

Saturday, February 10, 2007

TESTING THE FAITH

Civil rights issue delays chaplain's dismissal

Navy minister's firing scheduled after he prayed 'in Jesus' name'

Posted: February 10, 2007
1:00 a.m. Eastern

© 2007 WorldNetDaily.com

The firing of U.S. Navy chaplain Lt. Gordon James Klingenschmitt, who says he earned the ire of his commanders by praying "in Jesus' name," has been delayed, according to a law firm, until some civil rights questions can be reviewed by a federal court.

"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."

The court ruling said Klingenschmitt's proposed separation from the service cannot move forward until the federal court can review the situation.

(Story continues below)

The case 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,



Lt. Gordon James Klingenschmitt

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 Navy initiated the separation proceeds against Chaplain Klingenschmitt on the grounds that he had lost the church endorsement necessary to serve as a military chaplain," the organization said.

However, the lawsuit argues the action violates Navy and military regulations, because Klingenschmitt received a new church endorsement before the lapse of his previous endorsement.

The chaplain remains on active duty in the Navy's Chaplain Corps at Norfolk Naval Station for now, the group said.

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.

The U.S. Court of Appeals for the District of Columbia ruled in the First Amendment lawsuit filed by the Rutherford Institute in defense of Klingenschmitt that although his separation from the Navy was supposed to happen Jan. 31, that now is delayed until the court reviews the situation.

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."

"I think the Supreme Court's going to have to look at the idea of can the government in any of its forms tell people how to pray, set up a basic religion and say you can only do it this way," he said.

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."

The lawsuit notes courts in the District of Columbia already have concluded: "What we have here is the government's attempt to override the Constitution and the laws of the land by a directive that clearly interferes with military chaplains' free exercise and free speech rights, as well as those of their congregants."

Related special offers:

["The Story of In God We Trust"](#)

[Judge Roy Moore's "So Help Me God"](#)

[CRIMINALIZING CHRISTIANITY: How America's founding religion is becoming illegal](#)

"Christianity and the American Commonwealth "

Previous stories:

[Navy dismisses chaplain who prayed 'in Jesus' name'](#)

[Navy setting up 'civic religion,' lawsuit charges](#)

[Court-martialed chaplain declares victory](#)

[Prayer in Jesus' name results in \\$3,000 fine](#)

[Chaplain who prayed 'in Jesus' name' convicted](#)

[Navy chaplain pleads not guilty in prayer case](#)

[Chaplain opposes bill aimed at protecting prayer](#)

[Court hearing held for praying chaplain](#)

[Chaplain faces punishment for gospel message](#)

[Christian chaplain to be court-martialed?](#)

[Air Force still no-Jesus zone?](#)

[Pastors sue Navy for discrimination](#)

[Navy surrenders: Chaplain eating](#)

[Navy rebuts fasting chaplain's claims](#)

[Chaplain 'starves himself' over Navy no-Jesus zone](#)

[Clergy to protest at White House](#)

[Effort afoot to protect military prayers](#)

New Air Force rules: No religion

Air Force cracks down on Christian 'coercion'

Wiccans meet on Air Force base
