

Thursday, March 1, 2007

FAITH UNDER FIRE

Navy chaplain being booted from service

Commanders ruled Klingenschmitt's 'in Jesus name' too sectarian

Posted: March 1, 2007
1:00 a.m. Eastern

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A federal appeals court in Washington has cleared the way for the U.S. Navy to dismiss Chaplain Gordon Klingenschmitt, who earned the ire of his commanders with his prayers "in Jesus' name," from his 16-year career as early as today.

"It's been a bad day," he told WND.

The ruling from the District of Columbia Court of Appeals concluded that Klingenschmitt hadn't met "the stringent standards required for an injunction pending appeal," so the administrative stay was being dissolved.

(Story continues below)

The result is that the U.S. Navy ordered him immediately to prepare for his dismissal from the service, which would happen by midnight tonight. He told WND to further punish him, his commander informed him that the chief of naval operations had contacted the Conservative Political Action Conference, where Klingenschmitt had been invited to deliver the invocation tonight, and had his invitation rescinded.

Officials with [CPAC couldn't be reached immediately to confirm](#) that independently, however, Klingenschmitt told WND a replacement for him already had been appointed.



Lt. Gordon James Klingenschmitt

He had been scheduled to be dismissed in January, but a delay was obtained by a law firm representing Klingenschmitt in a civil rights lawsuit over his situation. The lawsuit argues the chaplain was within his rights to pray as he did.

"The Constitution is clear about the fact that the government is prohibited from establishing a religion," said John W. Whitehead, president of the [Rutherford Institute](#). "Furthermore, the First Amendment to the United States Constitution guarantees that all citizens have a fundamental right to freely exercise their religious beliefs, and that includes military servicepeople."

Klingenschmitt's orders revealed that, "By direction of the president, and pursuant to provisions of SECNAVINST 1920.6 (series) and 10 U.S.C. Sec. 1162/1163, discharge from the U.S. Naval Service to take effect at 2400 on date of detachment from activity at which separated." Another e-mail from Rear Adm. D.A. Gove told Klingenschmitt that his "honorable discharge certificate signed by the Secretary of the Navy being retained in CHNAVPERS and will be mailed to member's home subsequent to separation."

Klingenschmitt also wrote an appeal to Navy Secretary Donald Winter, asking him to personally get involved.

"I appeal to you directly, as a man of honor, to stand personally responsible before God, for firing this one Navy chaplain because he prayed and preached openly according to his faith, and publicly exposed many well-documented reprisals and harassments by men who hate religious freedom," the chaplain wrote.

"Or, you could do the right thing, and call a meeting, and hold these men accountable for publicly misrepresenting your views. Considering how 68 other chaplains are also suing the Navy, perhaps a little house-cleaning (or at least a mild tongue-lashing) could help stop their cancer of religious harassment from spreading any further throughout our beloved Navy," he said.

Klingenschmitt said he had been invited to deliver the invocation at a conference where Vice President Dick Cheney is scheduled to be tonight, but was "disinvited."

"The Navy is embarrassed that I might have prayed 'in Jesus' name' in front of the vice president," he told WND.

The chaplain said he will continue his civil rights action as a civilian, and the good news is that the appeals court ordered it onto a fast track. "Further ordered that this case will be heard on an expedited basis in accordance with 28 U.S.C. 1657(a). The Clerk is directed to enter a standard briefing schedule and calendar the case for oral argument on the first available date in September, 2007," the ruling said.

Klingenschmitt's lawsuit stems from a 1998 memo issued by the Navy Chief of Chaplains that discouraged them from invoking the name of Jesus in their prayers.

"This instruction was later embodied in an instruction from the secretary of the Navy, which provided that religious elements for a command function, absent extraordinary circumstances, should be non-sectarian in nature," the law firm said.

"Chaplain Klingenschmitt resisted these directives on the basis of a federal statute providing that chaplains may conduct public worship according to the manner and forms of the church of which he is a member," the firm said.

However, Klingenschmitt says that because he objected to the ban on the name of Jesus, the Department of the Navy gave him adverse fitness reports, reprimands and then brought him up on a court martial.

The military's attempt to fire Klingenschmitt "is just the latest in a recurring series of violations of his constitutional rights because of his objection to Navy policies that seek to establish a civic religion for the Navy in violation of the Establishment Clause," said the statement from the Rutherford Institute.

The Rutherford Institute, founded in 1982 by constitutional attorney and author John W. Whitehead, is an international, nonprofit civil liberties organization committed to defending constitutional and human rights.

Earlier, Klingenschmitt told WND the costs of the battle have been high but worthwhile, because Congress already has instructed that the policy be rescinded, and other chaplains will have the freedom Klingenschmitt sought.

"My sacrifice purchased their freedom. My conscience is clear, the fight was worth it, and I'd do it all again," he said.

Klingenschmitt, [as WND has reported](#), has fought an extended battle with the Navy over its restrictions on religious expression by its chaplains. He appeared and delivered a public prayer "in Jesus' name" at a White House rally last winter and was court-martialed for that. The Navy convicted him of failing to follow a lawful order because his superior didn't want him praying "in Jesus' name."

The Rutherford Institute simply charges that the Navy, by issuing instructions on how someone can pray, is assembling a "civic religion."

"There's a unitarian system of religion that's aimed at Christians," Whitehead told WND. "It

boils down to that. We're seeing it all across the country, with council prayers, kids wanting to mention Jesus. What's going on here is it's generally a move in our government and military to set up a civic religion."

In Klingenschmitt's disputed appearance, he prayed during an event held by former Alabama Supreme Court Chief Justice and WND columnist [Judge Roy Moore](#), who was removed from his office when he refused to follow a federal court order he considered unlawful: to remove a Ten Commandments monument from public property.

Klingenschmitt's fine of \$3,000 for the prayer sparked Congress' interest, and members ordered the Navy to remove the limitation and allow chaplains to pray as their "conscience dictates."

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