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Submitted to the U. S. House of Representatives
Subcommittee on Military Personnel
Committee on Armed Services

November 19, 2014

Hearing on Religious Accommodation in the Armed Forces

September 19, 2014

Chairman Wilson, Ranking Member Davis, and committee members,

Thank you for this opportunity to discuss the current challenges military members are facing concerning their religious liberties.

By way of introduction, the Chaplain Alliance for Religious Liberty (“CALL”) is a private, non-profit association that exists to advocate for and protect the religious liberty of chaplains and those they serve. Most of CALL’s members and leadership are official representatives of their various faith groups who certify chaplains for service in the U.S. Armed Forces. Through this certification relationship, CALL speaks on behalf of almost fifty percent of chaplains currently serving in the military. Further, almost all of CALL’s members and leadership are military veterans, most of whom served as chaplains. CALL brings that wealth of experience to bear in this public comment.

The military is a unique institution of the State that may, by law and by necessity, make uniquely comprehensive demands of individual service members that it cannot make of any other free member of society. Despite the unique constraints of the military, however, our Nation has a history of working hard to protect and accommodate military religious liberty. For this reason, the military chaplaincy was established even before the founding of our Nation precisely to ensure the free exercise of faith for all service members and their families. Thus, in keeping with the best of our national traditions, our military has long been a place where citizens could, as the Army Chaplain Corps’ motto states, serve *Pro Deo et Patria*—for God *and* Country.

Indeed, since the founding of our nation, our military has stood for respectful religious pluralism. At a time when preaching non-Anglican beliefs was punished by law in Virginia, then Colonel George Washington made sure the non-Anglicans under his command had a chaplain who shared their specific religious faith and could meet their spiritual needs. This legacy has endured because the military recognized that protecting authentic religious diversity is a necessity. Doing so both secures the constitutional liberty of the men and women protecting liberty for the rest of us, and respects what it means to be religious – living in accordance with one’s core convictions about the ultimate meaning of the universe. The military should continue to stand for robust inclusion of religious voices.

Over the past few years, however, our government has been retreating from that history of accommodation, enacting new policies without considering their dangerous effect on religious liberty and occasionally even taking overtly hostile actions toward people of faith. Chaplain Alliance for Religious Liberty has reported to you many incidents of concerns including:

- The Ohio Air National Guard removed an article that dared to mention the words, faith and Jesus Christ from a Wing newsletter while Moody Air Force officials allowed an article about atheism remain (See attachment);
- An Air Force Academy cadet required to removed a Bible verse from his personal whiteboard outside his living quarters;
- A devotional message by an Air Force chaplain removed from the base website, later reinstated after public outcry and intervention by some on this committee;
- A service member received a severe and possibly career-ending reprimand from his commanding officer for respectfully expressing his faith's religious position about homosexuality in a personal religious blog;
- An enlisted service member received career-ending punishment for sending personal invitations to his promotion party which mentioned that he would be providing food from Chick-fil-a due to his respect for the Defense of Marriage Act;¹
- A senior military official at Fort Campbell sent out a lengthy email officially instructing officers to recognize "the religious right in America" as a "domestic hate group" akin to the KKK and Neo-Nazis because of its opposition to homosexual behavior;²
- An Army equal-opportunity officer gave a Power Point training presentation that listed "Evangelical Christians," "Catholics," and "Ultra-Orthodox [Jews]" as "Religious Extremist[s]" alongside the KKK and Al Qaeda;³
- A chaplain being relieved of his command over a military chapel because, consistent with his Biblical view of the definition of marriage, he could not allow same-sex weddings to take place in the chapel;⁴

¹ See *Military Under Fire*, Marriage Anti-Defamation Alliance, March 8, 2013, at 3:50 to 4:20 available at <http://marriageada.org/military-under-fire/> (last visited April 17, 2013).

² See Todd Starnes, *The Army's List of 'Domestic Hate Groups'*, FOX News, April 10, 2013, available at <http://radio.foxnews.com/toddstarnes/top-stories/the-armys-list-of-domestic-hate-groups.html> (last visited April 17, 2013).

