

June 16, 2015 Edition

A CLEAR AND PRESENT DANGER:



The Threat to Religious Liberty
in the Military

Introduction

The Armed Forces of the United States have defended this nation for well over two and a quarter centuries. The soldiers, sailors, Marines, airmen, and Coast Guardsmen who have been injured, wounded, and killed in defense of our country often have been very committed to their faith in God. Should it be surprising that those who face serious injury and death so regularly might focus more consciously on matters of eternity? It seems only natural that the gravity of military life should lead to serious consideration of spiritual matters.

Military life is hard and dangerous. It requires a level of focus and endurance – physical, mental, and spiritual – that simply is not required of many other occupations. Consequently, one would expect that those who pursue a military life must attain to a higher level of self-discipline than their civilian counterparts.

In this, as in many areas of life, George Washington is a towering example of what it means to be a great soldier in a republic. Washington was extremely disciplined and deeply religious. These traits were not merely coincidental. Rather, they were self-reinforcing. So it is with members of the modern Armed Forces. Religious conviction is not merely an add-on belief; it is like a strand in a rope that complements the others while greatly increasing strength.

Military life in the United States has always had a strong religious component for the reasons given above but also, as Alexis de Tocqueville noted, because Americans have been and continue to be a genuinely religious people. Rather than being divisive, the strong religious presence in the United States military has had a unifying effect. In the times of greatest peril to life and limb, it is a great comfort to know that many of those with whom your life is entrusted share a commitment to each other, to the United States, and to God. Simply put, devotion to moral principles derived from a Higher Power allows for a greater level of trust to exist among members of the military.

Therefore, it is with great unease that we at the Family Research Council (FRC) have noted a growing hostility to religion within the armed services in the last decade. Unfortunately, pressures to impose a secular, anti-religious culture on our nation's military services have intensified tremendously during the Obama Administration. This pressure exists across the armed services, but it has become extremely acute in the United States Air Force (USAF). The Air Force has had the great misfortune to be targeted by anti-Christian activists. Regrettably, some of the highest-level officers within the Air Force appear to be cooperating with this effort, and those in the other military branches are feeling its effects as well.

What follows is a list of discrete events presenting a larger picture of the threat to religious liberty that now exists in America's armed forces. The examples provided represent only a portion of the concerted efforts to scrub the military of religious expression, through which the chilling effect of punishment and potential career destruction lie at the back of everyone's mind.



A handwritten signature in black ink that reads "Tony Perkins".

Tony Perkins
President, FRC



A handwritten signature in black ink that reads "William G. Boykin".

Lt. Gen. (Ret.) William G. "Jerry" Boykin
Executive Vice President, FRC

Casey Weinstein – 2004

United States Air Force (USAF) Academy grad (1977) and attorney, Michael “Mikey” Weinstein’s son, Casey, was a USAF Academy cadet at this time. Casey complained that flyers that were placed on all cadets’ breakfast plates advertising Mel Gibson’s *The Passion of the Christ*. Distribution of the flyers stopped after that. (In 2005, Mikey Weinstein founded the Military Religious Freedom Foundation [MRFF], headquartered in Albuquerque, NM).¹

Weinstein emerges as a major critic of the USAF Academy – February 19, 2005

Mikey Weinstein emerged as a critic of the Air Force Academy and appeared on *Good Morning America*. Weinstein warned: “What you’ve got is a lusty and thriving religious intolerance that is objectively manifesting itself in prejudice and discrimination and is obliterating the First Amendment, civil rights and the US Constitution.” According to Weinstein one group in particular posed a risk at the Academy: “There are senior people that view evangelical Christianity at the Air Force Academy the way that you and I would view gravity. Pick up a pen and drop it and it falls on the desk. Well, it just exists, it’s gravity.”²

Air Force Superintendent General John Rosa responds – February 19, 2005

After apologetically telling the *Good Morning America* audience that misdeeds had taken place at the Academy, the Superintendent, General John Rosa, presciently warned of an overreaction that could threaten religious liberty.³

Weinstein complains about USAF Academy course on religious sensitivity – May 2005

In response to critiques from Weinstein and others, the Air Force created a task force to review the religious climate at the Academy. The Air Force sent a warning about “religious respect” to all installations worldwide, and the Academy started a course, “Respecting the Spiritual Values of All People” (RSVP) that, as described by the *Washington Post*, made a good-faith effort to correct problems at the school. Weinstein called this effort “putting lipstick on a pig” and blamed the religious climate on “a leadership that encourages the evangelicals and tolerates bias.”⁴

USAF Academy Task Force reviews Academy’s religious policies – June 22, 2005

The Task Force found no widespread religious discrimination at the Air Force Academy.⁵ However, some cadets and staff were deemed insensitive to various religious beliefs.⁶ Weinstein responded by saying the Academy’s religious climate is “Inquisition 2.0,” and charged that evangelical Christians have “weaponized the gospel of Jesus Christ.”⁷

Weinstein sues the Air Force – October 2005

Weinstein sues the USAF alleging “severe, systemic and pervasive” religious discrimination in that service.⁸ In particular he objected to a statement by Brig. Gen. Cecil R. Richardson, the Air Force’s deputy chief of chaplains, in the July 12th *New York Times* saying, “We will not proselytize, but we reserve the right to evangelize the unchurched.”⁹

Weinstein dismissed – October 26, 2006

Weinstein’s suit is dismissed by U.S. Judge James A. Parker in Albuquerque, New Mexico, because “it contained only vague allegations that the academy is biased in favor of evangelical Christians and improperly allowed evangelizing. Parker also ruled the group of graduates making the allegations lacked legal standing to bring the claims.”¹⁰

Christian Embassy targeted by anti-Christian group – December 2006

Weinstein asked for—and received—a Department of Defense (DOD) Inspector General investigation of seven officers who appeared in a video for Christian Embassy ministry. The Inspector General (IG) concluded in August 2007¹¹ that the video was inappropriate, but Weinstein was not satisfied. After seeing the IG's report, Weinstein told *Beliefnet* that even though the Air Force suggested corrective actions MRFF "wanted to see courts martial."¹² In its press release MRFF also stated, "MRFF intends to file expeditiously a comprehensive Federal lawsuit that will rapaciously pursue legal remedies to the multitude of horrific Constitutional violations this DOD/IG report reveals."^{13,14}

