



THE UNITED STATES DEPARTMENT OF JUSTICE
RELIGIOUS LIBERTY COMMISSION

Witness Testimonies
Religious Liberty in the Military
State and Local Religious Liberty Issues
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Forthcoming:

Servicemembers:

1. Blake Martin

Servicemember Testimonies

Testimony of Brandon H. Wheeler

Good Morning, I would like to thank you Mr. Chairman and members of the Committee for allowing me the opportunity to testify today. I would like to state for the record that I am appearing in my personal capacity and any testimony I provide are my personal views, and do not necessarily represent the official views of the Department of War (DOW) or any of its components.

It must be stated that we are all here today because of our Great and Courageous President Donald J. Trump. His commitment to protecting faith in this nation and around the world has given hope to millions and saved countless lives.

America is the only nation in history founded not on bloodline, historical happenstance or geography, but on a philosophical idea: that human life has inherent worth, and that freedom is the metaphysical state of human existence — endowed by God, not granted by government. Our founders built a system to protect that freedom — from foreign enemies, from each other, and from the temptations within ourselves.

From that conviction, America was born: not as a product of accident or inheritance, but as the greatest political experiment in human history — an experiment we still live today. A country where we experience freedom, and the pursuit — never the guarantee — of happiness.

But here is the paradox: because most Americans were born into the reality our founders fought and died to create, it is almost unavoidable to take those freedoms for granted. Not because we are ungrateful — but because we are human.

We cannot understand what we have never seen. And most Americans have never seen tyranny.

I have.

Over thirty-eight years and across one hundred and fifteen countries, I have had a front-row seat to its reality.

I witnessed the turmoil and disarray of entire peoples, post the collapse of the Soviet Socialist Republics.

I walked the farms and backroads of Afghanistan, where Taliban justice meant men beaten for dissent, women disappeared for learning, and families terrorized into silence.

I stood in the ancient Christian homelands of the Nineveh Plains in Iraq, and along the Khabour River in Syria.

I have heard first hand accounts from mothers, inside the recently ravaged villages by Turkish backed militias and ISIS, whose young Christian daughters were dragged away by ISIS fighters as prizes — kidnapped, forced to convert and forced to bear children, to be future fighters for ISIS.

I watched Iranian-backed militias seize Christian lands, demanding families convert to Shia Islam or lose their homes — and perhaps their lives — all within eyeshot of U.S. bases, while American forces insisted they were only there to fight ISIS.

These are not stories from another era.

They are daily realities for people born outside the protection of freedom.

Over the decades, I have seen the stark contrast between what it means to be an American and what it means to be almost anyone else
— and we are forgetting that this distance exists.

Somewhere along the way, we stopped knowing what America is. America is not a piece of land. It is not the machinery of government. It is NOT whatever we decide it is — and it is certainly NOT a breeding ground for the ideological poison of socialism, communism, or Islamic fascism.

America is the people — and the philosophical manifestation of a way of life that only those people can make real.

It does not exist without us.

It is the realization of an abstract idea — one that is only as real as we are able to make it.

Our founders understood that human beings were given inalienable freedoms by God, and that government must protect those freedoms from threats abroad, within, and within ourselves.

And they understood something else: the single most essential freedom
— the one without which none of the others can survive — is freedom of thought.

You do not see those words written explicitly in the Bill of Rights because they are embodied in the First Amendment. Freedom of religion is the protection of conscience — the freedom of the human mind.

Today, we are not at war with nations. We are at war
with *cultures*.

The Communist Chinese. The Russian
Empire.

The Iranian Shia Mullahs. The Islamic
Fascists.

Enemies who disagree on almost everything except one truth: our belief in freedom is a direct threat to their control.

They are cultures of tyranny.

We are a culture of freedom and self-expression.

But an idea as powerful as freedom survives only when those who believe in it are willing to stand guard over it.

Which brings me to our warriors.

No volunteer fighting force in history has been more diverse than the United States military.

Different races, different beliefs, different origins —

all united not by sameness, but by a shared commitment to that founding idea: freedom.

But freedom is not a slogan.

It is not a feeling we summon when it is convenient.

It is a discipline — a hard-won way of life that must be studied, practiced, and lived, especially by those we send into the darkest corners of the earth.

And here is the truth we rarely have the courage to say out loud: War does not merely test

a human being.

It unveils him — or her — down to the marrow. And sometimes,
what it unveils is terrifying.

When you watch your brothers and sisters fall...

When you stare directly into the abyss of human cruelty...

When the rage in your chest rises like a tide and threatens to overtake you...

You come face-to-face with a version of yourself you never imagined.

You learn that you are capable of anything — including the very evil
you were sent to confront.

And in that moment, stripped of illusion, every warrior is confronted with a choice:

Will I become the thing I despise?

Or will I rise above instinct and embody the ideals I swore to defend — the very ideals that make
America different from the tyrannies we confront?

A battalion commander of mine once told me:

“Be able to kill — but do not become a killer.”

Carry compassion in your heart until the final second your finger tightens on the trigger.

Remember — even in the chaos of combat — that the life in your sights was created by the same
God who created yours.

Because morality is not forged in the instant a weapon fires. Morality is forged long before
that moment — in the discipline of conscience,

the cultivation of love,

and the refusal to let darkness remake you in its image.

That moral clarity does not appear by accident.

It must be cultivated. Practiced. Strengthened — the way one strengthens a muscle or sharpens a
mind.

And over the years, I learned an undeniable truth:

if you do not fill your heart with good, evil will fill the void.

Good and evil are not abstractions.

They are real — and we are seeing more of that evil inside our own borders.

If Jesus taught anything, it is to love.

Love your enemy.

Love those who betray you. Love those
who hate you.

Love no matter what.

Love with every fiber of your being.

As a Marine, I learned to treat that love as armor — a proactive practice to protect my own soul against the evil I knew I would face.

This is why fostering faith, freedom of thought, and freedom of conscience in the military is not optional.

It is not a cultural preference. It is not a political issue.

It is an operational necessity. A philosophical necessity.

A moral necessity.

Because if our warriors do not live the idea of America, they cannot defend it.

And if they do not understand what makes us different, they cannot stand against those who wish to erase that difference.

The world is full of people risking everything to come to this country. They are not sneaking into China.

They are not fleeing into Russia or Iran.

Because freedom is a metaphysical part of human existence, and America remains its greatest expression.

We have allies in every country —

The evidence of this is that we have Americans from every country in the world.

No other nation on earth can say that.

Our warriors must embody that truth.

They must know what an ally looks like, talks like, and behaves like. If we protect the freedom of conscience in those who defend us, we protect the very idea that makes America a reality.

Thank you for your time today. And God Bless these United States of America.

Testimony of Capt. Sukhbir Singh Toor

Hearing on Religious Liberty in the Military
U.S. Commission on Religious Liberty 10
December 2025

Good morning Commissioners. My name is Sukhbir Singh Toor, and I am a resident of Dayton, Ohio. I served in the United States Marine Corps from 2016 until my medical retirement this year, ultimately achieving the rank of Captain. Thank you for the opportunity to speak with you today on the issue of religious freedom in the U.S. Armed Forces.

I am a Sikh, a follower of the world's fifth-largest organized religion. Sikhism is a monotheistic, independent faith founded in 15th-century India. Sikhs maintain distinct articles of faith—including a turban, unshorn hair, and a beard—as essential expressions of our religious identity. These articles of faith, and my experience serving in uniform, are what bring me before you today.

From a young age, I knew I wanted to be a Marine. I never saw a conflict between my faith and my calling: Sikhism teaches the concept of the saint-soldier, someone committed to confronting injustice both morally and physically. For me, the Marine Corps is the most effective fight force in the world, representing the pinnacle of military excellence.

Yet when I chose to serve in 2016, I also knew I would face a painful choice: to cut my hair and remove my turban because the Marine Corps—unlike other branches—had not yet made meaningful progress toward accommodating Sikh articles of faith.

Only years into my career, just before my promotion to Captain, did I feel I had proven myself enough to even request a religious accommodation—an accommodation already routinely granted in the Army and Air Force. Ultimately, it took a lawsuit in 2021 to compel the Marine Corps to recognize the constitutional rights of myself and several other Sikh Marines, and in doing so, to reinforce those same rights for Muslims, Orthodox and Hasidic Jews, and others.

I also want to be clear about what happened after I received my accommodation. My ability to lead Marines did not diminish in any way. On the contrary, serving as my full self made me more comfortable, more confident, and more driven to excel. I am living proof that having a Marine with a beard and turban does not create chaos, undermine unit cohesion, or hinder mission accomplishment. My Marines judged me—as they should—on my competence, character, and commitment, not on the articles of faith I wear. Allowing me to serve authentically strengthened, rather than weakened, our team.

This was never a personal fight. It was an American one. No young American from a religious minority should have to choose between their faith and service to their country—especially when they are willing to wear the uniform of the United States Marine Corps. That promise of equal opportunity is not only constitutional; it is quintessentially American.

Today, that promise is again at risk. As many of you know, the Department of War is revising grooming and accommodation policies related to beards in the military. On September 30, Secretary Hegseth announced his desire for “no more beardos,” referring to facial hair—even when religious—as “superficial religious expression.” A subsequent memo provided directives that raise significant concern:

First, it requires recruits to “meet grooming standards” before requesting an accommodation—forcing religious minorities to violate their faith in order to request permission not to violate their faith.

Second, it calls for a return to “pre-2010 standards,” a period before the modern era of religious accommodation began and before the first Sikh officers received waivers.

Third, it proposes limiting religious accommodations to “nondeployable” roles, depending on how “deployable” is defined. This could effectively bar religious minorities from full participation in military service.

Each of these proposals threatens to reverse more than 15 years of progress—progress that has allowed Sikhs and other religious minorities to serve honorably, capably, and without compromising their identity or beliefs.

For these reasons, I respectfully urge this Commission to defend the religious rights of Sikhs and all service members of faith and elevate this respectful request to the highest levels of our government. It is vital that any new policies from the Department of War or the Service Secretaries preserve a fair, constitutional, and functional religious accommodations process.

Thank you for considering my perspective. I look forward to your questions.

Testimony of John Kennedy (“Kenny”) Vaughan

Mr. Chairman and Commission, good morning.

Thank you all for inviting me to speak here today. I am extremely grateful for this opportunity.

My name is Kenny Vaughan, and I am the founder and President of a company known as Shields of Strength. My company’s mission is simple: To share the love, hope, forgiveness, and power of God’s Word with others and to see people victorious in life’s battles and in a relationship with Jesus Christ. This mission comes from my own testimony that I’d like to share with you today.

Since childhood, I had a dream of winning a national championship in water-ski jumping. But my dream seemed out of reach. For 15 years, I would make it to the national championship, only to lose in dramatic fashion. My friends and family encouraged me each time that next year would be the year. But I was so scared. I knew that fear had conquered me.

Then, before the 1996 tournament, my girlfriend, Tammie—who is now my beautiful wife—knew that something was bothering me. I finally admitted my fear to her. She knew just what to do. Tammie used a Sharpie to write Bible scripture on the handle of my water-ski rope. I appreciated that, but didn’t know how that was supposed to help me with my fear. Turns out, it worked. I meditated on the words Tammie had written and prayed about the Scripture. It was then that God, through His Scripture, spoke to me. God’s Word set me free from my fear.

I believe that lives change when God’s Word is planted in hearts. Mine did. After 15 years of failing, I overcame my fear and won the 1996 national championship. I learned that I needed to be a “doer” of God’s word, not just a “hearer,” as the Scriptures from James says. This lesson affected me deeply and changed my life forever.

I wanted to remember this lesson, so I made a dog tag with the Scripture from my water-ski handles engraved on it. I wore it under my shirt, but it wasn’t long and someone noticed and asked about it. I shared my testimony with this person and gave the dog tag to them. Then I made another one—same thing happened. I realized that other people needed God’s Word just as much as I did. That’s when Shields of Strength was born.

I started making a few dog tags at a time and within days they’d be gone. I had given them away to family and strangers, alike. I couldn’t give them away fast enough. God was doing all the work.

December 1998 was the first time Shields of Strength was placed in a store. They sold so well that in 2001, stores across the country were carrying them. In one of these stores, the Shields dog tags caught the eye of Colonel David Dodd.

At that time, Colonel Dodd was in command of the 86th Signal Battalion, and he and his troops were headed to Afghanistan for the start of Operation Enduring Freedom. When he contacted us about buying some in bulk, we gave Colonel Dodd 500 Shields dog tags for his combat-ready troops. That day began a lifelong friendship and relationship between Shields and the

military. The most popular Shield for soldiers was emblazoned with the U.S. Flag and engraved with Joshua 1:9. It's this dog tag that made it to the hands of a young Army Captain named Russell Rippetoe, who I will talk about later.

During Operation Iraqi Freedom, our dog tags were the most requested and worn item. Author Stephen Mansfield documented in his book, *Faith of the American Soldier*, that aside from the official insignia they wear, Shields dog tags were the emblem most often carried by service members of the military in Afghanistan and Iraq.

During that time, we donated more dog tags than we sold because the need was so high. Lots of the guys wanted them but they didn't have the money. Donating them was our small way of honoring the big sacrifice they were making for our country and freedoms.

In fact, then-General Lloyd Austin, while he was an active duty officer in the Army, is one of our largest purchasers to date, ordering approximately 50,000 dog tags total for soldiers in his units. This is just one example from decades of goodwill and partnership with the DoD.

Then, under the Obama administration, the DoD realized that it could monetize that goodwill. The DoD began trademarking everything in sight and started charging fees for licenses. Until 2011, the Department of Defense and the Service Branches allowed Shields of Strength to use its insignias without a trademark license. But in 2011, that changed. We knew we needed to continue our mission of strengthening and encouraging those who serve, so we became a licensee.

Then, in 2019, an anti-religion activist complained about Shields of Strength and our message of encouragement. Because of this one complaint, the Department of Defense and the Service Branches revoked our licenses.

Thankfully First Liberty Institute and Carl Bruce at one of First Liberty's partner firms represented us free of charge, eventually winning a favorable settlement. But years of litigation cost me the business. Today, Shields of Strength is only a shell of what it once was and what it could have been if not for the government targeting me because of my Christian faith.

