Why Religious Liberty Matters: An Endorser’s Perspective

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DISCLAIMER

“We expect that the chaplain will be ready to minister to all persons, regardless of their behavior choices, ethnicity, physical condition/presence, or religious preference. In providing this ministry the chaplain is not condoning/approving of behaviors the Holy Bible defines as sinful for example, drunkenness, fornication, homosexuality, or abortion. The Chaplain’s ministry will be to understand the person’s spiritual need and either provide or refer the person to appropriate resources. A chaplain is not obligated to refer a person to a resource that will cause the chaplain to serve as an enabler in the continuance of the sinful behavior. Counseling conversations must be informed and guided by the teachings of the Holy Bible.”

(Excerpt, Statement to Endorsed Southern Baptist Chaplains Regarding Ministry Expectations, March 15, 2011)
“I am writing to express my concern about the abusive language some chaplains are using to refer to gay and lesbian service members, and to demean fellow chaplains from denominations that disagree with their position on ‘Don’t Ask, Don’t Tell.’ I find this behavior extremely unprofessional.

I often hear Christian chaplains state that they ‘hate the sin, but love the sinner.’ What I’m seeing and hearing more and more is that gay and lesbian service members, who some regard as sinners, are to be hated too. But, as the Scripture says, ‘...this ought not to be so.’ (James 3:10)

You need to reiterate the expectation that chaplains treat each other respectfully, despite their (theological) differences.”

(Excerpt from an endorser’s letter to the Army Chief of Chaplains, September 3, 2010)
What Religious Liberty Is Not

- Engaging in acts of intolerance
- Disrespect towards other faith groups
- Religious Discrimination
- “One size fits all”
- Demeaning, repugnant, unbiblical
- “Ministry of Shunning”
History of Religious Liberty

1644

--Three appeals: (1) the inalienability of conscience in matters of faith; (2) no coercion of conscience; and (3) the non-establishment of religion.

“People are “not for their conscience and religion ... [to] be choked and smothered, but free to breathe and walk upon the decks in the air of civil liberty and conversation in the ship of the commonwealth, upon good assurance given of civil obedience to the civil state.” --Roger Williams, The Bloody Tenent, of Persecution, For Cause of Conscience

It is “a spiritual rape (to) force the consciences of all to one (way of) Worship.”

--Roger Williams, The Apologetical Narration to English Parliament (1644)

Freedom of conscience is “a gift of God”, hallowed ground, a basic human right.
History of Religious Liberty (cont’d)

1671
The coercion of conscience destroys authentic religious experience and directly invades the Divine Prerogative as the sole ruler of conscience.

“The imposition, restraint, and persecution, for matters relating to conscience, directly invade the Divine Prerogative, and divest the Almighty of a due, proper to none besides Himself.”

William Penn, The Great Case of Liberty of Conscience
History of Religious Liberty (cont’d)

1776
The Declaration of Independence references God four times:

1) The "laws of nature and of nature's God" entitle the USA its independence.

2) Americans are "endowed by their Creator with certain unalienable rights."

3) Congress appeals "to the Supreme Judge of the world" for moral judgments.

4) The signers unite "with a firm reliance on the protection of Divine Providence."
History of Religious Liberty (cont’d)

1789 – First Amendment to US Constitution
Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
Military Leaders and Religious Liberty

- Set a positive climate regarding religion and spiritual fitness
- Determine the sincerity and legitimacy of religious beliefs and practices
- Assess the impact of a particular religious practice on military readiness, unit cohesion, standards, health, safety, good order, and discipline
- Understand the importance of individual’s religious accommodation request
- Consider the impact of repeated accommodations of a similar nature on the unit and the military

“The Chief of Chaplains will serve as advisor to the DCS, G-1 on matters pertaining to religious accommodation and formulate and disseminate education and training programs regarding religious traditions and practices within the U.S. Army.” AR 600-20, 5-6 (d)
US Military Chaplain’s Mission

“It is DoD policy that the Chaplaincies of the Military Departments are established to advise and assist commanders in the discharge of their responsibilities to provide for the free exercise of religion in the context of military service as guaranteed by the Constitution….”

----DoDI 1304.19, Para. 4.1
A CHAPLAIN’S BURNING QUESTION

How do I maintain my sacred calling and religious liberty as a chaplain in an increasingly secular institution and world?
RELIGIOUS LIBERTY VS. “ATTITUDES”

“When someone puts on a military uniform, nothing changes with his or her personal religious beliefs. However, when people submit to wearing that uniform, they are necessarily obliged to another set of values and beliefs- a ‘shared religion’ if you will-and that religion is patriotism, whereby their bible is the Constitution, their cross the US flag.”

