



Written by [Dave Bohon](#) on May 23, 2012

Battle Brewing Over Conscience Protections for Military Chaplains

President Obama has expressed his opposition to a Republican-authored amendment in the House defense authorization bill that would protect the conscience rights of chaplains who do not want to perform “marriage” ceremonies for homosexual military personnel. Written in part by U.S Representative Todd Akin (R-Mo.), Section 536 of the 2013 National Defense Authorization Act stipulates that no member of the armed forces may “direct, order, or require a chaplain to perform any duty, rite, ritual, ceremony, service, or function that is contrary to the conscience, moral principles, or religious beliefs of the chaplain, or contrary to the moral principles and religious beliefs of the endorsing faith group of the chaplain.” In addition, Section 537 asserts that a “military installation or other property owned or rented by, or otherwise under the jurisdiction or control of, the Department of Defense may not be used to officiate, solemnize, or perform a marriage or marriage-like ceremony involving anything other than the union of one man with one woman.”



Obama, who was responsible for last year’s dismantling of the 200-plus-year ban on homosexuals serving in the U.S. military, quickly came out against both provisions, with his Office of Management and Budget (OMB) [releasing a statement](#) declaring, in part, that the President “strongly objects” to both sections because they “adopt unnecessary and ill-advised policies that would inhibit the ability of same-sex couples to marry or enter a recognized relationship under State law.”

The OMB protested that Section 536 “would prohibit all personnel-related actions based on certain religious and moral beliefs, which, in its overbroad terms, is potentially harmful to good order and discipline.” As for Section 537, the OMB argued that it would “obligate DOD to deny Service members, retirees, and their family members access to facilities for religious ceremonies on the basis of sexual orientation, a troublesome and potentially unconstitutional limitation on religious liberty.”

Representative Adam Smith (D-Wash.), the ranking Democrat on the House Armed Services Committee, targeted the provisions as nothing less than an attack on homosexual soldiers. “For years, many members of our Armed Services had to hide who they were to fight for the country they love,” Smith declared, “and I am strongly opposed to efforts that seek to turn back the clock on the progress we



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have made in the name of equality.”

[Congressman Akin](#), however, explained that he had offered Section 536 in response to Obama’s “appalling” efforts to “blatantly use the military for political cover” on the issue of homosexuality. “This liberal agenda has infiltrated our military, where service members and chaplains are facing recrimination for their sincerely held moral and religious beliefs,” said Akin. “Moral or religious concerns about same-sex marriage or the repeal of Don’t Ask, Don’t Tell have become potentially career-ending. Obama’s use of the military to justify his new support for same-sex marriage will only add fuel to this fire, potentially forcing service members and chaplains to violate their own conscience or face recriminations.”

Asked by a reporter about Akin’s amendment guaranteeing conscience protections for chaplains, House Minority Leader Nancy Pelosi called it a “fraud,” insisting that chaplains were not in danger of being forced to do anything they morally opposed. “I’ve never seen any suggestion that we’re ordering chaplains to perform same-sex [ceremonies],” she said. “I do not support that provision in the bill, that part of the bill,” she said. “I agree with the Administration. And there’s nothing that says that chaplains act against their faith.” (To watch video of Pelosi, click [here](#).)

Pressed as to why she would not support a provision that codifies the protections she said were already in place, Pelosi testily responded: “Because it’s a fraud. It’s a — welcome to the world of manufactured crises. Here’s one.”

A number of military chaplains, however, challenged Pelosi’s argument. Former Navy Chaplain James Klingenschmitt, who lobbied members of the Senate Armed Services Committee on the amendment, told the [Christian Post](#), “[T]here are dozens of active duty chaplains who have been pressured to not speak against homosexuality. I know of one Army and one Navy chaplain who have already resigned. Another active duty chaplain has been silenced, threatened, and punished against speaking against ‘Don’t Ask, Don’t Tell.’ What they are saying is simply false.”

Ron Crews of the [Chaplain Alliance for Religious Liberty](#), which represents the military’s 2,500 evangelical Christian chaplains, agreed, telling [CNSNews.com](#) that the Obama administration “has created an environment in the Department of Defense that if you are in favor of same-sex relationships, you may speak. If you are not in favor, you cannot speak.” He said his group has already seen examples of a chaplain being pulled from an assignment and threatened with early retirement because he criticized the dismantling of “Don’t Ask, Don’t Tell.”

Added Crews: “We have another chaplain who asked, ‘Can I speak about this issue?’ And the commander told him, ‘If you can’t get in line [with the military policy in support of homosexuality], resign your commission.’ So we have those kind of real-life cases that the American public doesn’t realize is going on.”

Tony Perkins, president of the [Family Research Council](#), told CNSNews: “It’s quite shocking that the administration would say this [amendment] would undermine good order and discipline, when in fact, it is the President’s policy that is leading to the undermining of good order and discipline. This measure is a response to the concerns raised by chaplains already as this new experimentation on homosexuality has been thrust upon the military.”

While Congressman Akin did not claim in his forwarding of Section 536 that chaplains were being forced to violate their moral convictions by performing homosexual “marriage” ceremonies, he said that the amendment provides protections for chaplains in an uncertain political atmosphere. Steve Taylor, a



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spokesman for Akin, explained that “we don’t know what may or may not be ordered by the United States military regarding how these things are handled in the future. But this establishes that it is the sense of Congress that chaplains will not be ordered to do so. It’s a clarification — and a clarification that is being codified.” He added that “given the change in the landscape regarding how the DOD is handling this suggests that it is not superfluous for Congress to weigh in and say, this is our sense of it.”

According to [Fox News](#), a Pentagon spokesman denied the suggestion that chaplains would ever be required to participate in any private ceremony that conflicted with their beliefs, and insisted that no chaplain has been disciplined for opposing same-sex marriage. “In general, as we have reinforced in training across the force, the DADT [Don’t Ask Don’t Tell] repeal is not about changing attitudes, but rather about reinforcing behavior that treats everyone with dignity and respect,” Pentagon spokesman George Wright said. He insisted that “the religious freedoms of Army chaplains are already well protected in Army policy and regulations.”

If that is the case, said Bob Knight of the conservative [American Civil Rights Union](#), then Obama, Pelosi, and the Pentagon should not mind the addition of the Akin-authored amendment, which, he pointed out, simply adds “another layer of protection” for the chaplains’ religious freedoms. But if there is a threat, as many retired and active chaplains insist, then the amendment “is essential to preserving freedom of religion in our armed forces,” Knight said. “Given the Administration’s heavy hand against Catholic hospitals over the contraceptive, abortifacient, sterilization issue, why should anyone trust them not to go after the chaplains and do things against their conscience?”

Photo: House Minority Leader Nancy Pelosi during a press conference on June 16, 2011: AP Images



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