

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

JASON DANIEL HEAP and THE HUMANIST SOCIETY,)	Case No.: 1:14-CV-1490-JCC-TCB
)	
)	BRIEF AMICUS CURIAE OF THE
Plaintiffs,)	FORUM ON THE MILITARY
)	CHAPLAINCY
vs.)	
)	Hon. James C. Cacheris
HON. CHARLES T. HAGEL, HON. RAYMOND E. MABUS, JR., VICE ADMIRAL WILLIAM F. MORAN, REAR ADMIRAL MARK L. TIDD, REAR ADMIRAL ANNIE B. ANDREWS, REAR ADMIRAL MARGARET G. KIBBEN, HON. JESSICA L. GARFOLA WRIGHT, REAR ADMIRAL BRENT W. SCOTT, MAJOR GEN. HOWARD D. STEINDAHL, BRIGADIER GEN. BOBBY V. PAGE, MAJOR GEN. DONALD L. RUTHERFORD, BRIGADIER GEN. CHARLES R. BAILEY, REAR ADMIRAL DANIEL L. GARD, REAR ADMIRAL GREGORY C. HORN, THE UNITED STATES NAVY, THE UNITED STATES DEPARTMENT OF DEFENSE, and JOHN and JANE DOES #1-40.)	
)	
Defendants.)	

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I. INTRODUCTION¹

This brief is filed on behalf of The Forum on the Military Chaplaincy, in support of plaintiffs Jason Daniel Heap and the Humanist Society, which seeks to act as his endorser.²

The Forum supports the plaintiffs' contentions that it violates the First Amendment for the government to discriminate against Humanists, and that the government has in fact done so in this case. The Forum contends, moreover, that the government is constitutionally incompetent to evaluate the theological fit of Heap's graduate theological education and pastoral experience with his endorsement by The Humanist Society.

II. IDENTITY AND INTEREST OF *AMICUS CURIAE*

The Forum on the Military Chaplaincy is an unincorporated association, led by retired military chaplains whose membership also includes clergy, lay leaders, veterans, and concerned citizens committed to free and diverse religious expression. Since 2005 the Forum has sought to provide resources and advocacy for a military chaplaincy that is committed to and expressive of the sacred values of personal integrity, selfless compassion, respect for others, and excellence in leadership. The Forum supports the Chiefs of Chaplains in their constitutional duty to secure the free exercise of religion for all of America's service members, to achieve denominational balance and symmetry with the Chaplain Corps, to provide an inclusive, socially and spiritually responsive

¹ No party's counsel authored any part of this brief. No one other than *amici* and their counsel contributed money to fund the preparation or submission of this brief. Counsel for the plaintiffs have stated that plaintiffs consent to the filing of this amicus curiae brief. Counsel for the official-capacity defendants and counsel for the individual-capacity defendants both have indicated that they take "no position" on the request for leave to file this brief.

² "Before an applicant may be appointed to the position of chaplain he must receive endorsement from an ecclesiastical endorsing agency recognized by the Armed Forces Chaplains Board" *Katcoff v. Marsh*, 755 F.2d 223, 225 (2d Cir. 1985); see DoDD 1304.28 *Instruction: Guidance for the Appointment of Chaplains for the Military Departments*, ¶E.2.1.7.

program of training and education, and to extend a welcome and affirming presence to the troops and military families that they are called to serve.

On October 21, 2015, The Forum sent a letter (Exhibit A hereto) to Secretary of Defense Chuck Hagel, expressing support for accepting Jason Heap's application to serve as a military chaplain, and for approving The Humanist Society as a new endorsing agency. That letter noted that

The prime objective of the Chaplain Corps is to provide for the free exercise of religion of service members. This is required by the 1st Amendment, and is codified in military regulations, which provide[] that "[t]he Department of Defense places a high value on the rights of members of the Military Services to observe the tenets of their respective religions." DoD Instruction 1300.17, para. 4. Military regulations also "provide for the free exercise of religion in the context of military service as guaranteed by the Constitution." DoD Directive 1304.19, para. 4.1.