Anti-Christian leader finds an ally in the USAF: Chief of Staff – February 2009

Early in President Obama's first term, in a major turning point for Weinstein's relationship with military leaders, he met with Air Force Chief of Staff Norton A. Schwartz. Weinstein said that Schwartz "acknowledged that there [was] a problem" regarding religious freedom in the military.¹⁵

Anti-Christian group praises USAF leadership – December 2009

In a sharp turnaround from the previous four years, by the end of 2009 Weinstein was praising Air Force leadership. The Academy Superintendent complimented Weinstein as well.¹⁶

Calling Commissioner Gordon – February 2010

As a measure of how cozy the relationship between Weinstein and the Air Force Academy Superintendent, Lt. Gen. Mike Gould, had become, Weinstein and Gould devised a secret code word to ensure that Weinstein could have instant access to Gould. "We have our own bat-signal," Weinstein boasted.¹⁷

Conservative religious leader disinvited to Air Force Base – February 25, 2010

Family Research Council President Tony Perkins, a Marine Veteran and ordained minister was disinvited to address the National Prayer Luncheon at Andrews Air Force Base outside Washington, D.C. after he spoke publicly in opposition to the Obama Administration's effort to repeal the ban on open homosexuality in the military. The invitation was revoked even though Mr. Perkins had made clear he had planned to give a devotional, non-political message.^{18,19}

International ministry leader disinvited to Pentagon – May 6, 2010

Franklin Graham, son of Billy Graham, and President of the international relief ministry, Samaritan's Purse, was disinvited to the Pentagon's National Day of Prayer service by the Army because of his comments about Islam. His invitation was revoked because Graham referred to Islam as an evil religion and "horrid" for its treatment of women. Graham expressed regret for the decision, but maintained his strong support for the military.²⁰

Chaplain is censored when trying to raise concerns after repeal of "Don't Ask, Don't Tell" – January 2011

Soon after the "Don't Ask, Don't Tell" (DADT) policy was repealed, an Army chaplain of Lieutenant Colonel rank received an e-mail copy of a published article presenting some thoughtful points about the whole DADT debate, from a senior chaplain who was a Colonel. The Lieutenant Colonel chaplain thought it was a good article and sent it to his subordinate chaplains. It was intercepted by his chaplain Colonel supervisor who indicated she was very angry and intimated that the Lieutenant Colonel's decision to share the article was somehow

improper. She then told him his just-decided assignment to Germany was cancelled because he "needed an assignment with more supervision." Thus, this Lieutenant Colonel chaplain became the first chaplain after the DADT repeal to be punitively managed as a result of his religious views about homosexual behavior. Subsequently, the female Colonel chaplain retired from the Army and married her lesbian partner.²¹

Christian prayer is banned at military funerals – July 26, 2011

After going undercover, U.S. Rep. John Culberson (R-TX) confirmed that the Houston National Cemetery was preventing Christian prayers from being said at military funerals. According to Todd Starnes' report, "[Culberson] witnessed volunteer members of the honor guard from the Veterans of Foreign Wars being prohibited from using any references to God." In October 2011, the Veterans Administration (VA) settled a lawsuit filed by the Liberty Institute regarding religious freedom and free speech at the cemetery. The VA agreed to numerous terms that helped to restore prior policies there and paid \$215,000 in legal fees.^{22, 23}

Air Force pulls ethics course from curriculum at air base – July 27, 2011

For 20 years, an ethics training course for nuclear missile officers was conducted by a chaplain at Vandenberg Air Force Base, Calif. It included texts from the Bible and materials related to just war theory by Saint Augustine. This course was pulled for "thorough review" by the Air Force primarily due to its use of Christian reading materials.²⁴

Air Force Chief of Staff chills religious speech in service-wide memo – September 1, 2011

Chief of Staff Gen. Norton Schwartz issued a service-wide memo entitled, "Maintaining Government Neutrality Regarding Religion." Schwartz wrote: "Leaders at all levels must balance Constitutional protections for an individual's free exercise of religion or other personal beliefs and its prohibition against governmental establishment of religion." For example, they must avoid the actual or apparent use of their position to promote their personal religious beliefs to their subordinates. "Commanders ... who engage in such behavior may cause members to doubt their impartiality and objectivity. The potential result is a degradation of the unit's morale, good order and discipline." In the 9/1/11 memo, Schwartz also warned commanders against open support of chaplain-run events stating that they "must refrain from appearing to officially endorse religion generally or any particular religion." He adds, "Therefore, I expect chaplains, not commanders, to notify Airmen of Chaplain Corps programs." Finally, Schwartz advises anyone who has concerns "involving the preservation of government neutrality regarding religious beliefs" to contact a military attorney.^{25,26,27}

Walter Reed Medical Center bans Bibles and religious material – September 14, 2011

Walter Reed National Military Medical Center, the leading medical institution for the U.S. armed forces, issued an official patient and visitor policy banning Bibles. It stated, "No religious items (i.e. Bibles, reading material, and/or artifacts) are allowed to be given away or used during a visit."²⁸ In December 2011, the policy was rescinded after a political firestorm erupted in the House of Representatives.^{29,30}

Air Force Academy apologizes for its promotion of Christmas charity – November 3, 2011

Air Force Academy Commandant of Cadets, Brig. Gen. Richard Clark, called Mikey Weinstein to apologize for a Cadet Wing email that promoted Operation Christmas Child (OCC), a charity that sends toys and toiletries to millions of needy children around the world at Christmas. OCC is affiliated with Rev. Franklin Graham's, Samaritan Purse. Clark released a statement explaining the Academy's retraction of its support stating that "[u]nder orders from Air Force headquarters ... only the Chaplain Corps is responsible for advertising faith-based programs." (This incident followed the Schwartz memo by two months, see above.)³¹

Anti-Christian group threatens suit over nativity and menorah on Travis Air Force Base – December 18, 2011

The MRFF threatened to sue Travis Air Force Base (Solano County, California) for including a nativity scene and menorah in their holiday display. The MRFF claimed the display violated the Establishment Clause of the First Amendment. The Air Force Base refused to remove the display, finding it did not violate the Constitution.³²

