

Congress of the United States
Washington, DC 20515

March 30, 2015

The Honorable Ray Mabus
Secretary of the Navy
1000 Navy Pentagon, Room 4E686
Washington, DC 20350-1000

Rear Admiral Margaret Kibben
Chief of Chaplains, United States Navy
2000 Navy Pentagon, Room 5E270
Washington, DC 20350-2000

Dear Secretary Mabus and Rear Admiral Kibben:

As Members of Congress, we are deeply invested in protecting the vital role of chaplains in the United States military. Military chaplains fill a crucial religious need that exists uniquely in the realm of military service—a need that is imperative to the well-being and operational readiness of the troops. Their religious guidance and selfless service are crucial pillars to the health and success of our service members. For two hundred and forty years, Navy Chaplains have been the unsung heroes of the American warrior.

A chaplain serves a dual duty that is summed up in the Chaplain Corps motto, *Pro Deo Et Patria*, “For God and Country.” In carrying out this dual duty, chaplains are answerable both to the military and to their endorsing denomination. Under Department of Defense policy, a chaplain is answerable to his or her endorsing denomination—not the military—for evaluation of theological positions and fitness to serve as a representative of the endorsing denomination. If a chaplain’s ecclesiastical endorsement is withdrawn, the chaplain must either find another endorsement or be processed for separation. It is imperative that chaplains remain free to carry out all aspects of their ministry in a manner consistent with the tenets of their faith.

Congress passed conscience protections for servicemembers and chaplains in the National Defense Authorization Act in order to provide concrete protections for the free exercise of religion and the physical manifestations of beliefs. As you know, these conscience protections have been implemented by the Department of Defense through two Instructions: DoDI 1300.17, “Accommodation of Religious Practices Within the Military Services,” and DoDI 1304.28, “Guidance for the Appointment of Chaplains for the Military Departments.” These instructions make clear that expressions of belief are protected within the bounds of good order and discipline and that a chaplain may not be required to perform any rite, ritual, or ceremony that is contrary to his or her conscience, moral principles, or religious beliefs. Under these instructions, no servicemember may discriminate or take adverse personnel action on the basis of these actions by a chaplain.

Additionally, Navy policy and training documents make clear that a chaplain's role is to provide religious ministry. Chaplains "have the freedom to practice their religion according to the tenets of their faith. . . . If, in chaplains' discharge of their broader duties within the unit, they are faced with an issue contrary to their individual faith, they may refer Sailors to other appropriate counsel." In other words, if a chaplain is unable to perform in the way a Sailor requests, the chaplain's job is to provide for that need by connecting the Sailor with someone who can.

Navy policy also protects a chaplain's ability to preach and teach consistent with the tenets of his or her endorsing denomination, even when Sailors may disagree with the chaplain's remarks: "Chaplains have the right to express their religious beliefs during their conduct of a service of worship or religious study. Unless a chaplain's speech is otherwise prohibited, such as publically maligning senior leaders, their sermons and/or teachings cannot be restricted, even with regard to socially controversial topics."

It is in the context of these protections and policies that we inquire about the specific case of Chaplain Wesley Modder. Our understanding is that Chaplain Modder's commanding officer has requested that Chaplain Modder be Detached for Cause after a Sailor at the Naval Nuclear Power Training Command complained about Chaplain Modder's views on pre-marital sex and homosexuality. Chaplain Modder is endorsed by the General Counsel of the Assemblies of God, an evangelical denomination that, like the Catholic Church and the Southern Baptist Convention, affirms the orthodox theological belief that sexual intimacy is designed for the context of marriage between one man and one woman.


These beliefs on sexual intimacy do not constitute a legally viable reason to bring action against Chaplain Modder or any member of the military. If the request that Chaplain Modder be Detached for Cause is based on Chaplain Modder's belief that where his faith conflicts with Navy policy, he must follow his faith and contact the necessary commanding officer, then the request is untenable and must be denied. Likewise, if it is based on Chaplain Modder's religious belief that sexual intimacy was designed for the context of natural marriage—an orthodox religious belief that is held by the majority of chaplains in the Chaplain Corps as well as by Chaplain Modder's endorsing denomination—it must be denied. It is dangerous to fall prey to the fundamentally false proposition that individuals who support natural marriage can only be motivated by animus for others.

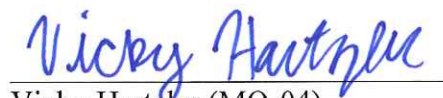
We request that you provide information on the nature of the accusations and investigations and ask that all investigations be conducted in accordance with laws protecting a chaplain's right to express and conduct himself according to his religious beliefs. We further request an outline of the process and timeline for review of the investigation and possible resulting actions.

