

**Prepared Statement**  
**of**  
**Mrs. Virginia S. Penrod**  
**Deputy Assistant Secretary of Defense (Military Personnel Policy)**  
**Before the**  
**House Armed Services Committee**  
**Military Personnel Subcommittee**  
**on**  
**Religious Accommodation in the Armed Services**

**January 29, 2014**

**NOT FOR PUBLICATION  
UNTIL RELEASED BY THE SUBCOMMITTEE**

Chairman Wilson, Ranking Member Davis, and distinguished members of the Subcommittee, I appreciate the opportunity to appear before you to address the Department of Defense's (DoD) role concerning the free exercise of religion and the accommodation of religious practices in the Armed Services.

We are grateful to the Congress for your continued commitment in upholding the protections of religious freedom guaranteed to all Americans by the Constitution and codified in law. The Department has the responsibility to safeguard the First Amendment rights of all military personnel. We place a high value on helping chaplains, as well as military personnel and their families, to observe the tenets of their religion. Continued assistance in helping the entire military community practice their religious beliefs is an important element of operational readiness and contributes to the well-being of our force.

The military Chaplaincy is as old as the Country itself, as it was authorized by the Second Continental Congress on July 29, 1775. Since that date, military chaplains have filled a critical role in assisting the Department in facilitating and safeguarding First Amendment rights of military personnel. Throughout this history, military chaplains have provided religious services and counseling, have advised commanders on ethical and moral issues, and provided key insight and guidance on general unit morale and welfare matters. Chaplains have cared for, and continue to care for, all Service members and their families with the utmost dignity, abiding compassion and respect regardless of the presence or absence of religious beliefs in both peacetime and at war.

The Armed Forces Chaplains Board, composed of six members, to include the three Chiefs of Chaplains and their Deputies. The responsibilities of this Board are to assist the Department in the establishment of policy pertaining to procurement, standards, requirements,

and training of military chaplains, the establishment and maintenance of a relationship with civilian church organizations and the clergy, and procurement of supplies, equipment and facilities.

For the past sixty years, this Board has provided advice to the Secretary of Defense, and other members of the Office of the Secretary of Defense, on religious, ethical, and moral matters for the Military Services. The Board is organizationally aligned under the Under Secretary of Defense (Personnel and Readiness). With the administrative support of an Executive Director, the Board continues in its role in providing advice concerning the accession and management of military chaplains from the nearly 200 different religious organizations who endorse these chaplains for ministry in the religiously pluralistic military environment. Since 2005, the Board has hosted an annual conference for the endorsing agents of these religious organizations to ensure continuance of a harmonious relationship and to keep open lines of communication regarding policies related to the religious freedoms of their chaplains.

Military members, to include Chaplains, may exercise their full range of rights under the First Amendment, including the free exercise of religion, unless by doing so the member would adversely affect good order, discipline, or some other aspect of the military mission. Even then, the Department and the Services seek a reasonable religious accommodation for the military member. We are extremely proud of our long track record of accommodating requests for religious practices on a case-by-case basis.

Throughout history, the Department and the Services have, through policy and practice, consistently sought to strike the proper balance required in protecting its members' religious practices and maintaining military operational readiness. The Department has a compelling governmental interest in mission accomplishment which includes military readiness, unit

cohesion, good order, discipline, health and safety on both the individual and unit levels. In short, religious accommodation requests will be approved, on a case-by-case basis, if such requests do not negatively affect mission accomplishment.

As I previously noted, the Department appreciates your leadership and concern on this vitally important subject. Military members are allowed to privately and/or publicly express their religious beliefs. They can use Bibles, Korans, Torahs, sacred text, and literature, and may discuss or share their faith with others. However, they may not coerce others of dissimilar faith or no faith to adopt their own beliefs. These are just a few examples to highlight the Department's policy, and hopefully reassure you that the Department's long standing religious accommodation policy remains viable and healthy.

Next, I'd like to address policy that specifically applies to the performance of chaplains' duties. First, in accordance with Department of Defense Instruction 1304.28, 19 January 2012, *Guidance for the Appointment of Chaplains to the Military Departments*, chaplains remain free to preach and conduct religious worship according to the dictates of their religions without fear of reprisal and without having to perform services, including giving sermons, which are inconsistent with their personal religious beliefs and those of the religious organizations that endorse them. Additionally, policy ensures they are neither required to participate in, nor officiate at, a ceremony where, if by doing so, they would be in conflict with the tenets of their religion or personal beliefs.

We have received letters of concern from the Congress asking about incidents where individual chaplains allegedly are being, or have been required, to perform duties inconsistent with the tenets of their faith. When the Department examined these allegations, we have been unable to find any evidence to support these claims. At our January 16, 2014 annual conference,

we sought examples of such policy violations from the numerous religious organizations that endorse our military chaplains. We also sought examples from our chaplains in training at their respective Chaplains Schools in Fort Jackson, South Carolina. Neither group reported knowledge of any such incidents, nor were they able to provide any illustrative information regarding these types of situations. Nevertheless, the Department and Military Department Chiefs of Chaplains continue to communicate the message that we are keenly interested in receiving information or having complainant provide concrete details of such incidents so that we can investigate, and when appropriate given the facts, take corrective action. The Department stands ready to immediately address any incidents that violate chaplains' rights in the performance of their duties.

In light of the concerns regarding religious freedoms of members of the Armed Forces identified in the National Defense Authorization Act (NDAA) for Fiscal Year 2013, and amended language in NDAA FY 2014, the Department recognized the need to clarify these freedoms in our policy. First, we have revised and published Department of Defense Instruction 1300.17 , *Accommodation of Religious Practices Within the Military Services*, to ensure the protection of rights of conscience of members of the Armed Forces in accordance with section 533 (a) of NDAA for Fiscal Year 2013. We delayed publication to specifically include changes directed by NDAA FY13. Second, we are revising Department of Defense Instruction, 1304.28, *Guidance for the Appointment of Chaplains to the Military* to bolster the protection of chaplains' decisions relating to conscience, moral principles, or religious beliefs in accordance with section 533 (b) of NDAA FY 13. However, because chaplains are Service members, their rights are protected in Department of Defense Instruction 1300.17.

In summary, Department policies allow for individual expressions of religious beliefs and strive to accommodate all such requests. If concerns arise, commanders of the unit involved handle these issues on a case-by-case basis with advisement from chaplains to find the best avenue in balancing religious freedoms with mission accomplishment.

In conclusion, the Department recognizes our duty to provide policy and oversight which safeguard the First Amendment rights of the high-quality, motivated, and well-trained men and women in our All-Volunteer Force. As we move through the 21<sup>st</sup> Century, we must continue to build upon the remarkable legacy of the visionaries who crafted the laws and policies that protect these rights. I thank this Committee for its continued and dedicated support to the men and women everywhere who are currently serving and to those who have served our great nation.