Army censors Catholic chaplains in worship services – January 29, 2012

The Archbishop of the Archdiocese of Military Services issued a letter to Catholic chaplains to be read to their military parishioners across the armed services. The clergy asked them to resist implementation of the HHS contraceptive and sterilization mandate in Obamacare. A similar request was made across America to civilian parishioners that Sunday. However, this request did not reach the ears of those in the Army. As a statement issued by the Archdiocese explained, the Army letter was distributed but not read publicly, after collaboration between the Archdiocese and the Secretary of the Army led to the deletion of a sentence from its text.³³ Kathryn Jean Lopez of *National Review Online* observed, "So not only were chaplains told not to read the letter, but an Obama administration official edited a pastoral letter."³⁴

Air Force removes "God" from unit's logo – February 7, 2012

The Military Association of Atheists and Freethinkers complained to the Air Force about a logo from the Rapid Capabilities Office. It used to read in Latin "Doing God's Work with Other People's Money" and was changed to "Doing Miracles with Other People's Money." Rep. Randy Forbes (R-VA) and 35 other lawmakers sent a letter to Air Force Secretary Michael Donley and Air Force Chief of Staff Norton Schwartz demanding an explanation for the removal of a non-religious reference to God. The Air Force said they would investigate. "It is most egregious," as Rep. Forbes told Fox News, "The Air Force is taking the tone that you can't even use the word 'God.'"³⁵

Army General withdraws from speaking at West Point after protest for anti-Christian groups – February 8, 2012

The Council on American-Islamic Relations (CAIR) and the Military Religious Freedom Foundation (MRFF) launched a campaign to bar Lt. Gen. Jerry Boykin (USA-ret.), a founding member of the Army's Delta Force and former Deputy Under Secretary of Defense for Intelligence, from speaking at the U.S. Military Academy at West Point. CAIR and MRFF said their opposition was based upon Gen. Boykin's "Islamophobic" comments.³⁶ Gen. Boykin voluntarily withdrew from speaking at the event, stating in an interview with *OneNewsNow* that the pressure on the Academy, which the Obama Administration did not resist, was overpowering.³⁷

Pennsylvania Army Reserve training document labels Evangelical Christians and Catholics "extremists" – March 2012

During a briefing on extremism at a Pennsylvania Army Reserve Equal Opportunity training, the instructor listed "Evangelical Christianity" and "Catholicism" on a slide as examples of religious extremism along with Al Qaeda, Hamas, Islamophobia, and the KKK. When later asked where she obtained her information for the entire presentation, the instructor referred to two government sources but also included the Southern Poverty Law Center (SPLC). More specifically, a video that introduced the briefing for 10-15 minutes was produced by the SPLC.³⁸ Upon learning of this incident, the Catholic Archdiocese for the Military Services stated it was "astounded that Catholics were listed alongside groups that are, by their very mission and nature, violent and extremist."^{39, 40}

Weinstein claims credit for cessation of Bible sales – June 12, 2012

Weinstein took credit for the Pentagon putting an end to the sale of military-themed Bibles. For example, *The Marine's Bible* used the Holman Christian Standard Bible as its translation and contained a "Special Prayer and Devotional Section for Marine Personnel." The cover contained a picture of the Marine Corps Seal, part of a flag blowing in the wind, and scenes of combat with a red transparent overlay. The Pentagon claimed trademark problems were to blame, but Weinstein took credit for the revocation and called the Bibles a "national security threat." Sales of such Bibles had begun during the presidential administration of George W. Bush.⁴¹

West Point study links pro-life groups to terrorism – November 2012

Dr. Arie Perliger of the United States Military Academy, while analyzing "right-wing extremism," compared pro-life groups to the KKK and Neo-Nazi groups. The study, titled "Challengers from the Sidelines: Understanding America's Violent Far-Right,"⁴² claimed that radical right-wing ideology is grounded, in part, on the principle that "since every human being is created in the image of God, it is by definition a sin to end their lives before they have been able to 'enjoy love and life of this planet,'" (p. 38). With respect to anti-abortion attacks, Perliger observes that "pro-life violence is driven by several ideological building blocks that are enhanced by religious-based convictions, i.e., fetuses are human beings created in God's image, and as such should be accorded the rights of humans from the moment of conception; any violent acts to end their lives are immoral and should be prevented," (p. 38).^{43,44}

President Obama issues negative signing statement on religious freedom amendment to defense bill – January 3, 2013

President Obama signed H.R. 4310 ("National Defense Authorization Act for Fiscal Year 2013" (NDAA)) into law and issued a signing statement. He commented on an amendment to the NDAA, Section 533, which was passed to increase religious liberty protections for service members and chaplains. The President offered up these remarks indicating his intention to elevate special protection for homosexuals above religious liberty:

Section 533 is an unnecessary and ill-advised provision, as the military already appropriately protects the freedom of conscience of chaplains and service members. The Secretary of Defense will ensure that the implementing regulations do not permit or condone discriminatory actions that compromise good order and discipline or otherwise violate military codes of conduct. My Administration remains fully committed to continuing the successful implementation of the repeal of Don't Ask, Don't Tell, and to

protecting the rights of gay and lesbian service members; Section 533 will not alter that.⁴⁵

Army removes cross and steeple from chapel – January 24, 2013 (date of news story)

The U.S. military ordered soldiers to take down a steeple and board-up the cross-shaped windows of a chapel at remote Forward Operating Base Orgun-E in Afghanistan. The soldiers were required to keep the chapel religiously neutral. In 2011, a similar situation occurred where soldiers were forced to remove a cross at a chapel at Camp Marmal, Afghanistan.^{46,47}

Utah airman is reprimanded and his reenlistment contract terminated for objecting to a gay marriage in the West Point Chapel – February 10, 2013

A 27-year veteran of the Utah Air National Guard, TSgt. Layne Wilson, was reprimanded after sending an e-mail on December 2, 2012, to what he believed was the chaplain's office at the U.S. Military Academy at West Point. Wilson expressed disagreement with the performance of a same-sex marriage in the Cadet Chapel. At the time, the Defense of Marriage Act was still federal law. Instead of responding privately to Wilson, the Commandant of Cadets notified the Utah Air National Guard. Wilson was told via email from Lt. Col. Kevin Tobias, "You are herby reprimanded. As a noncommissioned officer you are expected to maintain a standard of professional and personal behavior that is above reproach. You have failed!" The Air National Guard also terminated his signed, six-year reenlistment contract; instead, Layne received only a one-year extension. However, after his attorney objected, his six-year contract was reinstated, but a June 19 memo left the reprimand in place.^{48,49}