I testify today to let you know that the real victims are the service members who no longer had Shields of Strength available to them. In 2003, President George W. Bush gave a Memorial Day Address from Arlington National Cemetery. During his speech, President Bush spoke about an Army Ranger, Captain Russell Rippetoe. When Army Ranger, Captain Russell Rippetoe became the first American casualty of Operation Iraqi Freedom, he was wearing a Shields dog tag. President Bush encouraged the Nation and honored those brave men and women gathered row by row in Arlington. How? He used the words from the back of Captain Rippetoe's dog tag, found in the book of Joshua—"Have not I commanded thee? Be strong and of good courage. Be not afraid, neither be thou dismayed, for the Lord thy God is with thee."

Today Captain Rippetoe's dog tag lies in the Smithsonian. Religious liberty could end up like that dog tag—an artifact in a museum—if we don't do something to change the culture.

Thank you and may God bless you and your families.

Testimony of 2LT Harish Rao

Hindu religious liberty in the US Military

Good morning, ladies and gentlemen. Thank you for allowing me to speak on the importance of **Hindu religious liberty in the United States Military**. My testimony is shaped not only by my faith but by my personal journey as a soldier who has lived through both challenges and extraordinary support from the Chaplain Corps. I will speak on three key areas:

1. Respect and recognition of Hindu religious symbols such as the **Tilak-Chandlo**,
2. Consistent access to **preservative-free, egg-free flu vaccinations**, and
3. Expanded **chaplain endorsement opportunities**, including support for Hindu chaplaincy.

Before I begin these points, I want to share my own story.

My Personal Experience — Fort Jackson, 2015

I joined the U.S. Army in **2015**, and during Basic Training at **Fort Jackson**, South Carolina, I faced significant challenges because my chain of command did not understand my religious practices—especially the **Tilak-Chandlo** I wear on my forehead.

I was told that if I wanted to keep wearing my Tilak-Chandlo, I would be **deported back to India**.

I was removed from training and placed among the “non-trainers.” One day a Chaplain walked by and asked each of us why we did not want to be soldiers.

When my turn came, I explained:

“If I am not allowed to keep my faith and practice my religion, then what exactly am I defending?”

I told him I had been instructed that I would be deported and now I am just waiting for the process.

The Chaplain then asked me two questions that changed my life:

“Does your religious practice affect your training?” I said **no**.

“If you are permitted to practice your faith, do you still want to serve?” I said **yes**—absolutely.

That Chaplain stood up for me. He spoke to my Drill Sergeants, the First Sergeant, and the Company Commander. He explained clearly that I had the **right to practice my religion**. He arranged for me to be transferred to another unit, gave me a **memo of religious accommodation**, and made sure I could continue my training.

Before I moved on to **Advanced Individual Training, AIT**, at **Fort Lee, Virginia**, I asked what would happen if I faced similar issues there. The Chaplain contacted Fort Lee's Chaplain and told me to keep the memo with me at all times.

Because of that support, I successfully completed AIT with **no problems**, and I even earned **two Certificates of Achievement**—one for leadership as a Squad Leader and another for Class Leadership.

These experiences shaped me profoundly.

Now, I would like to explain a little bit more about the religious practices of my faith.

1. Tilak and Chandlo as a Protected Religious Expression

The Tilak-Chandlo is not just symbolic; it is central to my identity as a Swaminarayan Hindu. The Tilak symbolizes Gods Feet (purity), and the Chandlo symbolizes devotees (devotion), a twofold combination of a devotee offering service **at** the feet of the God. Across Hindu traditions, these symbols vary in **shape, size, and color** depending on the deity or lineage the devotee follows.

But in 2015, my chain of command misunderstood it—and nearly removed me from the Army.

Today I'm speaking so future Hindu soldiers never face the same experience.

Recognizing the Tilak-Chandlo and other Hindu faith symbols—as long as they do not interfere with safety—ensures soldiers can serve authentically and proudly.

2. Hindu Dietary Practices — Pure Vegetarianism and Avoidance of Tamas (Onion & Garlic)

Many Hindus—especially those in the Swaminarayan, Vaishnav, and Jain traditions—follow **strict vegetarianism**. This means:

No meat

No seafood

No eggs

And even among vegetables: **No onion and no garlic**

Onion and garlic are considered **tāmasic** foods in Hindu philosophy. “Tamas” refers to qualities that promote:

anger,

agitation,

lack of focus,

and spiritual dullness.

Because Hindu spirituality emphasizes mental clarity, purity of thought, and emotional control, avoiding onion and garlic is a deeply religious practice—not a personal preference.

Service members following this discipline require:

Pure vegetarian meals,

No egg content,

Clear labeling of ingredients,

And alternatives during field exercises or mass feedings.

Even when it comes to vaccinations, many Hindus prefer **egg-free or preservative-free** versions when available, such as cell-based or recombinant flu vaccines. This allows soldiers to maintain readiness while respecting sincerely held beliefs.

Understanding these dietary principles ensures Hindu soldiers remain healthy, focused, and spiritually grounded—without compromising mission readiness.

3. Expanding Hindu Chaplain Endorsement Opportunities — Including BAPS Sanstha

During my assignment at **18th MEDCOM, Fort Shafter, Hawaii**, Chaplains and leadership—especially COL Sammartino—supported me deeply. We created a **7-day interfaith pilgrimage** to the Big Island for E4 and below soldiers, learning Hawaiian, Christian, and Hindu values together. That experience was so successful that I brought the idea to the president of BOSS Program (Better opportunity for single soldiers), which then expanded it statewide across military branches.

But I soon realized a bigger issue: **there are very few Hindu chaplains**, even though many Hindu service members serve across branches.

In 2022, I learned about **Airman Darshan Shah**, who waited nearly **two years** for a religious accommodation. Cases like his—and my own—show how much we need chaplains who understand Hindu faith traditions.

This past summer, during Cadet Summer Training (**CST**) at **Fort Knox**, a Chaplain approached me and asked if I would consider becoming a Hindu Chaplain, mentioning that the Army is actively looking to hire. On **September 26**, I was commissioned as a Logistics Officer, and now I feel called to pursue the Chaplain Corps because a Chaplain once stood up for me—and now I want to do the same for future Hindu soldiers.

I also want to emphasize that the **BAPS Swaminarayan Sanstha**—a global Hindu organization with a strong leadership structure—is fully **willing and ready** to become an official **endorser** for Hindu chaplains if given the opportunity. This would significantly expand pathways for Hindu soldiers seeking spiritual support.

Conclusion

My journey—from almost being removed from the Army to now being an officer aspiring to join the Chaplain Corps—proves the power of religious liberty and the importance of understanding.

By

- Recognizing the Tilak-Chandlo and other Hindu markings,
- Understanding and accommodating Hindu vegetarian dietary discipline, including avoiding tamasic foods, and
- Expanding endorsement opportunities for Hindu chaplains, including BAPS Sanstha,

the U.S. military can ensure that no service member must choose between **faith and service**.

The Army gave me the chance to serve something bigger than myself. Now I hope to help ensure that every Hindu soldier—present and future—can serve with dignity, confidence, and devotion.

Thank you for your time and consideration.

Testimony of Mike Berry, U.S. Marine Corps Reserve

Chairman Patrick, and Distinguished Commissioners:

Thank you for the privilege of presenting testimony regarding Religious Liberty in the Military. I am honored to serve as Executive Director of External Affairs and Senior Counsel for First Liberty Institute, and I am equally honored to serve as an officer in the U.S. Marine Corps Reserve, although this testimony is offered only in my personal capacity with First Liberty Institute.

Introduction

Every military force in the world invests in the physical enterprise of war. They rightly focus on the equipment and tactics necessary to fight and win. But the best military forces also invest in the human enterprise of war. They focus not just on the equipment and tactics but also on the people who must do the fighting.

Regarding the human enterprise of war, the United States military has been an all-volunteer force for more than half a century. An entire generation of America's young people have determined, in sufficient numbers, that military service presents an attractive alternative to college, vocation, or other pursuits. To sustain our all-volunteer force, it is therefore imperative that we understand who joins the military, and why.

According to at least one study,¹ military-aged Americans who identify as “highly religious” are significantly more likely to join the military than their counterparts who identify as “non-religious.” Accordingly, we should expect that a military that is hospitable to religious liberty will experience stable recruiting and retention rates while a military that is hostile to religious liberty will experience the opposite. In other words, religious liberty is a matter of national security.

Fortunately, America has a strong historical and legal foundation for providing and maintaining religious liberty within the military.

Historical Foundations of Religious Liberty in the Military

Since the United States' founding, American civil and military leadership have taken deliberate steps to ensure robust religious liberty protections in the military and to prevent it from becoming a purely secular entity. The founders were no strangers to government provision of religious support. For example, in 1789 the first federal Congress passed a law providing for the payment of legislative chaplains.² Nearly two centuries later, the Supreme Court upheld the constitutionality of those legislative chaplains, concluding that it “is not . . . an establishment of religion,” but rather “a tolerable acknowledgement of beliefs widely held among the people of this

¹ <https://pmc.ncbi.nlm.nih.gov/articles/PMC3442261/>

² *Journal of the First Session of the Senate of the United States of America* (Washington: Gales and Seaton, 1820), p. 67, August 28, 1789. See also *The Public Statutes at Large* (Boston: Little & Brown, 1845), Vol. I, pp. 70-71, September 22, 1789, “An Act for allowing compensation to the Members of the Senate and House of Representatives of the United States, and to the Officers of both Houses (c).”

country.”³

Today, in continuance of the first Congress’ policy, the government directly funds the salaries, activities, and operations of thousands of military chaplains. Despite periodic legal challenges, the Supreme Court “has long recognized that the government may (and sometimes must) accommodate religious practices and that it may do so without violating the Establishment Clause.”⁴ This unquestionably includes military chaplains.

It is important to note that the presence of military chaplains does not represent the outer limit of religious liberty in the military. The fact that the government pays chaplains to perform religious exercises does not preclude other forms of religious expression that are distinct from a formal chaplaincy, including service members’ religious expression.

Perhaps no individual had a greater influence in shaping our nation’s armed forces than George Washington, its first Commander-in-Chief. He made known his convictions on the importance of religion within the military early in his career while serving as a young Colonel during the French & Indian War (1753-1763). Throughout that time, he repeatedly requested religious support for his troops, explaining:

*Common decency, Sir, in a camp calls for the services of a divine, and which ought not to be dispensed with, altho’ the world should be so uncharitable as to think us void of religion.*⁵

Washington’s British superiors refused his requests. But Washington believed so firmly that religious activities were essential to the well-being of his troops that he periodically undertook to perform those duties himself, including reading Scriptures, offering prayers, and conducting religious services.⁶

Future presidents and legislatures followed Washington’s lead, laying a solid foundation for religious liberty in the military. After Congress officially established the Continental Army, it explicitly recommended that “all officers and soldiers diligently attend Divine Service.”⁷ Similarly, Congress instructed America’s fledgling navy that “commanders of the ships of the Thirteen United Colonies are to take care that Divine Service be performed twice a day on board, and a sermon be preached on Sundays.”⁸

³ *Marsh v. Chambers*, 463 U.S. 783 (1983).

⁴ *Corporation of Presiding Bishop v. Amos*, 483 U.S. 327 (1987).

⁵ George Washington, *The Writings of George Washington*, John C. Fitzpatrick, editor (Washington, D.C.: Government Printing Office, 1931), Vol. II, p. 178, to John Blair on April 17, 1758.

⁶ See, e.g., Jared Sparks, *The Writings of George Washington* (Boston: Russell, Odiorne, & Metcalf, 1834), Vol. 2, p. 54; E. C. M’Guire, *The Religious Opinions and Character of Washington* (New York: Harper & Brothers, 1836), p. 136; Washington Irving, *Life of George Washington* (New York: G. P. Putnam & Co., 1855), Vol. I, pp. 128-129, 201; C.

M. Kirkland, *Memoirs of Washington* (New York: D. Appleton & Company, 1857), p. 155; Hon. J. T. Headley, *The Illustrated Life of Washington* (New York: G. & F. Bill, 1859), p. 60; etc.

⁷ *Journals of the Continental Congress* (Washington, D.C.: Government Printing Office, 1905), Vol. II, p. 112, June 30, 1775.

⁸ *Journals of the Continental Congress* (Washington, D.C.: Government Printing Office, 1905), Vol. III, pp. 378, November 28, 1775.

America's second Commander-in-Chief, John Adams, was no less insistent that religious liberty should flourish in the military. Known as "The Father of the American Navy," Adams' presidency saw the U.S. Navy grow from its humble origins—an organization comprised largely of privateers—into a formidable fighting force capable of defending the nation from afar. Adams instructed his Secretary of the Navy, Benjamin Stoddert, on the importance of a Navy chaplaincy:

*I know not whether the commanders of our ships have given much attention to [chaplains], but in my humble opinion, we shall be very unskillful politicians as well as bad Christians and unwise men if we neglect this important office in our infant navy.*⁹

Congress responded favorably to President Adams' desire by establishing and providing for naval chaplains, and re-issuing the naval regulations it established during the Revolutionary War which required Divine Services to be performed twice each day aboard all naval vessels and that a sermon to be preached each Sunday.¹⁰

Building upon this solid foundation, the tradition of religious liberty within the military carried well into the twentieth century. For example, shortly after taking office, and during the military build-up preceding World War II, President Franklin Roosevelt declared:

*I want every father and every mother who has a son in the service to know – again, from what I have seen with my own eyes – that the men in the Army, Navy, and Marine Corps are receiving today the best possible training, equipment, and medical care. And we will never fail to provide for the spiritual needs of our officers and men.*¹¹

During World War II, President Roosevelt apparently became even more committed to preserving the spiritual fitness of the military. So committed was Roosevelt that he directed, at government expense, the printing and distribution of the Bible to troops along with his exhortation that "I take pleasure in commending the reading of the Bible to all who serve in the Armed Forces of the United States."¹²

Following World War II, with the emergence of communism as the preeminent threat to American and western European democracies, the battle for ideological superiority became a proxy for geopolitical supremacy. President Harry Truman, wanting assurances that American service members were prepared to combat communism, convened a commission to examine the role of chaplains and spiritual faith in the military. The commission reported:

⁹ John Adams, *The Works of John Adams*, Charles Francis Adams, editor (Boston: Little, Brown and Company, 1853), Vol. VIII, pp. 661-662, to B. Stoddert on July 3, 1799.

¹⁰ *The Public Statutes at Large* (Boston: Charles C. Little and James Brown, 1845), Vol. II, p. 45, "An Act for the better government of the navy of the United States," April 23, 1800, Art. II.

¹¹ Franklin D. Roosevelt, "Fireside Chat," *The American Presidency Project*, October 12, 1942.

