

August 17, 2011

Speaker John Boehner
Office of the Speaker
H-232, The Capitol
Washington, DC 20515

Leader Harry Reid
Senate Majority Leader
522 Hart Senate Office Building
Washington, DC 20510

Dear Speaker Boehner and Leader Reid,

We are veteran service members, primarily chaplains, who expect that military religious liberty will come under significant threat from the government's decision to force open homosexual behavior on our military. In our roles as representatives of our various faith groups to the military's chaplaincy, we directly represent over two thousand currently-serving military chaplains and several millions of faith-group constituents. Those chaplains in turn serve the religious liberty needs of the military, performing spiritual and moral services for hundreds of thousands of service members who share our faith and providing for the needs of those who do not. We count among our chaplains those who have served in armed conflict in Iraq, Afghanistan, Kuwait, Bosnia, Vietnam, Korea, and World War II, who have comforted the victims of the 9/11 and *USS Cole* terrorist attacks, and who have been wounded in the service of their nation.

Our nation has a robust history of protecting military religious liberty. The whole reason that the chaplaincy corps exists is to fulfill the constitutional imperative of protecting service members' rights to freedom of religion. *Katcoff v. Marsh*, 755 F.2d 223, 234 (2d Cir. 1985) ("Unless the [military] provided a chaplaincy it would deprive the [service member] of his right under the Establishment Clause not to have religion inhibited and of his right under the Free Exercise Clause to practice his freely chosen religion."). As of 22 July, when the President started the 60 day countdown toward repeal of 10 U.S.C. § 654 without establishing religious liberty protections, the clock is ticking on whether that history will remain unbroken.

Chaplains and service members have told us they are very concerned they will be marginalized and even punished for being faithful to their religious beliefs in the wake of the repeal. We share those concerns. In fact, some chaplains have already personally experienced the punitive atmosphere this repeal has generated.

President Obama's group that studied repeal assured Congress and the military that religious liberty would not be harmed. However, those assurances are not law and have not been transferred into actual law. Tellingly, the group admitted that current statutory and regulatory military religious liberty protections create "boundaries that

are not always clearly defined.” The group created a case-by-case system for deciding newly-permitted “sexual orientation discrimination” complaints that will test those undefined boundaries. This system burdens local commanders with a task for which they have neither relevant experience nor any set guidelines, creating a new weight for our already thinly-stretched forces to bear and spawning significant uncertainty for religious liberty. Chaplains and service members will be chilled from freely and fully exercising their faith because, for instance, they cannot know whether a commander in Fort Lewis will view religious and moral expression on sexuality more restrictively than one in Fort Bragg.

Effectively, service members will know that there is a cliff ahead of them but be deprived of having any way to know where it is. Like any reasonable person faced with such circumstances, they will cease moving forward confidently and will instead haltingly slow, stop, and perhaps even retreat.

We respectfully urge you to use the remaining days before repeal to ensure religious liberty prevails. Conduct hearings, examine the problem for yourselves, and correct it by making a clear, unmistakable perimeter around military religious liberty. These hearings should also consider the threats to military religious liberty that are inherent in the President’s rejection of the Defense of Marriage Act and the military’s recent suspension and review of chaplain-led ethics training. No American, and especially not those in our armed forces, should be forced to abandon their religious beliefs. We owe it to those defending our rights with their lives to ensure that their rights remain inviolate.

For God and Country,

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