

(Attention Scheduler and Military Advisor)

PO Box 9226
Norfolk, VA 23505
22 Mar 06

Senators Hillary R. Clinton and James M. Inhofe,
Congressmen Thomas M. Reynolds and Walter B. Jones
The Capitol, Washington DC 20515

Dear Senators Clinton, Inhofe, and Congressmen Reynolds, Jones:

Attached please find my formal whistleblower complaint against Secretary of the Navy Donald C. Winter and Chief of Navy Chaplains Rear Admiral Louis V. Iasiello, whom I reasonably allege have conspired to violate the First Amendment of the US Constitution, US Code Title VII, US Code Title X Section 6031, the Religious Freedom Restoration Act and other laws, by signing a new policy document that overturns 231 years of Naval history by forbidding any "Christian" language during "the evening prayer" on ships at sea. This new policy is so extreme, it forbids NOT ONLY prayers in Jesus name, but any form of Christian prayer, (including the Book of Common Prayer and New Testament), while directly favoring chaplains who pray "non-sectarian" (i.e. non-Christian) prayers. For the first time in history, it empowers Navy commanders to religiously discriminate against and exclude chaplains who dare to speak the words "Jesus" or "Christ" during prayers at all military ceremonies (including retirements, memorials, or burials at sea), solely because of Christian content. They've gone too far. The Secretary of the Navy has effectively outlawed any chaplain's use of Christian language outside chapel settings.

After 11 months, Navy investigators still cannot deny my documents, posted online, prove my commander personally censored my prayers and punished me for quoting the Bible in the chapel. They still refuse to grant redress. All contents of www.persuade.tv are my open letter to you and all Members of Congress, including this disclaimer: "This web-site, all its contents, and all public communications I deem relevant, exist as my open letter to you, for the purpose of communicating to you (through any lawful media, including the press) information that I reasonably believe evidences violations of the laws or regulations listed in Appendix X below, including unlawful discrimination and abuses of authority by senior Naval officers and other government officials. Therefore these communications are (by definition) protected under US Code Title 10 Section 1034 and DoDD 7050.6. I will interpret any attempts to censor, threaten or punish me for these communications as intentionally interfering with my communications to Congress, and as reprisals against me in violation of Whistleblower Protection Act."

I may be contacted at chaplaingate@yahoo.com or 719-360-5132 cell. Request to meet you in person on 27 or 30 Mar 06 when I'm in DC.

Very respectfully,

//signed//

Gordon James Klingenschmitt
Navy Chaplain

Attachment:

Press Release (18 Mar 06): Secretary of the Navy forbids prayers "in Jesus name"
Press Release (3 Mar 06): Chief of Navy Chaplains creates shocking new prayer policy
SECNAVINST 1730.7C (21 Feb 06, which I didn't receive until 13 Mar 06)

PRESS RELEASE: Secretary of Navy signs policy forbidding prayers “in Jesus name”

Washington: 18 Mar 06 (www.persuade.tv) The Secretary of the Navy (SECNAV) made history this week, distributing a new prayer policy that officially endorses command censorship of Navy chaplains prayer content, requiring “non-sectarian” prayer language at all military ceremonies. For the first time in Naval history, commanders are empowered to discriminate against Christian content of a chaplain’s prayers, and openly exclude chaplains who pray “in Jesus name” or use specific “denominational” prayer language (which language a chaplain’s civilian endorsing bishop, seminary, or conscience may require), but SECNAV policy now forbids.

The new policy, SECNAVINST 1730.7C signed on 21 Feb 06 by Secretary Donald C. Winter, overturns 150 years of regulations which always allowed chaplains complete prayer autonomy in all settings, by creating the novel defense that federal law only protects chaplains denomination-specific prayer language in chapel settings. But at public military ceremonies outside the chapel, (such as Memorial Day services or retirement ceremonies), SECNAV now contends that chaplains have no legal protection, not even by the First Amendment, and therefore must pray however their commander orders them to pray, or face exclusion, or punishment for disobeying orders if the commander tells them not to pray “in Jesus name” and they do so anyway.

The new policy distinguishes at “other than Divine/Religious Services, religious elements [prayers] for a command function, absent extraordinary circumstances, should be non-sectarian in nature... Anyone accepting a commander’s invitation to provide religious elements [prayers] at a command function is accountable for following the commander’s guidance.”