¹² *The New Testament of Our Lord and Savior Jesus Christ, Prepared for Use of Protestant Personnel of the Army of the United States* (Washington, DC: US Government Printing Office, 1942), letter by Franklin Roosevelt inside front cover.

*One of the fundamental differences dividing this world today lies in the field of ideas. One side of the world, to which we belong, holds to the idea of a moral law which is based on religious convictions and teachings. **The fundamental principles which give our democratic ideas their intellectual and emotional vigor are rooted in the religions which most of us have been taught. Our religious convictions continue to give our democratic faith a very large measure of its strength.***

*The other side of the conflict has organized its idea upon a rejection of moral law and individual dignity that is utterly repugnant to any of our religions. Indeed, it has been necessary for the totalitarians to attack and stifle religion because such faith represents the antithesis of everything they teach. **It follows, therefore, that if we expect our Armed Forces to be physically prepared, we must also expect them to be ideologically prepared.***

A program of adequate religious opportunities for service personnel provides an essential way for strengthening their fundamental beliefs in democracy and, therefore, strengthening their effectiveness as an instrument of our democratic form of government.¹³

Ample evidence supports the commission's report. During and after World War II, the U.S. Army surveyed thousands of soldiers about their attitudes toward military service. In 1949, the U.S. Army's Research Branch, Information and Education Division, produced a three-volume record of the survey's results.¹⁴ In Volume II, *The American Soldier, Combat and Its Aftermath*, the U.S. Army surveyed its officers and enlisted service members about sources of combat motivation. Among a list of options that included "thinking that you couldn't let the other men down," and "thinking that you had to finish the job in order to get home again," World War II veterans most frequently identified *prayer* as their primary source of motivation during combat. It is reasonable to conclude that a climate that promoted religious liberty within the military was essential to America's combat efficacy during World War II.

The preceding anecdotes are but a sample of the hundreds of historical examples establishing a clear and unambiguous conclusion: the practice of permitting, encouraging, and at times requiring, religious liberty within the armed forces was instituted by those who first won America's independence and that religious liberty within the military has been a fundamental part of America's history and tradition that predates the founding. And despite ongoing threats and challenges, it remains so still today.

Legal Basis for Religious Liberty in the Military

Legal Challenges to Religious Liberty in the Military

Legal challenges to the constitutionality of religious liberty within the military takes on many

¹³ *The Military Chaplaincy: A Report to the President by the President's Committee on Religion and Welfare in the Armed Forces*. October 1, 1950 (Washington, D. C.: 1951)[emphasis added].

¹⁴ Stouffer, Samuel A., *et al. Studies in Social Psychology in World War II*. Princeton University Press (1949).

forms. But the nature of those challenges is generally similar: because service members are representatives and agents of the federal government, the government must curtail service members' religious liberty in order to avoid violating the Establishment Clause of the First Amendment. Although courts have repeatedly rejected this argument, the unique nature of the military and its mission means that courts often attempt to apply the First Amendment to service members differently than in other contexts.¹⁵

Nevertheless, even the military's mission to fight and win wars, which necessitates obedience to authority, good order, and discipline, does not absolve it from ensuring the constitutional right to religious expression. In fact, one federal court stated that the military not only may accommodate religious expression, but that it is constitutionally required to do so.

In 1985, the United States Court of Appeals for the Second Circuit decided the case of *Katcoff v. Marsh*.¹⁶ In *Katcoff*, two Harvard Law School students challenged the constitutionality of the U.S. Army's chaplaincy, arguing that government provision and funding of chaplains violated the Establishment Clause. The court rejected that argument, reasoning that, because of the unique rigors of military life, a service member's ability to freely practice their religion would be stifled unless the military provided chaplains.¹⁷ Importantly, the court held that the Constitution "obligates Congress, upon creating an Army, to make religion available to soldiers who have been moved by the Army to areas of the world where religion of their own denominations is not available to them."¹⁸ The principle *Katcoff* exemplifies is now embodied in official DoD policy. Joint Publication 1-05, Religious Affairs in Joint Operations, states:

*U.S. military chaplains are a unique manifestation of the nation's commitment to the values of freedom of conscience and free exercise of religion proclaimed in her founding documents Uniformed chaplaincies are essential in fulfilling the government's, and especially the Department of Defense's, responsibilities to all members of the Armed Forces of the United States.*¹⁹

In other words, without a military chaplaincy, Congress would be unable to ensure service members' affirmative religious liberty under the Free Exercise clause. The inevitable result would be a constitutional catastrophe: American service members who are unable to freely exercise the very rights they place themselves in harm's way to protect.

American service members assigned to austere environs or forward-deployed areas experience this reality every day. They are unable to freely exercise their religion by virtue of their military service. Generally speaking, a service member assigned to a forward operating base or remote outpost cannot attend services at his or her church, synagogue, temple, etc. Thus, military chaplains provide an invaluable service that our forefathers understood to be a bulwark of religious liberty—military chaplains facilitate the free exercise of religion as guaranteed by the First Amendment.

¹⁵ See *Parker v. Levy*, 417 U.S. 733, 743 (1974) ("[I]t is the primary business of armies and navies to fight or be ready to fight wars should the occasion arise.").

¹⁶ *Katcoff v. Marsh*, 755 F.2d 223 (2d Cir. 1985).

¹⁷ *Id.* at 234.

¹⁸ *Id.* [emphasis added].

¹⁹ JP 1-05, at I-1.

But the challenges to the chaplaincy and chaplains' religious expression did not stop with *Katcoff*.

In the 1990's, Congress considered a legislative override to President Clinton's veto of the Partial-Birth Abortion Ban Act. Seeking to present a unified voice in support of the congressional effort, the Catholic Church in the United States engaged in a "Project Life Postcard Campaign," which began in 1996. The campaign consisted of Catholic priests throughout the country—including the Archdiocese for Military Services—encouraging their parishioners to sign postcards urging their elected representatives to vote in support of Congress' effort to override President Clinton's veto.

In response, the Judge Advocate General (TJAG) of the Air Force—the highest-ranking attorney in the Air Force—issued a formal legal opinion prohibiting Air Force chaplains from participating in the Postcard Campaign based on the rationale that, as military officers, chaplains may not use their official positions to support partisan legislation. The Army and the Navy subsequently issued similar guidance to their chaplains.

Father Rigdon and Rabbi Kaye, a Roman Catholic priest and Jewish rabbi, respectively, were U.S. Air Force chaplains. Believing that partial-birth abortion was a significant issue to their congregations, both chaplains sought to take part in the Postcard Campaign. But in reliance on the aforementioned TJAG opinion, the Air Force prohibited them from doing so. In the 1996 case of *Rigdon v. Perry*,²⁰ Father Rigdon and Rabbi Kaye sued the Secretary of Defense, alleging that the military's prohibition on military chaplains encouraging their congregants to contact Congress in favor of the Partial-Birth Abortion Ban Act violated the Religious Freedom Restoration Act (RFRA). The United States District Court for the District of Columbia ruled in favor of the chaplains.

The court's rationale was straightforward:

*When chaplains are conducting worship . . . they are acting in their religious capacity, not as representatives of the military or . . . under the color of military authority . . . [M]ilitary chaplains do not invoke the official imprimatur of the military when they give a sermon; they are acting in a religious capacity, and therefore, it is wholly appropriate for them to advance their religious beliefs in that context.*²¹

Thus, not only does the First Amendment's Free Exercise Clause require the provision and funding of military chaplains, it also prohibits censorship of their speech when performed in their religious capacity. When chaplains perform their religious duties—whether it be delivering the Sacraments, preaching from the pulpit, or counseling the penitent—they enjoy the same First Amendment protections as their civilian counterparts.

Military Restrictions on Religious Liberty

As the *Katcoff* and *Rigdon* cases demonstrate, religious expression in the military does not run afoul of the First Amendment to the Constitution simply because the government permits or even encourages it. It should be noted, however, that service members do not enjoy *carte blanche* to

²⁰ *Rigdon v. Perry*, 962 F.Supp. 150 (D.D.C. 1997).

²¹ *Id.* at 160-61 (internal quotations and citations omitted).

engage in otherwise prohibited conduct under the guise of religious liberty. In fact, the military has historically enjoyed substantial deference when it comes to restricting conduct that would be protected in the civilian context. It is not difficult to imagine a multitude of scenarios in which the needs of the military conceivably outweigh the right of free exercise.²² Nevertheless, the Constitution, federal law, and military regulations require a careful balancing of these interests.

Because military necessity can often outweigh individual rights and interests, the right to religious expression in the military is not without limitation. The Department of War (DOW) and each of the military service branches have policies that govern how the military must accommodate the religious needs of service members. The notion that military commanders retain the authority and discretion to maintain good order and discipline, military readiness, and mission capability, are embedded in those policies. But the fact that the military enjoys substantial deference in the name of military necessity does not mean its ability to restrict religious expression is unfettered.

Limitations on Military Authority to Restrict Religious Liberty

Although courts have routinely upheld the authority of military officials to restrict speech in furtherance of military objectives, courts have also recognized limitations to such authority. Indeed, a military commander who engages in censorship in an arbitrary and capricious manner, even under the guise of military necessity, may find him or herself on the losing end of a lawsuit. Such was the case in *Nieto v. Flatau*.²³

Jesse Nieto's son, Marc Nieto, was an American Sailor killed in the Islamic terrorist attack on the U.S.S. Cole in 2000. Mr. Nieto, a retired U.S. Marine, worked as a civilian contractor at Marine Corps Base Camp Lejeune, North Carolina. In response to his son's death, Mr. Nieto began displaying various decals on his vehicle to honor his son's memory, and to express his views criticizing Islam and terrorism.

In 2008, Camp Lejeune officials began receiving complaints that Mr. Nieto's decals were offensive. Colonel Richard Flatau, Jr., the base commander, responded by ordering Mr. Nieto to remove his decals, citing Camp Lejeune regulations prohibiting "extremist, indecent, sexist, or racist messages on . . . motor vehicles in any format."²⁴ When Mr. Nieto refused to remove the decals from his vehicle, Camp Lejeune officials ordered him to remove his vehicle from Camp Lejeune, and banned him from the base and all other federal installations until he complied. Mr. Nieto sued, arguing that Colonel Flatau applied the base regulation against him in an arbitrary and capricious manner, and that he engaged in viewpoint discrimination.²⁵

A federal court agreed with Mr. Nieto, holding that because Camp Lejeune officials permitted some decals to be displayed, they could not arbitrarily pick and choose those decals that were not permitted simply because some may find their message offensive. Specifically, pro-Islam messages were permitted, while anti-Islam messages were not. Importantly, the court stated

²² See *Sherwood v. Brown*, 619 F.2d 47 (9th Cir. 1980).

²³ *Nieto v. Flatau*, 715 F.Supp. 2d 650 (E.D. N.C. 2010).

²⁴ *Id.* at 652.

²⁵ *Id.* at 656.

“[w]hile the military may have greater leeway in restricting offensive material in furtherance of securing order and discipline among its troops, it may not do so in a manner that allows one message while prohibiting the messages of those who can reasonably be expected to respond.”²⁶ This form of censorship is referred to as viewpoint discrimination, and it is unconstitutional.

Thus, even when a military regulation authorizes a commander to prohibit certain forms of speech in order to maintain good order and discipline, commanders may not engage in viewpoint discrimination against religious expression.

Challenging Alleged Constitutional Violations by the Military

Inevitably, the question arises: What recourse or remedy is available to a service member whose constitutional rights are violated by the military? It is a question courts have yet to address in a comprehensive and satisfactory manner. The unfortunate result is the lingering misconception that no recourse is available.

In 1983, the Supreme Court decided *Chappell v. Wallace*,²⁷ in which it held that enlisted service members may not sue to recover damages from superior officers for constitutional violations in the course of military service. The court’s rationale was that, because of the unique and special nature of the military, Congress created a separate system of justice for service members under the Uniform Code of Military Justice (UCMJ). Were the Court to craft a judicial remedy exposing officers to personal liability to those whom they command, it could severely undermine the special nature of military life. Moreover, because Congress—to whom the Constitution delegates control over the armed forces—had not provided a cause of action and remedy for constitutional violations by individual officers, any judicially created remedy would be inconsistent with Congress’ authority in military matters.²⁸ In other words, the *Chappell* Court held there is no recognized right whereby service members may sue their superiors for constitutional violations. But *Chappell*’s impact would be short-lived.

Just three years later, and in stark contrast, the Supreme Court decided the case of *Goldman v. Weinberger*.²⁹ In *Goldman*, the court held that the U.S. Air Force did not violate the First Amendment rights of an Orthodox Jew and ordained rabbi who served in the Air Force by prohibiting him from wearing his yarmulke while indoors and on duty. The court held that the regulation at issue reasonably and even-handedly regulated attire in a manner that accomplished the military’s need for uniformity and discipline.³⁰ Although Mr. Goldman did not prevail on the substance of his constitutional claim, his case is notable because the court recognized that service members can sue the federal government for violating an individual’s constitutional rights.

Ten years after the Supreme Court decided *Chappell*, Congress passed the Religious Freedom Restoration Act of 1993 (RFRA). Although a subsequent decision limited RFRA’s reach to only

²⁶ *Id.*

²⁷ *Chappell v. Wallace*, 462 U.S. 296 (1983).

²⁸ *Id.* at 304.

²⁹ *Goldman v. Weinberger*, 475 U.S. 503 (1986).

³⁰ *Goldman*, 475 U.S. at 510.

the federal government,³¹ RFRA nevertheless prohibits “a government” from substantially burdening a person’s free exercise of religion unless it can demonstrate a compelling interest that is implemented in the least restrictive way. RFRA creates a cause of action against “a government” that is unable to satisfy this standard. By its own terms, RFRA defines “a government” as including “a branch, department, agency, instrumentality, and official (or other person acting under color of law) of the United States”³² Thus, Congress expressly authorized a cause of action for constitutional violations by service members. And although it may be difficult to prevail against an individual military officer on a constitutional violation claim—for example, the officer may claim qualified immunity—it is clear that RFRA provides a cause of action for such claims.

Therefore, service members who are victims of constitutional violations can, in fact, sue the United States, the responsible individual, or both.

Recommendations

1) Improve Education and Training Standards

Because religious liberty applies to everyone, it is every service members’ responsibility to ensure its continued legacy for future generations. But there are three types of service member for whom the responsibility to protect religious liberty is particularly acute: Commanders, Chaplains, and Lawyers (often referred to as “JAGs”).

