief Cochran told you that he had given a speech to  
14 the Georgia Baptist Convention and that it had been  
15 recorded and was going to be posted on their website?

16 A. Yes.

17 Q. What did you say in response to that  
18 statement from Chief Cochran?

19 A. I believe I said, be careful with this  
20 label on this; don't go public with that kind of  
21 information.

22 Q. And why did you feel the need to say that  
23 to him?

24 A. Because I felt that the understanding he  
25 had with the mayor was that that type of information

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Anne M. Torres on 02/22/2017**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

KELVIN J. COCHRAN, )  
)  
Plaintiff, )  
) CIVIL ACTION FILE  
vs. )  
) NO. 1:15-cv-00477-LMM  
CITY OF ATLANTA, GEORGIA; )  
)  
and MAYOR KASIM REED, IN )  
)  
HIS INDIVIDUAL CAPACITY, )  
)  
Defendants. )

- - -

VIDEOTAPED DEPOSITION OF  
ANNE M. TORRES  
FEBRUARY 22, 2017  
2:19 P.M.

BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, P.C.  
MONARCH PLAZA, SUITE 1600  
3414 PEACHTREE ROAD, N.E.  
ATLANTA, GEORGIA

Reported by: Suzanne Beasley, RPR  
CCR-B-1184

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Anne M. Torres on 02/22/2017**

Page 52

1 Q. Correct. Yes.

2 A. So this is me talking about the mayor. So  
3 when I say, "You talked to him on the phone," I  
4 believe she has probably spoke to him on the phone.

5 Q. Let's just -- let me ask you a few more  
6 questions here, and I'm not sure if that'll change,  
7 but --

8 A. Uh-huh.

9 Q. -- at least we'll get some clarity.

10 A. Uh-huh.

11 Q. You follow up by saying, "His point  
12 doesn't matter after the fact. You keep avoiding the  
13 central point was that he did not even have a  
14 conversation with his boss, the mayor, before the  
15 book was published. He doesn't deny that. He did  
16 not read the book when he handed it to him."

17 A. Uh-huh.

18 Q. I'm just trying to tease out who the he's  
19 and his.

20 A. Yeah.

21 Q. Does that second paragraph throw any light  
22 on the first when you say "You talked to him on the  
23 phone, I think you got his point"?

24 A. Yes.

25 Q. And what do you --

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Anne M. Torres on 02/22/2017

Page 53

1 A. Meaning referring to the mayor? Yes.

2 Q. Yes. Well, let's go down to the bottom of  
3 that page.

4 A. Uh-huh.

5 Q. It says, "Katie Leslie's writing to you.  
6 She said Cochran said he gave a copy of the book to  
7 Reed's office last January, that the mayor later  
8 confirmed receiving it and told Cochran he planned to  
9 read it."

10 A. Uh-huh.

11 Q. It sounds there like Katie Leslie may have  
12 talked to Chief Cochran on the phone.

13 A. Yes.

14 Q. Is that -- so is that -- does that maybe  
15 make you think he didn't -- that she's referring to  
16 Chief Cochran in that first sentence?

17 A. Yes.

18 Q. Okay. Yeah. And I'm not trying to, you  
19 know, contradict you. I'm trying just to figure out  
20 who the his's and --

21 A. Yeah.

22 Q. -- you know, there's a lot of his's and  
23 he's in there.

24 A. Uh-huh.

25 Q. But your -- the point I'd like to focus

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Anne M. Torres on 02/22/2017**

Page 54

1 on having clarified that that is --

2 A. Uh-huh.

3 Q. -- he did not read the book when he handed  
4 it to him, so it was your understanding, it sounds  
5 like from this sentence --

6 A. Uh-huh.

7 Q. -- that the mayor received the book from  
8 Chief Cochran.

9 A. Uh-huh. Yes.

10 MS. HINTON: Object to form.

11 BY MR. CONNELLY:

12 Q. But he didn't read it when he was handed  
13 it --

14 A. Yes.

15 Q. -- when it was handed to him?

16 A. That's what it says.

17 Q. Okay. We talked about this a little bit  
18 before when you told me you thought the mayor may  
19 have read the book much closer in time to the  
20 suspension date.

21 A. Uh-huh.

22 Q. Who told you that he had received the  
23 book; do you recall?

24 A. Who told me that he had received the book?

25 Q. Yes.

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Anne M. Torres on 02/22/2017

Page 55

1           A.     At what point, meaning here -- this might  
2     have been the first time that I even knew that Chief  
3     Cochran had given the book to the mayor. At that  
4     point in time, meaning last January.

5           Q.     You're saying here, "He did not read the  
6     book when he handed it to him." That seems to me to  
7     imply that you had some prior knowledge that he had a  
8     book in hand but just didn't read it.

9           A.     No. It means -- no, it doesn't mean that  
10    I had prior knowledge. It means that I probably  
11    discovered this after I got the inquiry. Does that  
12    make sense?

13          Q.     Maybe. Katie Leslie's point to you in the  
14    directly preceding e-mail is, "I think Cochran's  
15    point is the administration has known about his book  
16    for a long while. And our contention below is  
17    that --

18          A.     Yes.

19          Q.     -- Chief Cochran said he gave the mayor a  
20    book in January.

21          A.     Right.

22          Q.     You don't deny that fact here, you just  
23    say he didn't read the book when he got it?

24          A.     Right. So after this type of inquiry  
25    comes in, I will typically ask, right. So at this

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Anne M. Torres on 02/22/2017**

Page 56

1 time I probably did not know that he gave him the  
2 book last January. But I'll say, hey, Mayor, did you  
3 get this book last January. If I get a yes, then at  
4 that point I'll know, but I think before this e-mail,  
5 I don't think I knew that he had given him the book a  
6 year prior.

7 Q. Did you go to the mayor after this?

8 A. I believe so.

9 Q. And what did he tell you?

10 A. He probably said, I did get the book, but  
11 I didn't read it when he gave it -- I mean, exactly  
12 what I'm communicating to her.

13 Q. Okay. So he got the book, he just didn't  
14 read it?

15 MS. HINTON: Object to form.

16 THE WITNESS: Yeah. I believe that's  
17 the case.

18 (Exhibit 73 was marked for  
19 identification.)

20 BY MR. CONNELLY:

21 Q. The court reporter's handed you what's  
22 been marked Plaintiff's Exhibit 73.

23 A. Yes.

24 Q. Do you recognize this document?

25 A. Yes.

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Anne M. Torres on 02/22/2017

Page 69

1 (A recess was taken.)

2 THE VIDEOGRAPHER: The time is now  
3 3:35 p.m. We're back on the record.

4 MR. CONNELLY: I'll just note for the  
5 record that there's no Exhibit 65, and  
6 we're continuing the list of exhibits  
7 serially as we go forward.

8 BY MR. CONNELLY:

9 Q. Looking again at the Exhibit 77, I  
10 believe.

11 A. Uh-huh.

12 Q. We had said 78, so it's marked as 78. The  
13 e-mail exchange between Melissa Mullinax, you,  
14 Ms. Byrd, Ms. Taylor, and Ms. Garland, what did you  
15 understand "Will support firing decision in detail,"  
16 to mean?

17 A. What did I understand it to mean?

18 Q. Yeah.

19 A. It says here that he was writing a long  
20 op-ed page. To me that means that he was going to  
21 express his opinion in detail in the op-ed.

22 Q. Did you have any involvement in helping  
23 him prepare that op-ed?

24 A. No.

25 Q. Do you know if Ms. Mullinax would have

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Anne M. Torres on 02/22/2017

Page 70

1 had any --

2 A. No.

3 Q. -- hand in that?

4 What's your understanding of who Faith in  
5 Public Life is?

6 A. I'm not too familiar with them.

7 Q. Do you know what FIPL press conference  
8 refers to?

9 A. I don't remember what that was. It looks  
10 like it might be Faith in Public Life. I don't know.

11 Q. But you previously testified just now you  
12 don't really what they do?

13 A. I don't know. I'm not familiar with them.

14 Q. Your response to Ms. Mullinax above  
15 says --

16 A. Uh-huh.

17 Q. -- "Yes. Please hold on Tweeting right  
18 now. Putting together predrafted messages that  
19 supporters can Tweet out and post later."

20 A. Yes.

21 Q. What did you mean by supporters?

22 A. People who -- people who supported the  
23 administration's decision based on termination by  
24 violation of city policy.

25 Q. And how would you know who to send those

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Anne M. Torres on 02/22/2017

Page 71

1 to?

2 A. Typically when I send those out, I don't  
3 send it to a list of supporters, so to speak. I send  
4 it to cabinet members and I ask them to share if they  
5 wish if they're on social media.

6 Q. But it sounds like from your testimony  
7 just now, you said people who supported you, but in  
8 order to get this type of information out, you'd have  
9 to send it.

10 A. I don't have a list of supporters.

11 Q. Who would have that list?

12 A. I don't think anybody has that list.

13 Q. So that when you were creating all this  
14 media content to send out --

15 A. Uh-huh.

16 Q. -- who are you sending it to?

17 A. I send it to cabinet members and say, here  
18 who are messages that we're going to send on social  
19 media, please share as you wish. We don't have a  
20 list of supporters that I send things to.

21 (Exhibit 77 was marked for  
22 identification.)