Parco and Levy, Attitudes Aren’t Free: Thinking Deeply About Diversity in the US Armed Services
THE TENSION OF RELIGIOUS LIBERTY

“The question Americans face is not whether to respect or not respect the religious freedom of military chaplains, but rather how to honor a multiplicity of relevant legal, political, and military conditions, rules, and obligations while maintaining the military’s capacity to achieve its mission.”

Pluralism?

Gender equality?

Religious Diversity?

Respect for others?

Pluralism?
Intolerance Found at Air Force Academy

By Josh White
Washington Post Staff Writer
Thursday, June 23, 2005

A military study of the religious climate at the Air Force Academy in Colorado Springs found several examples of religious intolerance, insensitivity and inappropriate proselytizing on the part of Air Force officers and cadets, but a report issued yesterday at the Pentagon concluded that the school is not overtly discriminatory and has made improvements in recent months.
A Navy court decided yesterday to reprimand and dock the pay of an evangelical Protestant chaplain after finding him guilty of disobeying an order by appearing in uniform at a political protest in front of the White House in March.
a. LCDR Modder told a student that she was “shaming herself in the eyes of god” for having premarital sex.

b. He told another student that homosexuality was wrong.

c. He told a student that “the penis was meant for the vagina and not for the anus,” while making an inappropriate hand gesture.

d. He insinuated that he had the ability to “save” gay people.
REligious Extremism

- Evangelical Christianity (U.S./Christian)
- Ikhwan or Muslim Brotherhood (Egypt/Muslim)
- Ultra-Orthodox (Israel/Judaism)
- Christian Identity (U.S./Christian)
- Al Qaeda (Transnational/Islam)
- Hamas (Palestinian/Islamist)
- Abu Sayyaf (Philippines/Islam)
- Ku Klux Klan (U.S./Christian)
- Sri Ram Sene (India/Hindu)
- Catholicism (U.S./Christian)
- Kahane Movement/Kach (Israel/Jewish)
- Army of God (U.S./Christianity)
- Sunni Muslims (Iraq/Islam)
- Nation of Islam (U.S./Islam)
- Jewish Defense League (U.S./Judaism)
- Fundamentalist Church of Jesus Christ of Latter-Day Saints (U.S./Mormon)
- Hutaree (U.S./Christian)
- Islamophobia
GENERAL HATE GROUPS:
Coral Ridge Ministries
Family Research Council
Focus on the Family
KKK
Nation of Islam
RELIGIOUS LIBERTY ISSUES

• Public Prayer (“Praying in Jesus’ Name)
• Religious Accommodation (beards, food, apparel)
• Evangelism, or Proselytism?
• Sexuality issues (LGBTQIA+, SSM, SOGI)
• Generic or universal Chaplain insignia
• Chapel worship services (“Post-Protestant”?)
RELIGIOUS LIBERTY ISSUES (cont’d)

- Religious sectarian ads on Installation/Command websites
- Increasing Congressional Interest and IG investigations
- Military endorsement of Private Religious Organizations
- Religious symbols or writings on official military items
- Increasing significance of Religion in a post-9/11 world
- Managing Religious Diversity and Pluralism
WHAT IS (RELIGIOUS) DIVERSITY?

• “...all the different (religious) characteristics and attributes that are consistent with Department of Defense core values, integral to overall readiness and mission accomplishment, and reflective of the Nation we serve.”

• DoD, *Diversity and Inclusion Strategic Plan, 2012-2017*
WHAT IS PLURALISM?

• “A state of society in which members of diverse ethnic, racial, religious, or social groups maintain an autonomous participation in and development of their traditional culture or special interest within the confines of a common civilization.”

• Merriam-Webster Online Dictionary
"Pluralism is not diversity alone, but the energetic engagement with diversity . . . [It] is not just tolerance, but the active seeking of understanding across lines of difference . . . [It] is the encounter of commitments . . . The language of pluralism is that of dialogue and encounter, give and take, criticism and self-criticism . . . Dialogue does not mean everyone at the “table” will agree with one another. Pluralism involves the commitment to being at the table—with one’s commitments.”

PLURALISM AND DOD

• “All Chaplains provide for the nurture and practice of religious beliefs, traditions, and customs in a pluralistic environment to strengthen the religious lives of Soldiers and their Families.” (AR 165-1, June 2015)

• “At commissioning, we each agreed to serve in this pluralistic environment and to treat each person with dignity, respect, and compassion, irrespective of differences in religious beliefs.”

--RADM Margaret Kibben, USN Chief of Chaplains (RET.)
PLURALISM and NCMAF

I understand as a chaplain in the United States Armed Forces that I will function in a pluralistic environment with chaplains of other religious bodies to provide for ministry to all military personnel and their families entrusted to my care.