³ See Nicola Menzie, *Evangelical Christianity, Catholicism Labeled 'Extremist' in Army Presentation*, The Christian Post, April 6, 2013, available at <http://www.christianpost.com/news/evangelical-christianity-catholicism-labeled-extremist-in-army-presentation-93353/> (last visited April 17, 2013).

⁴ See CALL Statement, *DADT Repeal Immediately Creates Major Problems*, available at <https://s3.amazonaws.com/media.gracechurches.com/downloads/Chaplain+Alliance/2012-09-17+Chaplain+Alliance+News+Release.pdf> (last visited April 17, 2013).

- A chaplain who asked a senior military officer whether religious liberty would be protected in the wake of the repeal of the law against open homosexual behavior in the military being told to “get in line” or resign;⁵
- A chaplain was pulled from receiving a previously scheduled career advancement because, during the legislative debate on the repeal of DADT, he forwarded an email respectfully explaining the possible negative ramifications of repeal on the chaplain corps.⁶

A more complete list of concerns is provided in a document, “Clear and Present Danger: The Threat to Religious Liberty in the Military” published by the Restore Military Religious Freedom coalition of which I am a member.

The vast majority of these blows to religious expression have come in the context of matters of sexual ethics, specifically homosexuality. The Obama Administration has quietly but steadily imposed a type of sexual orientation non-discrimination requirement for the military. These developments have created conflicts with service members and chaplains who hold traditional religious views on marriage and sexuality: that sex is meant for marriage, and that marriage means a union between a man and a woman.

Crucially, the conflict for chaplains has not concerned *whom* they serve but *how* they serve. Every chaplain is duty-bound to respectfully provide for the religious needs of all service members, including those who do not share or even oppose their beliefs. But chaplains must, as a matter of both law and conscience, serve these needs while authentically representing their faith as ministers who teach, preach, counsel, and advise in accordance with their faith’s beliefs. While there is no question chaplains will continue to serve all service members with respect and care, there is increasing reason to fear that the government will not allow them their Constitutional freedom to do that job as their faith requires and their own conscience demands. And that diminution in liberty will in turn harm the rights of those such chaplains exist to serve: the men and women of our military.

Although the military may, when absolutely necessary as a part of its mission, diminish some aspects of religious liberty, it may not, and must not, extinguish it.

Our Nation’s effort to accommodate service members’ religious needs has been remarkably successful and “follows the best of our traditions.”⁷ That tradition of accommodation has given wide latitude for religious freedom in the military—a latitude necessary to allow the broad practice of religious belief that faith requires. Religious believers exercise their faith “not only [via] belief and profession but [also] the performance of (or abstention from) physical acts,” including religious

⁵ *Id.*

⁶ See *Military Under Fire*, *supra* at n.27, at 4:21 to 4:44.

⁷ *Zorach v. Clauson*, 343 U.S. 306, 314 (1952) (praising the State’s efforts to accommodate, and thus respect, the “spiritual needs” of citizens).

associations, actively sharing religious beliefs with non-believers, and avoiding (or condemning) conduct understood as immoral.⁸

Engaging in such expressions of faith is often a religious duty, one that particularly extends to protecting the institution of marriage and the family. Under the traditional Christian view, which is broadly supported across other religions, sex is permissible only within the context of marriage, and marriage exists only between a man and a woman. *See, e.g., Genesis 2:24, Matthew 19:5, 1 Corinthians 6:16.*

Thus, service members who share those beliefs and chaplains who represent them, must both live and express their faith group's teaching on the nature of marriage and family. When faced with circumstances that require them to treat any sexual union other than one between a man and a woman as the equivalent of marriage, such service members and chaplains will be required by conscience to abstain. To do anything less would be a failure of their duty to God and, for the chaplains, would corrupt their role as religious representatives of their faith. But adhering to this basic and long-respected duty to God has become increasingly difficult in our military.