23 BY MR. CONNELLY:

24 Q. The court reporter has handed you what's  
25 been marked Plaintiff's Exhibit 77.

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Anne M. Torres on 02/22/2017

Page 72

1           A.     Uh-huh.

2           Q.     Do you recognize this document?

3           A.     Uh-huh.

4           Q.     It appears to be an e-mail, correct me if  
5 I'm wrong --

6           A.     Yes.

7           Q.     -- to Melissa Mullinax, and the subject  
8 line is "Messages for social media."

9           A.     Yes.

10          Q.     This appears to be what you were speaking  
11 about in the previous e-mail; is that correct?

12          A.     Yes.

13          Q.     You addressed it "MM." I'm assuming that  
14 means Melissa, Ms. Mullinax?

15          A.     Yes.

16          Q.     You say, "Please forward to all of our  
17 supporters and organizations."

18          A.     Yes.

19          Q.     Now, you spoke just a second ago that you  
20 didn't know who the supporters were.

21          A.     That is true.

22          Q.     This makes it sound like when you say  
23 supporters and organizations that you have some  
24 people in mind.

25          A.     Uh-huh.

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Anne M. Torres on 02/22/2017

Page 73

1 Q. Who do you have in mind here?

2 A. I don't have anyone in mind, and I don't  
3 have a list of supporters.

4 Q. When you say supporters and organizations,  
5 what was your intention with regard to Ms. Mullinax?

6 A. Again, these are messages that I forward  
7 to cabinet members more for the cabinet member, and I  
8 ask them to share with people who support or may  
9 agree with us.

10 Q. So you assume the -- in this e-mail are  
11 you assuming that Ms. Mullinax will know who the  
12 supporters and organizations are?

13 A. I'm assuming she has individuals she may  
14 be in contact with. She just mentioned,  
15 organizations here in a previous e-mail.

16 Q. Next sentence you say, "These ready to  
17 go."

18 A. Yes.

19 Q. What does that mean?

20 A. They are approved and ready to go, ready  
21 to post.

22 Q. Do you recall who these were approved by?

23 A. Most likely might have been approved by  
24 myself.

25 Q. Are these messages on behalf of the City

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Anne M. Torres on 02/22/2017

Page 74

1 or the mayor?

2 A. On behalf of the mayor.

3 Q. What did you mean when you said, "I'm not  
4 a" -- I'm assuming this is some sort of a Twitter. I  
5 mean, I've heard it --

6 A. Yes.

7 Q. -- but maybe I can be educated here at the  
8 deposition as well. "We want" -- is that hash tag?

9 A. Yes.

10 Q. I'm not as far behind as I thought. "I  
11 stand with Kasim. We want," hash tag, "I stand with  
12 Kasim trending."

13 A. Yes.

14 Q. What did you mean by that?

15 A. Meaning we wanted these messages to be  
16 shared widely on social media.

17 Q. And what happens when something's  
18 trending? Does that refer to like a number or --

19 A. That means that a large number of people  
20 are Tweeting messages with that particular hash tag.

21 Q. The first Twitter message you send to  
22 Ms. Mullinax says, hash tag, "I stand with Kasim  
23 because all employees have a right to a boss who does  
24 not speak of them as second-class citizens."

25 A. Yes.

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Anne M. Torres on 02/22/2017**

Page 75

1 Q. What did you mean by that statement?

2 A. That meant all employees have a right to a  
3 boss who doesn't violate the City's  
4 antidiscrimination policy, which means you are biased  
5 against someone based on their gender, sexual  
6 preference, religious beliefs.

7 Q. So this Tweet means that Chief Cochran was  
8 biased against people based on those categories you  
9 just mentioned?

10 MS. HINTON: Object to form.

11 THE WITNESS: I don't know.

12 BY MR. CONNELLY:

13 Q. Well, you were the one who created this  
14 you just told me, correct?

15 A. Yes.

16 Q. So wouldn't any reasonable person reading  
17 this think that you had just said that Chief Cochran  
18 had treated employees as second-class citizens?

19 MS. HINTON: Object to form.

20 THE WITNESS: No. That's not  
21 mentioned in the Tweet.

22 BY MR. CONNELLY:

23 Q. What do these Tweets pertain to?

24 A. These Tweets pertain to the termination,  
25 to a termination.

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Anne M. Torres on 02/22/2017**

Page 76

1 Q. So they pertain to Chief Cochran, he is  
2 just not mentioned?

3 A. He is not described as the boss or  
4 speaking about people as second-class citizens.

5 Q. But what did you mean when you said  
6 "boss"?

7 A. That is a general term.

8 Q. Is it a general term, but what was the  
9 occasion of creating these Tweets?

10 A. To push back on the notion that his  
11 termination was related to religious beliefs or his  
12 personal religious beliefs.

13 Q. Chief Cochran's?

14 A. Yes.

15 Q. The second Tweet, hash tag, "I stand with  
16 Kasim because there is no place for discrimination in  
17 the workplace."

18 A. Yes.

19 Q. What were you referring to there?

20 A. Same, same as the previous Tweet, meaning  
21 discrimination as in employees have a right to be  
22 treated equally regardless of their sexual  
23 orientation, religious beliefs. With the book we  
24 felt that there were passages in the book that  
25 violated our City's antidiscrimination policy, and

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Anne M. Torres on 02/22/2017

Page 77

1 that's what that refers to.

2 Q. That the passages in the book constituted  
3 discrimination?

4 MS. HINTON: Object to form.

5 THE WITNESS: There were passages in  
6 the book that we felt violated the City's  
7 antidiscrimination policy.

8 BY MR. CONNELLY:

9 Q. How so?

10 A. Language, and I don't remember the exact  
11 passages, so I can't quote them verbatim, but  
12 passages referring to homosexuality as bestiality,  
13 terms of that nature.

14 Q. Third Tweet, religious freedom -- I'm  
15 assuming that is has, or maybe freedoms. Maybe there  
16 was an S missing.

17 A. Uh-huh.

18 Q. "Religious freedoms have been violated.  
19 An assertion that is as wrong as it was predictable."

20 A. Yes.

21 Q. Explain to me why you wrote that.

22 A. Again, this is pushing back on the notion  
23 that Chief Cochran was violated because of his  
24 personal religious beliefs. There were a number of  
25 people who believed that, and this here is pushing

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Anne M. Torres on 02/22/2017**

Page 78

1 back against that, that notion.

2 Q. I'm sorry. I just want to make sure. You  
3 said he was violated -- I mean, he was terminated --  
4 you said violated.

5 A. I'm sorry, terminated, terminated.

6 Q. Facebook message down at the bottom, some  
7 of these are Facebook messages, appear to be fairly  
8 similar to those Tweets, so I won't tread over ground  
9 we've already been over.

10 A. Yeah.

11 Q. Hash tag, "I stand by Kasim," at the  
12 bottom, "because he has it right. Everyone, no  
13 matter who they love, should come to work without  
14 fear of discrimination."

15 A. Uh-huh.

16 Q. What were you referring to here?

17 A. Again, the same thing, reiterating the  
18 message that all City employees should be able to  
19 work in an environment where they're not  
20 discriminated against because of their sexual  
21 orientation, religious beliefs, gender. Reiterating  
22 the same message.

23 Q. And was the message you were trying to  
24 convey with this Tweet that there has been  
25 discrimination?

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Nina Hickson on 02/16/2017**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

KELVIN J. COCHRAN, )  
)  
Plaintiff, )  
) CIVIL ACTION FILE  
vs. )  
) NO. 1:15-cv-00477-LMM  
CITY OF ATLANTA, GEORGIA; )  
)  
and MAYOR KASIM REED, IN )  
)  
HIS INDIVIDUAL CAPACITY, )  
)  
Defendants. )

- - -

VIDEOTAPED DEPOSITION OF  
NINA HICKSON

FEBRUARY 16, 2017  
9:54 A.M.

BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, P.C.  
3414 PEACHTREE ROAD, N.E.  
MONARCH PLAZA  
SUITE 1600  
ATLANTA, GEORGIA 30326

Reported by: Suzanne Beasley, RPR  
CCR-B-1184

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Nina Hickson on 02/16/2017**

1 BY MR. WARDLOW:

2 Q. I'm going to have the court reporter set  
3 in front of you what will be marked as Plaintiff's  
4 Exhibit 23. This is a two-page document showing  
5 handwritten notes. Is this your handwriting?

6 A. It is my handwriting, but these were two  
7 separate documents. They were not together.

8 Q. So these two pages are your notes?

9 A. They are my notes. And then there's a  
10 sticky note and that's a separate -- that would be a  
11 third separate document.

12 Q. So this on the first page here --

13 A. Yes.

14 Q. -- it says, "T/C 10:34 a.m." It's dated  
15 the 31st of October, 2012. Do you see that?

16 A. Yes.

17 Q. And I believe it says, "Advise regarding  
18 non-city-related book he is authoring." Is that a  
19 reference to Chief Cochran's a book?

20 A. That's a reference to a conversation I had  
21 with Chief Cochran, yes.

22 Q. And that's the book entitled Who Told You  
23 That You Were Naked?

24 A. No. No, because I didn't know -- I was  
25 not given a title. What I was told was he -- there

1 Q. And then whether the facts, if true, would  
2 be something that would require ethics board  
3 approval?

4 A. This never came to me in the context of an  
5 ethics complaint.

6 Q. So there was never any ethics complaint  
7 about Chief Cochran's faith-based book?

8 A. No.

9 Q. And there was never any ethics process  
10 with respect to the book or Chief Cochran?

11 A. Not while I was there, no.

12 Q. And you do have the authority to give  
13 advice on whether something is a matter that should  
14 be brought to the board's attention under 820(d),  
15 correct, section?

16 A. Yes.

17 Q. Did you have any conversations about the  
18 termination of Chief Cochran around this time with  
19 any of the members of the ethics board?

20 A. Not that I'm aware of other than reporting  
21 it.

22 Q. Did anyone on the ethics board follow up  
23 with you about this e-mail?

24 A. Not that I recall.

25 Q. Did anyone on the ethics board follow up

1 reporter.)

2 THE WITNESS: No, that's not correct.  
3 If there's a complaint that goes through  
4 the ethics process based on 2-820, then  
5 there would be sanctions by the ethics  
6 board.

