

DOUG COLLINS
9TH DISTRICT, GEORGIA

DISTRICT OFFICE
210 WASHINGTON STREET NW
SUITE 202
GAINESVILLE, GA 30501
(770) 297-3388

WASHINGTON OFFICE
1504 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-9893



Congress of the United States
House of Representatives
Washington, DC 20515-1009

COMMITTEE ON
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March 30, 2015

The Honorable Ray Mabus
Secretary of the United States Navy
1000 Navy Pentagon, Room 4D652
Washington, DC 20350

Dear Secretary Mabus:

Troubling reports regarding religious liberties in the military—and specifically, relating to the treatment of Chaplain Wes Modder by the Navy—continue to come to light. As you know, Chaplain Wes Modder is currently facing disciplinary action—if not termination—for expressing sincerely held religious beliefs during pastoral counseling sessions.

Chaplain Modder has an admirable service record and has been described as a “mission critical officer to any command.” Throughout his career, he has offered spiritual guidance in accordance with his faith to countless servicemen in need. Yet, apparently in response to faith-based views expressed in private counseling sessions with sailors, Chaplain Modder is facing serious disciplinary actions.

I am very concerned that Chaplain Modder’s rights to religious expression are being threatened in contravention of military regulations and federal law. Under military regulations, military departments are expected and required to accommodate individual expressions of sincerely held-religious beliefs.

Based on my own experience as a uniformed chaplain, I know that there is a sacred trust that exists between chaplains and service members. This includes the duty of chaplains and their staff to maintain strict confidentiality about communications held during private counseling sessions. In the case of Chaplain Wes Modder, I believe it is appropriate to ask questions to ensure that the duty of confidentiality has been upheld for our military members.

The Department of the Navy’s policy is such that commanders are responsible for “honor[ing] and supporting the confidential relationship between service personnel and Navy chaplains.” SECNAVINST 1730.9. Clearly, this duty to protect confidentiality extends not only to the chaplain, but also to other religious ministry personnel, such as the chaplain’s staff.

It is my understanding that Chaplain Wes Modder is under investigation due to an Equal Opportunity complaint that was initiated by Chaplain Modder’s assistant. Some media reports suggest that this officer either gained access to confidential chaplain communications or solicited those communications from service members within the unit.

Although I do not know whether there is any truth to these reports, these stories have raised questions about the important issue of officers respecting the sacred trust of confidentiality that exists between chaplains and service members. To verify that this trust has not been violated, I would ask the Navy to look into the following questions:

- Did any person in the chain of command conduct inquiry to determine whether any person, including the chaplain's assistant, violated SECNAVINST 1730.9 and the confidential nature of counseling sessions?
- If an inquiry was made, what was the outcome of that inquiry?
- If an inquiry was not made, does the Navy intend to conduct such an inquiry?

Additionally, I would like to know:

- Did Chaplain Modder receive any kind of warning or counseling prior to receiving the "Detachment for Cause" document? If so, please provide details as possible.
- How was the decision made that a letter of instruction or counseling would be inappropriate in Chaplain Modder's case?

I look forward to receiving your response. I sincerely hope that you that are able to provide some clarity to this situation and guidance going forward to ensure that those fighting for our freedoms are able to express those freedoms themselves. Thank you for your attention to this matter.

Sincerely,


Doug Collins
Member of Congress