These attacks on religious liberty may be mitigated somewhat by the passage of statutory protections for service members' and chaplains' rights of conscience, such as section 533 of the 2013 National Defense Authorization Act. Thank you for your work in passing this protection as well as the language in section 532 of the 2014 NDAA. Unfortunately, the President indicated his opposition to the conscience protections by calling this provision, "ill-advised and unnecessary,"⁹ and the Secretary of Defense has moved very slowly in following through on section 533's command that he "issue regulations implementing the protections afforded by this section."

At a minimum, the government must fulfill its statutory duty required by section 533. But even the most robust regulatory enforcement of section 533 and of similar laws guaranteeing military religious liberty, such as the Religious Freedom Restoration Act, will not be enough. As long as military leaders are labeling orthodox religious believers as "domestic hate groups" and comparing them to the KKK and Al Qaeda simply for their faith's long-held beliefs about marriage and family, the military will be abandoning its duty to protect religious liberty for service members. This kind of poisonous climate—which is often mirrored in the culture at large through implicit and explicit comparisons between traditional religious sexual ethics and racism—should have no place in our armed services. Its continuation not only offends religious liberty, it threatens the unity and *esprit de corps* that is necessary to a functioning military.

⁸ *See Emp't. Div., Dep't of Human Res. of Or. v. Smith*, 494 U.S. 872, 877 (1990).

⁹ *See* Statement on Signing the National Defense Authorization Act for Fiscal Year 2013, 2013 Daily Comp. Pres. Docs. 00004, p. 1 (Jan. 2, 2013).

If these practices continue, the harm to military religious liberty will be felt in at least two broad ways. The first is the weeding out of service members who hold traditional religious beliefs about marriage and the family. Service members are evaluated for promotion and retention via processes, such as Officer Evaluation Reports, which specifically ask whether the service member under consideration promotes the military's equal opportunity policy.¹⁰ That inquiry would, for the first time, prove toxic for many devoutly religious service members if senior military leaders are advised that traditional religious beliefs about marriage are irrational and impolitic. Even if nothing directly negative was put into such Reports, the lack of the superlative commendations that are necessary for advancement would be enough to permanently stall a service member's career. And in the military, if a service member is not on the way up, he is on the way out.¹¹ Thus, traditional religious service members and chaplains would slowly find their promotion ceilings decreasing, their range of service possibilities shrinking, and their careers ending.

The second form of negative pressure on religious liberty would arise from situations where a service member's or, more often, a chaplain's military duty will force him into a direct conflict with his religious beliefs. The military's marriage-building programs stand out as particularly problematic for both commanding officers and chaplains. Congress authorized these programs to provide chaplain-led support for the marital relationship between active duty service members and their spouses.¹² Thus, for instance, the Army chaplaincy provides, with the full support of commanding officers, a marriage enrichment program known as Strong Bonds.¹³ Strong Bonds courses instruct married couples on how to strengthen and renew their marital bonds. While Strong Bonds is not a religious program, its marital instruction is currently congruent with traditional religious beliefs about marriage as the union of one man and one woman. If marriage programs like Strong Bonds are bluntly restructured to treat same-sex unions as the equivalent of marriages, many chaplains and commanding officers who personally administer the programs would face a direct conflict with their faith.

This conflict illustrates a chaplain's complete willingness to serve *whoever* needs care, but not *however* the military demands. Chaplains represented by CALL want to minister to service members who are in same-sex sexual relationships on any number of issues, but they cannot treat those relationships as the equivalent of

¹⁰See Army Officer Evaluation Report at 2 (asking whether the evaluated officer "promotes dignity, consideration, fairness, and EO [i.e., equal opportunity]," available at http://armypubs.army.mil/eforms/pdf/A67_9.PDF (last visited Jan. 25, 2013); see generally Army Regulation 623-3, Evaluation Reporting System.

¹¹ See 10 U.S.C. § 632 (providing that, in most instances, an officer who twice fails to be selected for promotion must be discharged).

¹² See 10 U.S.C. § 1789.