Exhibit A at 1.

The Forum also has prepared a Statement of Principle supporting Heap's appointment, attached hereto as Exhibit B, explaining the importance of a diverse and inclusive chaplainry from which "those of minority beliefs, including Humanists and other nontheists" ought not be excluded.

Ex. B at 2. They "are valued members of our community's military and must be embraced fully."

Ex. B at 2.

The Forum has a particular interest in the issues of this case, which implicate fundamental principles of constitutional law, religious freedom and the obligation of government neutrality with respect to religious doctrine, which are central to the integrity of the military chaplaincy.

III. STATEMENT OF THE CASE

Dr. Jason Daniel Heap is a Humanist Celebrant accredited by The Humanist Society who alleges the Navy denied him appointment as a military chaplain because he is a Humanist. The Humanist Society alleges that it was denied status as an approved endorser of chaplains for the same reason. Together they contend that the government discriminated against them as Humanists,

violating the first amendment's free-exercise and establishment clauses, and giving rise to claims under these and several additional constitutional and statutory provisions.

That Heap is extraordinarily well qualified to serve seems readily apparent. After earning a Bachelor's Degree in Philosophy and Practical Theology from Howard Payne University,³ a Southern Baptist School,⁴ Heap earned a Master of Divinity in Counselling and Religion from Brite Divinity School of Texas Christian University,⁵ which though affiliated with the Christian Church (Disciples of Christ), is approved by the University Senate of the United Methodist Church, receives support for its Baptist Studies program from the Cooperative Baptist Fellowship, and typically has about thirty different denominations represented in its student body – the largest groups usually being members of the Disciples of Christ or the United Methodist Church.⁶ Heap also earned a Master of Studies in Ecclesiastical History, awarded by the Oxford University Faculty of Theology, which despite its traditional affiliation with the Church of England,⁷ trains students for the ministry

³ Am. Cplt. ¶¶16, 108.

⁴ 4 *Encyclopedia of Southern Baptists* 2278 (Lynn May, ed.; Nashville: Broadman Publishers, 1982); see Texas State Historical Association, *Howard Payne University*, <https://tshaonline.org/handbook/online/articles/kbh11> (“The school is a private, coeducational, four-year college affiliated with the Southern Baptist Convention.”) (last visited May 27, 2015); *History*, <http://www.hputx.edu/our-story/history/> (“Howard Payne College was founded by the Pecan Valley Baptist Association at Indian Creek, Texas, on June 20, 1889. . . . In 1974, Howard Payne College became Howard Payne University upon approval of the Baptist General Convention of Texas.”) (last visited May 27, 2015).

⁵ Am. Cplt. ¶¶16, 108.

⁶ *Brite Divinity School*, https://en.wikipedia.org/wiki/Brite_Divinity_School (last visited May 27, 2015); *Higher Education*, <http://disciples.org/higher-education> (last visited May 27, 2015); United Methodist Church General Board of Higher Education and Ministry, *List of Approved Seminaries*, <http://www.gbhem.org/education/seminary/approved-seminaries> (last visited May 27, 2015); *Baptist Seminaries*, <http://www.baptistlife.com/seminaries/> (last visited May 27, 2015).

⁷ Am. Cplt. ¶¶16, 108.

of other faiths – including the Roman Catholics, Baptists, and Unitarians, among others.⁸ Heap also earned a Post Graduate Certificate in Education, with a teacher’s specialization in Religious Education, from Sheffield Hallam University.⁹ Heap subsequently earned a Doctor of Education in Administrator Leadership for Teaching and Learning from Walden University.¹⁰

Heap’s extensive ministerial experience from 1991 to 2000, included serving as a licensed minister of the First Baptist Church in LaGrange, Texas, as well as delivering sermons and conducting worship services at Baptist, Methodist, and other Christian Churches.¹¹ Since 2004, Heap has taught courses on religion and philosophy at elementary and secondary schools in the United Kingdom, Kuwait, and Nigeria.¹² He currently serves as Coordinator of a nonprofit, the United Coalition for Reason.¹³