7 But if they use that as a means of  
8 disciplining somebody on the HR side, the  
9 ethics board wouldn't have anything to do  
10 with that.

11 BY MR. WARDLOW:

12 Q. So the HR side can interpret the ethics  
13 code and apply it separately and independently from  
14 the independent ethics board?

15 A. They can. Now, whether it's wise or not  
16 is a different story, but they can -- they can use  
17 that as a basis for -- for dismissal. The board  
18 doesn't have the authority to terminate or do  
19 anything on a personnel level. All the board could  
20 do was sanction or make recommendations.

21 So to the extent any personnel action was  
22 based on an ethics violation, that's a determination  
23 made by HR, not by the ethics board.

24 MR. WARDLOW: No further questions.

25 THE VIDEOGRAPHER: This concludes

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Stephen D. Borders on 02/17/2017**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

KELVIN J. COCHRAN, )  
)  
Plaintiff, )  
) CIVIL ACTION FILE  
vs. )  
) NO. 1:15-cv-00477-LMM  
CITY OF ATLANTA, GEORGIA; )  
)  
and MAYOR KASIM REED, IN )  
)  
HIS INDIVIDUAL CAPACITY, )  
)  
Defendants. )

- - -

VIDEOTAPED DEPOSITION OF  
STEPHEN D. BORDERS

FEBRUARY 17, 2017  
2:01 P.M.

BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, P.C.  
MONARCH PLAZA, SUITE 1600  
3414 PEACHTREE ROAD, N.E.  
ATLANTA, GEORGIA

Reported by: Suzanne Beasley, RPR  
CCR-B-1184

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Stephen D. Borders on 02/17/2017**

Page 54

1 this proper, was it not, and that it really -- it  
2 would only cloud the issue to involve Chief Cochran,  
3 so we didn't involve Simon and didn't involve Chief  
4 Cochran.

5 Q. I want to turn to what is at the heart of  
6 this case, a book written by Chief Cochran. When did  
7 you become aware that Chief Cochran had written a  
8 book?

9 A. When Chief Wessels brought it to my  
10 attention after work one morning in the back parking  
11 lot of Station 1, and he showed me the book, told me  
12 that it had been given to him, and that he finally  
13 got around to reading it or reading part of it, and  
14 there were some passages that were disturbing. And  
15 that he wanted to make me aware and get my opinion  
16 and see how we wanted -- how we wanted to handle that  
17 as the union.

18 Q. Working at, you said Station 1; is that  
19 correct?

20 A. Yes.

21 Q. Was Chief Wessels -- did he work out of  
22 that station?

23 A. Yes. His office was on the back of  
24 Station 1. I mean, there's -- it's a separate  
25 office, but it's attached to the station.

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Stephen D. Borders on 02/17/2017**

Page 55

1 Q. Do you recall -- sounds like you have a  
2 pretty good memory of where it happened, back parking  
3 lot, I think you said. Do you recall when, if you  
4 can give me your best guess on a date?

5 A. I feel like it was the end of October,  
6 early November. Maybe a month or so before Chief  
7 Cochran's suspension.

8 Q. So Chief Wessels brings you the book. Did  
9 he tell you he had read the whole book? What was  
10 the -- give me the conversation soup to nuts, if you  
11 would.

12 A. The conversation was -- it was, hey, I  
13 want to show you something. This is a book that  
14 Chief Cochran wrote that was given to me during a  
15 work event. And I don't remember exactly what the  
16 details were, and that when he read it, there was  
17 some very explicit conservative Christian ideals that  
18 concerned him since he also identified himself very  
19 clearly and explicitly as the fire chief in the City  
20 of Atlanta.

21 And it was -- from a firefighter  
22 standpoint, that we were all brought up very clearly  
23 that if you say that you are representing the City of  
24 Atlanta that -- and you give an interview, a public  
25 statement, write a book, write an article in a

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Stephen D. Borders on 02/17/2017**

Page 59

1 A. That's correct.

2 Q. No one else had spoken to you about the  
3 book?

4 A. No.

5 Q. After that day -- did you say it was in  
6 the afternoon?

7 A. No, it was in the morning coming off  
8 shift.

9 Q. Okay. So you're heading home at that  
10 point?

11 A. Uh-huh.

12 Q. Do you take the book from Chief Wessels at  
13 that point? Does he give you the book?

14 A. No, he doesn't give me the book, no.

15 Q. Okay. So he keeps the book?

16 A. Yes.

17 Q. You go home, get some sleep. What happens  
18 next?

19 A. So I talked with my executive board, told  
20 them what -- and that's Vic Bennett and  
21 Justin Padrazzi -- told them what Chief Wessels  
22 showed me in the book. I went on, ordered a couple  
23 of copies of the book so we could review it  
24 ourselves, come to our own conclusions.

25 I got the book in, asked their opinion of,

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Stephen D. Borders on 02/17/2017**

Page 60

1 you know, how should we handle this. And I felt like  
2 that we needed to be prepared and have a response  
3 from our members, as well as the public if the story  
4 was framed that there's a fire chief that has a  
5 problem with a certain population, what was the  
6 union's response going to be; that we weren't  
7 blind-sided with an issue that we didn't know was  
8 coming.

9 And then I took it to Alex Wan on the city  
10 council, who I had a good relationship with  
11 professionally and a lot of dealings with on pay  
12 matters and different city issues for just his  
13 counsel and advice on how we should handle it, how  
14 the city should handle it. And then he -- I gave him  
15 one of the copies of the book and let him take it  
16 from there.

17 Q. I want to talk to you a little bit about  
18 that decision making-process, okay?

19 A. Okay.

20 Q. You testified earlier that you had an open  
21 line of communication with Chief Cochran, correct?

22 A. (Witness nods head affirmatively.)

23 Q. Did you ever attempt to speak with Chief  
24 Cochran about the book before handing it along to  
25 Councilman Wan?

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Stephen D. Borders on 02/17/2017**

Page 69

1 the fire department level or at the city council  
2 level?

3 A. At the -- no, not -- we did have a lunch  
4 meeting with retired Chief Cindy Thompson, who one of  
5 my executive board members knew she was in town. And  
6 we had lunch with her to get her opinion just as a  
7 trusted and experienced member that -- wanted to see  
8 what her opinion on the matter was.

9 Q. Do you know how long -- you said she's  
10 retired, right?

11 A. Yes.

12 Q. How long had she been retired?

13 A. A few years at the time.

14 Q. Was she in town for a fire department  
15 event or --

16 A. No. I believe she was in town for family.  
17 She lives in California, I think, but just happened  
18 to be in the Atlanta area, so we wanted to --

19 Q. Did she contact you, or did you contact  
20 her?

21 A. One of the board members contacted her.

22 Q. Specifically about the book?

23 A. Yes, to set up a meeting to get her  
24 opinion on our response to the book.

25 Q. And this was, again, correct me -- I mean,

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Stephen D. Borders on 02/17/2017**

Page 70

1 forgive me for not remembering or not knowing if I  
2 should. This was after you took it to  
3 Councilman Wan; is that correct?

4 A. I believe so.

5 Q. Do you recall when, date-wise that would  
6 have been?

7 A. No. It would have been similar to that  
8 early to mid November. I don't remember the exact  
9 timeline, but --

10 Q. Do you remember where it was?

11 A. I believe it was a restaurant over on 14th  
12 Street over in -- on the west of -- I guess that  
13 would be north of Northside Drive.

14 Q. Whose idea was it to call Chief Thompson?

15 A. I don't remember. It was either Vic or  
16 Justin Padrazzi that knew she was in town and said,  
17 why don't we get her opinion about this matter.  
18 She's not in the fire department anymore. She's well  
19 versed on social issues, and let's -- and we felt  
20 like it was -- she could add value without risking  
21 the issue getting out in the fire department and  
22 exploding on us.

23 Q. When you say she was well versed in social  
24 issues, what do you remember by that?

25 A. That she was a -- she is a --- an out

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Stephen D. Borders on 02/17/2017**

Page 71

1 homosexual, and made it well known to her friends  
2 that she was. And we were concerned about any  
3 response from the gay community in Atlanta, as well  
4 as many homosexual employees that we had, that if  
5 they found like -- if they felt like that this was an  
6 issue, how should we be prepared to respond.

7 Q. What happened at that lunch? Did you show  
8 her the passages from the book, as you did with  
9 Councilman Wan?

10 A. Yes.

11 Q. And what did she say?

12 A. She agreed with our response and felt like  
13 it was an issue that needed to be addressed. I think  
14 she was more personally offended than I was, but she  
15 seemed to have great concern that this was going to  
16 get out in the public, and that it was going to be  
17 damaging to the fire department and potentially  
18 employees as well.

19 MR. CONNELLY: Take a break?

20 THE WITNESS: Sure.

21 THE VIDEOGRAPHER: This concludes  
22 Media No. 1 in the video deposition of  
23 Stephen Borders. We're off the record at  
24 3:26 p.m.

25 (A recess was taken.)

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Stephen D. Borders on 02/17/2017**

Page 73

1 Q. But she blessed your plan, so to speak,  
2 correct?

3 A. Yes. Yeah, she did. She felt like we  
4 were handling it appropriately; that we needed to get  
5 ahead of this. That if it became a public issue that  
6 it was going to be something that we needed to have a  
7 response for.

8 Q. And did she say what she was personally  
9 offended by as well?

10 A. I think it was that -- hers were  
11 definitely the LGBT issues expressed in the book.

12 Q. And has she, to your knowledge -- you'd  
13 been on the force for I guess around nine years at  
14 that point, correct?