¹³See Army Strong Bonds Home Page, available at <http://www.strongbonds.org/skins/strongbonds/home.aspx> (last visited Jan. 24, 2013).

marriage without violating both their conscience and the endorsement of their specific faith group.¹⁴

Because their military and religious duties call them to express their religious beliefs regularly and in a number of different ways, chaplains would likely face a number of similar direct conflicts. For instance, chaplains may be disciplined for refusing to turn their worship services over to individuals who unrepentantly engage in sexual behaviors that the chaplains' faith group understands as immoral.¹⁵ Chaplains may be punished for declining to privately counsel same-sex couples on certain matters relating to a couple's relationship¹⁶ or for counseling them according to their faith group's traditional religious beliefs on marriage.¹⁷ Chaplains with traditional religious beliefs who, as is common now, are required to advise their commander about questions of sexual ethics or to teach ethics courses at military schools, may be punished for expressing their convictions in those capacities. Chaplains who are often entrusted with hiring civilians for military ministry positions such as Sunday School may be punished if they continue to allow their religious beliefs to inform their hiring choices.

Each of these direct conflicts injures not only chaplains, but also—and more importantly—those whom they serve. It cannot be overemphasized: *restrictions on chaplains are restrictions on the service members whom chaplains exist to serve.* If

¹⁴See, e.g., Southern Baptist Endorsed Chaplains/Counselors in Ministry, Statement Regarding Ministry Expectations at 2, *available at* <http://www.namb.net/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=8590121959&libID=8590121973> (last visited Jan. 24, 2013) (statement by the NAMB, the military's largest endorser, that its chaplains may not participate in "marriage enrichment . . . training" if doing so would "endorse[] . . . homosexuality.") (last visited Jan. 24, 2013); *accord* Manhattan Declaration, *supra* at n.6 (confirming that religious believers cannot treat same-sex sexual unions as the equivalent of marriage).

¹⁵See *Akridge v. Wilkinson*, 178 F. App'x. 474 (6th Cir. 2006) (upholding a prison's punishment of a prison chaplain for refusing to allow an openly homosexual prisoner to lead a worship service); *accord Phelps v. Dunn*, 965 F.2d 93 (6th Cir. 1992) (allowing a volunteer prison chaplain to be sued for refusing to permit an openly homosexual prison inmate to take a leadership role in chapel services).

¹⁶See *Ward v. Polite*, 667 F.3d 727 (6th Cir. 2012) (addressing a government university's requirement that a counseling student violate her religious beliefs and affirm homosexual relationships); *Keeton v. Anderson-Wiley*, 664 F.3d 865 (11th Cir.2011) (same).

¹⁷See Daniel Blomberg, *Mounting Religious Liberty Concerns*, Daily Caller, Aug. 6, 2010, <http://dailycaller.com/2010/08/06/mounting-religious-liberty-concerns-in-dont-ask-dont-tell-attack-grow-with-new-revelations-from-active-duty-chaplain/> (last visited Jan. 24, 2013) (recounting the experience of a U.S. military chaplain serving in a foreign military that recognizes same-sex marriage; the chaplain, after a private and amicable counseling discussion with one service member that briefly discussed the chaplain's religious beliefs on homosexuality, was threatened with punishment by a senior officer for expressing those beliefs).

chaplains representing faith groups with traditional religious beliefs on marriage and family are removed from or kept from roles that would be prone to experiencing conflict—such as administering the Strong Bonds program—they, and the service members whom they serve will view such a move as direct government hostility to their faiths. The Federal Government would have effectively established preferred religions or religious beliefs within the military.¹⁸

Let me close by giving an example. Just a few months ago chaplains in Afghanistan were given mandatory “Post-DOMA repeal” training for serving in this new environment. This training is scenario-based. Endorsers and chaplains were told that this would be a time to say whatever you wanted to say without fear of retribution. One of the scenarios involved a same-sex couple asking to send their child to a chapel youth group. The chaplain said that of course the child would be accepted, but the couple would be told that a Biblical view of marriage would be taught at the youth group.


A disgruntled Chaplain Assistant in the training, violating the conditions of the training, reported this comment to the EO officer who reported it the commander. A 15-6 investigation (the Army’s formal investigation into alleged wrong doing) was initiated on the chaplain. The chaplain was told a “letter of Caution” would be placed in his file, but when the JAG was reminded of the NDAA language nothing was done. However, this chaplain now has a negative history that will go with him throughout his career.