Federal law, US Code Title 10 Section 6031, still codifies the original Navy policy since 1860: “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.” The origins of this law prove that it’s always protected chaplains free prayer content during ceremonial prayers, not just Sunday prayers in chapel.¹

But the new policy further emasculates US Code, newly re-defining “public worship” as excluding prayers at military ceremonies altogether from protection under US Code. “Command functions, other than Divine/Religious Services, that include religious elements do not constitute public worship,” the SECNAV wrote in the “definitions” section (Enclosure 1 item 5) [and therefore Christian prayers are not protected at ceremonies by US Code]. Never in Naval history have Christian prayers been forbidden during public ceremonies, until 21 Feb 2006.

Under the new policy, Chaplains who pray to Allah or Adonai or the Trinity should also be excluded from taking turns saying “the evening prayer” on the ship’s microphone at sea, and commanders are encouraged to directly favor chaplains who pray “civic religion” type prayers.

29 pro-family organizations had already warned the President against such policy attempts by liberal Naval officials, in a letter to the President released 4 Jan 06: “It has come to our attention that many chaplains in the military, specifically the Air Force and Navy, are being prohibited from faithfully practicing the faith of their civilian sponsor in accordance with the doctrinal and practical standards of the same. While US Code Title 10 Section 6031 directly permits chaplains to preach and practice their particular faith, various rulings by military superiors have stripped this law of its effectiveness.”²

¹ See Tab A below, for the historical origins of US Code Title 10 Section 6031.

² See <http://www.persuade.tv/frenzy/29Groups.pdf>

“The SECNAV has declared war on the religious right. They’re slipping these policies right under the President’s nose, without telling him,” said Navy Chaplain Gordon James Klingenschmitt, who was punished for praying in Jesus name. “The President appears very isolated by his military advisors. The Navy has even refused to forward my official letters, sent to the President via my chain of command, illegally denying my right to appeal their illegal policies and violations of federal law to my Commander-In-Chief. It’s now been three months, and last I heard the CNO still hadn’t forwarded my letter to President Bush. After 10 months, the Navy still hasn’t released their secret investigation of religious harassment by my commander.”

“Navy officials did a classic bait and switch,” continued Chaplain Klingenschmitt, who also staged an 18-day hunger strike outside the White House, until public pressure forced the Navy to renew his contract. “They let me pray in Jesus name in front of the White House just to end my January protest, but later, as soon as it got quiet in February, the liberal senior chaplains convinced SECNAV to sign a policy that effectively bans all ceremonial prayers in Jesus name. It’s worse now than ever before. In 1998 they only suggested non-sectarian prayers, and then punished me for violating their suggestion. But now in 2006 they’ll claim a right to punish me for violating Navy policy. And they’re still today punishing me for quoting the Bible in chapel.”

The Chaplain continued: “By signing this new policy, The Secretary of the Navy has shown great disrespect to 75 Congressmen, 33 pro-family organizations, 203,000 citizens who signed a petition, perhaps 1,000,000 who called the White House switchboard during my protest, 65 chaplains suing the Navy, over 50 million evangelical voters, and the President of the United States, whose spokesman directly promised the President would take action to protect chaplains free speech rights. But instead, SECNAV has abrogated federal law, and emasculated Navy Regulations since 1860, now established one “non-sectarian” faith for all chaplains and all Sailors, enforcing ship-wide religious prayer conformity to one civic religion, punishing religious diversity of all other faiths, and refusing to let the Sailors and chaplains ‘take turns and share the prayer’ with all diverse faith traditions. His policy directly rewards chaplains who water-down their prayers, requiring we all pray to the false neutered god of civic religion, or face exclusion. But even the Supreme Court agrees with me, such exclusion is itself a form of punishment,³ so enforcing “non-sectarian” prayer content violates the First Amendment.”

“I therefore reasonably believe, and I hereby report to the Congress (as a whistleblower voicing protected speech) that the Chief of Navy Chaplains has misled the Secretary of the Navy, and persuaded him to violate his oath to support and defend the Constitution. I directly appeal to President Bush, to support and defend the Constitution against its domestic enemies. Mr. President, censor them, not us. Please make them stop censoring Christian prayers, or punishing us with exclusion. Please protect the First Amendment, end their abuse of power and religious harassment, and issue an Executive Order to let your chaplains pray in Jesus name.”

“Today the SECNAV has officially endorsed religious discrimination. If President Bush doesn’t fix this, I will definitely sue the Secretary of the Navy, for enforcing religious conformity, and for censoring my prayer content under threat of exclusion, if President Bush doesn’t overrule this illegal policy, to restore equal opportunity, and freedom of diverse religious expression.”

“I’ve already heard rumors about a national boycott of the Naval Chaplain Corps by leading evangelical denominations and seminaries. Someday I’ll join them all to march on Washington. We take praying in Jesus name seriously. 50 million Americans won’t be excluded.”

³ See Tab B below, for US Supreme Court ruling that forbids government enforcement of “non-sectarian” prayers.

