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Navy chaplain's discrimination suit awaits judge's go-ahead

May 27, 2005
By Ken Walker

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OKLAHOMA CITY (BP)--After six years in court, a former Navy chaplain with Southern Baptist ties hopes to soon obtain a favorable ruling that will allow his lawsuit against the military to move closer to trial.

Ron Wilkins, who alleges the Navy forced him to retire in 1995 because of his evangelical beliefs, said his aim is to provide more opportunities for young sailors to obtain Bible teaching.

"We're not talking about technicalities," said Wilkins, a former Southern Baptist pastor who, in 1977, was endorsed by the Bible Churches to become a Navy chaplain.

"We're talking about 25 years that the Navy has established Roman Catholic as the favored religion and ecumenical religion as the next favored," Wilkins said. "The Navy has no defense for what they're doing."

Neither the Navy nor the U.S. Department of Justice, which represents the military in these cases, is willing to comment about ongoing litigation.

However, Washington-area attorney Art Schulcz said Judge Erma Gonzalez of the U.S. District Court for Southern California in San Diego is expected to issue a ruling sometime in June.

If favorable to Wilkins, the ruling would allow his legal representative to question members of past promotion boards.

Schulcz represents most of the plaintiffs in a series of lawsuits filed in 1999 and 2000. The Vienna, Va., lawyer said evidence shows that from 1977 to 2002 at least one Catholic sat on every promotion board, and that the Navy failed to follow its own instructions to avoid selecting officers based on denomination.

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Wilkins' suit alleges that the Navy favors liturgical chaplains over non-liturgicals and that its practices inhibit the free exercise of religion, violating the First and Fifth Amendments.

"Under the Fifth Amendment, we must be able to show there was a malevolent motive," Schulz said. "We can't do that absent promotion board testimony."

Now 63 years old, Wilkins is no longer pursuing reinstatement. Still, he hopes sailors from evangelical backgrounds will one day be able to freely attend services familiar to their faith and obtain biblically based teaching while on duty.

Wilkins said most evangelicals are subjected to bland, ecumenical presentations, which he labeled as "general platitudes" services.

Although he cannot be recalled to active duty, even to serve as a substitute for a base chaplain summoned to active duty, the Oklahoma City resident said he would like to spend three months at a chaplain school writing curriculum providing for equitable free exercise for evangelicals.

"Why can't we have a Sunday morning service?" asked Wilkins, one of a half dozen Southern Baptists involved in the lawsuits. "We're the largest group in existence."

Despite the anticipated advance in Wilkins' case, this spring another evangelical's case against the Navy was dismissed. Schulz filed an appeal of that ruling on May 25.

Philip Veitch, affiliated with the theologically conservative Reformed Episcopal Church, sued for reinstatement to active duty, claiming religious bias and retaliation by commanders while on duty in Naples, Italy.

Veitch's lawsuit alleged his superior officer there ordered Sunday School materials offensive to most Protestants, prevented Protestant perspectives from being taught in Vacation Bible School and cited him for preaching "non-pluralism."

A federal judge ruled in early April that, since Veitch had resigned, he had no valid claims.

Now running a small Christian academy in Jacksonville, N.C., Veitch told Baptist Press he has had to take a lower profile in these cases because of suffering post traumatic stress syndrome.

"I'd love to go before a jury," Veitch said of the possibility of his lawsuit being reinstated. "I'd be prepared and fast and pray."

Schulz said another class action lawsuit that involves more than 40 plaintiffs — five of them Southern Baptists -- is slowly moving its way through discovery procedures.

Disputes have slowed the case, Schulz said, but he is confident of one day getting a final determination from a judge.

“If Wilkins comes our way, what [Judge Gonzalez] should do is find the Navy’s promotion boards are unconstitutional, violate their own regulations ... and violate the First Amendment,” Schulz said.

Meanwhile another evangelical chaplain in Norfolk, Va., is talking with attorneys in the event his fears of being forced out of the Navy come to pass.

Lt. Gordon James Klingenschmitt is a former Air Force weapons officer who switched services to become a chaplain.

Endorsed by the Evangelical Episcopal Church, Klingenschmitt said he was recently relieved of duty on the missile cruiser Anzio a month early for several reasons:

-- being disciplined for quoting John 3:3 and 3:36 during a memorial service and for ending his prayers with, “In Jesus name.”

-- declining to support mandatory attendance by sailors at a service at a pro-gay church in New York.

-- requesting Kosher meals to feed a hungry Jewish sailor who later lost 17 pounds.

The Anzio’s commander, Capt. Jim Carr, said in a letter last year that Klingenschmitt had misrepresented details about the New York service and the Jewish sailor.

In March, Carr wrote to the Navy personnel command, recommending against extending Klingenschmitt’s tour of active duty.

“He has demonstrated recurring confusion concerning a chaplain’s role within a military organization,” Carr said.

However, Klingenschmitt said the confusion belonged to his superior officer. The Episcopal priest said Carr wanted him to provide pastoral care for other faiths, when he is only to facilitate such opportunities.

“He wanted me to preach their message for them,” Klingenschmitt said. “I can’t. I have to preach my bishop’s message. He thought I was confused because I wouldn’t water

down my sermons [and] my prayers.”

Now stationed at the Naval station in Norfolk, Klingenschmitt posted a website in mid-April to publicize his complaints, but he didn't file charges against the Navy until May 18.

Klingenschmitt said an inspector general's team from the base had engaged in improper conduct before beginning an investigation, leading to its reassignment to a team from Washington, D.C.

Lt. Cmdr. Charles Owens, spokesman for the Navy's Atlantic Surface Force in Norfolk, verified that a group from Washington is handling the investigation. However, he said there isn't a time frame involved.

“Each one of his allegations will be investigated,” Owens said. “There's a fact collection process and you don't know how long it's going to take.”

Klingenschmitt asked Schulcz to represent him, but the attorney declined because of his current cases. However, Schulcz said Klingenschmitt's complaints mirror those of other evangelical chaplains.

“As my clients say, the only people who get stuffed are evangelicals,” Schulcz said. “Quite frankly, I have little confidence in the Navy's ability to investigate anything.”
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