

Military Association of Atheists & Freethinkers



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FIGHTING FOR THE FREEDOMS WE DEFEND

18 Aug 2015

Department of Defense Inspector General
4800 Mark Center Drive
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Subject: Response to IG DoD Report on Rights of Conscience Protections for Armed Forces Members and Their Chaplains, July 22, 2015 (DODIG-2015-148)

The Inspector General's office has done difficult work in preparing its recent report on rights of conscience in the US military. The report identified serious issues and in certain cases identified where problems claimed to exist do not exist. However, I urge the IG to add to the report those clear and substantiated issues that still face humanists and other nontheists, and to make basic recommendations to remedy those issues. MAAF objects that many issues of personal conscience have been left out of the final draft report.

Congress set out three objectives for this report. Objective 1 called for IG DoD to investigate regulations related to rights of conscience. Objective 2 called for an investigation of rights of conscience specifically related to the chaplaincy. Objective 3 called for a listing of reports of issues related to rights of conscience.

MAAF recommends the report be amended to better address key issues. The issues listed below should have additional attention and recommendations for resolution. These apply at the Department of Defense level and are easily verifiable and so should be addressed in the final report.

- Humanist Identity
- Chaplaincy Support of Humanists
- Humanist Chaplaincy
- Anti-LGBT Endorser Policies
- Non-official Channels

Non-official Channels

During the time period we conducted our assessment, multiple instances of rights of conscience protection issues were broadcast in social and traditional media... develop guidance summarizing resources and potential responses to the use of social media and other nonofficial reporting channels (page 35).

MAAF absolutely supports and praises the ongoing tolerance of the DoD and its agencies of free expression on social media. The DoD has more than occasionally silenced and/or punished expressions on social media, but the general rule seems in our opinion to be free expression even when the speech denigrates the command or military policy. Active duty personnel do often speak out on controversial issues in social and traditional media, and within reason and with proper disclaimers, military personnel should retain their right to speak out. This tolerance is likely to pay dividends in terms of highlighting issues and allowing military leaders to better understand the sentiment among all service members. MAAF hopes the DoD will continue to strongly favor free expression on social media.

However, this policy can only work to the benefit of the DoD if social media and other civilian reports of discrimination or violations of DoDI 1300.17 are investigated. Aggressive censorship is problematic but so also is ignoring potentially valuable reports of misconduct. Agencies should use discretion with all sources, but just as an anonymous phone call or email would not be rejected out of hand if it alleged in detail a potential violation, so should social media and other traditional media reports not be rejected out of hand. Engage Public Affairs as necessary to properly interact with media representatives. Empower agents to reach out, interview, and even follow up with such sources to facilitate the investigation and ensure, for the good of the military, that violations do not go unresolved simply due to procedural definitions on the part of the victim or a whistleblower. Consider proper reporting procedures to be a convenience not a prerequisite to enforcing policy and protecting military personnel from discrimination.

Similarly, non-military sources should not be set aside. The report called out an issue with one Chaplain Modder at Ranger Training Battalion who inserted an evangelical sermon into a suicide prevention briefing.¹ MAAF reported the issue, a Christian advocacy group responded, and neither the local command nor the Inspector General, at the time or during this most recent conscience report, made any effort to contact MAAF as part of the investigate. This arms-length approach to civilian agencies which hold the trust of military personnel is a recipe for ongoing media firestorms. The situation at Ranger Training Battalion could have been resolved at the lowest level had the command had procedures by which to contact non-military agencies. The misinformation put out about the event could have been leveraged for the military narrative had there been a policy in place to communicate rather than to allow misinformation to run rampant. It is our sincere hope that Recommendation 9 regarding social media leads to leveraging and outreach to civilian advocacy groups rather than the adversarial relationship that currently exists.

This letter itself is a non-official source of valuable information from outside the military community. The Inspector General may reduce its workload by ignoring non-official channels, but to do so will ensure that important problems go unsolved. IG DoD should not turn a blind eye to modern information flow which will, inevitably, be more commonly, easily, and accurately found outside the chain of command where those who fear the chain of command feel more free to speak.

Anti-LGBT Chaplain Policies

While the change (equal opportunity protection for gays and lesbians) may impact contact levels regarding religious accommodations for gay and lesbian service members, its implementation fell outside the time frames of our data collection and fieldwork and is not reflected in this report. (page 8)

The anti-gay position of many chaplains is arguably the most prominent issue facing the chaplaincy. This investigation has sidestepped this important issue by pointing to a June 2015 regulation adding sexual orientation to the protected classes for purposes of Equal Opportunity. The change happened after the research period, and so there should be research and findings

¹ 5th Ranger Battalion Disciplines Evangelical Chaplain, <http://militaryatheists.org/news/2014/12/5th-ranger-battalion-disciplines-evangelical-chaplain/>, published Dec 11, 2014, last accessed Aug 16, 2015

available for publication that can inform what is still a difficult change process, despite one recent regulatory change.

More importantly, DoDI 1304.28 regarding chaplain accessions requires that all chaplains serve in a pluralistic military environment, and that this agreement to serve must be confirmed by their endorsing agencies. Many endorsers including the Southern Baptist Convention have stated policies prohibiting chaplains to serve with gays and lesbians or those who affirm gays and lesbians. These policies arguably read as a rescission of their prior endorsement of chaplains to serve in a pluralistic environment.² This is a critical 'conscience protection' they claim and it seems like a glaring omission to ignore this entirely. While the Equal Opportunity regulation has changed, chaplain endorser policies and chaplain regulations have not changed and therefore the issue of anti-LGBT chaplains warrants comment in this report.

