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### The First Amendment to the U.S. Constitution

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. [ABOUT THE FIRST AMENDMENT >](#)

### News Story

## Navy chaplain convicted for wearing uniform at news conference

By The Associated Press  
09.14.06

NORFOLK, Va. — A Navy chaplain convicted yesterday of disobeying an order by appearing in uniform at a political news conference at the White House said he has not been “broken” and that he will appeal — and fight to remain a chaplain.

“Today, praying in Jesus’ name became a crime in the United States Navy,” Lt. Gordon Klingenschmitt said during a news conference after court adjourned for the day and he changed into his civilian minister’s garb.

A jury of five officers had deliberated for one hour and 20 minutes during the special court-martial before deciding that the Evangelical Episcopal priest disobeyed a superior officer’s order prohibiting him from wearing his uniform during media appearances without prior permission.

The penalty phase began immediately following the verdict, with testimony from several witnesses. Jurors returned today to deliberate the sentence and reached a recommendation that Klingenschmitt receive a letter of reprimand and forfeit \$250 pay per month for a year. However, the jury suggested that the monetary punishment be suspended.

Rear Adm. Frederic Ruhe, commander of the Navy’s Mid-Atlantic Region, must decide whether to approve the jury’s recommendation, which came after slightly more than two hours of deliberation.

Klingenschmitt said he believed he was being punished for making a political speech in uniform but that all he did was pray. He added that the order permitted him to wear his uniform if conducting a “bona fide worship service.”

“If I am guilty of worshipping in public, praise be to God,” Klingenschmitt said yesterday. “I will continue to pray in Jesus’ name, I will continue to worship in public and I will not be broken. I have not yet begun to fight.”

Klingenschmitt said senior naval officials had already decided to fire him before the March 30 event, which protested Navy policy requiring nondenominational prayers outside of religious services. Last December, the chaplain went on an 18-day hunger strike in front of the White House over the right to invoke Jesus’ name outside such services.

“So you tell me, do you think they’re going to let me stay in the Navy now?” said Klingenschmitt, who vowed to appeal the conviction and fight to remain a chaplain.

Cmdr. Rex A. Guinn, the prosecutor, told jurors during closing arguments that the case is “about an experienced military officer receiving a clear order to not do something.”

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Guinn said it did not matter that Klingenschmitt did not make a speech at the White House event. He said Klingenschmitt violated the order by deliberately engaging the news media when he showed up without receiving prior permission and handed out fliers to reporters in which he likened his actions to the civil disobedience of Rosa Parks.

William J. Holmes, Klingenschmitt's civilian attorney, said the order did not prohibit the chaplain from participating in a religious observance.

"Is a prayer a religious rite or ritual? I submit to you nothing could be more religious than a prayer," Holmes told jurors.

Holmes did not call any witnesses during the main trial, saying the government's own evidence showed that Klingenschmitt did not violate the order.

Alabama's ousted Ten Commandments judge had been subpoenaed to testify for the defense.

Outside court, former Alabama Chief Justice Roy Moore, who spoke at the March 30 event, said the case is an attempt "to get rid of Chaplain Klingenschmitt."

"What this case is about is praying in Jesus' name. I don't think the persecution of Chaplain Klingenschmitt is over," said Moore, who gained a national following in 2003 when he disobeyed a federal court order to move his Ten Commandments monument from the state courthouse rotunda, causing a state judicial court to kick him out of office. He largely has been out of the public eye since he lost the Republican primary for Alabama governor in June.

Capt. Norman D. Holcomb, Klingenschmitt's boss, testified during the penalty phase that, given the choice, he would not work with Klingenschmitt again.

"I found him to be untruthful, unethical, insubordinate, contemptuous of authority, unteachable ... a totally frustrating, independent operator," said Holcomb, a chaplain.

Klingenschmitt's wife testified that she is unable to work and it would be a hardship if her husband had to forfeit some of his pay because she said the Navy does not cover all of her medical bills. Mary Klingenschmitt also said her husband had been in intelligence in the Air Force, took a demotion and joined the Navy to become a chaplain.

A former sailor also testified that Klingenschmitt helped him overcome depression.

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