Finally, as a reassurance to chaplains, sailors, and the public, we would like confirmation as to what steps the Navy is taking to reinforce the policies and protections in place for servicemembers and chaplains to freely exercise their religiously-informed beliefs, including the freedom of chaplains to adhere to the tenets of their faith as they perform and provide in all aspects of their ministry, including in counseling sessions. We also request information as to how the Navy has been implementing the conscience protections passed by Congress and what training has been provided to chaplains, JAG officers, Equal Opportunity officers, and commanding officers.

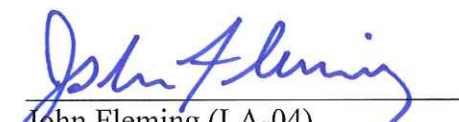
Thank you for your service and your commitment to our nation's Sailors. Your leadership in our military is vital. Thank you for your prompt attention to this matter.


Sincerely,

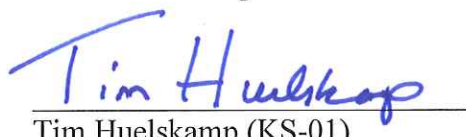

J. Randy Forbes (VA-04)
Member of Congress

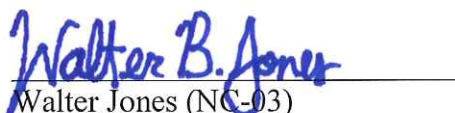

Vicky Hartzler (MO-04)
Member of Congress

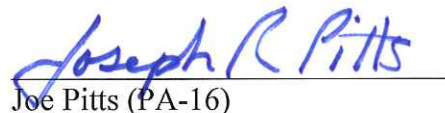

Doug Lamborn (CO-05)
Member of Congress

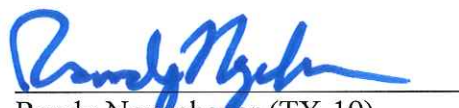

John Fleming (LA-04)
Member of Congress

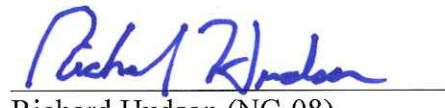

Doug Collins (GA-09)
Member of Congress



Tim Huelskamp (KS-01)
Member of Congress

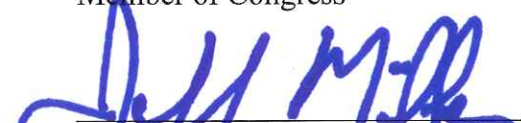

Walter Jones (NC-03)
Member of Congress


Joe Pitts (PA-16)
Member of Congress

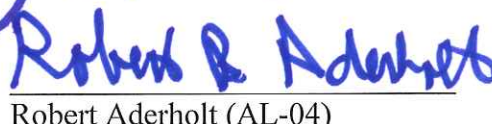

Randy Neugebauer (TX-19)
Member of Congress

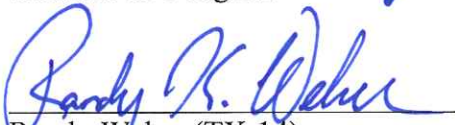

Richard Hudson (NC-08)
Member of Congress