The government concedes that the CARE Advisory Group considered Heap’s religious affiliation as a Humanist in denying his application. According to Captain Parisi’s declaration, “[t]he CARE Advisory Group considers a candidate’s religious affiliation in the narrow and limited context of determining whether the candidate’s theological education and religious leadership

⁸ See University of Oxford Faculty of Theology and Religion, *Courses for Ministry*, <http://www.theology.ox.ac.uk/courses-for-ministry.html> (last visited May 27, 2015); Frank M. Turner, “Religion,” in 8 *The History of the University of Oxford: The Twentieth Century* 293, 305-07 (Brian Harrison, ed.; Oxford & New York: Oxford University Press, 1994); David Jenkins, “Oxford: The Anglican Tradition,” in *Theology in the University* 149 (J. Coulson, ed.; Baltimore: Helicon Press, 1964). Exclusively Anglican until 1920, “[t]he faculty of theology and its degrees became and remained distinctly inter-denominational, but Christian,” beginning in the 1920s. Turner, “Religion,” *supra* at 306.

⁹ Am. Cplt. ¶¶16, 109.

¹⁰ Am. Cplt. ¶¶16, 109.

¹¹ Am. Cplt. ¶¶16, 113-114.

¹² Am. Cplt. ¶¶16, 114.

¹³ Am. Cplt. ¶16.

experience are within the religious organization that is endorsing the candidate to ensure that the candidate is prepared to provide religious ministry to members of the applicant's own religious organization." Parisi Decl. ¶9. Despite "the need to consider a candidate's religious affiliation in the narrow context of evaluating whether the candidate's experience satisfies those criteria," which appear in paragraphs 2 and 3 of the Precept that the Chief of Chaplains issued to instruct the CARE Advisory Group, and are summarized in Paragraphs 6 and 7 of Parisi's Declaration.¹⁴ Parisi assures the Court that "this evaluation does not include any determination regarding whether the candidate's affiliation with a particular religious organization would qualify or disqualify the candidate for service as a chaplain."¹⁵ Yet it appears from the government's submissions that the CARE Advisory Group very likely disqualified Heap on account of his religious affiliation as a Humanist – for the reason that its members believed that his graduate theological education and pastorships provided an inappropriate fit with his commission as a Humanist Celebrant.

The Precept's Paragraph 2 describes the considerations for whether an applicant is "fully qualified." These include "[a] current ecclesiastical endorsement . . . or a provisional endorsement" from a bona fide religious organization,¹⁶ "[d]emonstrated ability to constructively provide religious ministry and facilitate for other religions in a pluralistic environment,"¹⁷ and information "indicat[ing] that the applicant would have utility to provide religious ministry to members of the applicants' own religious organization, facilitate religious ministry for other faith groups, care for all

¹⁴ Parisi Decl. ¶¶5-7 & Ex. A.

¹⁵ Parisi Decl. ¶9.

¹⁶ Parisi Decl. Ex. A, ¶2.c(1).

¹⁷ Parisi Decl. Ex. A, ¶2.c(2).

Service members, and provide relevant advice to commanders.”¹⁸ The Precept’s Paragraph 3 then provides that if “the CARE Advisory Group has more fully qualified applicants . . . than it is authorized by this precept to recommend,” it should rank the applicants on the basis of several factors, including:

a. A well-documented history of providing a broad range of religious ministry *within the religious organization that has endorsed the applicant.*

b. A well-developed pastoral identity as indicated by two years of leadership experience after the completion of the graduate degree. The leadership experience *must have been within the religious organization that has endorsed the applicant in order to meet this standard.*

c. A theological graduate education that is *theologically consistent with the tenets of the religious organization that had endorsed the applicant.* . . .¹⁹

The Government’s papers suggest that the CARE Advisory Group rejected Heap because it refused to credit his pastoral leadership and graduate theological education because it perceived them an inappropriate fit with Heap’s endorser’s Humanist theology. The Official Capacity Defendants’ Memorandum emphasizes a concern for the theological fit between Heap’s pastoral experience and graduate theological education, on the one hand, and his current Humanist affiliation:

Although Heap is now a Humanist, his ministerial experience is not as a Humanist celebrant. Heap initially became a licensed minister at the First Baptist Church in LaGrange, Texas, and later provided ministry at the First United Methodist Church in Crowley, Texas. Am. Compl. ¶ 113. He has also taught religious studies classes, volunteered at an interfaith chaplaincy program, and provided counseling and support for Christians and Muslims in connection with a variety of religious programs. *Id.* ¶¶ 113–14. He has several religious studies degrees—including a Bachelor of Arts from Howard Payne University with a double major in Philosophy and Practical Theology, a Master of Divinity in Counselling and Religion from Texas Christian University, and a Master of Studies from The University of Oxford in Ecclesiastical History. *Id.* ¶ 108. Though Plaintiffs do not identify when Heap became a Humanist celebrant, they allege that when he contacted the Navy in February 2013 about becoming a Navy Chaplain, he had not yet decided to seek the

¹⁸ Parisi Decl. Ex. A, ¶2.d(9).

¹⁹ Parisi Decl. Ex. A, ¶3.a-c (emphasis added).

endorsement of THS and initially considered seeking the endorsement of the Evangelical Christian Alliance. *Id.* ¶¶ 65-68.²⁰

Captain Parisi declares that “[o]f the seven (7) candidates seeking direct accession into the active-duty component of the Navy Chaplain Corps, the CARE Advisory Group recommended that the candidates with the three (3) highest scores be selected for accession and the candidates with the four (4) lowest scores not be selected for accession. Mr. Heap was among the four (4) candidates with the lowest scores and thus was not recommended for accession.”²¹

IV. SUMMARY OF ARGUMENT

The Forum urges this Court to reject the government’s assertions that the military chaplaincy is beyond this Court’s constitutional jurisdiction to require compliance with the law.

On the merits, Dr. Heap is eminently qualified to serve as a military chaplain and his application likely was, as he alleges, rejected because of his religious convictions and affiliation as a Humanist. Such discrimination on the basis of theology and sectarian affiliation is proscribed by the First Amendment’s free-exercise and establishment clauses.

The government’s concession that its CARE Advisory Group evaluated the theological fit of Dr. Heap’s graduate theological education and pastoral experience with his endorsement by The Humanist Society confirms that it has acted unlawfully. For the government is not constitutionally competent to evaluate theological matters like this, let alone to penalize Dr. Heap and The Humanist Society based on its conclusions concerning matters of theology.

V. ARGUMENT

As a preliminary matter, the Forum urges the Court to reject the government’s contentions that its actions with respect to the chaplaincy are nonjusticiable. That the Executive Branch

²⁰ Official Capacity Defs.’ Mem. at 7.

²¹ Parisi Decl. ¶11.

possesses discretion with respect to personnel decisions cannot place exercises of that discretion based on unconstitutional grounds beyond the review of the courts. In fact, federal courts regularly exercise jurisdiction to determine whether military policies affecting personnel pass constitutional muster.²² Federal courts regularly exercise jurisdiction, moreover, with respect to the constitutionality of policies governing military chaplains.²³ And operation of the military chaplaincy ought not to be placed beyond the rule of law.

Heap and the Humanist Society allege that the government unconstitutionally discriminated against him and the Humanist Society on doctrinal theological grounds. He is unquestionably correct that the government cannot require belief in a deity as a criterion for accepting applicants for the military chaplaincy, or for approving their endorsers. “Among religions in this country which do not teach what would generally be considered a belief in the existence of God are Buddhism, Taoism, Ethical Culture, Secular Humanism and others,” the Supreme Court observed in *Torcaso v. Watkins*, 367 U.S. 488, 495 n.11 (1961), when it held that the government cannot require belief in a deity as a condition of government service. Neither state nor federal government, the Court concluded, “can constitutionally pass laws or impose requirements which aid all religions as against non-believers, and neither can aid those religions based on a belief in the existence of God as against those religions founded on different beliefs.” *Id.* at 495. “The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another,” it held again in *Larson v. Valente*, 456 U.S. 228, 244 (1982). “This constitutional prohibition of