Anti-Christian indoctrination via email at Fort Campbell, KY – April 10, 2013

Todd Starnes of Fox News revealed an internal e-mail from an Army Lt. Colonel at Fort Campbell, KY (home of 101st Airborne Div.), advising three dozen subordinates to be on the lookout for soldiers who might be members of "domestic hate groups." Family Research Council was listed as an "Anti-Gay" group along with American Family Association. While commenting about the groups that were singled out, the e-mail warned that they, "do not share our Army Values."⁵⁰

Weinstein meets with top Air Force officials at the Pentagon – April 23, 2013

Three representatives of MRFF (Mikey Weinstein, Larry Wilkerson [former chief of staff to Colin Powell], and Ambassador Joe Wilson [husband of Valerie Plame]) met with several high-ranking Air Force officials along with USAF staff members to hear various complaints about military life and religious observance. Weinstein told Sally Quinn (*Washington Post*) in an interview after the Pentagon meeting that Christian "proselytizing" is a "national security threat." He added, "What is happening [aside from sexual assault] is a spiritual rape.... it is sedition and treason. It should be punished." Quinn noted that the three men were speaking of proselytizing by "'dominionist' or fundamentalist evangelical Christians."⁵¹

Sally Quinn's column in the *Washington Post* discusses the Weinstein-USAF meeting – April 26, 2013

Sally Quinn, long-time columnist, reported that the "Air Force published, but has yet to distribute, a 27-page document, which includes a cover sheet that states: 'COMPLIANCE WITH THIS PUBLICATION IS MANDATORY.'" Quinn was referring to manual AFI 1-1 (see below, May 2013) that made a number of potentially troubling statements regarding the free exercise of

religion. For example, it condemned not just the “actual” but also the “apparent” use of one’s position to promote one’s religious beliefs. It also indicated noncompliance could result in court martial.” Weinstein observed to Quinn: “You need a half a dozen court-martials real quick.”⁵²

After Weinstein meeting, Pentagon confirms policy – April 30, 2013

The Pentagon confirmed to Fox News that Christian evangelism is against regulations. In a written statement to Fox News, Lt. Commander Nate Christensen said, “Religious proselytization is not permitted within the Department of Defense.” He declined to say if anyone had been prosecuted due to this policy.⁵³

Air Force officer told to remove Bible from desk – May 2, 2013

Air Force personnel had been told that they might express their beliefs as long as they do not “make others uncomfortable.” This rule led to an officer being asked to remove a copy of the Bible from his desk. According to the Fox News report the “officer was told he could no longer keep a Bible on his desk because it ‘[might]’ appear that he was condoning a particular religion.”⁵⁴

Air Force statement – May 2, 2013

“When on duty or in an official capacity, Air Force members are free to express their personal religious beliefs as long as it does not make others uncomfortable.... Proselytizing (inducing someone to convert to one’s faith) goes over that line.” - Lt. Col. Laurel Tingley, in a statement to Fox News⁵⁵

Department of Defense statement – May 2, 2013

“The U.S. Department of Defense has never and will never single out a particular religious group for persecution or prosecution.... Service members can share their faith (evangelize), but must not force unwanted, intrusive attempts to convert others of any faith or no faith to one’s beliefs (proselytization).”⁵⁶

Coast Guard Rear Admiral speaks at National Day of Prayer event – May 2, 2013

Coast Guard Rear Admiral William Lee spoke at a National Day of Prayer event as “a man of deep abiding faith who happens to wear a uniform.” Lee addressed the issue of religious freedom in the military describing an occasion on which he gave a Bible to a Coast Guardsman who tried to commit suicide. “The lawyers tell me that if I do that, I’m crossing the line,” Lee said. “I’m so glad I’ve crossed that line so many times.”⁵⁷

Air Force releases AFI 1-1 – May 2013

The Air Force manual “Air Force Instruction 1-1” (AFI 1-1) was internally released in August 2012 but distribution to all airmen as a paper pocket copy started in May 2013. Section 2.11, “Government Neutrality Regarding Religion,” contains language consonant with Mikey Weinstein’s comments after his April 23rd meeting at the Pentagon with high-ranking USAF officials.^{58, 59}

A painting including a Bible verse is removed – May 31, 2013

Weinstein complained to the Pentagon about an inspirational painting in the dining hall of Mountain Home Air Force Base, Idaho. It focused on a depiction of a policeman and included a Scripture citation and the image of a cross. The painting was reportedly removed 56 minutes later.⁶⁰

A soldier is punished for serving Chick-fil-A – June 5, 2013

Army Master Sergeant, Nathan Sommers, was punished for serving Chick-fil-A sandwiches at his own promotion party in honor of the Defense of Marriage Act (DOMA). Sommers was investigated, reprimanded, threatened with judicial action, and given a bad efficiency report. The invitation said, "In honor of my promotion and in honor of the Defense of Marriage Act, I'm serving Chick-fil-A sandwiches at my promotion party." Sommers was told that "he [was] no longer a team player and was not performing up to standards." Chick-fil-A and DOMA were frowned upon.⁶¹

Fleming Amendment is adopted – June 5, 2013

The House Armed Services Committee adopted an amendment by Rep. John Fleming (R-LA) to the National Defense Authorization Act (NDAA). The Fleming Amendment protects the rights of armed services members to hold, act upon, and practice freely their religious beliefs as long as they do not interfere with any Constitutional liberties of others.^{62, 63}

Air Force removes video that mentions God – June 7, 2013

The Pentagon directed the Joint Base McGuire-Dix-Lakehurst, in Trenton, New Jersey, to take down a video that mentioned "God" because it might be offensive. It read: "On the eighth day, God looked down on His creation and said, 'I need someone who will take care of the Airmen.' So God created a First Sergeant." The video was modeled after a Super Bowl commercial and clearly was made to honor First Sergeants. "Proliferation [sic] of religion is not allowed in the Air Force or military." The chief of the Air Force News Service Division questioned how "an Agnostic, Atheist or Muslim serving in the military [would] take this video," and recommended not using it at all.⁶⁴

President Obama "strongly objects" to Fleming Amendment – June 11, 2013

On June 11th, after the House Armed Services Committee approved its version of the NDAA (H.R.1960) with Rep. Fleming's language, a White House Statement of Administration Policy was issued indicating that the President's senior advisers would recommend a veto because they strongly object "to section 530, which would require the Armed Forces to accommodate, except in cases of military necessity, 'actions and speech' reflecting the 'conscience, moral principles, or religious beliefs of the member, '[and which] would have a significant adverse effect on good order, discipline, morale, and mission accomplishment."^{65, 66, 67}