DON'T JUST SIT THERE, TAKE ACTION!

REPORTER? CALL CHAPLAIN KLINGENSCHMITT FOR INTERVIEW: 719-360-5132

Over 60 chaplains are suing the Navy, most no longer in uniform, denied promotion because of their Christian faith. With Army/Air Force, over 130 chaplains have complained to Congressman Walter B. Jones of North Carolina.

THESE CHAPLAINS NEED CONGRESSIONAL HEARINGS. PLEASE CALL YOUR CONGRESSMAN AND BOTH SENATORS AT 202-225-3121 OR 202-224-3121, AND ASK FOR HEARINGS (IN BOTH SENATE AND HOUSE ARMED SERVICES COMMITTEES) FOR ALL 130 CHAPLAINS PUNISHED FOR THEIR FAITH, and to support Congressman Walter B. Jones.

THEN FAX A PERSONAL LETTER OF CONCERN TO YOUR CONGRESSMAN AND BOTH SENATORS. All fax numbers (**and 7 ways to get involved**) are at www.persuade.tv

Register for the "War On Christians" conference 27-28 Mar 06 in DC, at www.visionamerica.us
Come hear guest speaker Chaplain Klingenschmitt....God Bless you....(in Jesus name!)

TAB A: HISTORICAL ORIGINS OF 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."

"As in our day, questions about the manner and forms of worship have also long been a part of the history of the Chaplain Corps. Early regulations specified that the duties of chaplains included having to "read" prayers(53). In 1859, the Speaker of the House of Representatives asked the Secretary of the Navy whether chaplains were required to "read" prayers or follow any particular forms or ceremony in leading worship, and if the Navy had any evidence of a requirement that non-Episcopal chaplains had to follow the Episcopal liturgy.(54) In replying, the Secretary explained that he was not aware that the instruction to "read" had ever been construed to require a literal reading from a particular prayer book, but rather as a requirement that prayers be offered aloud without specifying they be read from a book, written down by the chaplain beforehand to be read later, or offered extemporaneously.(55) To further reassure the Speaker and his colleagues in Congress, the Secretary announced a new order officially interpreting the requirement that prayers be "read" to mean that prayers be "offered," thus leaving the chaplain free to follow the dictates of his own religious tradition.(56) Perhaps in response to such communication with Congress, new Navy Regulations adopted in 1860 included this addition: "Every chaplain shall be permitted to conduct public worship according to the manner and forms of the church of which he may be a member."(57) No longer merely a regulation, that language is now in force as part of the United States Code.(58)

TAB A footnotes are here...NOTICE footnote 53 specifies DAILY CEREMONIAL prayers, NOT JUST SUNDAY MORNING PRAYERS:

(53) President Jefferson issued a new set of Navy Regulations in early 1802. *Id.* at 17. In reference to chaplains, the first duty listed was “to read prayers at stated periods” and the only requirement in those regulations regarding worship says that the chaplain shall “perform all funeral ceremonies over such persons as may die in the service...” *Id.* In addition to praying and funerals, these early chaplains were also onboard schoolmasters. *Id.*

(54) *Id.* at 68-69 (quoting from a letter sent by the Secretary of the Navy to the Speaker of the House of Representatives in response to the inquiries).

(55) *Id.* at 69.

(56) *Id.* Note also that “his” in this sentence reflects the fact that all chaplains of the time were male.

(57) *Id.* (quoting from wording included in a later edition of the Navy Regulations).

(58) The current law changes only the language identifying the chaplain, saying, “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.” 10 U.S.C. § 6031(a) (2000). The exclusively male language in the statute will have to be revised to reflect the presence of women in the modern chaplaincy.

SOURCE: Naval Law Review Volume 51 (attached, starting on p. 217), article written by CDR Wildhack about military chaplains.

TAB B: SUPREME COURT OF THE UNITED STATES RULES AGAINST GOVERNMENT CENSORSHIP OF PRAYERS, Majority decision, Lee vs. Weisman, 1991

"The government may not establish an official or civic religion as a means of avoiding the establishment of a religion with more specific creeds...The State's role did not end with the decision to include a prayer and with the choice of clergyman. Principal Lee provided Rabbi Gutterman with a copy of the "Guidelines for Civic Occasions" and advised him that his prayers should be nonsectarian. Through these means, the principal directed and controlled the content of the prayers. Even if the only sanction for ignoring the instructions were that the rabbi would not be invited back, we think no religious representative who valued his or her continued reputation and effectiveness in the community would incur the State's displeasure in this regard. It is a cornerstone principle of our Establishment Clause jurisprudence that it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government, *Engel v. Vitale*, (1962), and that is what the school officials attempted to do."

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