²² See, e.g., *In re Navy Chaplaincy*, 697 F.3d 1171, 1177 (D.C. Cir. 2012); *Witt v. Dep’t of the Air Force*, 527 F.3d 806 (9th Cir. 2008); *Log Cabin Republicans v. United States*, 716 F. Supp. 2d 884 (C.D. Cal. 2010), *vacated as moot*, 658 F.3d 1162 (9th Cir. 2011).

²³ See, e.g., *Rigdon v. Perry*, 962 F. Supp. 150, 166 (D.D.C. 1997) (enjoining the defendants “from interpreting DOD Directive 1344.10, or any similar law or regulation in a manner that prohibits the plaintiffs [military chaplains] from exercising their free speech and free exercise rights under the First Amendment of the Constitution.”).

denominational preferences is inextricably connected with the continuing vitality of the Free Exercise Clause.” *Larson*, 456 U.S. at 245.²⁴

The government cannot, consistent with First Amendment principles, discriminate on the basis of theological viewpoints concerning the existence, or character, of the divine. “Madison’s vision – freedom for all religion being guaranteed by free competition between religions – naturally assumed that every denomination would be equally at liberty to exercise and propagate its beliefs.”²⁵ “A state-created orthodoxy puts at grave risk that freedom of belief and conscience which are the sole assurance that religious faith is real, not imposed.”²⁶

Permitting the government to discriminate on the basis of belief in God would have severe consequences for the military chaplaincy, operating to exclude many holy men and women. “Buddhism does not accept a theory of God, or a creator,” His Holiness Tenzin Gyatso, the 14th Dalai Lama of Tibet, observed on accepting the 1989 Nobel Peace Prize.²⁷ And governmental

²⁴ *Accord, e.g., Board of Educ. v. Grumet*, 512 U.S. 687, 703 (1994) (“government should not prefer one religion to another”); *School Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 216–18 (1963); *Everson v. Board of Educ.*, 330 U.S. 1, 15-16 (1947).

²⁵ *Larson*, 456 U.S. at 245.

²⁶ *Lee v. Weisman*, 505 U.S. 577, 592 (1992).

²⁷ Tenzin Gyatso, “The Informal Lecture, December 11, 1989,” at p. 255, in 2 *Nobel Lectures in Peace (1981-1990)*, at 250, 255 (Irwin Adams ed.; Singapore: World Scientific Publ, 1997). “For Buddhists the universe has no first cause, and hence no creator,” the Dalai Lama has elsewhere explained, “nor can there be such a thing as a permanent, primordially pure being.” Tenzin Gyatso, *Answers: Discussions with Western Buddhists* 13 (José Ignacio Cabezon, ed; Ithaca, N.Y.: Snow Lion, 2001). *See also, e.g.,* Peter Harvey, *An Introduction to Buddhism: Teachings, History and Practices* 36 (Cambridge Univ. Press 1990) (“Buddhism sees no need for a creator of the world, as it postulates no ultimate beginning to the world, and regards it as sustained by natural laws.”); Rupert Getin, *The Foundations of Buddhism* 65, 114 (Oxford & New York: Oxford Univ. Press 1998) (“Buddhism does not involve belief in a creator God who has control over human destiny”; “it would be wrong to conclude that there is any one or final overarching Great Brahma - God the Creator”); Phillipp Karl Eidmann, *Young People’s Introduction to Buddhism: A Sangha Award for Shin Buddhist Scouts* 92 (San Francisco: Buddhist Churches of America, n.d.) (“Our religion does not include a belief in God.”).

discrimination against those who adhere to a nontheistic Humanist position could detrimentally affect many besides Heap.