15 A. Something like that.

16 Q. Had she worked during Chief Cochran's  
17 tenure as fire chief under his leadership?

18 A. Yes.

19 Q. Did you speak to Chief Thompson after that  
20 lunch conversation?

21 A. I don't remember if I've spoken to her  
22 since then or not.

23 Q. You said that your executive board decided  
24 to call Chief Thompson specifically for this, to talk  
25 about this issue. Did you -- did that executive

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Alex S. Wan on 02/23/2017**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

KELVIN J. COCHRAN, )  
)  
Plaintiff, )  
) CIVIL ACTION FILE  
vs. )  
) NO. 1:15-cv-00477-LMM  
CITY OF ATLANTA, GEORGIA; )  
and MAYOR KASIM REED, IN )  
HIS INDIVIDUAL CAPACITY, )  
)  
Defendants. )

- - -

VIDEOTAPED DEPOSITION OF  
ALEX S. WAN

FEBRUARY 23, 2017  
2:21 P.M.

BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, P.C.  
MONARCH PLAZA, SUITE 1600  
3414 PEACHTREE ROAD, N.E.  
ATLANTA, GEORGIA

Reported by: Suzanne Beasley, RPR  
CCR-B-1184

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Alex S. Wan on 02/23/2017**

Page 46

1 and that's when he presented me with the book.

2 Q. What did he say to you at that time?

3 A. He told me that it had been brought to him  
4 by another member of the fire staff. He showed me --  
5 there were two passages that were -- there were  
6 Post-its in the book, and he just handed it to me and  
7 explained to me that the police chief -- I mean,  
8 sorry, the fire chief had written it and that there  
9 was concern about it. At which point, I took it and  
10 I read it, and I agreed with him that there was  
11 concern. I had concerns.

12 Q. What were the two passages that he  
13 referenced?

14 A. The two specific ones were in reference to  
15 the gay and lesbian community. One about  
16 uncleanliness, and there was another one about -- I  
17 don't recall the specific language, but it discussed  
18 a man having sex with someone outside of marriage  
19 with somebody of the opposite sex, same sex. And I  
20 can't remember the other one, but those were the two.

21 Q. Those were the two passages that concerned  
22 you?

23 A. Well, those were the two that he showed me  
24 that I read.

25 Q. Did you read any other passages from the

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Alex S. Wan on 02/23/2017**

Page 47

1 book?

2 A. I did not.

3 Q. Did you -- since then have you read any  
4 other passages from the book?

5 A. I have not.

6 Q. Would --

7 A. Wait. Let me correct that. So in some of  
8 the articles that have been written about it online  
9 that I've read, there have been other excerpts, but  
10 that's the only readings that I've had. I have not  
11 read from the book directly.

12 Q. What did you say to Mr. Borders during  
13 that meeting?

14 A. I thanked him for bringing it to me. I  
15 expressed my concern, and that while I didn't know  
16 what to do right on that moment, that I would keep  
17 the book and I would determine the next step about  
18 this. And that was pretty much the end of that  
19 conversation.

20 Q. Did you have any conversations with  
21 Mr. Borders about the book after that conversation?

22 A. I did tell him after I'd taken the book to  
23 Commissioner Yancy, that -- I did tell him that I had  
24 done that, and that was about it. That's all I  
25 recall.

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Alex S. Wan on 02/23/2017

1 Q. Was that by phone?

2 A. No, it was in person.

3 Q. It was in person?

4 A. Uh-huh.

5 Q. Was that approximately the end of  
6 November?

7 A. I don't recall the date on that, but it  
8 must have -- if I recall the timeframe, that's  
9 entirely plausible.

10 Q. What did he say to you after you told him  
11 that?

12 A. I don't recall. I think it was more just  
13 an acknowledgement from both our sides that we had  
14 done what we needed to do.

15 Q. In the initial conversation that you had  
16 with Mr. Borders, what did he say was the reason that  
17 he was concerned?

18 A. He expressed concern about the content.  
19 He also expressed concern that it had been  
20 distributed with staff or that it was getting into  
21 the hands of the firefighters.

22 Q. Did he say why he was concerned about  
23 that?

24 A. You know, I think we had a conversation  
25 just about the concern about the -- I'm trying to

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Alex S. Wan on 02/23/2017**

**Page 51**

1 was still at the City, we invariably would have had  
2 conversations about those two other topics, but I  
3 don't know when he left. I don't recall.

4 Q. How you doing?

5 A. Fine.

6 Q. You good?

7 A. Good.

8 Q. Maybe we'll take a break in about ten  
9 minutes.

10 A. I'm --

11 Q. We don't even need to take one then if you  
12 don't have --

13 A. I'm good.

14 Q. So let's -- I'm just moving to another  
15 topic, so --

16 A. Sure.

17 Q. -- I wanted to -- well, next conversation,  
18 let's try it that way.

19 So you -- at some point I believe you  
20 testified you had a conversation with Ms. Yancy.

21 A. Correct.

22 Q. Why did you take the book to Ms. Yancy?

23 A. Well, based on the concerns that I had  
24 about the content, to me it was an HR matter. That  
25 was my natural or just my reaction to who should

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Alex S. Wan on 02/23/2017**

**Page 52**

1 address this. And so her being the commissioner of  
2 HR, I took it directly to her.

3 Q. Did Mr. Borders ever mention anything  
4 about taking it to HR in his conversation with you?

5 A. I don't recall.

6 Q. Did you ever mention anything to  
7 Mr. Borders about HR?

8 A. Before I did it?

9 Q. Yes.

10 A. No.

11 Q. Any idea why Mr. Borders came to you  
12 instead of HR?

13 A. Probably because I'm gay.

14 Q. What did you tell Ms. Yancy when you  
15 talked with her about the book?

16 A. Broadly I think I just expressed my  
17 concern about what I had read and that I felt it  
18 needed to be reviewed and that whatever appropriate  
19 actions or process from that point on, you know, I  
20 would leave it in her hands.

21 Q. When did that -- did that conversation  
22 occur by phone?

23 A. No, in person.

24 Q. How did that meeting get set up?

25 A. If I recall correctly, I either phoned her

1 or e-mailed her and said I needed to see her. I  
2 didn't say what it was about. And I went and  
3 delivered the book to her in person in her office.

4 Q. All right. So I just want to get a little  
5 more detail if I can about in the office. So when  
6 you delivered the book to her --

7 A. Uh-huh.

8 Q. -- what did you say to her?

9 A. I said that a firefighter had brought this  
10 to me with concerns about its content and that I had  
11 the same concerns. You know, I expressed the concern  
12 about the fact that it said the author had identified  
13 himself as the Atlanta fire chief; that I didn't know  
14 process-wise where to go or how this should be  
15 handled. Again, like I said, I expressed my concern,  
16 and that was pretty much the extent of it.

17 Q. Did you express your concern about the two  
18 passages that you and Mr. Borders reviewed?

19 A. Correct.

20 Q. And that was the one on uncleanliness and  
21 the one on sex outside of marriage?

22 A. Correct.

23 Q. Did you mention anything else to her  
24 during that conversation?

25 A. I don't recall anything substantive aside

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Alex S. Wan on 02/23/2017

Page 84

1           You say there in the top e-mail, "I  
2    respect each individual's right to have their own  
3    thoughts, beliefs and opinions, but when you are a  
4    City employee and those thoughts, beliefs and  
5    opinions are different from the City's, you have to  
6    check them at the door."

7           You said that on more than one occasion,  
8    correct?

9           A.     Correct.

10          Q.     Make sure I'm not getting out of order.  
11    What thoughts and beliefs and opinions did  
12    Chief Cochran have that are different from the  
13    City's?

14           MS. HINTON: Object to form.

15           You can answer.

16           THE WITNESS: In the context that I  
17    said it, it was specifically around the  
18    passages in the book regarding the LGBT  
19    community. I saw that as an expression of  
20    discrimination against the LGBT community,  
21    which is not in keeping with the City's  
22    nondiscrimination ordinance. And that's  
23    how I saw it.

24    BY MR. THERIOT:

25          Q.     And the nondiscrimination ordinance

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Alex S. Wan on 02/23/2017

Page 85

1 prohibits discrimination in what context?

2 A. It covers sex. It covers race, gender,  
3 sexual orientation and employment housing. It covers  
4 a number of things.

5 Q. And that applies to whom?

6 A. It applies to the City. It applies to  
7 housing providers within the city, and I can't  
8 remember specifically other classes that are covered  
9 by that as well.

10 Q. And are there any other ways that the  
11 City's thoughts and beliefs would be articulated  
12 besides the nondiscrimination law that you're  
13 speaking of?

14 MS. HINTON: Object to form.

15 Go ahead.

16 THE WITNESS: Okay. The City, at  
17 least the city council, will pass  
18 resolutions stating our opinions and  
19 beliefs. There are some that are codified  
20 as ordinances and then there are some that  
21 are, as I understand, documented in  
22 policies and procedures within the  
23 departments.

24 BY MR. THERIOT:

25 Q. Is it possible to have these beliefs and

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Melissa J. Mullinax on 02/23/2017**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

KELVIN J. COCHRAN, )  
)  
Plaintiff, )  
) CIVIL ACTION FILE  
vs. )  
) NO. 1:15-cv-00477-LMM  
CITY OF ATLANTA, GEORGIA; )  
)  
and MAYOR KASIM REED, IN )  
)  
HIS INDIVIDUAL CAPACITY, )  
)  
Defendants. )

- - -

VIDEOTAPED DEPOSITION OF  
MELISSA J. MULLINAX

FEBRUARY 23, 2017  
9:38 A.M.

BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, P.C.  
MONARCH PLAZA, SUITE 1600  
3414 PEACHTREE ROAD, N.E.  
ATLANTA, GEORGIA

Reported by: Suzanne Beasley, RPR  
CCR-B-1184

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Melissa J. Mullinax on 02/23/2017**

Page 19

1           A.     You know, kind of shock that -- you know,  
2 everyone, I think, felt like blind-sided by this. So  
3 there was a lot of conversation about, you know,  
4 where this came from, who knew about this, did Mike  
5 Geisler know about this? So it was -- it wasn't a  
6 structured conversation. It was, you know.