Each of these military officers receives specialized education and training in order to perform their unique military functions. But each receives astonishingly little training on our military’s constitutional foundations, including and especially religious liberty.

At a minimum, commanders, chaplains, and JAGs should receive mandatory annual training to ensure compliance with the very Constitution they vow to uphold and defend.

2) Eliminate “Woke” Training Materials

To compound the problem of a lack of adequate religious liberty training, the training that does exist is often antithetical to American values. Under previous administrations, an alarming trend emerged within the military.

The Department of War and each service branch employ equal opportunity offices whose mission, in part, is to prevent unlawful discrimination. DOW equal opportunity officials are trained at the Defense Equal Opportunity Management Institute (DEOMI). Shockingly, under previous administrations DEOMI instructors were taught to provide the following training to service members with respect to extremism in the military:

Nowadays, instead of dressing in sheets or publicly espousing hate messages, many extremists will talk of individual liberties, states’ rights, and how to make the world a better place.

The tragic irony is that “individual liberties” and “making the world a better place” are often the very

³¹ *City of Boerne v. Flores*, 521 U.S. 507 (1997).

³² 42 U.S.C. § 2000bb-2(1).

ideals that motivate many Americans to serve. In fact, if individual liberties and states' rights are "extremist," then we ought to scrap the Constitution and the Bill of Rights—the very documents we pledge to defend and protect.

In addition to the troubling DEOMI training manual, an unclassified slide from a U.S. Army training presentation entitled "Religious Extremism" purports to identify religious extremist groups. Included among those listed are Al Qaeda, Hamas, and the Ku Klux Klan, groups that use or advocate violence to accomplish their objectives and are therefore rightly classified as extremists. But also included are Evangelical Christianity and Catholicism, who most assuredly do not advocate violence. Surely, the fact that Evangelical Christians and Catholics hold fast to millennia-old views on marriage and human sexuality does not make them extremists who are unfit to serve.

3) Incorporate Religious Liberty in the National Security Strategy

In 1986, Congress passed a law that required the president to publish an annual National Security Strategy. Although none of the early National Security Strategy issuances made explicit reference to religious liberty, Presidents Ronald Reagan and George H.W. Bush certainly recognized its continued importance.

In his 1997 National Security Strategy,³³ President Clinton made the first explicit reference to religious liberty in this context, pledging that the nation "will work with international institutions to combat religious persecution." The following decades—spanning two Democratic and two Republican administrations—saw religious liberty as a staple in the National Security Strategy.

Considering the present challenges America faces both domestically and internationally, religious liberty should remain as a central component of our national security strategy. In the midst of emerging and ever-evolving threats to our national security, now more than ever we ought to embrace America's first freedom as an important line of defense.

But under the previous administration's National Security Strategy, religious liberty went missing in action. Although the 2022 National Security Strategy asserted that the administration would "advance America's vital interests," and that it would "reaffirm the rights to free speech, a free press, peaceful assembly, and other core liberties," religious liberty was conspicuously absent.

Conclusion

American service members voluntarily surrender many freedoms and liberties upon entering the military. Religious freedom, however, is not one of them. Religion and faith have played integral roles in America's military since before our founding. Despite periodic challenges, service members today enjoy broad, robust First Amendment rights to engage in religious expression in a manner consistent with their faith. If the United States military is to remain the most formidable fighting force the world has ever known, we must ensure religious liberty within the military continues to flourish. Religious liberty is indeed a matter of national security.

³³ <https://history.defense.gov/Historical-Sources/National-Security-Strategy/>

Chaplains Testimonies

Testimony of Chaplain (Major General) Doug Carver, USA, Retired

Distinguished members of the Religious Liberty Commission, thank you for the opportunity to testify today on the topic of religious liberty in the Armed Forces. As a former United States Army Chief of Chaplains, I speak today with extensive professional experience on this important topic and with a passionate obligation to ensure the unencumbered religious liberty of the members of the Armed Forces as guaranteed by the First Amendment to the United States Constitution.

I had the humble privilege of serving as an Army Chaplain for over thirty years, following in the proud tradition of our Nation's uniformed clergy who, for the past 250 years, have remained the greatest champions of religious freedom in support of our men and women in uniform.

I speak today in the rich legacy of military chaplains like Army Chaplain Emil J. Kapaun, a true servant of God, who was presented posthumously the Medal of Honor by President Obama on April 11, 2013, for his heroic actions in a North Korean Prisoner of War camp on November 1-2, 1950. For seven months, Chaplain Kapaun poured himself out in sacrificial and selfless service on behalf of his fellow prisoners without regard to their race, color, creed or religious beliefs. Denied medical care for his critical condition, he nursed the sick and wounded until he succumbed to his own wounds. Chaplain Kapaun's unselfish actions exemplified the important role military chaplains play as passionate advocates of religious liberty and religious accommodation for every service member under a chaplain's personal and pastoral care, regardless of their faith group.

To set the framework for my remarks today, I would like to share a few thoughts on the military chaplaincy in general; then, a few observations on the importance of religious accommodation; and finally, I would like to pose a few comments regarding the perceived state of religious accommodations and religions in today's Armed Services.

The United States Military Chaplaincy was birthed out of the American Revolution. Civilian clergy proudly answered the Nation's call to duty, shedding their clerical robes and donning the uniform of the Continental Army, serving with troops from their surrounding communities. They provided their soldiers' weekly religious services, promoted their morale and morality, and were often called in to explain to them the sacred value of their political rights and liberties. General George Washington, Commander of the Continental Army, a staunch supporter

of the chaplaincy and an advocate of “general, non-sectarian religion”, argued for religious liberty among his chaplains to avoid theological disputes and religious discrimination.

The concern for religious liberty within the Continental Army and the Nation was settled by the first two clauses of the First Amendment to the Constitution: “Congress shall make no law respecting an establishment of religion, or prohibit the free exercise thereof.” Since the establishment of the Armed Forces in 1775, military chaplains have successfully performed their religious duties within the constant tension of the Establishment and Free Exercise clauses. Military chaplains have effectively performed, provided, or facilitated religious services for all faith groups, advised military leadership on religious accommodations issues, and remained passionate advocates of religious liberty and freedom of religious conscience for our troops and their families, while balancing the tension between establishment and free exercise. That’s 250 years of defending religious liberty in the United States Armed Services!

The Chaplaincy’s success in this area is largely due to the way chaplains are appointed to military service. While the Department of War establishes appointment criteria for chaplains, denominational faith groups and ecclesiastical endorsing agencies credential and certify professional religious leaders they deem qualified for the unique ministry within a military environment. These religious leaders, in turn, consent to supporting the pluralistic requirements of the Armed Services while, at the same time, maintaining their respective faith group teachings and practices.

Military chaplains live in the constant tension of supporting the military’s religious support mission to all members of the Armed Forces, and that of their respective endorsing agency. As commissioned officers, chaplains are accountable to the same military standards, the Code of Conduct, and the Uniform Code of Military Justice as any service member. Additionally, they must also remain faithful to the tenets and ecclesiastical standards of their sponsoring faith group.

As the Executive Director of Chaplaincy for the North American Mission Board of the Southern Baptist Convention, I have the responsibility of ensuring that our approximately 1200 Southern Baptist military chaplains meet the standards for military service. At the same time, our denomination of over 14 million members and 45,000 churches expect the Armed Services to honor, respect, and defend the religious liberty and conscience of our pastors in uniform we have entrusted into their temporary care.

In regards to religious accommodation in the Armed Forces, it was my personal experience of 38 years as a commissioned Army officer that the military placed the highest value on ensuring the religious liberty of our troops that they had the complete freedom, in conjunction with the military mission, to observe the beliefs, rites, sacraments and practices of their individual religious experience or tradition. The Department of War has historically, although sometimes too lengthy and cautiously, taken extraordinary measures to approve religious accommodation requests unless the accommodation would have an adverse effect on unit readiness, individual combat readiness, unit cohesion, morale, discipline, safety and/or health.

US Army Private Desmond Doss, a Seventh-day Adventist, answered the Nation's call to duty shortly after the attack on Pearl Harbor. Desmond was willing to serve in the infantry but, for religious reasons, he was unwilling to kill another human being or even carry a weapon. His chain of command grew increasingly impatient when he asked for a pass every Saturday to attend church. As a conscientious objector, he endured taunts and torment from his drill sergeants and fellow soldiers during basic training. His officers saw him as a liability and often tried to intimidate him, giving him extra duties, falsely declaring him mentally unfit and attempted to court martial him. However, Desmond believed it was his sacred obligation to obey God and serve his country—in that order, and he refused to leave the military.

Deploying to combat in the Pacific as a medic, he exhibited extraordinary courage and dedication to his men. While his soldiers engaged in deadly firefights with the enemy, he was busy saving lives, treating the fallen and carrying them back to safety. In May 1945, during the bloodiest hours in the Battle of Okinawa, American forces were ordered to retreat down a 400-foot cliff the soldiers called Hacksaw Ridge. One soldier disobeyed those orders and charged back into heavy enemy fire. With a constant prayer on his lips, he carried the wounded 1 by 1 to the edge of the escarpment and lowered them on a rope-supported litter down the face of a cliff to safety. Desmond's intrepid courage resulted in him rescuing 75 wounded soldiers that day, May 5, on Desmond's Sabbath. As a result of his heroic actions, on October 12, 1945 President Truman presented Desmond Doss the Congressional Medal of Honor, an award that may not have occurred had the military failed to respect and accommodate Desmond's religious liberty.

Our troops, and most Americans, understand the tension that exists between the religious needs of a service member versus military necessity. I applaud the Department of War's policies on religious accommodation. Such guidance greatly assists our military leadership in promoting

religious liberty while reducing a perception of discrimination towards those whose religious practices or expressions are less familiar to our troops and the chain of command.

Obviously, several guiding principles are necessary to ensure the Department of War's success of religious accommodation policies in support of our troops. First, military commanders, who are primarily responsible for the religious support mission within their ranks, must remain vigilant, and knowledgeable, regarding freedom of religion issues. Chaplains play a critical advisory role to their command and staff regarding all matters of religion. The chaplain is the only staff officer in a military organization that has the education, experience, and exposure to religious beliefs, practices, and cultural worldviews to properly advise military leadership in this foundational right as a service member and American citizen.

Second, service members of all ranks, including chaplains, must have the assurance that they may freely exercise their religious liberty, and that they are afforded religious accommodation, within the bounds of military necessity.

Third, military leaders should never use their position or authority to coerce or apply undue command influence in religious liberty matters. The Department of War owes to every service member's faith group or religious tradition the protection, respect, and dignity it deserves and as guaranteed by the First Amendment. Further, no ecclesiastical group or denomination should be favored by the Armed Services more than others. Fourth, military chaplains serve our Armed Forces primarily to perform or facilitate religious services for our troops. Chaplains should be encouraged and expected to preach, teach, pray, and counsel in accordance with their personal religious beliefs and in accordance with the dictates of their ecclesiastical organization or agency.

I conclude my remarks today with a plea for this commission to continue to protect and promote legislative efforts to ensure the freedom of religion, religious expression, and the religious conscience of the members of the Armed Services. Seventeenth Century theologian Roger Williams, and founder of the Providence Plantation colony, which provided a refuge for religious minorities in America, was a staunch proponent of "soul liberty" – the belief that every human being has the right to speak, hold, change, exercise, and share what you believe based on the dictates of one's own conscience. I am concerned about the perceived tension, misinformation, and suspicion regarding an individual's free exercise of religion and conscience while serving as a member of the Armed Services. Media reports over the last year would suggest that there exists within the Armed Forces a growing ignorance, insensitivity, or intolerance regarding matters of

religion and its importance within the life of our troops and the organization. Even more disconcerting is the fact that one's ignorance on such important matters as religious beliefs can quickly lead to misunderstanding, wrong perceptions, intolerance, and hostility towards those who act and think differently than the majority of the community. Author and social critic, Os Guinness, in his book, The Global Square: Religious Freedom and The Making of a World Safe for Diversity, writes: "...how we deal with our differences in public life, especially those regarding religion, will be a real defining issue for the future of our Nation – and humanity." Religious liberty, in thought and expression, is the key to a strong and virtuous Armed Forces, a civil society, and social harmony. May we continue to respect, celebrate, and defend the religious liberty established by our Founding Fathers. And, may we always strive to maintain an environment within the Armed Services where our troops have the liberty to be intensely religious and, at the same time, religiously free.

Testimony of Rabbi Sanford Dresin, Chap., Col., USA, Ret.

BH

Good morning,

Ladies and gentlemen of the commission, we greatly appreciate the opportunity to testify before you in order to assist you in your mission to mend the very broken and dysfunctional spiritual environment in today's U.S. military. As you will see from my testimony today, Jewish service members are being forced to choose between serving their country or their religion - something that is the very antithesis of what this country stands for. At every stage of their careers, from the recruiting stage and onwards, we have seen that they face impediments to their religious accommodation and Free Exercise rights.

It is our opinion that given the central importance of the First Amendment to the formation of our country, religious accommodation should not be an exception to policy, it should be policy.

My name is Rabbi Sanford Dresin. I served for over 26 years as an active duty Army Chaplain, retiring in the rank of Colonel. I have served as the Chaplain Endorser for the Aleph Institute for nearly 20 years.

The Aleph Institute was founded in 1981 to serve the needs of Jewish men and women who find themselves separated from traditional Jewish communities. Ever since the mid 1990's, Aleph has served the US military, first by providing religious supplies and materials, and then in 2007, becoming a recognized chaplain endorsing agency. We now endorse over 50 Jewish chaplains and contract rabbis. We also advise and advocate for Jewish service members to ensure their Free Exercise rights are respected. We estimate that 50-75 cases of religious accommodation needs that come to our attention rise to the level of requiring our intervention. Yet, while our advocacy has been strong, Aleph's power is only advisory. Unfortunately we have been witness to Jewish needs being trampled. The number mentioned earlier would be greatly increased were we to add those individuals whose access has been severely limited by basic training or deployment, and those who

simply gave up. There are hundreds of cases of Jewish service members whose religious liberties are being ignored on a regular basis.

Our assessment is that the reasons for the failure of consistent religious accommodation are:

Insufficient emphasis in training commanders, chaplains, and Non Commissioned Officers regarding the military's requirement to accommodate religion in accordance with RFRA. Military doctrine clearly states that it is the commander's responsibility and duty to implement the religious program. Should he or she fail to do so, they should be held accountable. In addition, Jewish service members' religious needs are not well understood. And finally, on occasion, we have seen clear discrimination. The system as it is today is broken. Efforts have been made to address the issues we will present with senior chaplains in all branches, but we have seen no progress.