General Patton once said, "Wars may be fought with weapons, but they are won by men. It is the spirit of the men who follow and of the man who leads that gained the victory." If we force our service men and women to surrender their religious beliefs and abandon their freedom to operate according to their conscience, we are, in essence, attacking and ultimately crushing, their spirits. Spirits that are crucial to the perpetuation of our great American military, and spirits who are ensuring the safety of our people and many others every day.

Our nation has a long and admirable history of protecting the religious liberty of those who give their lives to protect ours. We must not abandon that heritage now. The military must stop this attack on the religious freedom and spirits of its members. No American, especially those serving in the armed forces, should be forced to surrender their religious beliefs. I thank this committee for all you have done to ensure that chaplains and those they serve will be able to serve both God and country without fear of retribution.

¹⁸ *Rigdon*, 962 F. Supp. at 164 (finding that a military policy allowing Catholics of one belief on abortion to share that belief while ordering Catholics of a contrary belief to remain silent impermissibly “sanctioned one view of Catholicism . . . over another.”).

Respectfully,

A handwritten signature in black ink that reads "Ronald A. Crews". The signature is written in a cursive style with a large initial 'R' and a distinct 'A'.

Chaplain (COL) Ronald A. Crews, USA (Ret.)
Executive Director



Atheist ponders spiritual fitness

Commentary by Senior Airman Jarrod Grammel
23d Wing Public Affairs

5/20/2013 - **MOODY AIR FORCE BASE, Ga.**, -- On May 17, Moody Air Force Base, Ga., held the next in a series of Comprehensive Airman Fitness (CAF) Days, each focusing on a different pillar of CAF.

This time, the pillar and focus for the day was spiritual fitness. Air Combat Command states that spiritual fitness is about having a sense of purpose and meaning in life. For the majority of people this will involve God and their religious beliefs. However, I believe religion isn't the only, and perhaps shouldn't, be the only way to achieve spiritual fitness.

As an atheist, people sometimes ask and wonder where I get my sense of purpose. I don't believe that God created me and has a special purpose for me in life, but rather that I'm the result of 4 billion years of evolutionary success on a minor planet of an average star in a universe with at least 100 billion galaxies.

And that's perfectly fine with me. My purpose and meaning comes from a desire to improve the world, help people, achieve my goals and enjoy the simple things in life.

I've always thought that one of the most important things to do in life is leave the world a better place than when you were born. This relatively broad statement could mean many things: a teacher who molds future generations into productive citizens, a scientist who makes an important discovery, a doctor who saves lives or an author who changes the way people think about a subject.

If you're like me, the mention of the word spiritual brings to mind ideas of spirits, ghosts, the supernatural or some kind of God. Sam Harris, author, philosopher and neuroscientist, points out that despite the term's unfortunate ties to medieval superstitions, these associations have nothing to do with its etymology.

The word spirit actually comes from the Latin term spiritus, meaning breath, and it wasn't until the 13th century that the term became associated with these ideas.

Harris argues that the word spirit should not be reserved for only the religious. In a blog post on spirituality, he acknowledges that human consciousness can allow for remarkable experiences.

"The fact that one can lose one's sense of self in an ocean of tranquility does not mean that one's consciousness is immaterial or that it presided over the birth of the universe," Harris wrote in a blog. "... a maturing science of the mind should help us to understand and access the heights of human well-being. To do this, however, we must first acknowledge that these heights exist."

Another aspect of spirituality for many religious people is praying. For the nonreligious, Harris believes certain practices of meditation are nontheistic and can be brought up in any secular or scientific context without embarrassment. The practice of "mindfulness" has been shown to have psychological benefits such as mitigating anxiety, emotional regulation, self awareness and improving cognitive function.

Another aspect of spiritual fitness is a feeling of connectedness. I think it's important to interact with other people who have similar interests or worldviews. For the religious, church offers the opportunity to connect with like-minded people.