7           Q.     Let me back up to Ms. Yancy. Did she  
8 indicate who had provided her a copy of the book?

9           A.     I don't remember.

10          Q.     What about the mayor? What did he say  
11 during the course of the conversation?

12          A.     Not much. You know, he's very  
13 deliberative. So -- and what he typically does when  
14 we come together like this on lots of issues, he  
15 wants to hear what all of his folks think. I  
16 remember when I said that I was surprised by this and  
17 that I felt like we needed to go slow and not react  
18 in a knee-jerk fashion.

19                    Because my experience with Chief Cochran,  
20 particularly around gay pride events, was that he'd  
21 always been very supportive and that, you know,  
22 didn't really know how to place all this, but that I  
23 knew that in our interactions around things that he'd  
24 been supportive of gay firefighters and others  
25 involved in pride, had always -- you know, all the

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Melissa J. Mullinax on 02/23/2017**

Page 20

1 resources of the fire department were available.

2 And I do remember the mayor nodding. I  
3 felt like he heard that and agreed with that  
4 assessment so --

5 Q. Were there other voices in the room that  
6 shared your perspective?

7 A. Yeah, there were lots of folks in the  
8 room. Certainly Katrina wanted to go slow. I mean,  
9 I don't remember a lot of what Candace said, but  
10 yeah.

11 Q. What about Ms. Hampton? What did she say?

12 MS. HINTON: I want to just provide  
13 some direction since she is the city  
14 attorney. If Ms. Hampton was providing any  
15 legal advice to anyone in that room, then  
16 don't touch that. If she's just speaking  
17 about the facts --

18 THE WITNESS: I don't remember. I  
19 don't remember what Cathy had to say.

20 BY MS. HOLCOMB:

21 Q. And Candace Byrd?

22 A. I don't remember specifically.

23 Q. Did Yvonne Yancy bring excerpts from the  
24 book to that meeting?

25 A. I don't remember that.

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Melissa J. Mullinax on 02/23/2017**

1 Q. Was that received via e-mail, hard copy?

2 A. I think it was a hard copy.

3 (Exhibit 85 was marked for

4 identification.)

5 BY MS. HOLCOMB:

6 Q. Do you recall receiving the e-mail?

7 A. I do.

8 Q. And were you aware that Robin Shahar would  
9 be sending the e-mail?

10 A. Uh-huh. I was.

11 Q. What's this e-mail about?

12 A. This e-mail is about -- I said earlier  
13 that Robin was getting lots of calls, unhappy calls  
14 from constituents. She thought it would be a good  
15 idea to reach out to ADL for their -- not analysis,  
16 but for their opinion of this. And that we  
17 anticipated -- there was a pretty hot religious  
18 freedom bill from the general assembly from the  
19 previous session that we knew was gearing up and we  
20 expected this would be swept up into that, and we  
21 were trying to get ahead of that with external folks.

22 Q. Who is ADL?

23 A. It's the Antidefamation League.

24 Q. Can you tell me about them?

25 A. It's a nonprofit whose mission is to fight

1 discrimination.

2 Q. And why did you think ADL's input would be  
3 helpful in this situation?

4 A. Why did I? Well, they are an ally who we  
5 had been hearing from and knew -- and had been --  
6 they are an ally in the sense of the work that we'd  
7 been fighting on religious freedom and the positions  
8 there on the religious freedom bills at the general  
9 assembly.

10 And also Robin was hearing that they  
11 wanted to meet with the mayor, so we wanted them to  
12 have the information before they came to meet with  
13 him so it would be productive, not speculative.

14 Q. You've mentioned a couple of times  
15 religious freedom bill. Can you tell me a little bit  
16 about that?

17 A. Well, it's a series of bills introduced  
18 around state houses around the country and in Georgia  
19 specifically that would -- it's called religious  
20 freedom, but the idea behind them is that pastors  
21 don't have to marry gay couples if they don't want  
22 to. There's lots of things that are involved in  
23 that. The legislation changes from year to year.

24 Q. And what was your involvement in these  
25 bills?

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Candace L. Byrd on 02/23/2017**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

KELVIN J. COCHRAN, )  
 )  
Plaintiff, )  
 ) CIVIL ACTION FILE  
vs. )  
 ) NO. 1:15-cv-00477-LMM  
CITY OF ATLANTA, GEORGIA; )  
and MAYOR KASIM REED, IN )  
HIS INDIVIDUAL CAPACITY, )  
 )  
Defendants. )

- - -

VIDEOTAPED DEPOSITION OF  
CANDACE L. BYRD

FEBRUARY 23, 2017  
11:39 A.M.

BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, P.C.  
MONARCH PLAZA, SUITE 1600  
3414 PEACHTREE ROAD, N.E.  
ATLANTA, GEORGIA

(TRANSCRIPT CONTAINS CONFIDENTIAL PORTION)  
PAGE 80, LINE 4 TO PAGE 83, LINE 14

Reported by: Suzanne Beasley, RPR  
CCR-B-1184

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Candace L. Byrd on 02/23/2017**

1 part, it was just, one, that I didn't believe that  
2 the book was written, but I think the things that I'd  
3 already talked about, things that I didn't  
4 necessarily agree with.

5 Q. So you said he spoke to you a little bit  
6 about the process, about not knowing the book was  
7 coming out. This particular half sentence talks  
8 about the book not being representative of his  
9 personal beliefs.

10 Did he ever discuss the content of the  
11 book with you, his take on the contents? As you  
12 said, you were personally offended by some of the  
13 things in there.

14 A. In terms of content, I mean, we talked  
15 about, you know, our faith and, you know, what we  
16 believe and, you know, those things based on, you  
17 know, what we -- some of the excerpts, because,  
18 again, I didn't read the whole book. They didn't  
19 line up with our personal beliefs.

20 And I mean, that was what we, you know,  
21 what we discussed. I mean, there are, you know,  
22 things that he believes in his own right, and  
23 so -- and again, the statement talks about, you know,  
24 those personal beliefs.

25 Q. You said just a second ago you talked with

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Katrina Taylor-Parks on 02/16/2017**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

KELVIN J. COCHRAN, )  
)  
Plaintiff, )  
) CIVIL ACTION FILE  
vs. )  
) NO. 1:15-cv-00477-LMM  
CITY OF ATLANTA, GEORGIA; )  
)  
and MAYOR KASIM REED, IN )  
)  
HIS INDIVIDUAL CAPACITY, )  
)  
Defendants. )

- - -

VIDEOTAPED DEPOSITION OF  
KATRINA TAYLOR-PARKS

FEBRUARY 16, 2017  
2:12 P.M.

BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, P.C.  
3414 PEACHTREE ROAD, N.E.  
MONARCH PLAZA  
SUITE 1600  
ATLANTA, GEORGIA 30326

Reported by: Suzanne Beasley, RPR  
CCR-B-1184

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Katrina Taylor-Parks on 02/16/2017**

Page 56

1 THE VIDEOGRAPHER: The time is  
2 3:31 p.m. We are back on the record.

3 BY MS. HALLOCK:

4 Q. Do you know anything about an  
5 investigation that was done while Chief Cochran was  
6 suspended?

7 A. That's the standard in disciplinary  
8 actions. If there's a suspension, then some form of  
9 an investigation normally takes place.

10 Q. Okay. And what do you know about that  
11 specific investigation of Chief Cochran? Anything?

12 A. I don't.

13 Q. Did you ever discuss that investigation  
14 with anyone?

15 A. Not that I recall.

16 Q. Did you ever see a copy of the  
17 investigation?

18 A. No, definitely not.

19 Q. Are you aware of any city council members  
20 who are supportive or who disagreed with any  
21 discipline that Chief Cochran received?

22 A. Chief Cochran had supporters because of  
23 his position and because of the good reputation that  
24 he had as the chief of fire. So he did have  
25 supporters. Specifically around this, I didn't have



1 that you said you saw?

2 A. Well, I need to break it up into different  
3 categories. Professionally, my initial response is  
4 one that I've already talked about, disbelief that  
5 Chief Cochran would have published a book and put it  
6 for sale on Amazon without speaking with the mayor.

7 Secondly, as a former -- not former. As  
8 an employment lawyer as my primary focus for years, I  
9 was concerned about hostile work environment,  
10 Title 7, so I felt a need for the law department to  
11 think about that issue carefully.

12 Then I had my personal reactions to the  
13 book. And my personal and my deepest concern was as  
14 a Jew. I frankly was frightened by the book. My  
15 stepfather had been a Holocaust survivor. I grew up  
16 going to Hebrew school where we learned about Jews  
17 being murdered over centuries under the name of Jesus  
18 because we were a lesser class of people. And this  
19 book, Chief Cochran, seemed to justify that.

20 So that's number one in terms of my  
21 personal response is that I was scared and a bit  
22 horrified that you would put that type of thing out  
23 there for the public. It's dangerous.

24 Number two, as a woman, it was offensive.  
25 Number three, in terms of the LGBT content, it wasn't

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Robin Joy Shahar on 02/22/2017**

Page 41

1 surprising. You know, I come into contact with LGBT  
2 discrimination all the time. Not all the time, but  
3 often enough that there's a lot of education that  
4 needs to be done. So from that perspective, that was  
5 an area where I felt that education was important.

6 Q. And did you voice these concerns at that  
7 meeting?

8 A. No.

9 Q. Why not?

10 A. Because they were my personal. Well, what  
11 I -- I'll tell you, I voiced them as a group. What  
12 I'm telling you now is a personal response. That's  
13 one thing.

14 What I said in the group is that the book  
15 takes non-Christians, Jews, Muslims, women, and LGBT  
16 individuals, and it speaks of them as a lesser class.  
17 I was concerned about the leader of the department  
18 making a clear statement that some members of his  
19 department are of a lesser class.