Senate Armed Services approves similar rights of conscience language – June 13, 2013

FRC was told by Senate Republicans that the Senate Armed Services Committee included language similar to the H.R. 1960 protections in its version of the National Defense Authorization Act. The bill was passed out of Committee on June 13, 2013.⁶⁸

Chaplain is ordered to remove a religion-themed essay from USAF base website – July 24, 2013

Lt. Col. Kenneth Reyes, a chaplain at Joint Base Elmendorf-Richardson (JBER) in Alaska, was told to remove a religious essay that he posted on the base website. The essay was entitled, "No Atheists in Foxholes: Chaplains Gave all in World War II" referring to a comment made by Father William Cummings, a Catholic priest, who observed that there "[t]here is no such thing as an atheist in a foxhole." President Eisenhower repeated the phrase during a speech to the American Legion in 1954. The article asked readers to reflect on the various objects in which

they placed trust. It challenged readers to acknowledge that they express faith daily by the mere act of believing they would get to work safely. Mikey Weinstein's MRFF sent a demand letter to JBER's commander, Col. Brian P. Duffy, claiming to represent 42 anonymous service members assigned there who were offended by the post. MRFF claimed, "through redundant use of the bigoted, religious supremacist phrase, 'no atheists in foxholes,' he defiles the dignity of service members." The essay was taken down within five hours of receipt of the complaint. MRFF wanted the chaplain to be reprimanded. However, Col. Reyes' article was restored to the base website in mid-August with a disclaimer placed on the site.^{69, 70, 71, 72}

An Army assistant chaplain is threatened for sharing her Biblical beliefs on homosexuality via Facebook – August 6, 2013

An Army chaplain's assistant, stationed near Colorado Springs, Colorado was ordered to remove a Facebook post or face disciplinary action including, possibly, a reduction in rank and pay. One Sunday evening, the airman was listening to a pastor endorse homosexuality. Afterward, she posted on her Facebook page her frustrations with pastors endorsing homosexuality and denying it to be a sin. Her commander called her into his office on Monday and ask that she remove the post because it created a "hostile and antagonistic" environment. Intense pressure was placed upon her after her pastor, Todd Hudnall (Radiant Church), made the Army's actions known to the public. She removed this posting to her personal Facebook page.^{73,74}

Drag queen group performs at Air Force Base LGBT Diversity Day – August 8, 2013

A "Diversity Day" celebration at the Los Angeles Air Force Base featured eight cultural presentations including a well-known drag queen group ("Jules and the Brunchettes"). USAF spokesperson, Peggy Hodge, stated, "Drag acts to this day represent the struggle for freedom and equality of the LGBT community, while at the same time providing a deep-rooted historical form of entertainment for the LGBT culture." She added that such performers hearken back to the Stonewall Riots, the beginning of the gay rights movement. They are a "symbol of gay pride and unity." Starnes wrote, "In addition to the drag queens, there were performances by an Irish dance troupe, a Polynesian entertainment group, Japanese drummers, Native American dancers, Hispanic folk music, and cloggers."⁷⁵

Department of Defense training materials suggest conservative viewpoints are "extremist" – August 22, 2013

A Judicial Watch Freedom of Information Act request produced Department of Defense (DOD) anti-discrimination training materials implying that some conservative organizations are "hate groups." Students were told to be aware that "many extremists will talk of individual liberties, states' rights, and how to make the world a better place." The documents repeatedly cited the leftwing Southern Poverty Law Center (SPLC) as a resource for identifying "hate groups." One document suggested that the American colonists who rebelled against British rule were members of an "extremist movement."⁷⁶

Air Force Senior Master Sergeant Phillip Monk is relieved of duties over gay marriage – July 25, 2013; files complaint – August 20, 2013; is given a Miranda warning by Air Force investigator – August 27, 2013

A 19-year veteran of the Air Force, Senior Master Sergeant Phillip Monk, was relieved of his duties after he disagreed with his openly gay commander, Maj. Elisa Valenzuela, when she wanted to severely punish an instructor who had expressed religious objections to homosexuality. Valenzuela incorrectly told Monk that opposition to same-sex marriage

constituted discrimination. Monk disagreed. Valenzuela relieved Monk of his duties as First Sergeant for the unit. Monk was also placed on restricted liberty and was no longer permitted to be physically present in the unit's buildings or facilities located at Lackland Air Force Base, San Antonio, TX. News of these events broke around mid-August 2013, and Monk filed a formal complaint against Valenzuela on August 20, 2013. In an August 27, 2013 meeting with an Air Force investigator, Sgt. Monk and his attorney, Michael Berry (Liberty Institute), were told that Monk is under investigation criminally for violating Article 107 of the Uniform Code of Military Justice (UCMJ)—making a false official statement. Monk was read his Miranda rights at that time. This step was puzzling because Monk had made no official comments on this matter—an essential element of an Article 107 violation. The Air Force action appeared to be retaliation for Monk's discrimination filing against Major Valenzuela.^{77,78,79,80,81}

Catholic chaplain sues to end discriminatory exclusion from performing his duties – October 4, 2013

On October 4, 2013, during a federal government shutdown, the Department of Defense told a Catholic priest and civilian contractor, Father Ray Leonard, that he was non-essential and would be furloughed at the Naval Submarine Base Kings Bay in Georgia. Fr. Leonard, who was the Catholic priest for the base, was threatened with arrest for voluntarily celebrating Holy Mass there. He was also barred from entering the base chapel. Only Catholic service members were left without services; Protestant services continued during the shutdown.⁸² On October 14, the Thomas More Law Center, based in Ann Arbor, Michigan, filed suit on Fr. Leonard's behalf in the United States District Court for the District of Columbia. The next day the government relented and agreed to allow Fr. Leonard to resume all his religious duties and to have unrestricted use of the base chapel.⁸³