However, there are many other ways to connect with people. Sports, book clubs, running groups and even family gatherings can help connect you with people who share similar interests and worldviews.

I also believe a deep appreciation of art, music and even nature can be spiritual in a loose sense. I've often found myself leaning against a tree, reading a book on a clear day, and felt an overwhelming sense of calmness and clear mindedness. Or perhaps it can be felt after a long day of work when you listen to a favorite song.

However you chose to think about spiritual fitness, it doesn't have to be reserved only for the religious. Whether you believe your purpose in life comes in the form of God's divine plan or not, everybody should feel their life has meaning. And maybe we don't have a divine purpose, but rather that we must find our own.

COMMANDER'S COMMENTS: A SPIRITUAL JOURNEY AS A COMMANDER

First, I want to honor and thank you, present and past veterans, for your dedication and service to our wonderful, great nation. Every military branch has their own creed, serving as a guidepost for our actions. Each creed has similar themes and values reminding us of our responsibilities and duties when we put the uniform on. Of course, the most important to us, and my personal favorite is the Airman's Creed.

I am an American Airman.
I am a warrior.
I have answered my nation's call.

I am an American Airman.
My mission is to fly, fight and win.
I am faithful to a proud heritage,
A tradition of honor,
And a legacy of valor.

I am an American Airman,
Guardian of freedom and justice,
My nation's sword and shield,
Its sentry and avenger.
I defend my country with my life.

I am an American Airman:
Wingman, leader, warrior.
I will never leave an Airman behind,
I will never falter
And I will not fail.

As your medical group commander, our mission is to keep our Stingers medically ready at all times. We all must be fit to serve the Governor of Ohio in times of a natural or man-made disaster, civil disturbances or for the President of the United States during war or peacetime contingencies.

For the past 36 years I have been in the military. I started out as a young enlisted member reaching the rank of sergeant and worked my way up to colonel. Over the years, I have moved between three branches of service including the Marine Corps, Army National Guard and now as a member of the 180th family in the Air National Guard. There have been many challenges and adversities along the way that really impacted my life. I was challenged with the loss of my father at age 24, discrimination, career advancement, college, exposed to all walks of life; drugs, alcohol, immoral lifestyles and the many challenges of patient care. It is my strong spiritual foundation that has kept the light shining on my path. I would not be the man I am



Colonel Florencio Marquinez
Medical Group Commander

today if it wasn't for my mother leading our whole family to Jesus Christ. Her creed to us five children growing up is God first in your life, then comes family and third work.

The Air Force core values of service before self, integrity first and excellence in all we do also serve as a foundation in my life. I believe God expects us to live our lives by these values. As a commander, I deal with a diverse group of medical specialties, medical logistics, administrators, nursing service, medics, dental, optometry, public health, bioenvironmental and physicians. I try to emphasize that everyone is unique and have their own special talents that can create a successful organization when combined.

I encourage empowering people with their talents and strengths no matter how young or old and regardless of if they have rank on their sleeves or collar. Humbleness and the ability to listen and respect the ideas of one another are vital because they work towards sustaining successful organization.

My career both in the military and civilian world have brought many challenges and struggles but one verse from the bible that helped me get through them is from Matthew 19:26: With God all things are possible.

No matter how stressful your life can be with juggling family issues, relationships, career advancement, work, school, or any burden that life throws your way, cast it upon the Lord and He will sustain you. In 2006, the phrase "In God we Trust" was the 50th anniversary of its adoption, the Senate reaffirmed it as the official national motto of the United States of America. This phrase can also be found in the bible in Psalm 118:8, Psalm 40:3, Psalm 73:28 and Proverbs 29:25.

Our DPH, Alina Fuller, emphasized the four pillars of wellness : spiritual, social, emotional and physical. The goal is to achieve a healthy balance in all four. When we slip in one of these areas the others become unbalanced causing a lower ability to achieve resiliency in life.

The military has many resources through the Director of Psychological Health, Chaplain's office, medical services and various training opportunities to help you achieve success in your professional, personal and spiritual development.