20 It was very interesting to me sitting  
21 through Chief Cochran's deposition, looking at  
22 writings that he had authored about leadership and  
23 cohesiveness in the department and how that  
24 cohesiveness can have life or death implications when  
25 you're out doing your work.

1           The ADL was important to me as well  
2 because, as I mentioned earlier, I was concerned that  
3 Chief Cochran and then the people who he was  
4 affiliated with were putting in the public domain a  
5 notion of religious freedom as if it was the  
6 definition of religious freedom, as if there was only  
7 one, that their definition was the ultimate, the  
8 right definition of religious freedom. And I thought  
9 it was very important that other religious  
10 perspectives be put in the public domain as well.

11           For me, obviously as a Jew, I wanted the  
12 Jewish perspective to be in the public domain, as I  
13 said before, particularly given our history, and how  
14 views such as the one that were being put out by  
15 Chief Cochran in his book are the types of views that  
16 have been -- had led to, in my mind, Jews being  
17 murdered in the past.

18           Q.     When you said the request is not coming  
19 from -- well, strike that.

20           What was -- can you tell me about the  
21 discussion between you and Melissa Mullinax because  
22 it says that you came to that conclusion together?

23           A.     I got her permission. I spoke with her.  
24 I said I wanted to get alternative views. She  
25 agreed.

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Kelvin J. Cochran on 02/10/2017**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

KELVIN J. COCHRAN,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION FILE
vs.	)	
	)	NO. 1:15-cv-00477-LMM
CITY OF ATLANTA, GEORGIA;	)	
and MAYOR KASIM REED, IN	)	
HIS INDIVIDUAL CAPACITY,	)	
	)	
Defendants.	)	

- - -

VIDEOTAPED DEPOSITION OF  
KELVIN J. COCHRAN

FEBRUARY 10, 2017  
8:53 A.M.

ALLIANCE DEFENDING FREEDOM  
1000 HURRICANE SHOALS ROAD, N.E.  
SUITE D-1100  
LAWRENCEVILLE, GEORGIA

Reported by: Suzanne Beasley, RPR  
CCR-B-1184

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Kelvin J. Cochran on 02/10/2017

Page 107

1 agreed, and I believe what this e-mail reflects is  
2 the point that we introduced this study to that  
3 group.

4 Q. Okay. Thank you.

5 Now, you mentioned previously a  
6 conversation with Nina Hickson. Do you recall the  
7 first -- when the first time was that you spoke with  
8 her?

9 A. It would have had to be sometime in 2012,  
10 as I recall.

11 Q. Do you recall with any greater specificity  
12 what month or season?

13 A. Fall-ish maybe, end of summer, fall.

14 (Exhibit 22 was marked for  
15 identification.)

16 BY MR. GEVERTZ:

17 Q. Okay. I'm going to show you Defendants'  
18 Exhibit 22, and represent to you that these are  
19 Ms. Hickson's notes, and that she will testify that  
20 this was a telephone conversation that she had with  
21 you on October 31 of 2012.

22 Do you have any reason to disagree with  
23 the proposition that your first conversation with  
24 Ms. Hickson as it pertains to the book happened by  
25 phone on October 31st?

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Kelvin J. Cochran on 02/10/2017**

Page 110

1 A. Yes.

2 Q. And when I'm looking at what she said, it  
3 sounds as if she asked you what the book was about  
4 and asked to see a copy of the book when you were  
5 done.

6 A. She wanted her personal copy --

7 Q. Yes.

8 A. -- not to see a copy.

9 Q. Okay. She wanted a copy of your book?

10 A. Yes.

11 Q. And she asked you what the book was about.  
12 Did she ask or say anything else during that  
13 conversation?

14 A. Yes. She did specifically point out that  
15 as long as it doesn't have to do with subject matter  
16 pertaining to my job as fire chief or my role in city  
17 government, based on the description that I gave her,  
18 that it was permissible.

19 Q. Do you have any notes of your conversation  
20 with Ms. Hickson?

21 A. No, sir.

22 Q. Ms. Hickson did not ask you anything else?

23 A. Not that I can recall.

24 Q. And certainly she did not say anything to  
25 the effect that you could not write a book about

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Kelvin J. Cochran on 02/10/2017**

Page 136

1 Were Naked? This was sent from your work e-mail  
2 address, correct?

3 A. Yes.

4 Q. During work hours on a work day, correct?

5 A. Yes.

6 Q. And then above that, at 3:43 on a  
7 Thursday, your assistant Ms. Napper, N-a-p-p-e-r,  
8 forwarded that same document along to your publisher,  
9 as you were apparently out of the office, correct?

10 A. Yes.

11 Q. Did she do that on her own, or did you  
12 direct Ms. Napper to forward that along to the  
13 publisher?

14 A. More than likely, I requested her to do  
15 it.

16 Q. The restriction on Internet usage to  
17 business-related affairs I think you previously  
18 testified you understood applied to you, correct?

19 A. That's correct, but, you know, there's a  
20 couple of things that must be pointed out in the  
21 context of what you established earlier.  
22 Commissioners and department heads, especially in my  
23 capacity as the fire chief of the City of Atlanta, we  
24 don't have normal workdays. We don't work  
25 8:00-to-5:00 days.

1 I'm essentially, as a chief of a fire  
2 department in a metropolitan city at work all the  
3 time. So it's common for commissioners, department  
4 heads, to take personal time whenever they can during  
5 their workday. There's not a scheduled, as some  
6 organizations have, mid-morning break, a lunch break,  
7 a mid-afternoon break, and then you get off. That  
8 pattern does not work for a commissioner or head of a  
9 department, especially in the fire chief's office,  
10 and so that's common themes throughout commissioners,  
11 public safety chiefs. And at no time did my work  
12 interfere with my duties and responsibilities as the  
13 fire chief of the City of Atlanta.

14 Q. Yes, sir. Now, Ms. Napper was not the  
15 fire chief, correct?

16 A. That's correct.

17 Q. She was clearly on the clock and at work  
18 working for the City of Atlanta at 3:43 in the  
19 afternoon on a Thursday?

20 A. That's correct.

21 Q. Further, there was nothing that prevented  
22 you in city code or ordinances or guidelines from  
23 using your own personal computer to convey personal  
24 items, was there?

25 A. No.

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Kelvin J. Cochran on 02/10/2017

Page 141

1 requested a copy.

2 Q. Okay. And they requested it. And the  
3 second group was people once they heard about the  
4 book, requested a copy, and you distributed it to  
5 them?

6 A. Yes.

7 Q. Help me with the third category again?

8 A. There were, and I think it was  
9 approximately three men, who we knew each other as  
10 Christians, but they neither knew I wrote a book and  
11 requested a copy, or knew I was writing a book and  
12 asked for a copy, but just in the context of our  
13 relationship that we had prior established as  
14 Christians, you know, I gave them a copy of the book  
15 as a gift.

16 Q. So who was in the first group?

17 A. As best as I can recall, Joe Baker,  
18 Randall Slaughter.

19 Q. I'm sorry, last name is?

20 A. Slaughter.

21 Q. Yes, sir.

22 A. Wilman Meadows, Bernard Coxtton. I'm  
23 really struggling with the names.

24 In the second category, I think it would  
25 be Chad Jones. I can't -- I know it was at least

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Kelvin J. Cochran on 02/10/2017

Page 142

1 three in that group.

2 And then in that last group, the three  
3 that I recall were Stephen Hill, Chris Wessels, and  
4 William Collier.

5 I just recalled another name in that  
6 middle group. Michael Simmons was another name in  
7 that middle group.

8 Q. Approximately how many total people within  
9 the fire department do you recall giving a copy of  
10 your book to?

11 A. I'd say nine to 12.

12 Q. And your department had how many people  
13 working?

14 A. Eleven hundred.

15 Q. Chaplain Miller, was he among the people  
16 you --

17 A. Yes.

18 Q. Would he be in the first, second, or third  
19 group?

20 A. That middle group.

21 Q. In each case I think you described the  
22 categories of groups as consisting of Christian men?

23 A. Yes.

24 Q. Why did you not offer your book to  
25 non-Christians?

1           A.       Because the motive and the intent behind  
2       the book in the first place was Christian men. A  
3       Christian man wrote a book for Christian men. And so  
4       these are men, Christian men, who I established a  
5       connection with as Christians, and that's the context  
6       of giving them a book as a gift.

7           Q.       So they were not -- would it be fair to  
8       say that non-Christians were not part of your target  
9       audience?

10          A.       No, they were not.

11          Q.       Similar question. Why did you only give  
12       it to men and not women?

13          A.       Because it was again, a book written for  
14       Christian men.

15          Q.       Were you concerned that your book, if  
16       given by you to a non-Christian, might offend them?

17          A.       It never crossed my mind to even give a  
18       book to a person that I had not already established  
19       some relationship with as a Christian man. It just  
20       never crossed my mind.

21          Q.       It didn't cross your mind because that  
22       wasn't your target audience or because you thought  
23       that would be a bad thing?

24          A.       It was they were not the target audience,  
25       and I would not give the book to a person that I had

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Kelvin J. Cochran on 02/10/2017

Page 144

1 already -- that I had not already established a  
2 relationship with as Christians at work.

3 Q. Why not?

4 A. It just never crossed my mind. I mean, it  
5 was never my intention -- it just never crossed my  
6 mind. I didn't have any intent.

7 Q. Well, let me ask you the question this  
8 way.

9 A. Sure.

10 Q. Did you have any concern that if you gave  
11 this book to someone you did not have a relationship  
12 with and brotherhood with that it might offend them?

