



DEPARTMENT OF THE NAVY

NAVAL STATION NORFOLK  
1530 GILBERT STREET SUITE 2000  
NORFOLK VA 23511-2722

IN REPLY REFER TO:

1020

Ser/N01L

6 Jan 06

From: Commanding Officer, Naval Station Norfolk  
To: LT Gordon J. Klingenschmitt, CHC, USNR

Subj: REQUEST TO WEAR UNIFORM DURING PUBLIC WORSHHIP

Ref: (a) Subject request of 3 JAN 06  
(b) CO NAVSTA Norfolk ltr of 16 DEC 05  
(c) U.S. Navy Uniform Regulations  
(d) Your email of 4 JAN 06

1. In reference (a), you seek clarification of the order delivered to you by reference (b). That order directed you not to wear your uniform for a scheduled appearance on the Bill O'Reilly television show. It was clear the purpose of your appearance on the O'Reilly show was to support personal or partisan views on political, social and religious issues. Reference (c), U.S. Navy Uniform Regulations, prohibits members of the naval service from engaging in such activities while in uniform. The order further prohibited you from wearing your uniform for any other media appearance without express prior permission. The order did not direct that you "may not wear (your) uniform in public if (you) talk about religion or if TV cameras may be present."
2. "Media appearances," as used in reference (b) meant interviews, press conferences, press availabilities, and similar events, like the scheduled interview on the Bill O'Reilly show, where you deliberately engage with the press to express personal views.
3. Reference (b) did not contradict or supersede reference (c) in any way. Its purpose was simply to apply the general rule to specific facts. Neither does reference (b) narrow the scope of reference (c) in any way. So, for example, while reference (b) only addressed the application of reference (c) in the context of media appearances, reference (c) itself prohibits the wearing of the naval uniform in a much broader range of situations, even situations in which no media are present. You are obliged to obey both references (b) and (c).

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4. Reference (c) permits a member of the naval service to wear his or her uniform, without obtaining authorization in advance, incident to attending or participating in a bona fide religious service or observance. Is an invocation/benediction OK?

5. In reference (d), you state that you have been invited to participate this weekend, in uniform, in what you characterize as "bona fide public worship." In the email, you appear to seek command approval of your assertion that the event to which you refer constitutes a "bona fide religious service or observance" under the Uniform Regulations, and that you do not require advance authorization to wear your uniform at such events.

a. I understand your request to participate in this event in uniform to be a request to participate in your personal capacity, and not in your official capacity or as part of your official duties. I further understand this event to be distinct and separate from your letter to the President of 29 December 2005, where you requested to conduct a public worship service "on duty, in uniform ..... inviting public media to attend."

b. Based on the limited information about this event that you have provided, including your statement to the Executive Officer that the event was being organized by a clergy lobbyist group, I have strong reservations about whether this event will, indeed, be a bona fide religious service or observance, rather than a demonstration or assembly to promote personal or partisan views on political, social or religious issues. Accordingly, I recommend that you not wear your uniform for this event.

c. Notwithstanding my recommendation, you must use your own best judgment to evaluate the facts and conform your conduct to regulations.

d. If, despite my recommendation, you choose to participate in this event in uniform, you should limit your participation, while in uniform, to the "bona fide religious service or observance." If the event becomes a demonstration or assembly of personal or partisan views you are directed to ensure that you conform to the guidance as specified in reference (c). You should not, while in uniform, give interviews, make speeches, or otherwise engage in public advocacy of personal or partisan views on political, social or religious issues.

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e. Nothing in this letter should be understood to indicate agreement with your assertion that this event is, indeed, a bona fide religious service or observance. If you choose to attend and participate in this event in uniform, any judgment about the appropriateness of your having participated in the event in uniform will be made subsequent to the event, with reference to the actual facts and circumstances.

6. I trust this clarification and guidance will assist you in your efforts to conform your conduct to the necessarily high standards expected of all naval officers.



W. W. CROW  
By direction

Copy to:  
CAPT N. D. Holcomb, JR, CHC, USN

## Navy Uniform Regulations (AND Federal Law protecting chaplain's prayers):

1401.3.b.(4).(b) Members of the Navy and Marine Corps, including retired members and members of reserve components are prohibited from wearing uniforms of the naval service while attending or participating in a demonstration, assembly, or activity knowing that a purpose of the demonstration, assembly, or activity supports personal or partisan views on political, social, economic, or religious issues, except as authorized in advance by competent authority or incident to attending or participating in a bona fide religious service or observance.

US Code, Title 10, Section 6031. An officer in the chaplain corps may conduct public worship according to the manner and forms of the church of which he is a member.

6405: CHAPLAINS. Chaplains have the option of wearing their uniform when conducting worship services and during the performance of rites and rituals distinct to their faith groups.

### New Secretary of Navy prayer policy (which emasculates US Code):

Read new SECNAVINST 1730.7C: <http://www.persuade.tv/frenzy2/SECNAVINST17307C.pdf>

c. Commanders retain the responsibility to provide guidance for all command functions. In planning command functions, commanders shall determine whether a religious element is appropriate. In considering the appropriateness for including a religious element, commanders, with appropriate advice from a chaplain, should assess the setting and context of the function; the diversity of faith that may be represented among the participants; and whether the function is mandatory for all hands. Other than Divine/Religious Services, religious elements for a command function, absent extraordinary circumstances, should be non-sectarian in nature. Neither the participation of a chaplain, nor the inclusion of a religious element, in and of themselves, renders a command function a Divine Service or public worship. Once a commander determines a religious element is appropriate, the chaplain may choose to participate based on his or her faith constraints. If the chaplain chooses not to participate, he or she may do so with no adverse consequences. Anyone accepting a commander's invitation to provide religious elements at a command function is accountable for following the commander's guidance. *Commanders could punish chaplains if they pray "in Jesus name"*

### How SECNAV has "re-defined" the term public worship:

5. Public Worship. A term of art used in section 6031 of reference (a) that consists of Divine Services and Religious Services exclusively. Command functions, other than Divine/Religious Services, that include religious elements do not constitute public worship.

6. Religious Elements. Includes prayers, invocations, reflections, meditations, benedictions, or other religious or faith-based features traditionally or customarily incorporated in command functions other than Divine or Religious Services.