

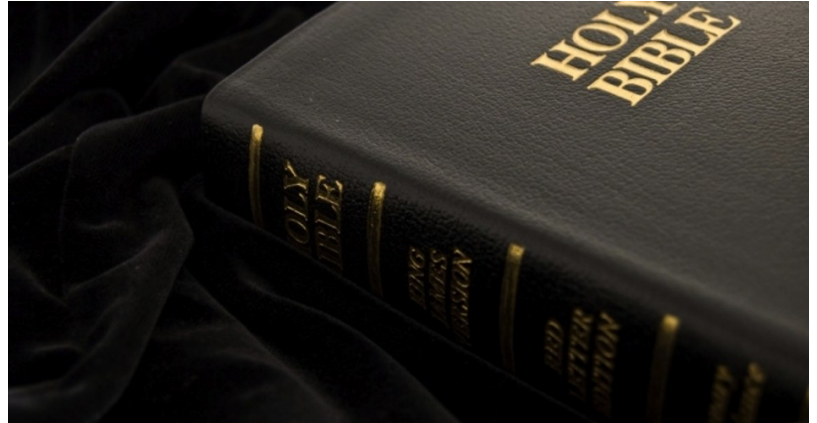


Written by [Bob Adelman](#) on October 30, 2015

Navy Chaplain Exonerated, Cleared, and Reinstated

In his letter exonerating Navy Chaplain Wesley “Wes” Modder in September, Rear Admiral David Steindl [wrote](#): “I have found the evidence of substandard performance in this case does not meet the standard of gross negligence or complete disregard of duty ... Modder will not be detached for cause.”

The incident will be removed from his official personnel file. Modder has accepted an order to serve as chaplain at the Navy’s base in San Diego.



Modder’s record as Navy chaplain is impressive. He joined the Marines in 1984 and served in Operation Desert Shield and Operation Desert Storm. He was later commissioned as a Navy Chaplain in 2000, and served at the Naval Weapons Station in Charleston, South Carolina, for most of his career.

Approaching his 20th year in the service, Modder was served with a complaint by his assistant, a married homosexual man who was possibly hoping to deprive him of his retirement benefits and to punish him for having Biblical views that contradicted his own. The complaint, filed earlier this year, charged that Modder told his soldiers that homosexuality was wrong, that gay people could be saved from their sins, that Modder told a female soldier that she was “shaming herself in the eyes of God” for becoming pregnant outside of wedlock, and that he discriminated against soldiers of different faiths.

Following the filing of that complaint, Modder’s commanding officer, Captain Jon Fahs, recommended that Modder’s name be removed from the Navy’s promotion list where he was listed as an “Early Promote,” that he be “Detached for Cause” (the equivalent of being terminated for cause), and that he be brought before an official Naval Board of Inquiry to be forced to leave the service.

When the original complaint was upheld, claiming that Modder was “intolerant and unable to function in the diverse and pluralistic environment” of the new Navy, he received a “detachment for cause” letter — essentially a termination of employment letter — which Modder took to Liberty Institute (LI). LI took the case, assigning attorney Mike Berry to refute the charges and attempt to exonerate Modder. Said Berry, “This is a case where a commanding officer sought to punish and prematurely end [Modder’s] career because of his religious expression and beliefs.”

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Berry’s strategy was several-fold. He obtained support for Modder from 35 members of Congress, including notables such as Senator Ted Cruz (R-Texas) and former Senator Rick Santorum (R-Pa.). They signed a letter to top Navy officials urging them to protect Modder’s freedom to practice his religion according to the tenets of his faith.

The same day that letter arrived at the offices of Navy Secretary Ray Mabus and Chief of Chaplains Rear Admiral Margaret Kibben, a petition containing 100,000 signatures supporting Modder arrived from the Restore Military Religious Freedom Coalition.



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Next, Berry iterated the long list of accomplishments Modder had achieved during his naval career, during which his previous commanding officers offered nearly endless praise for his work. A summary of just one such letter from Captain Steward Elliot, Modder's commanding officer at the Navy's Special Warfare Center, is illustrative. From his letter, Elliot wrote that

Captain Modder is a *national asset and mission essential* to my command.

He has set the *highest standards of combat zone ministry*....

The Navy has *the best of the best* in Chaplain Wes Modder.

He is a *valuable asset to the Chaplain Corps, the Navy Special Warfare Community, and the United States Navy*.

His dedication and loyalty to the Navy separates him from his peers.

[I give him my] *strongest recommendation possible to promotion to Lieutenant Commander ... [he] is ready to take on the Navy's most challenging ministry positions!* (Emphasis in original.)

And then Berry rolled out the heavy artillery, quoting at length from 1) the National Defense Authorization Act (NDAA) which states that "No member of the Armed Forces may ... require a chaplain to perform any rite, ritual or ceremony that is contrary to the conscience, moral principles, or religious beliefs of the chaplain," 2) the court case *Rigdon v. Perry* in which the court ruled that when chaplains are acting "in a religious capacity ... it is wholly appropriate for them to advance their religious beliefs," and 3) Navy Instruction 1730.8B.

Berry's strongest case was built around that Navy Instruction, which states that "a Service member's expression of sincerely held beliefs may not be used as the basis of any adverse personnel action, discrimination or denial or promotion, schooling, training, or assignment."

With the letter from Steindl exonerating Modder in hand, Modder's attorney Berry said, "This is a huge victory. I expect it will have a major impact and will be used as a case study by those in the military and members of Congress. It's also a warning to commanders that they must act cautiously when they tread on the rights of military members."

As for Modder himself, he continues to follow his Lord. He was tempted to retire from the Navy when he hit his 20 but reconsidered: "It's nice to have [my] retirement, and it would be nice just to leave, but until — and not to over-spiritualize this — but until the Lord releases me, I need to be obedient to the calling that I have on my life to be a Navy chaplain."

A graduate of an Ivy League school and a former investment advisor, Bob is a regular contributor to The New American magazine and blogs frequently at www.LightFromTheRight.com, primarily on economics and politics. He can be reached at badelman@thenewamerican.com.



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