Air Force "closes" case while attacking SMSgt. Monk – October 8, 2013

On October 8, 2013, the Air Education and Training Command of the Joint Base San Antonio-Randolph issued a press release purporting to close SMSgt. Monk's case.⁸⁴ The command stated that it had conducted a thorough investigation and would not take any disciplinary actions against either SMSgt. Monk or Major Valenzuela, but it said that he had made non-prosecutable false statements. The command also stated that Monk's claim of religious discrimination was unsubstantiated.⁸⁵ Put another way, the Air Force put all its chips on the table for Major Valenzuela. On October 9, Liberty Institute issued a confident response asserting, "Liberty Institute disagrees with the Air Force's findings and conclusion. The Air Force's version of this story is not true."⁸⁶

Army training at Camp Shelby labels AFA a hate group – October 14, 2013

Approximately 50 U.S. Army active duty soldiers and reservists at Camp Shelby, Mississippi, were told during an anti-discrimination briefing that the American Family Association (AFA) should be considered a hate group. A PowerPoint slide entitled "American Family Association" carried a photo of the reprehensible Westboro Baptist Church preacher Fred Phelps holding a sign with "No special law for f**s." (The photo appeared, for example, on the SPLC website.⁸⁷) AFA was listed along with the KKK, Neo-Nazis, etc. as a "domestic hate group" in the Camp Shelby briefing.⁸⁸ On October 15, 2013, a Pentagon-based Army spokesman, Troy A. Rolan, Sr., wrote an e-mail to the *Jackson Clarion-Ledger* backing away from the presentation saying the offending slide "does not reflect our policy and doctrine." The briefer, Rolan said, took information from the Internet not from official Army sources, and it had not been approved by senior level leaders or counselors. He said the soldier realized, after being challenged, that the

information on the slide was not correct. Rolan added, "The briefing has been updated, and any reference to American Family Association has been removed."⁸⁹ Finally, Rolan said the case was closed.

Fort Hood, TX briefing describes evangelical Christians as a threat— October 17, 2013

On October 17, 2013 soldiers attended a counter-intelligence pre-deployment briefing at Fort Hood, Texas during which they were told that evangelical Christians and members of the Tea Party threatened the country. Additionally, they were informed that soldiers who donated to such organizations could be subject to discipline under the Uniform Code of Military Justice. According to sources, the counter-intelligence officer leading the briefing spent approximately thirty minutes discussing the ways evangelical Christians, generally, and groups like the American Family Association, specifically, were "tearing the country apart."⁹⁰

U.S. Air Force Academy is held accountable for removing "So help me God" in four oaths - October 21, 2013

Another campaign of agitation by Mikey Weinstein toward the U.S. Air Force Academy (USAFA) prompted its Superintendent, Lt. Gen. Michelle Johnson, to remove a poster containing the Academy "Honor Oath" because the phrase "so help me God" could be seen on it. That appears to have been a pyrrhic victory for Weinstein because over twenty members of the House of Representatives started to look closely at the USAFA's handling of the four oaths related to Academy life. Their November 18, 2013 letter to Johnson pointed out that the 2012 edition of the cadet handbook misstated the content of three oaths thereby excluding "so help me God" even though this language was mandated either by statute or regulation (i.e., Oath of Office for Officers, Oath of Enlistment, and the Cadet's Oath of Allegiance). This prompted an Academy spokesman to respond that the deletions were merely "editorial oversight[s]" and that corrections were forthcoming. House Members also wanted the poster restored to its original place of display and the Honor Oath to be left as it was – including the phrase.^{91,92}

Group sues after two of its chaplains were harassed in Veterans Administration program – November 8, 2013

On November 8, 2013, a lawsuit was filed against the Veterans Administration (VA) on behalf of two chaplains subjected to months of abuse and ridicule by the director of a pastoral training program. Chaplains Maj. Steven Firtko, U.S. Army (Ret.), and Lt. Cmdr Dan Klender were endorsed by the Conservative Baptist Association of America (CBAmerica). The men entered the San Diego VA-DOD Clinical Pastoral Education Center program in August 2012. Soon afterwards, the program's director, Nancy Dietsch, allegedly began attacking their Biblical beliefs. She warned them not to pray in Jesus' name or to cite Scripture and openly ridiculed them and their beliefs in class. Klender withdrew in February 2013, and Firtko was told that he would be dismissed. Both men filed formal complaints in July 2013.^{93,94}

Back at Camp Shelby, an Equal Opportunity officer says "Christmas" is forbidden – December 10, 2013

Around December 10, 2013 an officer from Defense Equal Opportunity Management Institute (DEOMI) was present during a routine meeting of leaders of the 158th Infantry Brigade at Camp Shelby, MS. At that time, a discussion involving the upcoming Christmas football tournament occurred. The use of "Christmas" prompted the EO officer to lodge an objection informing the others that, corporately, the Army is not permitted to say "Christmas" – for

example, in announcing or promoting the name of the seasonal football competition. A soldier who was present described the reaction to this as follows: "Almost the entire room blew up. Everybody was frustrated. The equal opportunity rep told our commander that not everyone celebrates Christmas and we couldn't say Christmas celebration. It had to be holiday celebration." The Public Affairs Chief for the First Army Division East, Amanda Glenn, said that the Army units involved had no such policy, and she downplayed the nature of the EO officer's command to not use "Christmas." However, Mike Berry, a civil liberties attorney with the Liberty Institute, indicated to Todd Starnes of Fox News that the soldiers who were present clearly perceived that a "name change was not merely a suggestion."⁹⁵

Nativity Scene Moved at Shaw Air Base – December 12, 2013

Shaw Air Force Base is located near Sumter, South Carolina, in the central part of the state. After a call from Mikey Weinstein on December 6th complaining about the presence of a nativity scene on the base, the Pentagon and the based command promptly removed the nativity scene.⁹⁶ Weinstein's MRFF claimed that it took little over two hours for the Air Force to remove the Christmas scene. However, that was not the end of the story. On December 10, 2013 a *Military Times* story indicated that base officials were attempting to determine where the nativity scene could be located.⁹⁷ Two days later, they told the press that volunteers had placed the Christmas decoration next to the base chapel where it had been located in previous years. Once relocated within chapel's aura of constitutionality, a military chaplain blessed it and the controversy ended.^{98, 99}

Veterans hospital in Augusta, GA bans singing of Christmas carols – December 20, 2013

On December 20, 2013 a choral group of students from the Alleluia Community School were told by administrators at the Charlie Norwood VA Medical Center in Augusta that they could not sing religious Christmas songs when visiting the hospital. The students from the Alleluia Community School were given a list of twelve secular Christmas songs that "the hospital's pastoral service 'deemed appropriate for celebration within the hearing range of all veterans.'" A hospital spokesman stated that the policy was "welcoming but respectful of all faiths and the protection of each veteran's right to religious freedom and protection from unwelcomed [sic] religious material, to their religious beliefs."^{100, 101}

