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THE EPISCOPAL CHURCH

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Introduction

Good morning Chairman Wilson, Ranking Member Davis and esteemed members of the Committee. Thank you for inviting me to be here today. It is an honor to speak with you.

Since 2010, I have been the Bishop for the Armed Forces and Federal Ministries for The Episcopal Church. In this capacity, I endorse and work with all the Episcopal chaplains in the Armed Forces. I had the honor of serving in the U.S. Navy in two capacities in my first career. In 2003, I retired in the rank of captain, serving as command chaplain of U.S. Joint Forces Command and fleet chaplain for the U.S. Fleet Forces Command. Prior to those assignments, I served from 1997–2000 on the Navy Chief of Chaplains' staff as personnel manager of the Navy Chaplain Corps. Prior to serving as a chaplain, I served 8 years of enlisted active duty and reserve service, first joining the Navy in 1966, serving aboard three Navy ships and spending one year in a logistics unit in the northernmost port of South Vietnam.

Based on my own service and my work now with Episcopal chaplains currently serving, I would like to share a few thoughts with you.

In 1976, after 8 years of enlisted active duty and reserve service in the United States Navy, I was in front of a Navy officer about to take the solemn oath of office as a Navy Chaplain Corps officer. Instinctively I knew that when I took the commissioning oath I was committing myself to serve the men and women in service to the United States. Not only was I taking this oath as an officer, I was making a pledge that I would support rights that are guaranteed by the First Amendment to the Constitution.

It was clear to me that the military chaplain may, at times, be required to place the needs and rights of the service member ahead of his or her own needs and rights. I began to learn that the ministry of a military chaplain is in some significant ways different from the ministry of the civilian religious leader. Normally a civilian religious leader is only responsible for and accountable to the congregation to which called. In contrast, the military chaplain has a far broader set of responsibilities. These responsibilities are for service to military members who come from a diverse population. Chaplains are not only called to care for the service members of the military unit to which the chaplain is assigned but also to be available to provide spiritual care for all of the women and men who serve within the chaplain's service component and the Department of Defense. This is a huge responsibility, which calls for a different set of operating principles.

Some 4 years later, during my first assignment on active duty, I learned a meaningful lesson about those operating principles. I was asked to participate in a retirement ceremony by offering prayers

for the retiree, a Navy Captain in the Dental Corps. Going to my distinctive Christian Book of Common Prayer I adapted a general prayer for the occasion. As I recall, the prayer ended with these words, "...through Jesus Christ our Lord." After the ceremony was concluded the retiring officer came up to me to thank me for being available to assist, and then in a calm and reasoned way said to me, "You might want to know that I and all the members of my immediate family present today are practicing Jews." It did not take me long to realize that I had just excluded the honoree and all of his family by offering an inappropriate prayer. I realized then that my responsibility when offering public prayers in uniform is to care for all of those who are present, not just those from my own faith tradition.

I tell this story because in a number of ways it gets to the heart of the subject of this hearing. The reality is that current Department of Defense policies, along with stipulations of law in Title 10 of the United States Code, provide more than adequate guidance in matters of religious accommodation for service members and chaplains alike.¹ In fact, the current Religious Accommodation policies elevate the importance of protecting the rights of service members to both practice their chosen religion without any command bias and simultaneously be protected from being subjected to unwanted religious advances. It is clear that the leaders of the Department of Defense wisely view such religious intrusions as an affront to unit cohesion, good order and discipline, and the Constitutional rights of individuals serving within a command. In the aforementioned example I created a potential violation of the need for unit cohesion, good order and discipline, and the individual's Constitutional rights. The service member for whom my prayers were offered was offended, and he should have been offended.

Today I am satisfied that when there have been instances of religious discrimination, such as inappropriate actions that lack heed for the requirements of religious accommodation, the service Secretaries, senior military and civilian leaders of the services, the service chiefs of chaplains, and unit commanders have taken swift and appropriate action to ensure that fairness, equality, and mission accomplishment are all held in a respectful and productive balance. For example, during the previous decade there were a number of high-profile allegations of religious discrimination at the United States Air Force Academy. Air Force leaders took swift corrective action by meeting with members of numerous civilian faith communities to create a system to ensure that the provisions of the First Amendment to the Constitution were thoroughly observed and maintained. I was one of the invited participants to these meetings. One result of their collaborative work was a comprehensive program based upon concepts of religious respect. The basic component of this program was to ensure that there was respect for the religious expression of all entitled persons at the Air Force Academy. These Air Force leaders set the benchmark for all to follow.

A Historic Military Model: Provide, Facilitate and Care

Traditionally service chaplaincy leaders have taught their chaplains to honor the requirements for religious accommodation. Each of the three services, Army, Navy, and Air Force, have taught their chaplains to use slightly different paradigms to enable designs for the delivery of religious ministry

¹**DoD Instruction** 1300.17 February 10, 2009, Incorporating Change 1, Effective January 22, 2014. Section 4.b. In accordance with section 533(a)(1) of Public Law 112-239 (Reference (d)), as amended, unless it could have an adverse impact on military readiness, unit cohesion, and good order and discipline, the Military Departments will accommodate individual expressions of sincerely held beliefs (conscience, moral principles, or religious beliefs) of Service members in accordance with the policies and procedures in this instruction. This does not preclude disciplinary or administrative action for conduct by a Service member requesting religious accommodation that is proscribed by Chapter 47 of Title 10, United States Code (the Uniform Code of Military Justice), including actions and speech that threaten good order and discipline.

support. One widespread paradigm, which is used by many Department of Defense chaplains, is to *provide, facilitate and care*. Very briefly I will review each component.