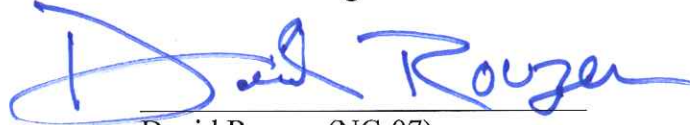

Bob Goodlatte (VA-06)
Member of Congress

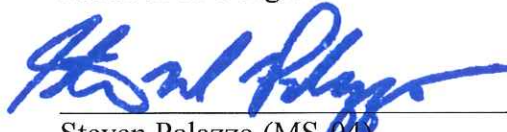

Jeff Miller (FL-01)
Member of Congress

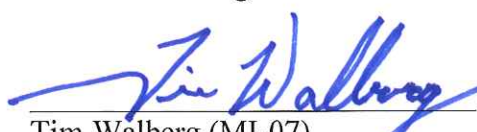

Mike Conaway (TX-11)
Member of Congress

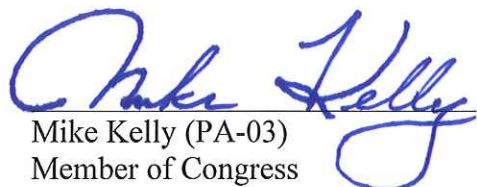

Robert Aderholt (AL-04)
Member of Congress


Randy Weber (TX-14)
Member of Congress


David Rouzer (NC-07)
Member of Congress


Steven Palazzo (MS-04)
Member of Congress

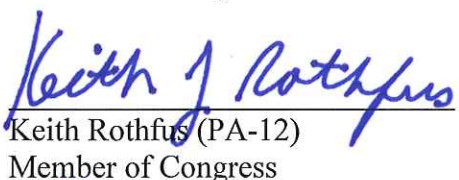

Tim Walberg (MI-07)
Member of Congress

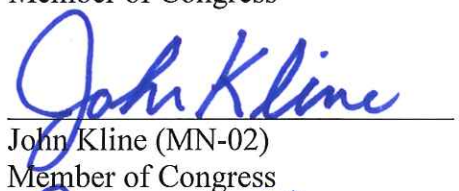

Mike Kelly (PA-03)
Member of Congress

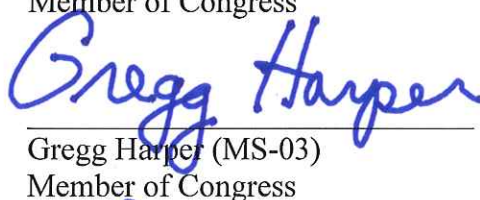

Steve Russell (OK-05)
Member of Congress

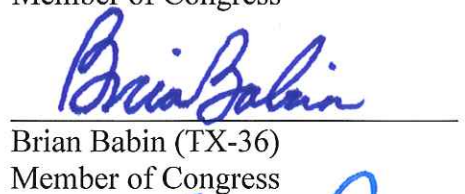

Robert Latta (OH-05)
Member of Congress

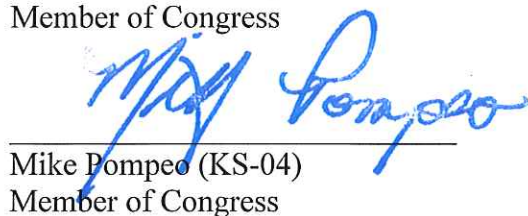

French Hill (AR-02)
Member of Congress

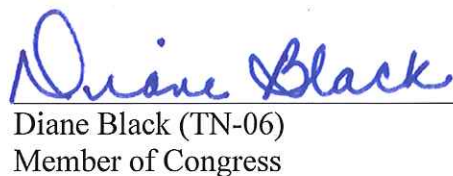

Keith Rothfus (PA-12)
Member of Congress


John Kline (MN-02)
Member of Congress

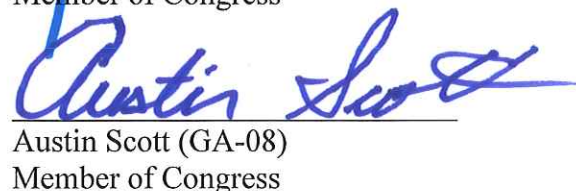

Gregg Harper (MS-03)
Member of Congress

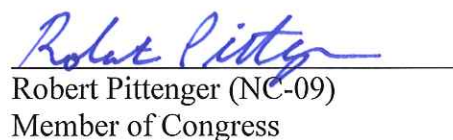

Brian Babin (TX-36)
Member of Congress


Mike Pompeo (KS-04)
Member of Congress

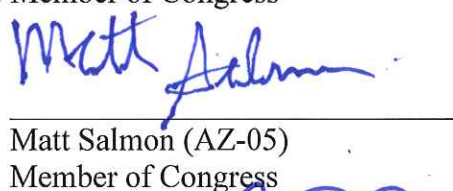

Diane Black (TN-06)
Member of Congress

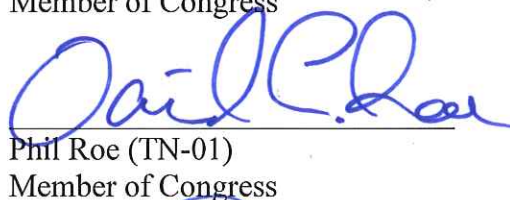

Rob Wittman (VA-01)
Member of Congress

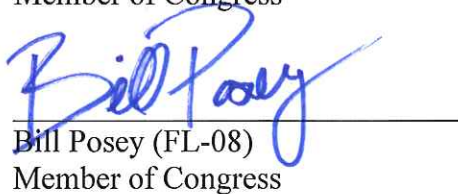

Austin Scott (GA-08)
Member of Congress


Robert Pittenger (NC-09)
Member of Congress


Trent Franks (AZ-08)
Member of Congress


Matt Salmon (AZ-05)
Member of Congress


Phil Roe (TN-01)
Member of Congress


Bill Posey (FL-08)
Member of Congress