



Written by [Raven Clabough](#) on May 11, 2011

## Navy Retracts Decision to Allow Chaplains to Perform Same-Sex Unions

Though the U.S. Navy just announced last month that it would allow its chaplains to perform same-sex unions, late last night it halted that decision until later this year — bowing to pressure from 63 U.S. Representatives.

Under the initial decision, civil union ceremonies would have been allowed at military facilities in states that recognize same-sex unions. But the office of Rear Admiral Mark Tidd (pictured at left), the Navy's head chaplain, issued a memorandum in anticipation of the repeal of the military ban on homosexuality on April 13 concerning revisions to marriage training that read, "If the base is located in a state where same-sex marriage is legal, then base facilities may normally be used to celebrate the marriage."



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The memo [continued](#):

Regarding the use of base facilities for same-sex marriages, legal counsel has concluded that generally speaking, base facility use is sexual orientation neutral. If the base is located in a state where same-sex marriage is legal, then base facilities may normally be used to celebrate the marriage. This is true for purely religious services (e.g., a chaplain blessing a union) or a traditional wedding (e.g., a chaplain both blessing and conducting the ceremony). Facility usage is determined by local policies and the Region Legal Service Office (RLSO) should be consulted to ensure compliance with existing laws and regulations. This is a change to previous training that stated same-sex marriages are not authorized on federal property.

Navy spokeswoman Lieutenant Alana Garas said, "There's been no change in policy — the only change that occurred was in training."

Neither the Air Force nor the Army included such provisions in their training.

Last night, however, Rear Admiral Tidd released a one-sentence memo indicating that his earlier decision has been "suspended until further notice pending additional legal and policy review and interdepartmental coordination."

Navy lawyers will be reviewing the legal decision that allowed Navy chaplains to receive training to perform civil unions on military bases in states where same-sex unions are legal. The Blaze explains, "Military training to apply the new law allowing gays to serve openly began earlier this year and is



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expected to be completed by midsummer.”

Members of the House addressed Navy Secretary Ray Mabus in objection to the Navy’s initial ruling, asserting that it was in violation of the 1996 Defense of Marriage Act (DOMA), which defines marriage as an institution only between a man and a woman. Recently, the Obama administration announced that it would no longer defend the constitutionality of DOMA.

U.S. Representative Todd Akin (R-Mo.), chairman of the House subcommittee which oversees Navy and Marine Corps programs, emphasized that argument when he asserted, “While a state may legalize same-sex marriage, federal property and federal employees, like Navy chaplains, should not be used to perform marriages that are not recognized by federal law.”

The letter written to the Navy by 63 House lawmakers states:

We find it unconscionable that the United States Navy, a federal entity sworn to preserve and protect the Constitution of the United States, believes it is their place alone to train and direct service members to violate federal law.

It goes on to assert that it is the role of Navy Secretary Mabus to direct the Navy to defend the Constitution, and that it is not the duty of individuals to choose which laws will be followed.

*The Blaze* notes:

When first asked about the Navy’s decision to allow the training, the Pentagon said the federal Defense of Marriage Act does not restrict the types of ceremonies a chaplain may perform in a chapel on a military base. And officials have repeatedly stressed that the military would not compel chaplains to perform a same-sex union if it was against their religious beliefs.

When the Navy announced its decision to approve same-sex unions, it drew fire, especially as neither the Army nor the Air Force had made similar decisions — and there was little guidance from the Defense Department on the issue. Navy officials explained that it simply updated the marriage training after questions arose regarding civil ceremonies for gay couples. Earlier Defense Department training guidelines had not addressed such unions, but also had not prohibited them.

Meanwhile, the Pentagon has already begun moving to [repeal](#) the 17-year-old ban on openly gay troops. Under the new law, the repeal will be implemented 60 days after the President and senior defense advisers determine that the ban will not inhibit the troops’ ability to fight.

John Eidsmoe — retired U.S. Air Force Lieutenant Colonel, law professor, and author of [Gays and Guns: The Case Against Homosexuals in the Military](#) — observed of the repeal:

The Constitution makes no mention of homosexuality, and I think the Founding Fathers would be utterly shocked to see how far away from the original intent of the Constitution we have moved.

Related article: [Navy Chaplains Can Perform Same-Sex Marriage Ceremonies](#)



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