While historically speaking, progress has been made in some areas of religious accommodation, such as the wearing of the yarmulke - and that only after Congress intervened - we would like to shine the light on several of our biggest areas of concern. All these issues are completely predictable, as the basic requirements regarding diet and holidays have existed in Jewish law and tradition for thousands of years. Considering that, in theory, systems already exist in the military to deal with these issues, solutions should be easily found and applied. Until now, there simply has been no interest to do so. The chaplaincy lacks command authority to enforce these requirements.

The problems with religious accommodation begin prior to a recruit's accession, as recruiters are rarely informed on the religious accommodation policy and are incentivized to take shortcuts and produce numbers. Recruiters regularly do not advise incoming recruits regarding the process of receiving exceptions to policy. When recruits do know about the religious accommodation process, recruiters often respond by telling the recruits it will be dealt with at Basic, or by assuring them the paperwork is being processed, when it is not. Testimony found in the packets we are providing you will give you examples of such behavior.

At basic training, religious liberty is regularly disregarded for trainees, who are easily intimidated by cadre and commanders. Kosher MREs are rarely provided consistently. Jewish Sabbath and

holiday worship is regularly not considered. Non-Jewish chaplains rarely advocate for their Jewish personnel, and even then the burden is on the individual recruits to seek out their help. Most accession points do not have a competent Jewish chaplain or contract rabbi assigned to them, which makes it even more difficult for the recruit.

However, the struggles do not end after Basic. Jewish service members face regular roadblocks to their religious observance at all stages of their careers. They need to fight for accommodation for every holiday, and fight to receive kosher MREs at every training and deployment.

We will now assess the problems, beginning with the basics: FOOD.

Religiously observant (and even many less observant) Jews keep a kosher diet. The parameters of a kosher diet is complex, and beyond the scope of these proceedings.

The US military does provide Kosher MREs. However, there are many problems with the availability and distribution of these MRE's:

- Pre-accession or pre-movement requests for kosher MREs are not taken seriously, and orders oftentimes don't get processed.
- The process of acquisition of Kosher MREs is complex, and lends to break-downs in communication. It must be clarified and simplified. Who is responsible: supply chains, or the chaplain? How does the information flow from one to the other? How can the service member follow up to ensure their food will be available?
- Even when supplies are on-hand: where do they keep the MREs? We have heard from, for example, the ARCENT Command Chaplain that he has "a warehouse full of Kosher MREs" in the CENTCOM AOR, but our Jewish service members arriving on station can't locate them. One Space Force Guardian arrived in a deployed location and was quizzed by the Wing Chaplain, refused the MREs, and only after we intervened, was the Guardian told "they had been moved from the chapel". Why isn't that information readily available??

- In addition, there is a lack of education: some supply sergeants have expressed confusion between vegetarian, Halal, “porkless” food, and Kosher.

In addition to all the above, the quality of the kosher MREs are extraordinarily low. Aleph advocated for and was instrumental in amending the 2026 NDAA, which now states that the military must ensure “functional parity and equitable treatment” of Kosher MREs vis a vis their counterparts. This comes as a result of the consistent feedback from Jewish service members that the kosher MREs are not up to nutritional or qualitative standard, especially for the warfighter in the field. We look forward to seeing not only the results of that assessment, but the correction of the contract to allow for more robust and field-ready meals.

Besides for MREs, Commissaries carry very little substantive Kosher products in comparison with the average American supermarket. Commissary officers are not always cooperative in fulfilling requests for kosher products. Even when service members have frozen kosher food provided by family or friends, they cannot cook kosher in the barracks, and chapels no longer offer a dedicated space to ensure a Kosher kitchen. It should be noted that in the past, various installations had a dedicated kosher kitchen. Of course, Separate Rations used to be a way to assist with the additional expense of keeping kosher, but it has proven to be more and more difficult to obtain.

Moving over to the next significant area of gap in religious liberty: the Jewish calendar. It should be noted that the Jewish calendar can be predicted for the next thousand years and beyond. The exact needs and observances of each holiday will never change.

Despite that, the military has no clear policies on the observance of these holidays. Jewish service members are constantly at the mercy of their command whether or not they will be able to worship properly. Again, we have dozens of tragic testimonies that you can read in the packet we will give you.

This situation is exacerbated in basic training environments. Very little effort to accommodate holiday worship is made even in the best of circumstances.

Finally, Jewish holiday supplies are not made available to Jewish service members. When formulating the chapel budget for the coming fiscal year, the Jewish needs are rarely considered. In some cases, large one-time expense items like a Sukkah are discarded, because the Chapel staff doesn't even know what it is.

This leads us to the next significant issue: we see no consistent effort by the Chaplain Corps to cater to the Jewish community. This starts with a numbers game: Chaplains say "There are no requests for Jewish needs." This is partially true, because Jewish service members are not contacted. Jewish chaplains and Lay Leaders are not given access to religious personnel rosters in order to service Jewish personnel or connect Jewish personnel with each other. This is particularly egregious in Joint environments, as these personnel rosters are not shared across branches. The results are predictable: no Jewish community, because no effort has been invested in developing one. In addition, Jewish Lay Leaders are not empowered: no mentorship is given, and rarely are they given budgets. But even when requests come do in, the Chapel often says there are no funds. Aleph spends hundreds of thousands of dollars per year to fill that gap, shipping free books and religious supplies to Jewish service members stationed around the globe. It is only on rare occasions that we hear of a Chapel team that would like to spend money on their Jewish community.

The funding issue occurs partially because CTOF, by its nature, sidelines Jewish programs, as we do not handle money on Shabbat and holidays, and we also do not have large communities. But in addition, the parameters for Appropriated Funds are also not clear vis a vis Jewish worship needs. They should be defined for Judaism. As we stated before, our religious needs are consistent. We should not need a JAG's opinion as to the legitimacy of Jewish requirements.

Finally, instead of our Jewish chaplains being part of the solution, as they should be, our Jewish chaplains find themselves struggling with all the problems mentioned above, as well as several others:

- Jewish chaplains are occasionally penalized for attending to their Jewish service members! We have had several of our chaplains reprimanded by their commanders, with one even being investigated, for ministering to our own people!
- On deployments, Jewish chaplains are not empowered with area and denominational coverage, and are thereby not permitted to visit Jewish service members in the field. At the same time, Jewish service members are usually not supported to get to Jewish services when they do exist.
- Jewish chaplains are often sidelined to predictable positions, which limits their career progression. Sometimes Jewish chaplains are assigned to posts which are neither career-enhancing nor justified by a sizeable Jewish presence on post. Why?!
- The Secretary of War has suggested that those with beards should be undeployable. The consequence of this is that the Jewish service members in the field and combat zones will not receive coverage, and Jewish chaplains who have beards will be significantly disadvantaged regarding their career progression.

All these problems have solutions. If time allows it, it would be our pleasure to present our suggested solutions to this Commission.

I thank you for your time and concern.

Solutions:

Problems at large:

- RFRA needs to be taught in all schools
- Official distribution of our yearly “Holiday Letter” and “Judaism in Military Environment” documents.
- Ensure a senior Jewish chaplain is attached to the faculty of the Chaplain Schools. In addition, we believe that a senior Jewish chaplain should be tasked with being a SME to his branch’s Chief of Chaplain.
- Adaptation of our Discrimination policy to solve bad command environments.
-

Kosher:

- Distribution of our “Kosher at Sea” pamphlet developed in conjunction with US Fleet Forces Command and the Orthodox Union.
- Mandatory amount of MREs on hand at all places where kosher food is not readily available, like basic training facilities and deployed locations

Holidays:

- Adaptation of the recent Office of Personnel Management memos for non-combat type roles.
- Basic Trainings should have clear policies regarding each of the holidays.
- Chaplains and chapels staffs should have an interfaith ecumenical calendar at their disposal

Chaplaincy:

- Chaplains should be placed partially using our matrix, which would allow them a variety of experiences, while ensuring the greatest possible coverage for Jewish personnel.
- Accountability at each level, including the Chiefs of Chaplain
- Tracking systems

Testimony of Monsignor Anthony R. Frontiero, S.T.D.

Vicar General and Moderator of the Curia, Archdiocese for the Military Services of the United States

Chairman, Distinguished Members of the Committee:

Thank you for the opportunity to speak today on the vital matter of religious liberty in the United States Armed Forces. I represent the Archdiocese for the Military Services, USA, headquartered in Washington, D.C., which provides pastoral and spiritual care to the nearly 1.8 million Catholic men and women and their families serving in military installations in the United States and overseas, to Catholic staff and patients at Veterans Health Administration facilities, and to Catholics at other federal services located abroad. I am pleased to speak today about the specific importance of Catholic sacraments and the military chaplaincy. As Vicar General of the Archdiocese for the Military Services, I offer my testimony as someone who intersects with the realities of constitutional law, pastoral practice, and military readiness on a daily basis.

My testimony will be limited to five brief but fundamental points: (1) Constitutional Foundations and Military Realities; (2) The Role of Catholic Chaplains; and (3) Constraints and Pressures in the Contemporary Context of Religious Liberty in the Military; (4) Mission Readiness and Human Dignity; and (5) Recommendations and Conclusion:

I. Constitutional Foundations and Military Realities

Religious liberty is not a luxury good; it is a constitutional right with direct implications for morale, cohesion, and ethical conduct within the ranks. The First Amendment protects the free exercise of religion, and the Supreme Court has repeatedly emphasized that this protection does not disappear upon entry into military service. Nevertheless, the military is a unique institution—hierarchical, mission-driven, and necessarily restrictive in many aspects of personal liberty. The challenge, therefore, is not whether service members enjoy free exercise rights, but how those rights are operationalized in the demanding environment of military life.

The more control the military exercises over an individual, the greater the military's responsibility becomes to ensure the free exercise of religion of service members and their families, especially during deployments or assignments abroad.

Catholic service members and their families—currently one of the largest religious groups in the Armed Forces—rely on chaplains not simply for spiritual encouragement, but for sacramental access. This is an essential distinction. For the Catholic tradition, sacraments such as the Eucharist, confession, anointing of the sick, and marriage are not symbolic gestures or optional rites; they are indispensable channels of grace instituted by Christ himself. Denying access to the sacraments is, denies full religious practice.

II. The Role of Catholic Chaplains

The U.S. military chaplaincy exists precisely to bridge the gap between constitutional principle and operational need. Chaplains serve the religious needs of their own faith communities while facilitating the free exercise rights of all personnel in a pluralistic environment. Catholic chaplains bear an additional burden: because many sacraments require a priest, they are the sole providers of those rites in deployed or remote environments. No other personnel—religious or secular—can substitute for sacramental ministry of a Catholic priest, such as the celebration of the Holy Mass, the sacrament of penance (confession), the sacrament of anointing of the sick and dying, or confession.

This creates a critical dependency. When Catholic chaplains are in short supply or overly restricted in their movements, Catholic service members may effectively lose access to their faith. This is not an abstract concern. In forward-operating bases, ships at sea, submarines, and expeditionary medical units, the absence of a priest can mean weeks or months without Mass or the ability to receive absolution before dangerous missions. The military has long recognized that such deprivation harms morale and undermines the spiritual resilience essential for those serving under extreme stress. Spiritually, souls are at risk without the sacraments. The stakes cannot be higher.

III. Constraints and Pressures

In recent years, several pressure points have emerged:

1. **Personnel Shortages:** The number of Catholic priests entering the chaplaincy has declined, creating coverage gaps across all branches. This shortage strains the ability of chaplains to provide minimum levels of sacramental access.
2. **Operational Restrictions:** Increased security protocols, transportation limitations, and bureaucratic hurdles sometimes impede chaplains from traveling to remote units or from conducting services in field conditions. While safety is paramount, the unintended result can be de facto suppression of sacramental practice.
3. **Conscience Protections:** Catholic chaplains must be allowed to minister according to their faith tradition. This includes adhering to Catholic teachings in counseling, sacramental practice, and liturgical conduct. Clear, enforced conscience protections ensure chaplains are not coerced into actions that contradict their sacred and ecclesial commitments.
4. **Pluralism and Misunderstanding:** Genuine religious pluralism is a strength of our Armed Forces. However, misunderstanding arises when Catholic sacramental needs are viewed as mere preferences rather than doctrinal obligations. The chaplaincy model must maintain room for faiths with non-interchangeable rites.
5. **Decreased Budgeting for Religious Support:** The dire priest shortage and requirement for priests to serve in operational units also necessitates adequate staffing of installation chapel communities with administrative staff and religious education professionals to support the daily activities of Catholics and the priest in his ministry. It is impossible for a priest to fulfill the work of the operational unit *and* the equally demanding role of pastoring the installation chapel community without proper support.

IV. Mission Readiness and Human Dignity

The military has long recognized that providing reliable access to religious support is not a distraction from mission readiness—it is mission-enhancing. Soldiers, sailors, airmen, Marines, Guardians, and Coast Guardsmen carry enormous burdens. They face life-and-death decisions, separations from family, exposure to moral injury, and the psychological weight of operating in high-risk environments.

For Catholics, the sacraments offer not only spiritual meaning but profound emotional stability:

- Confession helps address guilt and moral injury.
- The Eucharist strengthens a sense of identity, community, and purpose.

- Anointing of the Sick provides comfort and hope in medical crises.
- Pastoral counseling grounded in Catholic moral teaching helps guide difficult ethical decisions.

A military that preserves the sacramental life of its Catholic members is one that respects their dignity, supports their resilience, and reinforces the moral fabric essential to honorable service.

V. Recommendations

To ensure robust religious liberty for Catholic service members and their families, I respectfully offer several recommendations:

1. Strengthen recruitment and retention of Catholic chaplains through improved outreach, career pathways, and collaboration with the Archdiocese for the Military Services.
2. Reduce unnecessary barriers to chaplain mobility in deployed or isolated settings, allowing priests to reach personnel who rely on them.
3. Ensure rigorous enforcement of conscience protections, preventing chaplains from being pressured into activities that conflict with their religious obligations.
4. Integrate religious-liberty impact assessments into operational planning to identify situations where sacramental access may be impaired.
5. Educate commanders and staff on the non-substitutable role of Catholic sacraments to foster informed accommodation at every level and to encourage adequate support staff to equip the priest to succeed in ministering to service members and their families.