Dallas veterans facility refuses Christmas cards from children because they contained messages like "Merry Christmas" and "God Bless You" – December 23, 2013

Susan Chapman, a teacher at Grace Academy of North Texas (Prosper, TX) and the wife of military veteran, worked with her students to create Christmas cards to give to hospitalized veterans at the VA Medical Center in Dallas, TX. As one would expect, most or all of the cards contained the phrase, "Merry Christmas." The cards were delivered in a timely manner for Christmas delivery, but the VA facility told Ms. Chapman that the cards were rejected because these holiday cards contained unacceptable language such as "Merry Christmas," "God Bless You," and other religious phrases. Ms. Chapman has retained counsel and is attempting to have the VA reverse a policy that appears to include content-based speech restrictions.¹⁰²

VA hospital in Montgomery, AL refuses to allow young woman with over 100 gift bags and cards to distribute them to veterans, due to religious messaging – December 24, 2013

A young woman, Jordan McLendon, wished to honor the memory of her grandfather, a Vietnam Veteran, by making more than 100 gift bags with handmade Christmas cards for the veterans staying at the Central Alabama Veterans Health Care System Medical Center (VAMC). When she arrived at the facility on Christmas Eve morning, she was not allowed to distribute her gifts because most of the cards and bags had "Merry Christmas" written or printed on them. She was permitted to deliver 18 bags and two cards because they did not contain religious language and were able to get by the VA censors. It is reported that the acting-Director of the hospital took these actions based on his understanding of existing VA guidelines promulgated by the Department's headquarters in Washington, D.C.^{103,104}

VA facility in Iowa City, IA restricts Christmas gift-giving by members of the American Legion – December 2013

In Iowa City, Iowa, American Legion members were told they could not hand out presents to veterans if the wrapping paper said "Merry Christmas." The Legionnaires were able to get the presents to the veterans with the help of a VA chaplain. The American Legion has asked VA Central Office to offer an explanation for these and other restrictions that are taking place at VA facilities. The National Commander of the American Legion, Daniel Dellinger, noted the increasing censorship and restrictions on speech that occur each year at Christmas at VA installations. Mr. Dellinger also pointed out that "[v]eterans in these hospitals fought to protect such freedoms."^{105,106}

Air Force Academy officials ensure the removal of a cadet's Bible verse from the white board outside his room; cadets protest – March 11, 2014

On March 11, 2014, a U.S. Air Force cadet "voluntarily" removed a Bible verse, Gal. 2:20, from a whiteboard outside his room in a U.S. Air Force Academy dorm. It appears that the Academy administration's coercive actions were prompted by a complaint from Mikey Weinstein, director of the Military Religious Freedom Foundation, who claimed to represent twenty-nine cadets and four faculty members. Weinstein also asserted that the scripture was erased two hours and nine minutes after he complained to the Academy. Apparently, the verse had been posted on the white board several months prior, but was suddenly removed, according to Lt. Gen. Michelle Johnson (USAFA Superintendent), because this cadet "held a leadership position in the squadron." The erasure of the verse prompted a protest by approximately one dozen cadets who then posted Bible verses on their own white boards while others posted texts from the Koran. These scripture verses were not erased, presumably because these cadets did not hold leadership positions. Related to these events at the Academy, the Air Force Academy Staff Judge Advocate informed attorney Michael Berry (of the Liberty Institute) "that Air Force policy, from the Pentagon, is that the term 'religious exercise' does not include written or verbal speech."^{107, 108, 109, 110}

Gov. McAuliffe vetoes bill protecting chaplain sermons against content restrictions; replacement bill provides weakened protections – March 27, 2014

The Virginia General Assembly passed SB 555 in the Senate 37-0 and in the House 69-28. The bill, if signed, would have prohibited the state of Virginia from censoring sermons given by chaplains in the Virginia National Guard and Virginia Defense Force, but Governor Terry McAuliffe vetoed the legislation on March 27, 2014; the veto was sustained on April 23, 2014.

The next year a similar version of the bill, SB 690, passed both the House and Senate unanimously on February 17, 2015. It was signed by Governor McAuliffe on March 17, 2015. However, SB 690 limited speech protection only to religious content presented during a “religious service.”^{111, 112, 113, 114, 115}

Entire POW-MIA Missing Man Table display is removed at Patrick Air Force Base because a Bible is included – March 28, 2014

An entire Missing Man Table display was removed from the Patrick Air Force Base’s Riverside Dining Facility because a Bible was included. The Air Force’s statement, released after the table’s removal, claimed that the presence of the Bible “ignited controversy and division.” As an essential feature of the traditional Missing Man Table, the Bible represents the “strength gained from faith in our country, founded as one nation under God, to sustain those lost from our midst.”¹¹⁶ Michael Tater, a retired Air Force master sergeant and Vietnam veteran, complained to the base commanders after the Bible was removed, and again after the entire table was removed.¹¹⁷ The Air Force statement, noted above, concluded with a vague promise to return the display: “After consultation with several relevant organizations, we now intend to re-introduce the POW/MIA table in a manner inclusive of all POWs/MIAs as well as Americans everywhere.”¹¹⁸ It was not clear whether a complete Missing Man Table including the Bible was going to be returned or some other type of display. The Air Force also did not explain what would constitute an inclusive re-introduction.

