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Testimony of Rabbi David Saperstein  
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Religious Accommodation in the Armed Services  
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House Subcommittee on Military Personnel

On behalf of the Religious Action Center of Reform Judaism, representing the Union for Reform Judaism, whose more than 900 congregations encompass over 1.3 million Reform Jews across North America, and the Central Conference of American Rabbis, which includes more than 2000 Reform rabbis, I write to express our views on the topic of religious accommodations in the U.S. military.

The U.S. military is a representation of our nation and its values – including the foundational commitment to religious freedom. Our service men and women of all faiths and no faith who risk their lives in defense of our country are entitled to the same religious liberty and protections that they defend in uniform.

The free exercise of religion among people of diverse faiths requires a delicate balance between religious liberty and reasonable limitations that ensure the ability of service members to fulfill their responsibilities, precisely because the members of the military are a “captive audience,” not free to walk away to exercise their religion in whatever manner they see fit nor to walk away from endorsements of religion that offend them. Special care must be taken.

If the functionality or safety of a unit is endangered, it is within reason for the commanding officer to consider suspending accommodation. Otherwise, service members must be able to abide by the teachings of their faith. Dietary restrictions, religious garb, observance of holidays, and specific time for prayer are just some of the examples of appropriate and necessary accommodation of religion. For these reasons, we welcomed the changes that the National Defense Authorization Act for Fiscal Year 2014 (H.R. 3304) made to the previous NDAA, remedying legislation that paved the way toward proselytization and religious coercion in the military. Sec. 532 of the new NDAA rightly notes that “Unless it could have an adverse impact on military readiness, unit cohesion, and good order and discipline, the Armed Forces shall accommodate individual expressions of belief...” Additionally, when members of the military are accommodated for certain religious needs, they should not have to re-request the same accommodation each time duties change or the circumstances of their service changes.



*The Religious Action Center pursues social justice and religious liberty by mobilizing the Jewish community and serving as its advocate in Washington, D.C. The Center is led by the Commission on Social Action of the Central Conference of American Rabbis and the Union for Reform Judaism (and its affiliates) and is supported by the congregations of the Union.*



At the same time, it is never acceptable for those in a position of authority to engage in proselytization; neither ought religious beliefs be a motivation for acts of discrimination. Sectarian prayer at mandatory, official functions is not acceptable.

Military chaplains in particular must be cognizant of the vital and sensitive nature of their sacred work that offers service members comfort even while serving in far-flung places. While military chaplains are free to pray and give counsel according to their faith traditions, no service member must ever be forced to participate in a religious act or service, whether it abides by their chosen faith tradition or not. In addition, with the end of the “don’t ask don’t tell policy,” it must be made clear that although a military chaplain may refuse to perform a marriage ceremony for a same-sex couple because it violates the teaching of his or her faith, a service member may never refuse to serve alongside a fellow soldier because of his or her religious teachings about sexuality.

Although military service requires a unique level of risk and restriction that is wholly separate from civilian life, the Constitution must always be the rule of law. That majority and minority religions could both have flourished in the United States is a testament to the essential underpinnings of the First Amendment, which guarantees not only that “Congress shall make no law respecting an establishment of religion” but also that an individual’s free exercise of religion cannot be infringed upon. It is due to this understanding of the separation of church and state that Judaism, for example, has been able to thrive in this country while historically, and still today, in many parts of the world the Jewish people have faced discrimination and prosecution.

We are inspired by Jewish tradition that teaches, “Do not separate yourself from the community” (*Pirkei Avot* 2:4). As Reform Jews, we support our service members for we are their community, just as they are ours. We are humbled by their sacrifices and those of their families. It is from this place of pride and gratitude that we express our interest in ensuring that our military embodies the religious liberty and protections enshrined in our Constitution for people of all faiths and no faith.