

# The Rutherford Institute

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## **Rutherford Institute Succeeds in Preventing U.S. Navy from Forcing Out Military Chaplain who Attempted to Pray in Jesus' Name**

*WASHINGTON, DC* —The Rutherford Institute has been successful in preventing the U.S. Navy from separating Chaplain Gordon Klingenschmitt from the military until a federal court can review the chaplain's case. According to a First Amendment lawsuit filed by Institute attorneys in defense of the Navy chaplain's right to offer sectarian prayers in Jesus' name, the military's recent attempt to separate Klingenschmitt from the Navy is the latest in a recurring series of violations of his constitutional rights because of his public opposition to military restrictions on how Christian chaplains can publicly pray. Although the separation was to become effective January 31, the order entered by the U.S. Court of Appeals for the District of Columbia forbade the separation from becoming final until that court can review Klingenschmitt's claims.

"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."

In 1998, a memo issued by the Navy Chief of Chaplains discouraged chaplains from invoking the name of Jesus when they pray at public events. 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." 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.”

In filing a First Amendment lawsuit against the Department of the Navy in November 2006, Rutherford Institute attorneys alleged that Chaplain Klingenschmitt received adverse fitness reports, reprimands, and was brought up for court martial because of his objection to these directives. The complaint also alleged that the military’s attempt to separate Chaplain Klingenschmitt from the Navy is 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.”

The Navy initiated the separation proceedings against Chaplain Klingenschmitt on the grounds that he had lost the church endorsement necessary to serve as a military chaplain. However, in the lawsuit, Rutherford Institute attorneys countered that the separation proceedings violate Navy and military regulations because Chaplain Klingenschmitt received a new church endorsement before the lapse of his previous endorsement and the separation is being considered by a chaplain review board that has no authority to consider such matters. Having spent more than 15 years in active duty in the U.S. military, Chaplain Gordon Klingenschmitt is currently on active duty in the Navy’s Chaplain Corps at Norfolk Naval Station.

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