I will seek to provide for pastoral care and ministry to persons of religious bodies other than my own within my area of responsibility with the same investment of myself as I give to members of my own religious body. I will work collegially with chaplains of religious bodies other than my own as together we seek to provide as full a ministry as possible to our people. I will respect the beliefs and traditions of my colleagues and those to whom I minister. (NCMAF Code of Ethics)
The guidelines acknowledge that SBC chaplains serve in a pluralistic setting but expect, under U.S. Department of Defense guidelines, that the rights and freedoms of chaplains will be protected so they may “preach, teach and counsel in accordance with the tenets of their denominational faith group and their own religious conscience.” In addition, chaplains are expected to “Treat all service members, regardless of rank or behavior, with Christ-centered dignity, honor and respect while assisting the institutional leadership in its religious mission requirements and responsibilities as guaranteed by the First Amendment to the United States Constitution.”
Endorsers and Today’s Challenges

• Remain a faithful and prophetic voice to the US Armed Forces/institutions regarding religious liberty as guaranteed by the First Amendment of the US Constitution

• Advocate moral and ethical standards for all chaplains

• Be an azimuth for chaplains in the midst of cultural change

• Form a united movement to awaken a renewed interest and understanding on the important role of the chaplaincy
RELIGIOUS LIBERTY AND ENDORSERS

• Maintain high standards for the Chaplain Endorsement Interview Process

• Ensure clarity of the role of Chaplain: Perform, provide, facilitate free exercise of religion, including to those who have no religious preference or belief.

• Train Chaplains on religious liberty, advisement, and all matters of religion.

• Support Chaplains’ religious liberty, ensuing they are not compelled to violate their own religious conscience or the requirements of their faith.

• Advise chaplains to seek endorser/legal counsel on religious liberty issues.
Chaplain (MAJ) Scott Squires
United States Army
TIMELINE (2018)

• Feb 1 – Same-sex couple requests to attend a marriage retreat
  --CH Squires informs soldier his denomination (SBC) prevents him for leading
  retreat but will find another chaplain to lead it

• Feb 6 – Soldier files EO complaint; Army initiates a 15-6 investigation

• April 9 – IO finds CH Squires in violation of EO policy

• Apr 10 – CH Squires files a rebuttal to the 15-6 findings

• Aug 24 – CH Squires exonerated and cleared of all charges
LEGAL CONCLUSIONS

• Chaplain Squires was acting IAW SBC/NAMB policy.

• SBC policy is in compliance with DoD policies and regulations, including AR 165-1, Army Chaplain Corps Activities, para. 8-2a, which states, “Chaplains represent their Religious Organization (RO) and serve as commissioned officers in the U.S. Army.”

• Federal law protects chaplains to minister and serve in accordance with their religious tenets.
SBC ENDORSER CONCLUSIONS

• The SBC remains resolute to ensure that Southern Baptist chaplains are not compelled to violate their personal faith, beliefs, practices, and policies as stated in the Baptist Faith and Message 2000.

• The SBC expects all their endorsed chaplains to treat everyone with Christ-centered dignity, honor, and respect. Regardless of a person’s religious preference, ethnicity, sexual orientation, behavior choices, or physical condition, SBC Chaplains are to engage everyone with the love of Jesus Christ.
The Four Chaplains

George L. Fox, Alexander D. Goode

Clark V. Poling, John P. Washington
QUESTIONS?
History of Religious Liberty

- Sept. 7, 1774
  - First Continental Congress opens with a prayer
- July 29, 1775
  - Continental Congress authorizes payment for Continental Army chaplain
- March 3, 1791
  - Congress establishes the Army Chaplaincy
- 9 months later
  - The First Amendment is ratified

- Legal challenge to the Army chaplaincy program
- Allegation: Taxpayer-funded Army chaplaincy program violates the Establishment Clause
- Before the U.S. Court of Appeals for the Second Circuit
- The definitive legal opinion on the constitutionality of military chaplains
Katcoff v. Marsh: War Powers Clause

• Article I, Section 8 of the U.S. Constitution empowers Congress to “provide for the common defense”

• This requires the courts to defer to Congress re: military policy

• “Unless chaplains were made available in such circumstances the motivation, morale and willingness of soldiers to face combat would suffer immeasurable harm and our national defense would be weakened accordingly.”
Katcoff v. Marsh: Free Exercise & Establishment Clauses

• Compulsory military service moves servicemen to places where religion of their own denomination is not available

• Without chaplains:
  ▪ Denial of right to practice religion under the Free Exercise Clause
  ▪ Denial of right not to have religion inhibited under the Establishment Clause