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PURSUING a nation where all chaplains, and those whom they serve, freely exercise their God-given and constitutionally protected religious liberties without fear of reprisal.

On CALL

Chaplain Alliance Files Friend-Of-The-Court Brief

Chaplain Alliance, along with the Christian Legal Society, filed a friend of the court brief on behalf of Marine LCpl Monifa Sterling, asking for the Supreme Court to review the ruling by the Court of Appeals of the Armed Forces that upheld the Navy's decision to court martial Sterling. We are waiting to hear if the Supreme Court will take this case. Here is an excerpt of our brief. You can read the entire brief on our website at: chaplainalliance.org/news

The court of appeals decision in this case prevents petitioner, LCpl Monifa Sterling, and many others like her from invoking the Religious Freedom Restoration Act, 42 U.S.C. §§ 2000bb et seq. (2012) ("RFRA"), to protect their exercise of religion in the military. Amici agree with petitioner that the decision of the Court of Appeals for the Armed Forces ("CAAF") adopts an "exceedingly narrow" – and fundamentally flawed – "understanding of what constitutes a 'substantial burden'" on religious exercise that triggers RFRA's protections. Pet. for Cert. 12. We focus on one particular flaw in

the CAAF's understanding: the idea that petitioner failed to show a "substantial burden" on her religious activity in part because she failed to pursue a possible administrative accommodation of her religious exercise. See Pet. App. 27-28. The CAAF's analysis, in effect, creates an improper requirement of exhaustion of administrative remedies for service members raising RFRA defenses in the military justice system.

Petitioner was court-martialed for, among other things, refusing to obey her superior's orders to take down three printed signs that displayed a paraphrase of a Bible verse, "No weapon formed against me shall prosper." Pet. 5-6 (citing Isaiah 54:17 (King James)). In defense, petitioner asserted that the orders impermissibly burdened her religious exercise under RFRA. This defense may fail when the merits are considered. But in rejecting the defense at the threshold, the CAAF

ruled in a way wholly inconsistent with other lower court decisions and with the text, structure, and purpose of RFRA. Whether or not petitioner's defense is ultimately valid, she "was entitled to have the [court] analyze her conviction under the legal construct set forth in RFRA." Pet. App. 31 (Ohlson, J., dissenting).

[...]

Even apart from its other errors, the CAAF's decision merits review because of this effective exhaustion requirement, for three reasons. First, the imposition of an exhaustion requirement is in conflict with decisions in two other federal courts holding that RFRA contains no such requirement. Second, the CAAF decided an important issue of federal law in a way that restricts RFRA's protections in the military justice system and could have implications in other contexts. Third, the CAAF's interpretation of RFRA is wrong as a matter of the statute's text, structure, and purposes.

Did you know?

Chaplain Alliance (CALL) speaks on behalf of over half of the nation's uniformed chaplains. CALL exists to ensure that chaplains can defend and provide for the freedom of religion and conscience that the Constitution guarantees all chaplains and those whom they serve.



In The News:

- March 2017: CALL's Executive Director, Chaplain (Colonel) Ron Crews, United States Army (Retired) and CH (COL) Phil Wright, USA (Ret.), a CALL board member, met with Representative Vicky Hartzler to discuss chaplaincy issues and religious liberty in the military.

- February 2017: President Donald Trump's plans to keep a controversial Obama administration 2014 Executive Order for federal contractors that limits how religious groups can work in government stuns religious liberty advocates.

- January 2017: CALL and the Christian Legal Society filed a friend-of-the-court brief with the U.S. Supreme Court in support of a Marine court martial for posting a Bible verse in her workspace.

- January 2017: Executive Director CH (COL) Ron Crews, USA (Ret.) was interviewed on In The Market with Janet Parshall on the threats to military chaplains.

January 2017: CH (COL) Ron Crews, USA (Ret.) and CH (COL) Phil Wright, USA (Ret.) met with Representative Steve Russell to discuss chaplaincy issues and religious liberty in the military.

- January 2017: CALL held its annual meeting on 11 January at 1900 HRS.

- January 2017: Executive Director Ron Crews was one of twenty conservative leaders to meet with Speaker of the House Paul Ryan at the U.S. Capitol to discuss religious liberty priorities and concerns for the upcoming year with House leadership and committee chairs

- December 2016: CALL was named one of the 49 Most Innovative Organizations for Giving Back by GoodDeedSeats.com.

- December 2016: Several members of the CALL team visited with Representative Mac Thornberry, Chairman of the House Armed Services Committee.



Funny Thing Happened To Me At The Pentagon

By CHAPLAIN ANDY MEVERDEN, CBAMERICA

WASHINGTON — I attended the annual Armed Forces Chaplains Board (AFCB) in Washington, DC. It is the one time each year that the military Chiefs of Chaplains (Army, Navy - including Marines and Coast Guard, and Air Force), *all* their deputies of the Reserve Components, and lead chaplain recruiters gather together-- in short, the whole gang is there. Their purpose, to brief the sage assembly of chaplain endorsing agents from 200 different faith groups who endorse chaplains for the US military. It is an important meeting, and one that I enjoy attending each year. This was my third time and I had a fresh note pad ready to take down the latest information.

All the chaplain generals (one and two star) filed in; and the executive director of the AFCB, Navy Chaplain, Captain Jerome A. Hinson, began his opening remarks. "This year's theme is 'The Chaplain the Military Needs.'" As he continued, he explained how this topic meant a lot personally to him this year, because, at the very moment he spoke, his young Marine infantryman son was deployed to the island of Okinawa, with the 2nd Battalion, 5th Marines. A "chaplain's kid," his young Marine son had inside knowledge of professional ministry, growing up in the home of a Navy chaplain. Chaplain Hinson, was concerned about the wellbeing of his son, and all the other US sons and daughters with him. Checking on his son a few days prior to the AFCB, he asked him about the unit chaplain. His son said: "We got us a good one." When Chaplain Hinson asked whether he'd spoken with the chaplain, his son replied, "No, but a couple of my buddies have. One was struggling with the breakup with a girlfriend, and another had some other issues the chaplain helped him with." When Hinson asked what was the chaplain's name, his son replied, "I don't know. We just call him 'Chaps.'" "That's the kind of chaplain we need you to send us." Hinson said, as he introduced the devotional speaker.

Curious of the name of the obviously effective Marine chaplain, Hinson decided to email his son to ask him to find out his name. At about 10:00 o'clock, after the first session of the AFCB was over, before dismissing the group for a break, Chaplain Hinson said, "Oh, by the way, my son's chaplain is Jon Uybocho. Is his endorser here today?" I proudly stood, introduced myself and our church group, and claimed Chaplain Jon Uybocho as one of CBAmerica's twelve endorsed Navy Chaplains.

Article originally appeared on CBAmerica.org, a founding member of CALL

Contact the On CALL Editor for fact checking all stories in this newsletter:
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