



Written by [Dave Bohon](#) on June 9, 2017

Supreme Court Refuses Marine's Religious Expression Case

The U.S. Supreme Court has declined to hear the appeal of a Marine's court-martial conviction that stemmed in part from her refusal to remove a Bible verse from her work station at Camp Lejeune, North Carolina.

Lance Corporal Monifa Sterling was discharged from the Marine Corps in 2013 for bad conduct after her conviction under court-martial for refusing an order to remove displays of the paraphrased scripture Isaiah 54:17: "No weapon formed against me shall prosper."



Sterling had posted the verse in her workspace and reposted it after it was removed and thrown in the trash. Evidence at Sterling's trial revealed that other Marines were permitted to display personal items in their workspaces. According to First Liberty Institute, the First Amendment legal advocacy group that represented Sterling, the supervisor claimed she didn't "like the tone" of the oft-quoted scripture. Sterling appealed her conviction to the Navy-Marine Corps Court of Criminal Appeals, but the appeals court ruled against her. First Liberty Institute then appealed Sterling's case to the Court of Appeals for the Armed Forces — the nation's highest military court — which ruled against Sterling in August 2016. In December 2016, First Liberty took Sterling's appeal to the Supreme Court, which on June 5 refused to take up the case.

"Because the Supreme Court did not decide to review the case, the travesty below by the Court of Appeals for the Armed Forces will now stand," said Kelly Shackelford, president and chief counsel for First Liberty. "The military court's outrageous decision means federal judges and military officials can strip our service members of their [constitutionally guaranteed] rights just because they don't think someone's religious beliefs are important enough to be protected. Our service members deserve better."

While Sterling's attorneys had argued her case using the Religious Liberty Restoration Act (RFRA) and the First Amendment's guarantees to religious expression, the Navy-Marine Corps Court of Criminal Appeals said the RFRA did not apply, ruling that sharing Bible verses does not constitute religious exercise as a "part of a religious system of belief."

In refusing the case, the Supreme Court missed an opportunity to clarify the parameters of the RFRA, argued Travis Weber of the Family Research Council's Center for Religious Liberty. "The Court should have taken the opportunity to clarify that the RFRA protects religious expression in the military such as what is at issue in this case," Weber said in a statement. "Unfortunately, that must wait until another day. In the meantime, we must hope that leaving this ruling in place is not interpreted by anyone as permission to continue to scrub religious expression from our military."

Seven amicus briefs were filed — by retired military generals, state attorneys general, and members of



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Congress — asking the Supreme Court to hear Sterling’s case. Mike Berry, Sterling’s Liberty Institute attorney, emphasized that the High Court’s refusal had nothing to do with the merits of the case. “When the Supreme Court decides not to hear a case, the Supreme Court experts will tell you that that should never be taken as an indication of the relative strength or weakness of the case or whether the Court had a particular opinion as to the merits of the case,” Berry told [OneNewsNow.com](#). “There are any number of reasons why the Supreme Court might decide not to take a case, and they typically won’t make public any reason why they didn’t.”

However, according to Chris Rodda, senior research director for the secularist Military Religious Freedom Foundation, the Supreme Court’s refusal to hear the case may have been based on evidence that Sterling was simply an insubordinate soldier. Writing in the [Huffington Post](#), Rodda explained that the “charges against Sterling resulted from several separate, unrelated incidents over the course of five months. These incidents included failing to go to her appointed place of duty, disrespecting a commissioned officer, and disobeying direct orders from her superiors to wear the proper uniform. These incidents had nothing to do with religion or religious freedom.”

Additionally, [Baptist Press News](#) reported that in spite of the overwhelming support Sterling’s received from religious liberty advocates, “former U.S. Army chief of chaplains Douglas Carver advised her supporters in 2015 to reserve judgment, suggesting that there was likely more to Sterling’s story than the right to post Scripture at her workstation. ‘From my perspective of 38 years in the military, I have found no more fair legal process than military justice,’ Carver said. ‘It’s thorough. It’s fair. It’s merciful.’”

Regardless of the Supreme Court’s refusal to take up the case, First Liberty’s Kelly Shackelford said that his group would continue to defend the religious liberties of U.S. military personnel. “We will now work even harder to ensure our nation’s brave service members do not lose their religious freedom,” he said. “We will continue the fight for religious liberty in the armed forces through other matters and through legislative efforts.”

Photo of Marines: [U.S. Marine Corps](#)



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