Navy decides to remove Gideon Bibles from hotel rooms on its bases – June 19, 2014

Prompted by a March 2014 letter from the Freedom from Religion Foundation, the Navy Exchange Service Command (NEXCOM) issued an order to remove Gideon Bibles from Navy Lodge rooms and take them to donation centers. After public backlash, the Navy announced on August 14, 2014 that the Bibles in the rooms would remain while the policy was reviewed.^{119, 120, 121, 122}

Ohio Air National Guard wing commander censors article containing references to personal faith – October 16, 2014

Col. Craig “Bluto” Baker, a wing commander of the Ohio Air National Guard, censored an article by medical group commander Colonel Florencio Marquez after receiving a complaint from Mikey Weinstein.¹²³ “A Spiritual Journey as Commander” was an autobiographical piece wherein the author noted that, to achieve personal wellness, one needed to achieve spiritual, social, emotional, and physical balance. Col. Marquez’s personal reflections contained references to God and the Bible as his sources of faith and wellbeing. The article encouraged those who were struggling personally to consider faith as an option in addition to various military resources listed. The article appeared in the air wing’s monthly publication, *The Stinger*, upon Col. Baker’s order the article was stricken from a republished edition.¹²⁴ The stated reason for the article’s removal was that it violated military policies pertaining to the free exercise and establishment of religion. After its removal, a base-wide email was sent stating that the article was removed “due to sensitivities.”¹²⁵

Army chaplain is punished for telling suicide-prevention class how his faith helped him counter depression – November 27, 2014 (Thanksgiving Day)

Army Colonel David G. Fivecoat, ignoring the advice of his equal opportunity (EO) advisor and JAG office, issued a Letter of Concern to Chaplain Joseph Lawhorn, 5th Ranger Training

Battalion.¹²⁶ Although no formal complaint had been filed, Fivecoat issued the letter because one soldier who felt uncomfortable with Chaplain Lawhorn's potentially lifesaving suicide prevention message had reported it to the website militaryatheist.org, which in turn posted an article highly critical of Chaplain Lawhorn. In a second letter, after being informed that Captain Lawhorn's actions did not violate EO policies, Col. Fivecoat changed his approach and alleged that the way in which Chaplain Lawhorn distributed the information made it impossible for soldiers to receive military resources "without also receiving biblical information."¹²⁷ Apparently, it was problematic that the Chaplain had provided a two-sided handout which had spiritual resources for dealing with depression on one side, and secular resources on the other.¹²⁸ Subsequent repeated Congressional inquiries drew attention to Col. Fivecoat's inappropriate actions and noted the potential chilling effect on other chaplains across the Army as they consider how to discuss the spiritual dimension of suicide prevention. In a statement, the Secretary of the Army supported Col. Fivecoat's position and implied that chaplains may only offer religious messages during approved religious ministry programs.

Georgia Air Force base bans the greeting "Have a Blessed Day" and then promptly reverses course – March 12, 2015

After Mikey Weinstein (Military Religious Freedom Foundation) complained to the base commander at Robins Air Force Base, Georgia, guards at the front gate were prohibited from using the greeting, "Have a Blessed Day." However, the Air Force quickly reversed the decision after determining that the phrase was not a problem: "Upon further review and consultation, the Air Force determined use of the phrase 'have a blessed day' as a greeting is consistent with Air Force standards and is not in violation of Air Force Instructions."¹²⁹

Navy threatens distinguished chaplain with Detachment for Cause and involuntary separation from Navy because he expressed the beliefs of his endorsing church on faith, sexuality, and the nature of marriage during private spiritual counseling – February 17, 2015

Lieutenant Commander Wesley Modder has been called a "national asset," and the "best of the best" of Navy chaplains.¹³⁰ However, on February 17, 2015, his commander, Captain Jon R. Fahs, recommended that Chaplain Modder (stationed at the Naval Nuclear Power Training Command in Goose Creek, S.C.) be Detached for Cause and involuntarily separated from the Navy after a small number of sailors criticized the religious content of Chaplain Modder's spiritual counseling. Modder faced potentially career-ending consequences—which could include the loss of his retirement benefits—for offering Biblical counsel in a manner consistent with his sincerely held beliefs regarding faith, sexuality, and marriage. Modder's counseling was at all times completely consistent with the requirements of his endorsing denomination, the Assemblies of God.¹³¹ Captain Fahs requested that Chaplain Modder be removed from the Navy promotion list, detached for cause, and sent to a Board of Inquiry in order to remove him from the Navy.¹³²

Group calls for the court-martial of Air Force general who spoke about his faith at National Day of Prayer event on Capitol Hill – May 7, 2015

At the National Day of Prayer Task Force's 64th Annual Observance event, hosted by U.S. Rep. Robert Aderholt in the Cannon House Office Building on Capitol Hill,¹³³ Major General Craig Olson called himself a "redeemed believer in Christ" and spoke to the faithfulness of God in his career. The president of the Military Religious Freedom Foundation, Mikey Weinstein categorized the speech as "brazenly illicit and wholly unconstitutional, fundamentalist Christian

proselytizing.” Weinstein called for General Olson to be court-martialed for his “unforgivable crimes and transgressions,” despite the fact that General Olson merely gave credit to God for giving him the strength to do his job. Olson also asked for prayer for the Defense Department.¹³⁴ The Air Force declined to punish General Olson, stating that the remarks were his own personal opinions and did not violate Air Force regulations.¹³⁵

Marine convicted at court-martial, sentenced to bad-conduct discharge and reduction in rank for displaying a Bible verse in her workplace – May 21, 2015

While stationed at Camp Lejeune, North Carolina, Lance Corporal Monica Sterling posted three small strips of paper with a printed Bible verse on them at her work-station as an expression of her faith. Despite allowing other Marines to place personal messages and photos, Sterling’s supervisor (who also happened to be her former drill instructor) demanded that she remove the Bible verse, using profanity to describe the scripture. Citing her First Amendment rights of free exercise of religion and free speech, Sterling asked why she had to remove her Bible verse while others were allowed to display their messages. Her supervisor responded that she “didn’t like the tone,” and later that day removed the verses and threw them in the trash. As a result, the Marine Corps charged and convicted Sterling with disobeying a lawful order. Sterling was also charged and convicted of other low-level misconduct.¹³⁶ At her court-martial, Sterling sought to invoke the Religious Freedom Restoration Act (RFRA), which provides due process when the government attempts to censor or restrict religious exercise. Without providing a written explanation, the judge refused to apply RFRA. Sterling then appealed her case to the Navy-Marine Corps Court of Criminal Appeals (NMCCA), which also declined to apply RFRA. The NMCCA ruled that Sterling’s posting of a Bible verse was not a religious exercise.¹³⁷ At time of publication, Sterling was appealing her case to the Court of Appeals of the Armed Forces.

In closing:

James Madison once described religious freedom as the “lustre of our country.” The examples presented above should give us great concern that we have entered a period in which members of the armed services are being subjected to speech codes and restrictions on the free exercise of religion. We recognize that there must be a healthy respect for the beliefs of members of all faiths and those who are not Christian believers. Concurrently, we affirm that religious expression is a right foundational to our Constitution, which those being penalized have sworn with their lives to uphold.

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