Humanist Chaplaincy

The Military Services did not have any chaplains representing other low density groups or faiths, such as Humanists, Rastafarians, Sikhs, Pagans, or Wiccans, represented in the Military Services. (page 35)

Objective 2 relates directly to the chaplaincy. As noted in the report, the military currently has no humanist chaplains. Part of the reason for this is a change made to chaplain regulations in 2012 that excludes new endorsers, such as the humanist organizations, from presenting currently-endorsed chaplains as their first candidate. That means if a current chaplain converted to Humanism or Wicca or any belief system not currently represented within the chaplaincy, that chaplain would lose their job purely because their beliefs changed. That discriminatory regulation (Added in January of 2012 to DoDI 1304.28 paragraph E.3.1.2) should be highlighted in your report with a recommendation for repeal.

Further, chaplains cannot feel free to express Humanist beliefs or even to support Humanists as the chaplaincy maintains a policy not to extend lay leader support or, in many cases, any chaplain services directly to Humanists. Your report already calls out the lack of diversity in the chaplaincy, but there are no recommendations to resolve that problem. In addition to the regulatory change above, the report should call for diversity training and initiatives that actually increase diversity. Having (authentic) training for chaplains regarding humanist and other nontheist beliefs is a first step. A second step would be to set goals and put funding toward bringing Humanist chaplains into the military. Less than 1% of the chaplaincy represents belief other than Christian or Jewish.³ Improving that number to 3% or even 5% would be a great leap forward for diversity and improve the chaplaincy's ability to provide for non-Christian diversity as well as the great diversity of Christian denominations.

² Military chaplaincy faces choice of mission or anti-gay toleration, <http://militaryatheists.org/news/2013/09/military-chaplaincy-faces-choice-of-mission-or-anti-gay-toleration/>, published Sep 11, 2013, last accessed Aug 16, 2015

³ Military Religious Demographics, <http://militaryatheists.org/demographics/>, study dated 2012, last accessed Aug 16, 2015

Chaplain Support of Humanists and Humanist Identity

DoD application of “sincerely held conscience, moral principles, or religious beliefs” encompasses traditional religious groups, such as Christians, Jews, and Muslims; nontraditional faith groups, such as Wiccans and Jedis; and groups with nonreligious systems of belief, such as humanists and atheists. (pages 2-3)

Ignoring for a moment the dubious sub-categories of traditional, nontraditional, and nonreligious, the inclusion of humanists and atheists by name is encouraging. However, the exclusion of chaplain support for humanists and humanist identity from the body of the report shows lip-service rather than action on our behalf. It is considered by many chaplains to be a matter of ‘conscience protection’ to protect their right not to have to support through the chaplaincy those who don’t believe in a god. It is equally a matter of ‘conscience protection’ that military personnel are not excluded and marginalized by the chaplaincy purely because of a difference of beliefs. In fact, the chaplaincy is all about supporting those who may have different beliefs. Chaplains uncomfortable with that role should go back to traditional ministry.

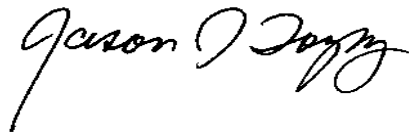
This report should have communicated what MAAF clearly communicated in our interviews with the investigators. Currently there are essentially no chaplain-led humanist services anywhere in the military. There are no chaplain-led services for vulnerable basic trainees, the chaplains provide god-based services or at-best, alone time, while god-believers have food, fun, and community. There are no humanist lay leaders in any branch of service. Continuing from the issues listed above with lack of Humanist Chaplains or humanist training for chaplains, we also have no chaplain-led humanist services, no basic training support, and no recognized lay leaders. This is all despite troop requests and volunteer support offered by humanists. “Conscience Protection” should protect individuals from violating their personal beliefs, but conscience protection goes too far when it protects chaplains from refusing to do their jobs for those they disagree with. We don’t tolerate discrimination against Jews or Muslims or Christians or Wiccans, so why should humanists and other nontheists be denied authentic humanist support by chaplains? That is discrimination, not conscience protection, and that abuse should be highlighted in this report.

A related issue is Humanist Identity. Though Humanist Identity refers to having “Humanist” listed as religious preference on official records. Whatever the position of chaplains may be, these administrative personnel lists should be updated to include whatever options are requested. The Defense Equal Opportunity Management Institute by a survey in 2009 found 3.6% of the military identifies as “Humanist”⁴, which is larger than any non-Christian denomination and larger than the majority of Christian denominations. In that sense, the justification to include only ‘larger’ denominations would eliminate Jewish, Muslim, Christian Science and many others. Until that is suggested, then Humanist should be on the list.

⁴ Military Leadership Diversity Commission (data from Defense Equal Opportunity Management Institute), “Religious Diversity in the Military”, original published June 2010, <http://militaryatheists.org/resources/MLDC-RIPSDemographics.pdf>, last accessed Aug 16, 2015

Summary

The Military Association of Atheists & Freethinkers requests on behalf of atheists and humanists in the military that this report be amended to include those verified concerns with conscience protection of humanists and other nontheists. Engaging with non-military agencies provides an excellent opportunity to improve conscience protection in the military. Ongoing anti-LGBT discrimination of some endorsers is an important problem to address because the current solution of offloading work to affirming chaplains is unsustainable and contrary to regulations. We hope that elevation of the needs of humanists and other nontheists will also lead to the participation of the humanist community in improving the chaplaincy for the benefit of all military personnel.

A handwritten signature in black ink that reads "Jason Torpy". The signature is written in a cursive, flowing style with a large initial 'J'.

Jason Torpy
President, Military Association of Atheists & Freethinkers