13 A. Let me put it this way. Because I wrote  
14 the book, a Christian man wrote the book for  
15 Christian men, it never crossed my mind to give the  
16 book to anyone who was not a man at work, who was not  
17 a man, who was not all -- that I already established  
18 a relation -- it just never crossed my mind. I never  
19 vetted it or evaluated the pros and cons. As I  
20 understand your question may be getting at, it just  
21 never was a part of my thought process.

22 Q. Okay. And that is exactly what my  
23 question was getting at. So to phrase it a different  
24 way just to make sure I understand, were you at all  
25 concerned that you might receive a reception from a

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Kelvin J. Cochran on 02/10/2017**

Page 152

1           A.     Yes.  It's a Christian radio show, and it  
2     was talking about the theme of the book, Christian  
3     men overcoming the stronghold of condemnation.

4           Q.     To your knowledge, does that radio station  
5     target a specific denomination within the Christian  
6     church?

7           A.     No, just for the Christian community at  
8     large.

9           Q.     To men in particular as opposed to women?

10          A.     The entire community of faith.

11          Q.     To be clear, there was no point in time  
12     where you ever discussed the publication or  
13     authorship of your book with the mayor, was there?

14          A.     No.  My only conversation with the mayor  
15     about the book was after the State of the City  
16     address in 2014 where the previous week or so I left  
17     a copy for him with Ms. Lilly Cunningham and asked  
18     her to give him a copy of it.

19          Q.     And Ms. Cunningham is his executive  
20     assistant?

21          A.     Yes.  After the State of the City, I went  
22     to the mayor and congratulated him on the outstanding  
23     speech and asked him had he received a copy of the  
24     book, and he affirmed, yes, I did receive it.  And he  
25     said Who Told You You Were Naked?  He actually said

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Kelvin J. Cochran on 02/10/2017**

**Page 153**

1 the name of it, and he said, I'm going to read it on  
2 my flight. I'm going out of town. I'm going to read  
3 it on my next flight.

4 Q. Was that the sole extent and full extent  
5 of your conversation with the mayor about your  
6 book --

7 A. Yes.

8 Q. -- in the entire time that the two of you  
9 worked together?

10 A. Yes.

11 Q. In your radio interview, were you  
12 introduced or did you introduce yourself as being  
13 affiliated with the Atlanta Fire Rescue Department?

14 A. I'm sure that Minister Holland as the host  
15 probably gave, you know, the historical background of  
16 who I was as the guest.

17 Q. In September of 2014, did you negotiate to  
18 attend a men's health day seminar and screening?

19 A. Yes.

20 Q. And was that to be held in Shreveport?

21 A. Yes.

22 Q. And did you also negotiate to have a booth  
23 to sell your book?

24 A. Yes.

25 Q. And I gather your primary contact was with

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Kelvin J. Cochran on 02/10/2017**

Page 162

1 should delay being married until such time that he's  
2 capable of doing so.

3 Q. Is it your belief that marriage may only  
4 exist between a man and a woman?

5 A. Yes.

6 Q. Is it your belief that sexual activity  
7 between unmarried individuals is inappropriate?

8 A. Yes.

9 Q. And not only inappropriate, but prohibited  
10 by God?

11 A. Yes.

12 Q. You write -- and it may be helpful to  
13 review this page, 2832, and this is the bottom  
14 paragraph -- that "wicked men are men who have not  
15 accepted Jesus Christ as Lord and Savior, and that  
16 includes men of faiths other than Christianity."

17 Do you believe that?

18 A. Yes.

19 Q. 2835, just a couple of pages later, you  
20 list a number of characteristics of wicked men. And  
21 you include on number nine an adult who has a lust  
22 for boys or girls, underage minors, correct?

23 A. Yes.

24 Q. Men who desire other men, correct?

25 A. Yes.

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Kelvin J. Cochran on 02/10/2017**

Page 163

1 Q. People who are addicted to pornography,  
2 among other things, correct?

3 A. Yes.

4 Q. People who engage in incest?

5 A. Yes.

6 Q. People who engage in bestiality?

7 A. Yes.

8 Q. And perverts, correct?

9 A. Yes.

10 Q. Do you see the behaviors that I've just  
11 listed for you as being similar in nature?

12 A. They are only similar in that they all  
13 deal with issues of sexuality that there are  
14 scripture that says goes against God's will for  
15 sexuality.

16 Q. Okay, but you organize them together  
17 because they have to do with sexual behavior,  
18 correct?

19 A. Well, these definitions, they all come  
20 from one source, the Dake's Annotated Study Bible,  
21 and they are directly taken from the Dake's Annotated  
22 Study Bible.

23 Q. Do you believe that engaging in homosexual  
24 activity is as reprehensible as engaging in  
25 pedophilia?

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.  
Kelvin J. Cochran on 02/10/2017

Page 164

1           A.     I don't value or gauge or measure. I just  
2 know according to the Scripture that they are against  
3 God's intent for sexuality.

4           Q.     And there's no gradation?

5           A.     Right.

6           Q.     You're either in keeping with God's  
7 playbook or you're not, true?

8           A.     To clarify, there are behaviors regarding  
9 sexuality that the Bible states as acceptable to God,  
10 and there are behaviors related to sexuality that the  
11 Bible says are not acceptable to God.

12          Q.     So following up on that, there are no  
13 gradations among the unacceptable behaviors, correct?

14          A.     That's correct.

15          Q.     You have a chapter in this manuscript  
16 about silly women.

17          A.     Uh-huh.

18          Q.     I'm looking at page 2837.

19                 MR. THERIOT: I'm going to object  
20 based on relevance.

21 BY MR. GEVERTZ:

22          Q.     And among other things, you write that  
23 "silly women are single women who long for  
24 companionship."

25          A.     To put this in the context of the whole

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Kelvin J. Cochran on 02/10/2017**

Page 200

1 Q. Did Ms. Yancy hand it to you?

2 A. Yes.

3 Q. Did you meet with her?

4 A. Yes. At the time that I received this,  
5 Yvonne Yancy, Candace Byrd, and Bob Godfrey were in  
6 the meeting.

7 Q. And for the record, Ms. Byrd was the  
8 mayor's chief of staff?

9 A. Yes.

10 Q. And Mr. Godfrey is an attorney in the city  
11 attorney's office?

12 A. Yes.

13 Q. Was there a discussion?

14 A. No, not a discussion, just an explanation  
15 of what was happening to me and why.

16 Q. What was the explanation you were  
17 provided?

18 A. That my book that I had written, which  
19 Yvonne Yancy had a copy, had caused a complaint that  
20 had reached the mayor, and the mayor was -- has taken  
21 issue with it. She pointed out sections of the book  
22 that was, I guess the part that had caused the issues  
23 and indicated that, you know, that really that the  
24 mayor took issue with it.

25 Q. What were the sections of the book that

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Kelvin J. Cochran on 02/10/2017**

Page 201

1 Ms. Yancy referenced?

2 A. As I recall, the portion you showed me  
3 about the comparison between Adam and the Garden of  
4 Eden, and my fire service career path in reference to  
5 my job description, and the certain portions as it  
6 relates to uncleanness, and the other section where  
7 you referenced -- I guess it's about marriage and  
8 holy matrimony, that portion that you spoke of  
9 earlier.

10 Q. So, I'm sorry, you mentioned three, and I  
11 was only able to take down two. You mentioned I  
12 believe the part about --

13 A. Adam and the Garden, comparing my job  
14 description, cultivating a culture that glorified  
15 God, that section.

16 Q. Okay.

17 A. The definition of uncleanness, and the  
18 section when I talked about God created marriage for  
19 procreation, holy matrimony, and that other sexual  
20 acts outside of that is against God.

21 Q. Did Ms. Yancy explain why she understood  
22 or felt that those sections were inappropriate?

23 A. Just that she felt that they could be  
24 offensive, as I recall.

25 Q. What did she explain about why the portion

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Kelvin J. Cochran on 02/10/2017**

**Page 202**

1 that talked about your job description could be  
2 offensive?

3 A. She indicated that, as I recall, it was a  
4 violation of some work rule or policy.

5 Q. Why, if she mentioned it, did she say that  
6 the part about uncleanness was a problem?

7 A. As I recall, it had something to do with  
8 that it was offensive.

9 Q. Did she speak in any greater detail other  
10 than characterizing it as offensive?

11 A. Well, she mentioned specifically offensive  
12 to members of the LGBT community, and that Council  
13 Member Wan was offended by those comments.

14 Q. Do you know what Council Member Wan's  
15 sexual orientation is?

16 A. From what I hear -- I never heard him, but  
17 I had heard his sexual orientation is that he is gay.

18 Q. And the part about procreation as being  
19 the sole purpose of sex and thus sex should occur  
20 only within marriage, did she explain why that was  
21 problematic?

22 A. I don't consi -- I don't remember us going  
23 into any details about those.

24 Q. As the fire chief, do you have a direct or  
25 indirect reporting relationship to the city council?

**KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.**  
**Kelvin J. Cochran on 02/10/2017**

Page 217

1 Q. How many of them did you give a book to?

2 A. All four of them. Again, they were  
3 Christian men that we had established a prior  
4 relationship with, and either asked me for a copy of  
5 it or heard that I had written one and wanted a copy.

6 Q. Did you give a copy of your book to any of  
7 the assistant chiefs?

8 A. Yes. Yes.

9 Q. How many of them are there? How many  
10 people hold the title?

11 A. As I recall, there's about six that hold  
12 the title.

13 Q. And how many of them?

14 A. William Collier, Bernard Coxton, Chad  
15 Jones, Chris Wessels.

16 Q. Those are the four of the six who received  
17 a copy of your book?

18 A. Yes.

19 Q. Returning for a moment back to the  
20 suspension letter, did you have any idea that you  
21 were going to be suspended that day?