Provide: In accordance with the First Amendment, Title 10 of the U.S. Code, Department of Defense and service policy and doctrine, chaplains are taught to provide religious ministry support to the members of their faith communities. For example, a military chaplain who is a clergy person of the Evangelical Lutheran Church in America will provide for both Lutheran service members and for the extended community of all Department of Defense entitled service members who are members of the Christian faith. It is important to note that this Lutheran clergy person's military chaplain service is possible because the chaplain has received the Ecclesiastical Endorsement of a Federal Chaplaincy representative of the Evangelical Lutheran Church in America. Accordingly, this chaplain will use all of the rites, ordinances, sacraments, prayers and scripture texts that are appropriate for a Christian chaplain who is a Lutheran.

Facilitate: Using the example of the Evangelical Lutheran Church in America chaplain, there will be service members with whom it is inappropriate to outwardly function as a Lutheran who delivers rites and sacraments. It may be that the service member is Roman Catholic, Jewish, Buddhist, or Latter Day Saint. In these cases, the chaplain may have to do one of two things: either moderate and appropriately contextualize the personal delivery of religious ministry, or provide a personal referral to another religious ministry professional who can and will have a greater professional connection or affinity for the person in need.

Care: In a very straightforward way, uniformed religious ministry professionals are expected to do the work of pastoral support ministry to all people of the command to which he or she is assigned. The scope of that pastoral ministry may range from personal pastoral care for Christians who are Lutherans to Wiccans to atheists and free thinkers. As you can see, the broad range of armed services religious ministry requirements is one of the most diverse in America. The social and cultural context of the 21st century military is in the midst of change. In the wake of the removal of policies such as "Don't Ask – Don't Tell" and the Defense of Marriage Act, I understand that chaplains have been confronted with some significant challenges. Notwithstanding, as in other challenging religious ministry performance categories, the leaders of the military services have done splendid work in their efforts to insure that two things happen. First, the leaders have worked to insure that all uniformed members, to include gay and lesbian service members, and authorized members of their families are always provided with necessary and appropriate pastoral care. Second, the leaders have worked to insure that military chaplains, whose ecclesiastical faith communities may impose restrictions upon how their chaplains function, are never obligated to perform or provide any pastoral care ministry² that is outside of either their conscience or which is a breach of what their civilian ecclesiastical faith community leaders expect of them.

Situational Tools to Determine the Proper Religious Ministry Products

On a near daily basis one of the substantial challenges that military chaplains face is to determine the context of their religious ministry support so as to be able to tailor their words and actions when they deliver their religious ministry products. One of the traditional ways to make this determination is to evaluate the situation with the question of whether the event at which the religious ministry

² Recently two Ecclesiastical Endorsing groups, the Roman Catholic and Southern Baptist churches, have issued statements prohibiting their chaplains from engaging in pastoral and sacramental ministry with same-sex partnered couples. Notwithstanding, it is my belief that the chaplain's obligation to offer care for all service members is not diminished by such faith community statements. In cases where the chaplain cannot personally provide, there is an obligation to make a referral to a competent pastoral care provider.

support will be offered is a command function or a faith community function. Trained religious ministry professionals know that there is a significant difference between these two environments. Once identified, these differences will help the chaplain to determine the precise religious ministry product. Command functions are events that are directly sponsored by the command leaders and at which attendance may be mandatory. In contrast, faith community functions are designed in such a way that persons can self-select about whether or not to attend the function.

My earlier story about the retirement ceremony of a Navy dentist and my prayer is a very real and applicable example of this. A retirement ceremony is a command function which members of the command will be expected to attend. They have no choice but to be there. When I participated in that ceremony I was somewhat ignorant of the distinctions between command and faith community functions. The result was an oppressive religious ministry product that was inappropriate and lacked respect for the dignity of the intended recipient.

Conclusion

From my preceding statements it should be obvious that the landscape of religious ministry, to include religious pastoral care, is very complicated. Even considering the changing social and cultural environment, religious support within the United States military services always has been complicated. Today there are over 100 civilian religious organizations represented by clergy who serve as religious ministry professionals in the military branches. It is a challenge to create a service environment in which all chaplains and others can work together effectively. Simultaneously, military leaders, such as the chiefs of chaplains, are well aware of the ongoing need to respect the right of civilian religious ministry organizations to set the religious standards for the chaplains who are from their respective faith communities.

Faithful adherence to the tenets of the First Amendment, United States Code Title 10, service policy, and doctrine has been, is, and always will be a challenge. Service schools, to include the chaplain schools, must be very diligent and be given all necessary support in order to provide chaplain officers with the requisite training needed to navigate the emerging military landscape and simultaneously give nothing less than the finest religious ministry support to members of our military. It is my opinion that military chaplains may well be hampered in their responsibility to ensure the protection of First Amendment rights of all service members by enacting ill-advised law and policy changes. Thank you for providing me this opportunity to submit my testimony to you.