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Testimony of Rachel Laser
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Religious Accommodation in the Armed Forces
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2118 Rayburn House Office Building
House Subcommittee on Military Personnel

On behalf of 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 a variety of issues related to religious accommodations in the Armed Forces.

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. Free exercise of religion is our nation’s “First Freedom” and one we defend and promote around the world. Victims of religious persecution are strengthened when they see religious freedom and tolerance celebrated in our Armed Forces; service members are the embodiment of American values overseas.

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 to protect the rights to which they are entitled.

If the functionality or safety of a unit is endangered, it is within reason for the commanding officer to consider suspending religious 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...” We were also pleased to learn of new regulations that allow Humanist service members to identify as such on their identification tags, a positive step that acknowledges the diversity of faiths and non-faiths in the military. The



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.



Armed Forces Chaplains Board should follow this change and consider employing a Humanist chaplain.

Although this NDAA and the new identification tag regulation were steps in the right direction for religious freedom, many of the improvements enshrined in the NDAA were undercut by revisions to Department of Defense Instruction number 1300.17, specifically sections 4(g) and 4(j). The new language of section 4(g) requires individuals who seek religious accommodations to comply with military regulations while waiting for official recognition of the accommodation. This is especially troubling when considering certain religious obligations for hair and garb, ostensibly making it near to if not completely impossible for individuals of certain faiths to serve their country in uniform. For example, a Jewish service member who wears a kippa (skullcap) would have to take off his kippa while waiting for an official accommodation. This situation is not only faced by Jews – Sikhs who do not cut their beards for religious reasons would have to comply with the military regulation against facial hair also while waiting for an accommodation, creating a difficult environment for these and other religious practices.

Section 4(j) raises another critical issue for religious accommodation. When members of the military receive an accommodation for certain religious needs, they must re-request the same accommodation each time duties change or the circumstances of their service changes. This is an onerous impediment to military service that adds unnecessary stress to an already high-intensity situation, and is not in line with our nation's longstanding commitment to religious freedom for all individuals. These rights, responsibilities and special considerations extend to religious leaders of many faiths who serve in the military.

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. Religious freedom is just one of the critical values that shape and guide military service. Duty, responsibility, courage and respect are others that are deeply ingrained in the meaning and function of serving in the Armed Forces. For these reasons, it is important to acknowledge that if a service member is uncomfortable with the nature of sectarian prayer, he or she may be unlikely to speak up or report an incidence of proselytization to a commanding officer. The religious practices and conscience rights of chaplains are indubitably protected under the First Amendment, but an appropriate balance must be struck between the religious freedom of chaplains and the service members who seek spiritual guidance.

At the same time, it is never acceptable for those in a position of authority to engage in proselytization, and sectarian prayer at mandatory, official functions is not acceptable. 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's religious beliefs may never be an excuse for refusing to serve alongside a fellow soldier because of his or her sexual orientation.

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.