In Conclusion

The United States military has a proud tradition of defending religious freedom, often in the most difficult circumstances. Upholding that tradition today requires a clear recognition that Catholic service members cannot fully practice their faith without access to the sacraments, and that Catholic chaplains are indispensable for providing them. Preserving this access honors the Constitution, supports the moral and psychological health of the force, and strengthens the readiness of our Armed Forces.

Thank you for your attention. I look forward to your questions.

Testimony of Amy Vitale

Chairman Patrick, Vice-Chairman Carson, and members of the Commission, thank you for the invitation to be here. My name is Amy Vitale. I serve as Government Affairs Counsel with the Becket Fund for Religious Liberty.

It is fitting that we are here to discuss military chaplains because the Army Chaplain Corps turned 250 this July. Since before the very founding of our nation, military chaplains have met the religious needs of servicemembers—nurturing the living, caring for the wounded, and honoring the dead. They follow our men and women in uniform directly into harm’s way—unarmed, because their fight is spiritual and not physical.

For many of us, the duties of a military chaplain are unfamiliar. We will never encounter the challenges of deployment or the harsh realities of war. Chaplains are an unseen crucial part of the support structure needed by the brave men and women—and their families—who take up that burden.

Military chaplains serve members of all faiths, not just their own. There are fewer than 3,000 chaplains across the entire US military and they are collectively responsible for supporting approximately 1.32 million active-duty personnel. Chaplains provide pastoral ministry to both individuals and congregations. If there is a religious need that a chaplain cannot meet, they work to connect the servicemember with another chaplain or lay leader who can.

Because the military chaplaincy is unique, I’d like to share three components of the chaplain corps and its supporting legal structures.

First, the chaplaincy is necessary to fulfill the government’s constitutional obligation of providing for the religious exercise of servicemembers.

Religious liberty is core to what makes America a great nation. We are founded on the idea that there are some rights that the government does not give and cannot legitimately take away. This is

the first freedom of our First Amendment—that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”

In the context of military service, this promise creates an additional duty on us as a nation.

That’s because the men and women who answer the call to defend our nation leave their faith communities to deploy to new and foreign places. They are asked to take on challenging, stressful, and grueling duties far from the religious resources they need to survive and to serve faithfully. And that’s why the chaplaincy exists: to bring God to soldiers and soldiers to God, because on the front lines, no one else can.

Faith is where people in challenging moments often turn for support. George Washington understood this, which is why, in 1775, as the General of the Continental Army, Washington created the federal chaplaincy that is in existence to this day.

The chaplaincy ensures that the government is meeting its constitutional duty to provide for the religious needs of our men and women in uniform. It is not optional. It is an essential element of support for military servicemembers.

Second, the role of a chaplain is inherently *religious*.

Of course, the government is not qualified to decide who can be a Jewish rabbi, a Catholic priest, or a Muslim Imam. So, all chaplains are endorsed or certified by their own religious groups who are most fit to judge their own *religious* qualifications. These chaplains then perform two roles: They are both commissioned officers in the United States military and religious leaders. But at all times, they represent the ecclesiastical bodies that certify them to the military branches as fit to provide pastoral care.

In other words, when chaplains perform their duties, they do so as pastors, priests, rabbis, or imams of their own faith groups. This means that a chaplain’s counsel is inherently religious and is

protected by the First Amendment, which places a structural protection around chaplains' performance of religious duties.

Chaplains, along with all servicemembers, are additionally protected by multiple federal statutes, including the Religious Freedom Restoration Act and conscience protections in the National Defense Authorization Act. Collectively, these laws ensure that chaplains' commissions do not force them to abandon the very religious beliefs that animate their service.

Chaplains are religious ministers who exist to meet the religious needs of soldiers. Congress has repeatedly reaffirmed the chaplaincy's religious role, and it is imperative that the religious distinctives of the chaplaincy be maintained.

Third, chaplains are an essential part of advising the chain of command.

Chaplains play a critical role in advising commanding officers and JAGs to ensure the command meets its legal obligations to provide for the religious exercise of service members. Chaplains fulfill their role to the greatest capacity when they are fully integrated into decision-making processes by the officers they serve.

Ensuring the proper integration and support of chaplains through all levels of command improves the quality of our military force. Chaplains are able to help provide advice that both protects the rights of servicemembers and that ensures we are able to maintain the best and brightest recruits of the highest moral character. For example, a chaplain can advise command on the sincerity of a Jewish or Sikh servicemember's need for a neat and conservative beard, and help navigate the protections and processes in place to provide for this modest reasonable accommodation. And they can help ensure that the command does not run roughshod over religious conscience, as federal courts found occurred all too often in the COVID vaccine context.

With all of this in mind, here are four suggestions to maintain the chaplaincy's effectiveness:

1. The Executive and Legislative branches can ensure the role of chaplain remains a fundamentally religious role.
2. The President can support, and Congress can maintain, full application of RFRA to protect religion in the military.
3. Congress can work with the Secretary to better integrate chaplains as advisors in the chain of command and to implement training for commanding officers, JAGS, and chaplains on constitutional and statutory protections for religious freedom.
4. Congress can ensure that an adequate number of chaplains and the necessary supporting commissioned and contract staffing are maintained.

Thank you for your time and for your commitment to protecting religious liberty for all.

Texas Religious Liberty Panel

Testimony of Dr. Robert Jeffress, Pastor of First Baptist Church in Dallas

On June 8, 2020 our church, First Baptist Church of Dallas, hosted its annual “Celebrate Freedom” patriotic service to celebrate our nation’s Christian heritage. Every year at this service we honor the various branches of the military and invite a guest speaker to talk about our nation’s Christian foundation. In 2017 we held this service in Washington D.C. at the Kennedy Center and President Donald Trump was our guest speaker.

For this service in 2020, President Trump sent his vice-president Mike Pence, along with a cabinet member Dr. Ben Carson to represent him. Although neither Vice-President Pence nor President Trump were the official nominees of their party yet (that would happen several months later in August), we carefully followed the guidelines the IRS issued for how to treat potential candidates who were speaking in a church. Neither I nor anyone else during the service endorsed any candidate for the upcoming election. Instead, Vice -President Pence and Dr. Carson shared their stories of their faith journeys.

Shortly after this service the Freedom From Religion Foundation announced in a press release that they were sending a complaint to the IRS about the service.

The church heard nothing from the IRS for eleven months after that service and four months after Joe Biden became the President of the United States. On May 6, 2021, the IRS informed the church that it was initiating an inquiry into the tax-exempt status of our church related to the church’s patriotic service.

It is important to note that our church has never had any issues with the IRS , and I have a history of encouraging other pastors and churches to follow IRS regulations about not endorsing candidates. In fact, on Sunday November 1, 2020—three days before the 2020 election--I appeared on “Fox & Friends” and explained why our church does not endorse candidates, but instead urges members to vote according to their biblical convictions. During our worship service

in our church that same Sunday I reiterated to our congregation that our church was not endorsing any candidate.

On that very same Sunday while I was explaining why our church does not endorse candidates, Joe Biden was speaking at the Sharon Baptist Church in Philadelphia where he and the church's pastor openly encouraged members to vote for Biden while standing in front of a campaign banner in the church. When we pointed out the contrast between our non-endorsement policy and this church's flagrant disregard for the Johnson Amendment, the IRS officials conducting the examination had no response.

As a result of the Church Tax Inquiry, we enlisted several attorneys including the former head of the IRS Tax-Exempt Division who remarked that he had never seen an investigation like this before, calling it "unprecedented." He did not know of any time the IRS had ever examined a church for anything that had happened in the actual worship service of that church.

After carefully providing all the information the IRS requested we were notified that the IRS was not satisfied with that information and announced they were going to pursue a complete Church Examination that would last more than a year and cost our church hundreds of thousands of dollars in legal fees.

After months of discussion and attempts by us to resolve the matter with the IRS, the IRS apparently recognized the constitutional issues inherent in threatening a church's tax-exempt status based on concerns arising from a worship service. So, the IRS abruptly expanded its focus to statements I had made in support of President Trump on Fox News where I served as a Contributor. Our church had always posted my television interviews on our website on a variety of topics with a clear disclaimer that these interviews are posted for information purposes only for our members and that my views do not represent the views of First Baptist Church Dallas, reiterating that our church does not endorse candidates. The church's YouTube page contained hundreds of interviews I had done on a variety of topics including the November 1 appearance on "Fox & Friends" in which I said that First Baptist Church, Dallas does not endorse candidates.

Ironically, while the IRS actively pursued First Baptist Dallas for statements I had made supporting President Trump, the IRS area manager overseeing the Church Tax Examination had regularly posted comments and images on social media supporting Joe Biden and Kamala Harris.

Throughout the IRS examination our church was prepared and resolved to pursue this matter to its just conclusion, including defending our fundamental constitutional rights and religious liberties before the United States Supreme Court.

We believe that our steadfast resolve not to waver on this issue and vigorously defend the rights of all churches is what led the IRS to suddenly close the examination. In a letter dated July 8, 2022 the IRS acknowledged that the First Baptist Church of Dallas did not engage in any improper political intervention or violate the U.S. tax code.

So why are we here today before this religious liberty commission? Although our church could afford to spend hundreds of thousands of dollars in legal fees defending ourselves, most churches could not do that. But no church should *have* to do that.

The IRS has no business deciding what is proper speech or improper speech in the worship service of any church. The IRS and any government agency lack the ability to distinguish between “political speech” and “biblical conviction” as illustrated in the case of my friend Bunni Pounds, the founder of the organization Christians Engaged which educates and motivates Christians to vote.

In May of 2021 the IRS denied Christians Engaged application to be a tax-exempt non-profit organization because of their desire to educate voters on what the Bible says about the sanctity of life, the definition of marriage, biblical justice and U.S. and Israel relations.”

In their letter of denial the IRS identified these beliefs as “Bible teachings typically affiliated with the [Republican] party and candidates.”

Although the IRS reversed their decision after a public outcry, this initial decision by the IRS to equate Biblical beliefs with forbidden political speech illustrates how easily the Johnson

Amendment could be misused to silence churches directly or cause them to engage in -self-censorship to avoid costly litigation.

I want to make it clear that I am not arguing against any government regulation regarding how tax-exempt funds given to a church should be used or not used in political campaigns. But what I am saying is that the government has absolutely no business regulating what can or cannot be said in the pulpit of any church in America.

I want to thank our great President Donald Trump and those of you on this commission he appointed to protect what many have called “our first freedom”—the free exercise of our faith.

Testimony of Dr. Andrew Fox

Thank you to this Commission and President Trump for the honor of speaking with you today. I'm profoundly grateful for this administration's commitment to protecting religious freedom—not as a partisan priority, but as a foundational duty for anyone entrusted with power.

Because the government should be freedom's best friend, not its worst enemy.

My accent may give it away, but I was born, adopted, and raised in England. Twenty-Six years ago, my wife and I packed up our young family and came to the United States. I arrived on a religious visa as a pastor, eager to live in a nation where religious freedom is written into the very first line of the Bill of Rights.

The United States has the most enduring Constitution in the world—it is what makes America the best refuge for people who want to live and work consistent with their deepest beliefs.

That promise drew us here with a strong sense of calling. And it's why my family and I are now proud American citizens.

I've always had a "fire in my bones" for serving others—especially those suffering. As a teenager in England, I volunteered at my local church. After I married my now wife Renee, I began planting churches with my father-in-law and soon pastored a church in England.

In 1999, that "fire" carried my family across the Atlantic. I pastored a church in Washington State, where I became friends with Kennewick's police chief. He asked if I'd consider serving as the department's volunteer chaplain.

That role changed my life.

I walked with officers through scenes of gang violence, suicides, shootings, car crashes, and fires—moments where the fragility of life is laid bare. My calling was to be Christ's hands and feet to everyone I met.

In 2013, my family and I moved to what I've since discovered truly is *the great state of* Texas. I got connected to the then-Chief of the Austin Fire Department, which had been without a chaplain for fifteen years.

I had the privilege of building Austin's chaplaincy program from the ground up, serving more than 1,400 uniformed and civilian members and their families for eight years as their lead chaplain.

Firefighters run toward danger to save lives. But when the smoke clears, they're human beings carrying the weight of trauma and loss. They need prayer, counsel, support, and sometimes—just a trusted friend to sit with them in and listen.

That was my privilege—to walk alongside some of the most courageous, selfless men and women I have ever met.

I remember Austin’s devastating ice storm a few years ago. I responded to a tragic fire where a family, trying to stay warm, had perished. As firefighters pulled their bodies from the home, my job was to stand where those bodies were laid and covered, prayerfully watching over them. Once the scene cleared, I went with the firefighters back to the firehouse—praying, talking, helping them process the weight of what they had witnessed.

I was able to serve those first responders because I had spent years building trust with them. And I served everyone—every firefighter, every family, every person in need. I served those who identified as LGBT with the same compassion and care as anyone else. When someone is grieving, when someone is afraid, you never ask how they identify. You ask how you can help. You serve those who selflessly serve other.

But exactly four years ago yesterday, the ministry I loved – and considered my contribution to the country that welcomed me – came to an abrupt end when the City of Austin fired me. Because of my faith.

You see, on my own time, I shared a post on my personal blog about the history of women’s athletics and the importance of protecting women’s sports. I expressed my belief, rooted in Scripture: that God created men and women in His image—equal, distinct, and beautiful.

But Austin officials said my words were offensive and demanded I apologize for writing those words. I told them my intent was to foster respectful dialogue, not hurt anyone—and if someone felt offended, I was very sorry for that. I could not renounce God’s truth, though, precisely *because* I love everyone and believe every person has inherent dignity and worth.

That apparently wasn’t good enough for them as they terminated me.

C.S. Lewis said, “*Courage is not simply one of the virtues, but the form of every virtue at its testing point.*” My testing point came when it became clear that the only way to keep the ministry I’d built for firefighters who risk their lives for others was to renounce or apologize for my deeply held religious beliefs.

It was an especially painful test because for eight years, I had served every firefighter with compassion and equal treatment—no exceptions. And I’d come to America *for* religious freedom.

Yet I knew I had to be faithful to God, and not Caesar.

So with the help of Alliance Defending Freedom, I sued the City of Austin for violating the First Amendment. It was not an easy decision. But I knew I had no choice: I want my children and grandchildren to inherit the America I came to in 1999—courageous, curious, civil, and free.