The Unitarian Universalist Association (“UUA”), for example, is one of the military chaplaincy’s current endorsers, though the denomination’s active clergy include many Humanists. The UUA counts among its members many of America’s founding churches – including the First Parish in Plymouth (established in 1620 by the Pilgrims who sailed on the Mayflower and celebrated the First Thanksgiving),²⁸ the First Church in Salem (gathered 1629),²⁹ and the First Church in Boston (gathered 1630).³⁰ Yet Humanism has featured quite prominently in Unitarian Universalist

²⁸ *First Parish Home*, <http://firstparishplymouthuu.org/wp/> (“First Parish Church in Plymouth is the oldest continuous church in New England.”) (last visited May 27, 2015); *see generally* John Cuckson, *A Brief History of the First Church in Plymouth from 1606-1901* (Boston: George Ellis & Co., 1902); Dorothy B. Reed, Charles C. Forman & Ellis W. Brewster, *A Brief History of the First Parish Church in Plymouth* (Plymouth, Massachusetts: Leydon Press, 1973).

²⁹ *The First Church in Salem, Unitarian*, <http://firstchurchinsalem.org/> (“The First Church in Salem, Unitarian is one of the oldest continuing Protestant churches in North America . . .”) (last visited May 27, 2015).

³⁰ *First Church in Boston History*, <http://www.firstchurchboston.org/about/history> (“First Church in Boston was established on July 30, 1630. When John Winthrop and his party stepped off the Arbella, their first official act, even before drawing up a charter for the city, was to create by themselves, and sign, a Covenant for the First Church in Boston. In this document we find these words: ‘[Wee] solemnly, and religiousl . . . Promise, and bind ourselves, to walke in all our ways . . . in mutuall love, and respect each to other’ They brought with them the progressive outlook which we carry on today, though we no longer hold their belief in a single theology.”) (last visited May 27, 2015). *See generally* Arthur B. Ellis, *History of the First Church in Boston, 1630-1880* (Boston: Hall & Whiting, 1881). Church historian Joseph Henry Allen aptly observed, in 1894, that “the First Church in Plymouth (1620), the First Church in Salem (1629), and the First Church in Boston (1630) . . . are all now known as Unitarian, and each exists at this day under its original covenant.” Joseph Henry Allen, *Historical Sketch of the Unitarian Movement Since the Reformation*, in Joseph Henry Allen & Richard Eddy, *A History of the Unitarians and the Universalists in the United States* 170 (New York: Christian Literature Co., 1984); *see also* Eric Alan Isaacson, *Traditional Values, or a New Tradition of Prejudice? The Boy Scouts of America vs. the Unitarian Universalist Association of Congregations*, 17 Geo. Mason U. Civ. Rts. L. J. 1, 5-7 & nn.21-28 (2006) (briefly reviewing early history of New England’s Unitarian Universalist churches).

theology since the early twentieth century.³¹ One of the 1933 Humanist Manifesto's original signers was the Rev. John Hassler Dietrich, who preached from the First Unitarian Society of Minneapolis's "Humanist Pulpit" from 1916 to 1938.³² By 1998, some "46 percent of Unitarian Universalists reported . . . that they regarded themselves as theologically humanist."³³

The government denies promulgating any policy of discrimination against Humanists. But the very papers that it filed supporting its motion to dismiss show that the government has in fact acted unconstitutionally, discriminating on the basis of Heap's religious affiliation and the government's evaluation of its theological fit with Heap's graduate theological education and pastoral experience.

The Declaration of Captain Michael Parisi indicates that following its Precept's mandate, the CARE Advisory Group undertook to evaluate Heap's theological fitness. Parisi and the Precept state that the government's criteria included whether Heap "has a theological graduate education that is theologically consistent with the tenets of the religious organization that has endorsed the applicant," Parisi Decl. ¶8(c), and whether he "has a well-developed pastoral identity as indicated by two years of leadership experience within the religious organization that has endorsed the applicant after the completion of [his] graduate degree." Parisi Decl. ¶8(b). The government's brief concedes that its CARE Advisory Group applied these criteria to Heap, only to deny his application. *See* Official Capacity Defs.' Mem. at 10.