22 A. No.

23 Q. You walked into this meeting cold without  
24 any heads up or tip?

25 A. Well, I knew something was going on. The

**NOTIFICATION OF PERSONNEL ACTION**

1. Name (Last, First, Middle) COCHRAN, KELVIN J	2. Social Security Number [REDACTED]	3. Date of Birth [REDACTED]	4. Effective Date 6/18/2010
--	---	--------------------------------	--------------------------------

**FIRST ACTION**

**SECOND ACTION**

5-A. Code 317	5-B. Nature of Action RESIGNATION	6-A. Code	6-B. Nature of Action
5-C. Code RPM	5-D. Legal Authority REG 715.202	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number ASSISTANT ADMINISTRATOR (USFA) PS900400 PS9004	15. TO: Position Title and Number
---	-----------------------------------

8. Pay Plan EX	9. Occ. Code 0340	10. Grade/Level 04	11. Step/Rate 00	12. Total Salary 155,500.00	13. Pay Basis PA	16. Pay Plan	17. Occ. Code	18. Grade/Level	19. Step/Rate	20. Total Salary/Award	21. Pay Basis
12A. Basic Pay 155,500.00	12B. Locality Adj. .00	12C. Adj. Basic Pay 155,500.00	12D. Other Pay .00	20A. Basic Pay	20B. Locality Adj. .00	20C. Adj. Basic Pay	20D. Other Pay .00				

14. Name and Location of Position's Organization FEDERAL EMERGENCY MGMT AGENCY US Fire Administration	22. Name and Location of Position's Organization  9A HS CB8000000000000000 PP 13 2010
---	--

**EMPLOYEE DATA**

23. Veterans Preference 1 1 - None 2 - 5-Point 3 - 10-Point/Disability 4 - 10-Point/Compensable 5 - 10-Point/Other 6 - 10-Point/Compensable/30%	24. Tenure 0 0 - None 1 - Permanent 2 - Conditional 3 - Indefinite	25. Agency Use	26. Veterans Preference for RIF YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
--	---	----------------	--

27. FEGLI C0 BASIC	28. Annuitant Indicator 9 NOT APPLICABLE	29. Pay Rate Determinant 0
-----------------------	---	-------------------------------

30. Retirement Plan K FERS AND FICA	31. Service Comp. Date (Leave) 8/17/2009	32. Work Schedule F FULL TIME	33. Part-Time Hours Per Biweekly Pay Period
--	---	----------------------------------	---

**POSITION DATA**

34. Position Occupied 2 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved	35. FLSA Category E E - Exempt N - Nonexempt	36. Appropriation Code	37. Bargaining Unit Status 8888
---	---	------------------------	------------------------------------

38. Duty Station Code 11-0010-001	39. Duty Station (City - County - State or Overseas Location) WASHINGTON DIST OF COLUMBIA DC
--------------------------------------	---

40. Agency Data	41.	42.	43.	44.
-----------------	-----	-----	-----	-----

45. Remarks

FORWARDING ADDRESS  
1255 NEW BRITAIN DRIVE SW  
ATLANTA, GA 30331  
REASON FOR RESIGNATION:ACCEPTING AN OFFER TO RETURN TO THE CITY OF ATLANTA  
GA AS FIRECHIEF OF THE ATLANTA FIRE RESCUE DEPARTMENT.  
LUMP-SUM PAYMENT TO BE MADE FOR ANY UNUSED ANNUAL LEAVE.

46. Employing Department or Agency HOMELAND SECURITY	50. Signature/Authentication and Title of Approving Official E/S BY: ROBERT THORLAKSON CHIEF, TAL ACQ & PROCESSING BR
47. Agency Code HS CB	48. Personnel Office ID 4293
49. Approval Date 6/16/2010	

Standard Form 50  
Rev. 7/91  
U.S. Office of Personnel Management  
FPM Supp. 296-33, Subch. 4

**NOTIFICATION OF PERSONNEL ACTION**

1. Name (Last, First, Middle) <b>COCHRAN, KELVIN J</b>		2. Social Security Number [REDACTED]	3. Date of Birth [REDACTED]	4. Effective Date <b>8/17/2009</b>
---	--	---	--------------------------------	---------------------------------------

<b>FIRST ACTION</b>		<b>SECOND ACTION</b>		
5-A. Code <b>170</b>	5-B. Nature of Action <b>EXC APPT</b>	6-A. Code	6-B. Nature of Action	
5-C. Code <b>ZNM</b>	5-D. Legal Authority <b>6 USC 3212 CA</b>	6-C. Code	6-D. Legal Authority	
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority	

7. FROM: Position Title and Number	15. TO: Position Title and Number <b>ASSISTANT ADMINISTRATOR (USFA) PS900400 PS9004</b>
------------------------------------	--

8. Pay Plan <b>EX</b>	9. Occ. Code <b>0340</b>	10. Grade/Level <b>04</b>	11. Step/Rate <b>00</b>	12. Total Salary <b>153,200.00</b>	13. Pay Basis	16. Pay Plan <b>EX</b>	17. Occ. Code <b>0340</b>	18. Grade/Level <b>04</b>	19. Step/Rate <b>00</b>	20. Total Salary/Award <b>153,200.00</b>	21. Pay Basis <b>P</b>
12A. Basic Pay	12B. Locality Adj. <b>.00</b>	12C. Adj. Basic Pay	12D. Other Pay <b>.00</b>	20A. Basic Pay <b>153,200.00</b>	20B. Locality Adj. <b>.00</b>	20C. Adj. Basic Pay <b>153,200.00</b>	20D. Other Pay <b>.00</b>				

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization <b>FEDERAL EMERGENCY MGMT AGENCY US Fire Administration National Fire Academy Division  HS CB8003000000000000 PP 17 2009</b>
--	--

<b>EMPLOYEE DATA</b>				24. Tenure		25. Agency Use		26. Veterans Preference for RII				
23. Veterans Preference <b>1</b> 1 - None 2 - 5-Point		3 - 10-Point/Disability 4 - 10-Point/Compensable		5 - 10-Point/Other 6 - 10-Point/Compensable/30%		0 0 - None 1 - Permanent		2 - Conditional 3 - Indefinite		YES	<input checked="" type="checkbox"/>	NO
27. FEGLI <b>C0 BASIC</b>				28. Annuitant Indicator <b>9 NOT APPLICABLE</b>				29. Pay Rate Determinant <b>0</b>				
30. Retirement Plan <b>K FERS AND FICA</b>				31. Service Comp. Date (Leave) <b>8/17/2009</b>		32. Work Schedule <b>F FULL TIME</b>		33. Part-Time Hours Per Biweekly Pay Period				
<b>POSITION DATA</b>				35. FLSA Category				36. Appropriation Code		37. Bargaining Unit Status		
34. Position Occupied <b>2</b> 1 - Competitive Service 2 - Excepted Service		3 - SES General 4 - SES Career Reserved		<b>E</b> E - Exempt N - Nonexempt						<b>8888</b>		
38. Duty Station Code <b>11-0010-001</b>				39. Duty Station (City - County - State or Overseas Location) <b>WASHINGTON DIST OF COLUMBIA DC</b>								
40. Agency Data		41.	42.	43.	44.							

45. Remarks  
**APPOINTMENT AFFIDAVIT EXECUTED 8-17-09.  
 CREDITABLE MILITARY SERVICE: 00 YRS. 00 MOS.  
 PREVIOUS RETIREMENT COVERAGE:NEVER COVERED.  
 APPOINTMENT IS INDEFINITE.  
 FROZEN SERVICE: 00 YRS. 00 MOS.  
 INELIGIBLE FOR LEAVE.**

46. Employing Department or Agency <b>HOMELAND SECURITY</b>			50. Signature/Authentication and Title of Approving Official <b>E/S BY: ROBERT THORLAKSON CHIEF, TAL ACQ &amp; PROCESSING BR</b>		
47. Agency Code <b>HS CB</b>	48. Personnel Office ID <b>4293</b>	49. Approval Date <b>8/14/2009</b>			

November 16, 2007

Mr. Kelvin Cochran.  
263 North Common Street  
Shreveport, Louisiana 71101

Dear Mr. Cochran:

Congratulations on being selected as our new Fire Chief. Please accept this letter as a formal offer for the position.

This position is offered at an annualized salary of \$160,000, with benefits as indicated in the attached compensation package. Your employment will begin January 2, 2008, and is contingent upon the successful completion of a background check and a physical examination that includes a drug screening. Please note that your appointment requires the approval of City Council.

I look forward to your joining the City and bringing your public safety expertise to our Department of Fire Rescue. Please feel free to call me if you require other information or assistance during your transition.

If this offer of employment is acceptable to you, please sign a copy of this letter and return it to me within 5 business days.

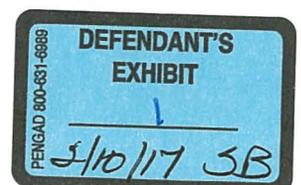
Sincerely,

Benita C. Ransom

  
\_\_\_\_\_  
Signature of Candidate

Attachment

C: Shirley Franklin, Mayor  
Greg Giornelli, COO



COA-Cochran 000046

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**KELVIN J. COCHRAN,**

Plaintiff,

v.

**CITY OF ATLANTA, GEORGIA;  
and MAYOR KASIM REED, IN  
HIS INDIVIDUAL CAPACITY,**

Defendants.

Case No. 1:15-cv-00477-LMM

**ORDER RE: MOTIONS FOR  
SUMMARY JUDGMENT**

The Court having considered Plaintiff's and Defendants' Motions for Summary Judgment, hereby orders that:

1. Plaintiff's Motion for Summary Judgment is GRANTED.
2. Defendants' Motion for Summary Judgment is DENIED.

SO ORDERED this \_\_\_ day of \_\_\_\_\_, 2017.

---

Leigh Martin May  
U.S. District Judge