However, if the government can punish a pastor for what he says on his personal blog about

Scripture and the importance of preserving women's sports, all Americans' right to live and speak the truth is in jeopardy.

After all, religious liberty ensures that no political regime can ever claim ownership of the human soul.

Today, my prayer is that my story will infuse courage in all of us: that we remain a nation where people can disagree passionately yet live peaceably; where pastors can preach, citizens can speak, and the government remains in its rightful place as freedom's greatest protector.

Thank you, and God bless you.

Testimony of Mrs. Phyllis Morris

Nativity scenes have always been very meaningful to me. I was reared in Dallas, which always had great Christmas displays. The most memorable one was a live presentation with the Holy Family along with shepherds and wise men. There were lambs, sheep, donkeys, oxen, and even live camels (previously only seen by me in the zoo). My mother loved Christmas, and she initiated a manger scene for many years in her neighborhood perhaps due to my father's advice.

My love for the Nativity representation was also inspired by a visit to the Holy Land in 1971. In the town of Bethlehem there were workers who carved various objects from olivewood. One of the most popular items was the Nativity set that was produced in assembly-line style with the most proficient carvers advancing to face carving. My husband and I purchased a large set that was central in our home, and we purchased smaller versions for each of our five daughters and brought them back to our home in Sweetwater, Texas!

Over the years my Sweetwater has provided various types of Christmas activities including Santa Claus, decorations, various booths, and parades.

A number of years ago, the parade theme pertained to the Christmas Story. My church had a float commemorating the birth of Christ with the standard depiction of Mary, Joseph, and Baby Jesus along with shepherds and wise men, but none of the other entries had any religious significance. The focal point was Christ's birthday--So why was not the emphasis there? I began to wish our town would include a Nativity scene alongside our annual secular Christmas displays.

A few years later, I became part of the Sweetwater Women's Forum. During a general meeting the Civic Improvement and Beautification Committee asked for suggestions for spending funds. It was decided to start on Christmas projects.

I made a motion to purchase an outdoor Nativity set. The vote to do that was unanimously approved.

But the Committee's approval was just the first step.

Next, I had to contact the county judge to see if we could place it at the courthouse.

I knew the judge might be apprehensive and maybe even oppose the proposal. I wanted to go in thoroughly prepared, knowing our First Amendment rights.

So, before meeting with the judge, I researched some of the recent cases about religious expression to determine and verify what the law said and what the First Amendment protected.

I learned that, in 2020, in the case *The Woodring vs. Jackson County, IN*, the Seventh Circuit of Appeals held that a nativity scene on government property did not violate the Establishment Clauses of the First Amendment. The court reasoned that the display fit with a long national tradition of using the nativity scene in broader holiday displays to celebrate the origin of

Christmas—a public holiday. In its holding, the court departed from the longstanding doctrine that evaluated holiday display cases using the *Lemon* test, which required any holiday display to have a secular purpose. In compliance with the First Amendment, Jackson County was able to continue to display the crèche—a model representing the scene of Christ’s birth in a public place.

My conclusion was that the Sweetwater nativity was not only permissible religious expression; it was, and is, protected.

After doing this research, I met with the judge. In our meeting, I shared what I had learned about the First Amendment’s protections.

After hearing about the current cases, the County Judge was somewhat satisfied, but said that I would also need approval from the County Commissioners.

At that point, I became apprehensive myself.

Because I know how these things go, I requested that the forum receive written approval prior to continuing the project. We did receive the approval.

Yet, almost immediately after the scene was set up, a letter to the Editor of the local newspaper, the Sweetwater Reporter, was published decrying the exhibit and requesting that the religious display be removed from the Nolan County Courthouse. The letter claimed that religious expression like the nativity violated the “separation of church and state” allegedly required by the Constitution.

However, because of my research, I knew better. So, I quickly drafted and hand delivered a response to the editor. I hoped the letter would answer questions raised by the malcontent and from others.

My letter was not the only response—many others also wrote in to support our efforts with the nativity. These letters to the editor stirred up a great deal of public attention.

This led the Court Commissioners to decide to hold an open public meeting to discuss the request to remove the Nativity scene from the Nolan County Courthouse property in a public forum.

After the public meeting was announced, many groups and churches in the area developed an interest in the situation. There was a large public outcry.

When the day of the public meeting came, the room was overflowing — out of the hearing room, into the halls, and clear to the entrance.

Representatives came from Abilene, Texas, news, and television stations from neighboring counties to attend, report, and televise information about the situation.

Many people spoke during the public meeting. The vast majority were in favor of keeping the display.

In the end, the Commissioners did not remove the Women’s Forum Nativity scene. They simply clarified that if other citizens wished to display religious representations or secular ones that they could do so in the same area with permission.

But the story was not over yet.

As an aftermath, what a surprise!

On Christmas Eve, the Sweetwater Reporter had large front-page headlines and article, reading “Citizens of Sweetwater Recognized with Religious Freedom Award.” We were honored to receive Becket’s Tiny Tim Toast, for “inspiring hope and perseverance in the face of adversity during the Christmas and Hanukkah season.”

And I am grateful to say that the Women’s Forum Nativity is now a permanent part of our annual Christmas display and is outside our courthouse even as we speak.

In addition to commemorating the Christmas season, it is the Women’s Forum’s desire that it will continue to be a staple in our hometown celebration to give joy and hope to many lives in this major victory for religious freedom.

While we have talked a lot today about law and policy, I would like to close by remembering the person I believe is the reason for it all, with this poem, by Dr James Allen Francis. It begins...

He was born in an obscure village,
The child of a peasant woman.

He grew up in another obscure village,
Where he worked in a carpenter shop
Until he was thirty.

Then for three years
He was an itinerant preacher.

He never had a family or owned a home.

He never set foot inside a big city.

He never traveled two hundred miles
From the place he was born.

He never wrote a book, or held an office.

He did none of the things that usually accompany greatness.

While he was still a young man,
the tide of popular opinion turned against him.

His friends deserted him.

He was turned over to his enemies,
And went through the mockery of a trial.

He was nailed to a cross,
Between two thieves.

While he was dying,
His executioners gambled for the only piece of property he had,
His coat.

After he died,
He was taken down and laid in a borrowed grave.

Twenty centuries have come and gone,
And today he is the central figure
For much of the human race.

All the armies that ever marched,
All the navies that ever sailed,
And the parliaments that ever sat,
And the kings that ever reigned,
Put together,
Have not affected
The life of man on Earth
As powerfully as this One, Solitary, Life.

Thank you. I welcome the Commission's questions.

Supplemental Testimonies

Lt Col Christopher W. Love, USAF

Dear Lt. Gov. Patrick,

Thank you for the opportunity to submit written testimony for your upcoming hearing on religious liberty in the military. My letter begins with personal background. It then discusses two concerns for religious liberty, along with actionable solutions. Although both my concerns have been alleviated under the present administration, they are almost certain to return in the future under an Executive Branch that holds progressive views on sexual orientation and gender identity. As such, these concerns warrant action in the present to secure long-term solutions.

I am an Air Force lieutenant colonel with 15 years of service on Active Duty. I have spent eight of those years as a public affairs officer in various communication- or media-related assignments and the other seven in graduate school or teaching ethics at the Air Force Academy. I have a PhD in Philosophy from Baylor University, where I wrote my dissertation under Dr. Francis Beckwith on topics that directly concern religious liberty. Finally—and most importantly—I am a committed Christian who strives to think deeply about my faith and to live consistent with it in my personal and professional life. This includes honoring those who believe differently than I.

My first challenge concerns the military’s history of promoting messaging that affirms disputed and theologically-entwined claims of the LGBTQ Pride movement. Such messaging often occurred during the military’s public recognition of Pride Month, each June. This issue played no small part in my decision to leave the public affairs career field in 2016 and to embark on an academic vocation. I feared what I would be asked to communicate on behalf of the military. Moreover, I feared what would happen if I voiced my concerns and requested a religious accommodation. Would my leadership take the trouble to understand my concerns as, fundamentally, a *goodwilled disagreement* about deep religious and philosophical questions? Or would they follow a popular trend of denouncing all such concerns as bigoted, hateful, and intolerable? With a wife and children depending on my financial support, I didn’t want to find out.

Examples of the sort of messages with which I take issue are as follows. (All italics are mine. Some of these posts have been removed, following the DEI drawdown in early 2025.)

- From the [U.S. Air Force Facebook](#) page in 2020: “I celebrate Pride because when I finally came out as gay, I felt myself *become complete*. I am able to *fully express myself* in ways I would have never been able to before.” (Main post, not a comment.)
- From the U.S. Air Force Recruiting Facebook page in 2021: “Pride may mean a lot of different things to different people, but it always comes down to one thing—*being yourself*. Join us in celebrating the pride that comes with *embracing who you are* and the love that comes with it.” (Main post, not a comment.)

- From then-Secretary Lloyd Austin in his remarks at the [Pentagon's 2021 LGBTQ event](#): “no servicemember who is willing to put their life on the line to keep our country safe should feel unsafe because of *who they are*.” (See 18:36; cf. 10:45.)

Messages like these may seem simple and non-controversial, but they are not. For me, the controversy lies *not* with whether people who identify as lesbian, gay, etc., *have value*, nor with whether they have made *important contributions*. I fully agree with both claims. Rather, the controversy lies with whether such people “are” LGBTQ, in a deep (i.e., ontological) sense. In a landmark essay on identity entitled “The Politics of Recognition,” the philosopher Charles Taylor defined people’s identities as “who they are...their fundamental defining characteristics”—something, in short, the fulfillment of which is “essential to [their] full being.”³⁴ (Note how closely the Air Force posts align with this view.) Yet to affirm such claims in the LGBTQ case, I would have to affirm that God *made* such people this way, whereas I believe the Jewish and New Testaments—when responsibly interpreted—reveal a different picture for our human nature. Moreover, I believe that picture is divinely inspired and remains morally in effect today. As such, the dispute goes deeper than the rightness or wrong of certain sexual or expressive *acts* (about which the above messages do not directly speak); it extends to the level of essence itself. Given this fact that LGBTQ identity claims are bound up in theological disputes about which Americans are deeply divided, it is inappropriate for the military (or the government) to endorse these claims. Rather, they should leave the affirmation of them to the conscience of their individual members.

I therefore recommend the following actions to secure long-term religious liberty on this issue. First, Congress should pass a law that prevents government agencies and their representatives (in an official capacity) from making these sorts of essentialist claims about LGBTQ identity. This is a comparatively modest request. A stronger request would be to pass a law that directs government agencies to *remain neutral on Pride Month altogether*: that is, they should neither endorse it nor denounce it but leave the matter to each member’s conscience. This stems from what is, arguably, Pride Month’s [inbuilt associations](#) with essentialist claims.

Second, something needs to be done to address the knowledge gap. That is, significant numbers of people within the Department of War and elsewhere may fail to appreciate how seemingly “basic” messages like those highlighted above in fact rely on deep theological assumptions. As such, they will not recognize the First Amendment challenges that arise when organizations promote such messages. I therefore recommend that a study be conducted with thought leaders from different theological traditions that exposes these deeper theological entailments, and that the findings be shared with those responsible for creating, communicating about, and enforcing policy on matters related to sexual orientation and gender identity, both within the DOW and elsewhere. Doing so could help advance us beyond the false claim that *all* who abstain from, or oppose, aspects of the LGBTQ movement are motivated by hatred or bigotry—a view which makes people reluctant to *tolerate* such abstentions or opposition. It could help us recover an appreciation for “mere” or “principled” or “goodwilled” disagreement.

³⁴ Charles Taylor, “The Politics of Recognition,” *Multiculturalism*, ed. Amy Gutman (Princeton University Press, 1994), 25, 29. See K. Anthony Appiah, “Identity, Authenticity, Survival,” same volume, for a similar conception.

My second challenge to religious liberty concerns the complications that transgender pronouns pose for our pluralistic military. I developed this issue in a recent [Public Discourse article](#); here, I will simply summarize. Although the use of transgender pronouns can create conscience issues in many environments, the military context is especially challenging. Our hierarchical structure, coupled with time-honored customs and courtesies governing forms of address, can make service members and DOW civilians feel they have no choice but to use a person's preferred pronoun. This is especially the case when the senior-ranking member is a Government Service (GS) or Senior Executive Service (SES) employee, for here the prescribed form of address is almost always "Mr." or "Ms.," as opposed to neuter titles like "General" or "Sergeant." Yet there are many people among us who, for religious or philosophical reasons, believe that calling a biological male "she/her" or a biological female "he/him" amounts to a falsehood. Such people may fear reprisal, especially in today's climate where a refusal to use transgender pronouns is often attributed to phobia or bigotry. Although the Trump Administration's policy on transgender servicemembers removes this issue for the present, that policy is likely to be reversed in the future, as it was in the opening days of the Biden Administration.

For these reasons, I recommend the following actions: First, Congress should pass legislation that ensures servicemembers cannot be punished for voicing pronouns that accord with their sincerely held religious or philosophical convictions, including in cases where they have trans-identifying superiors. If RFRA or the First Amendment covers such cases, Congress or SCOTUS should [make this clear](#). Second, the military should develop neuter forms of address that can be used in cases where members report to a trans-identifying civilian. This can alleviate tension resulting from the first recommendation. Third, the military should discontinue the use of pronouns in performance reports, awards citations, and similar documents, thus protecting supervisors. The Air Force, e.g., recently revised its performance reports from bullets to sentences—a change that virtually *requires* pronoun use and sets the stage for future conflicts. Finally, as with the previous challenge, something must be done to address the knowledge gap. The services should explore ways of highlighting the various reasons people have for refraining from using transgender pronouns. This combats the false idea that all such abstentions stem from animus. In so doing, it promotes a respectful tolerance for the differing convictions within our pluralistic military.

Respectfully,

CHRISTOPHER W. LOVE, Lt Col, PhD, USAF

Rev. Craig G. Muehler, CAPT, CHC, USN (Retired)

Endorsing Agent for The Lutheran Church—Missouri Synod

Thank you, distinguished members of the Committee. I am grateful for the opportunity to submit a statement in my dual capacity as President of the Chaplain Alliance for Religious Liberty (CALL) and as the Ecclesiastical Endorser for military chaplains of The Lutheran Church—Missouri Synod. I wish to bring four persistent concerns to your attention:

1. Restrictions on Public Prayer in Jesus' Name.

Despite existing policy and case law, chaplains continue to face pressure and formal challenges when they pray in Jesus' name at mandatory command-sponsored events. This directly contradicts Department of War (DoW) Instructions (and Service Branch policies) and the Religious Liberty protections affirmed by multiple federal courts.

2. Compelled Participation in Ecumenical or Interfaith Worship and Sacraments.

Chaplains are increasingly directed to co-officiate joint services or administer Sacraments/Rites to persons outside their faith group under the vague umbrella of “protestant.” No chaplain is endorsed as a generic “protestant” chaplain; every chaplain is endorsed by a specific religious organization with distinct doctrine and practice. Forcing chaplains to participate in or perform rites contrary to their endorser's requirements violates both conscience and DoW policy. In recent months, several chaplains have faced formal investigations simply for remaining faithful to the manner and form of their endorsing body.

3. Weaponization of the Command Investigation and Equal Opportunity Processes.

Chaplains who, in accordance with their faith and endorser, decline to affirm or participate in worship events of other religious traditions are being accused of discrimination or disrespect. These complaints are then used as tools to punish conscientious objection that is explicitly protected by law and regulation.

4. Lack of Understanding of the Role of Ecclesiastical Endorsers.

Commanders, staff judge advocates, and even some senior chaplains remain unaware of the legal and ecclesiastical authority of endorsing agents. This knowledge gap has led to situations in which chaplains misrepresent their faith tradition (e.g., claiming to be “pagan” or “humanist” while holding an endorsement from a Christian body), creating confusion and undermining the integrity of the entire endorsing process.

Proposed Solutions

1. Mandatory, In-Depth Religious-Liberty Training for Leaders.

Implement sustained, laser-focused training—led by qualified religious-liberty attorneys and experts—for all commanders, senior chaplains, and military attorneys. Current training is often brief, optional, or based on outdated interpretations of “separation of church and state.” Leaders must understand what the Constitution, statutes, DoW directives, and service regulations actually require and protect regarding religious exercise.

2. Truth in Advertising at Military Chapels and Religious Programs.

Require every worship service and religious program on military installations to clearly identify the specific religious organization (and, when applicable, the chaplain's endorser) that is sponsoring and leading the event. The generic label "protestant" should be eliminated. Accurate labeling prevents the unintentional establishment of a government-sanctioned "military Protestantism," respects the distinctives of each endorsing body, and enables service members and families to make informed choices about worship. It also ensures that the chaplain who leads the service does so in accordance with the faith tradition he or she is endorsed to represent. Mr. Chairman and members of the Committee, these are not theoretical issues; they affect the conscience, ministry, and careers of chaplains today, and they impact the religious freedom of every service member who relies on them. With your oversight and support, these problems can be corrected swiftly and decisively. Thank you for your time and for your continued commitment to the constitutional rights of those who serve. I stand ready to provide additional documentation or to assist in any way possible.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig G. Muehler". The signature is fluid and cursive, with the first name "Craig" being the most prominent.

Rev. Craig G. Muehler
CAPT, CHC, USN (Retired)
Endorsing Agent for The Lutheran Church—Missouri Synod
President, Chaplain Alliance for Religious Liberty

Rev. Graham B. Glover Senior Chaplain Fellow

Religious Freedom Institute December 9, 2025

Mr. Chairman and members of the Commission:

Thank you for the opportunity to submit these written comments to the Commission as you continue your important work of ensuring religious liberty protections for all Americans, including the brave men and women serving in our nation's Armed Forces. Please note that the following statement is solely my own and does not necessarily represent the views of the US Department of War (DoW), the US Army, or the US Army Office of the Chief of Chaplains. For the past 6 years I have served as a Chaplain Fellow at the Religious Freedom Institute (RFI) in Washington, DC, and the last 18 years as a Chaplain in the US Army – 12 on Active Duty and as a Reservist for the last 6, assigned to the Army Office of the Chief of Chaplains at the Pentagon since August of 2017. My responsibilities at RFI and my service to our nation have allowed me to observe how the US Chaplain Corps is the most important governmental organization in ensuring that American servicemembers have the freedom to exercise their faith and in understanding the role of religious freedom in contexts of engagement.

In every instance, the Chaplain Corps is, without question, the first line of defense in protecting the religious liberties of our nation's warriors. As this Commission advises the White House on what steps to take to ensure that American servicemembers' religious liberties are upheld, it must ensure that the Chaplain Corps remains strategically positioned to continue its critical role as the primary defender of this sacred American right.

Over the course of my career, I have also seen how chaplains assigned to the DoW are instrumental in advancing the cause of religious freedom abroad, assisting time and again in the advancement of our National Security Strategy. To that end, and as this Commission prepares its recommendations to the administration, it should never lose sight of the profound reality that if our own freedoms as Americans aren't guaranteed, the US military cannot continue to advance the cause of freedom abroad.

With this background in mind, I offer below 3 areas where I believe the US Chaplain Corps excels in protecting the religious liberties of our nation's servicemembers, along with recommendations on how I believe the administration can further enhance these important capabilities of the US Chaplain Corps.

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1) ***Continuing and Strengthening Religious Freedom Training for Military Chaplains.***

For years, the DoW, as a result of Department of Defense Instructions, has required that Commanders, Chaplains, and Judge Advocate Generals (JAGs) receive annual training and instruction on the religious freedom protections in place in US law, as well as in DoW policies and doctrines. Although these protections are for all servicemembers, chaplains, in the discharge of their duties, are afforded an extra layer of protection that ensures they are never asked to violate the tenets of their faith or the dictates of their conscience.

While the DoW continues to lean forward in ensuring that these policies and doctrines are updated to reflect the ever changing legal and cultural landscape of our nation, **I cannot emphasize enough how important it is that the DoDI continues to require Commanders, Chaplains, and JAGs to receive annual, updated training and instruction on religious liberty protections.** This is especially important when laws are changed or court decisions are rendered that affect how Commanders and JAGs should understand and adjudicate servicemembers' freedom to exercise their faith.

For the past 10 years, RFI has been privileged to assist in this training across the Army, Navy, and Air Force Chaplains Corps', to include the Active, Reserve, and Guard components, witnessing first-hand how a sound training curriculum profoundly impacts how the military, and in particular chaplains, can ensure that the religious liberties of servicemembers are never denied. Since the purpose of the military is to defend the Constitution, the first liberty of which is the free exercise of religion, our nation's military leaders must never lose sight of the fact that the military exists to serve the cause of religious liberty.

RFI also recognizes that changing political dynamics will always pose challenges to this first freedom, and that while our military leaders at every level need to be annually educated on the laws, policies, and doctrines of religious freedom, **Congress can also lean forward in passing legislation that provides a greater sense of permanency than military doctrine and policy.** This commission can recommend that the White House propose and support such legislation.

2) ***Emphasizing the Critical Role of US Military Chaplains in Advising their***

Commanders. While a chaplain's primary responsibility will always be performing religious functions for servicemembers or providing them time, space, and resources to practice their religion if it is different from their chaplain, US military chaplains also serve as one of the principal advisors to their Commander. This is true for the First Lieutenant Chaplain serving a Battalion, as well as the Major General/Rear Admiral (upper half) Chief of Chaplains serving their respective Chief of Staff/Chief of Operations and Service Secretaries.

Ensuring that chaplains always have a “seat at the table” – from the tactical level to the most senior strategic level, is an absolute necessity if our nation’s military leaders are to be properly advised on the religious dynamics affecting warrior readiness and the religious landscape of their respective theater. As this Commission knows, and as RFI professes in everything we do, our nation is a deeply religious land, where faith directs much of how we live our lives. Chaplains must regularly reiterate the importance of religion – not philosophy or non-religious spirituality – to every military Commander. This point was highlighted in the recent National Security Strategy, noting that: “Finally, we want restoration and reinvigoration of American spiritual and cultural health, without which long-term security is impossible.” RFI believes that the US military chaplain, serving as both an advisor and religious practitioner, will help bring about such restoration and reinvigoration to our military, and consequently, to our nation. **In its report to the White House, this commission should emphasize this important role and recommend that this and future administrations continue to recognize it in practice and written policy.**

- 3) ***Expand Interagency Involvement for U.S. Military Chaplains in Support of the National Security Strategy.*** Finally, RFI has been privileged for the last several years to be a part of the annual International Military Chiefs of Chaplains Conference (taking place in Athens, Greece in January 2026), as well as the annual International Religious Freedom Summit in Washington, DC, co-hosted by former US Ambassador at-large for Religious Freedom Sam Brownback. Through these conferences and others, we are afforded the awesome privilege of training US military chaplains across all services, at every grade, on the role of religion in US national security and the importance of religious freedom in advancing US foreign policy. At these conferences and in these trainings, RFI notes and subsequently observes how the US military champions the principle that faith is central to liberty.

Through our other educational and advocacy engagements across the globe, we also witness how the principle of faith transforms foreign militaries and governments to advance the cause of freedom in their own nation and region. **This is why RFI recommends that the administration explore new and innovative ways for US military chaplains to be more involved with other governmental agencies (e.g., the Department of State) to assist in the advancement of the administration’s National Security Strategy** that is, as noted above, deeply rooted in the importance of a spiritually healthy and religiously vigorous society, including the US military.

Allow me to conclude my statement by thanking the church body where I serve as a pastor, the Lutheran Church-Missouri Synod (LCMS). The LCMS has always followed the Holy Scriptures lead in recognizing government as a good and God-ordained part of God’s created order (Romans 13:1-7). We have followed Paul’s apostolic mandate in offering prayers and other support for “our leaders and all in authority” so that, living in a peaceful and well-ordered society, we might share the Gospel freely. We have understood this ordering to be “pleasing to

God, who wants all men to be saved and come to the knowledge of truth” (1 Timothy 2:2). As this Commission continues its critical work on behalf of our nation and its government, my prayers remain with you, that all of us may never hinder “the knowledge of truth.”

I remain available to the Commission to provide any additional insight beyond my comments and recommendations, or to clarify anything noted above.

Kanwar Singh, Captain, US Army (Massachusetts National Guard) Battalion Signal Officer, 3-126th Aviation Battalion

Dear Members of the Commission on Religious Freedom:

Thank you for the opportunity to share my experience as a Sikh officer in the Massachusetts Army National Guard and to offer recommendations to strengthen religious liberty in our Armed Forces.

My path to military service has been, at its core, a spiritual journey. As a devout Sikh, I came to the United States as a teenager seeking a place where I could live my faith freely, and over time I felt a profound calling to serve this country in uniform. After enlisting in 2015, I commissioned through the Army National Guard State Officer Candidate School (OCS) program and have since served as a Network Operations Officer and acting Brigade S6, Platoon Leader, Network Operations Officer, Assistant Team Chief, and now as the Battalion Signal Officer (BN S6) for the 3-126th Aviation Battalion, Massachusetts Army National Guard.

In this capacity, I lead a team that delivers secure communications and network infrastructure in support of military operations, while also contributing to innovation efforts across the force, including the first-ever Innovation/Design Thinking and Artificial Intelligence trainings for the National Guard and service on the Massachusetts National Guard Innovation Team. My career has included mobilization for state active duty during the civil unrest of 2020, participation in exercises such as Cyber Yankee 2024 and Warfighter with the 26th Maneuver Enhancement Brigade, and completion of multiple professional military education courses and technical training.

From the beginning of my journey, my desire to serve was inseparable from my desire to remain faithful to core Sikh religious requirements, including maintaining unshorn hair and wearing a turban as visible articles of faith. If you are not familiar, these articles of faith are an essential element of Sikh religious practice: Formalized as part of the visible Sikh identity by tenth guru of the Sikhs in 1699, they are meant to be reminders to all Sikhs regarding the tenets of our faith and our spiritual imperative to fight injustice. Early on, this created a direct conflict with the Army's outdated and aesthetic-focused uniform and grooming standards: I was effectively asked to choose between shaving and removing my turban in order to attend basic training, or stepping away from my calling to serve. With the support of my recruiter, my fellow Guardsmen, and a civil rights organization called the Sikh Coalition, I sought and obtained a religious accommodation that allowed me to attend basic training and later to continue my service while keeping my articles of faith intact.

The Army's 2017 directive on religious accommodations, and subsequent similar changes throughout other services, were pivotal: They recognized that sincerely held beliefs need not be in tension with readiness, and created a framework in which Sikhs and members of many other faiths could serve without compromising sacred commitments. These policies have allowed me, and now hundreds of

additional Sikh, Jewish, Muslim, Christian, and other servicemembers, to live out both our faith and our oath at the same time.

Day to day, these accommodation policies have done far more than simply permit a beard or a turban. They have enabled a sense of belonging and legitimacy in the formation, training, and deployment environments. Once my accommodation was in place, I could attend drill in uniform, participate fully in training, and be evaluated alongside peers based on performance, not my appearance. In the years since, my experience within the Army has been one of acceptance and professionalism; Soldiers in my units see me first and foremost as a teammate and leader who can get the job done, not as an outsider because of my articles of faith. The effect of inclusive policy is cumulative: it widens the recruiting pool, enables retention of talented officers and enlisted personnel, and communicates that the military reflects and defends the pluralistic society it serves.

While much progress has been made, there is still work to do to ensure a truly inclusive and consistent policy environment. First, the process for obtaining and maintaining religious accommodations should be as streamlined, uniform, and timely as possible across branches, components, and installations, so that no servicemember is left in a “limbo” status unable to attend training or wear the uniform while paperwork moves slowly.

Second, commanders and leaders at all echelons should receive clear, recurring education on religious liberty standards, the existing regulations, and the operational track record demonstrating that properly managed accommodations do not degrade readiness. Third, policies should be written and implemented in a way that treats accommodation as the default presumption—absent a concrete, mission-specific reason to restrict a particular practice—rather than an exception granted only after prolonged advocacy. Finally, as the force becomes more technologically advanced and diverse, the Department of Defense should continue to consult directly with affected faith communities and servicemembers when updating grooming, uniform, and equipment standards, so that new regulations are inclusive by design rather than corrected only after time- and resource-intensive litigation or individual waivers.

As someone whose own journey to the officer’s oath was delayed but ultimately made possible by principled policy change, my hope is that future servicemembers of all faiths will not have to choose between answering a call to serve and remaining faithful to their religious convictions. With clear, consistent, and forward-looking protections for religious exercise, the United States can continue to demonstrate that its military strength is rooted not only in capabilities, but also in a genuine commitment to the constitutional and moral values it defends.

Very Respectfully, Kanwar Singh

Captain, US Army (Massachusetts National Guard) Battalion Signal Officer, 3-126th Aviation Battalion