³¹ *See* William F. Schulz, *Making the Manifesto: The Birth of Religious Humanism* xiii-xiv, 33-35 (Boston: Skinner House Books, 2002).

³² *See* Alan Seaburg, *John Hassler Dietrich*, <http://uudb.org/articles/johnhasslerdietrich.html> (last visited May 27, 2015); 1-8 John Dietrich, *Humanist Pulpit* (Minneapolis: First Unitarian Society of Minneapolis, 1927-1937); Carleton Winston, *This Circle of Earth: The Story of John H. Dietrich* (New York: G. Putnam, 1942); Schulz, *supra* note 31, at 16-23.

³³ Schulz, *supra* note 31, at xiii-xiv.

Yet, the government is not constitutionally competent to evaluate whether an applicant's pastoral experience or education "is theologically consistent with the tenets of the religious organization that has endorsed the applicant." Parisi Decl. Ex. A, ¶3.c; Parisi Decl. ¶8(c); Official Capacity Defs.' Mem. at 10. A religious movement must be free to make *its own decisions* concerning whether a minister's graduate education is "theologically consistent" with its religious tenets. The First Amendment "ensures that the authority to select and control who will minister to the faithful – a matter 'strictly ecclesiastical' – is the church's alone." *Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC*, 132 S. Ct. 694, 709 (2012) (quoting *Kedroff v. Saint Nicholas Cathedral of Russian Orthodox Church*, 344 U.S. 94, 119 (1952)). The Fourth Circuit held in *Rayburn v. General Conference of Seventh-day Adventists*, 772 F.2d 1164, 1169 (4th Cir. 1985), that in matters of theology the government may no more review "doctrinal reasoning than it may supervise doctrinal content," and that the "introduction of government standards to the selection of spiritual leaders would significantly, and perniciously, rearrange the relationship between church and state."

The government thus cannot evaluate theological fit without invading a religious organization's "[f]reedom to select the clergy" who represent it, which the Supreme Court holds is a critical "part of the free exercise of religion." *Kedroff*, 344 U.S. at 116. That the government's CARE Advisory Group claims authority to engage in such inquiries is disturbing given the remarkable diversity of our theological seminaries' educational programs and the constitutional incompetence of the government to venture into questions of theology. The government cannot lawfully meddle in "ecclesiastical governance, the resolution of doctrine, the composing of prayers, and the teaching of religion." Carl H. Esbeck, *The Establishment Clause as a Structural Restraint on Government Power*, 84 Iowa L. Rev. 1, 10-11 (1998).

While some theological seminaries are decidedly sectarian, preparing clergy for ministry in a single religious movement or denomination, many schools for the ministry are not. Some leading schools even include Humanists on their faculties.³⁴ The CARE Advisory Group apparently claims authority to determine whether these nonsectarian schools' graduate theological degrees reflect "[a] theological graduate education that is theologically consistent with the tenets" of sectarian endorsers. Parisi Decl. Ex. A, ¶3.c; Parisi Decl. ¶8(c); Official Capacity Defs.' Mem. at 10.

The Harvard Divinity School, for example, "is a nonsectarian school of religious and theological studies that educates students both in the pursuit of the academic study of religion and in preparation for leadership in religious, governmental, and a wide range of service organizations."³⁵ "The student body represents approximately 30 religious traditions and denominations each year, and reflects an equally broad spectrum in their academic interests and backgrounds, age, gender, nationalities and ethnicities, cultures and traditions, and professional and life goals."³⁶ The Harvard Divinity School's prominent alumni include Greg Epstein, Humanist Chaplain at Harvard,³⁷ and John Figdor, Humanist Chaplain at Stanford University,³⁸ in addition to clergy serving countless

³⁴ See Archie J. Bahm, *The World's Living Religions* 344 (Fremont, California: Jain Publishing Co., 1993) ("American theological schools have supported notable Humanist professors, such as Harvard's J.A. C.F. Auer (*Humanism States its Case* [1923] and Chicago's A.E. Hayd[o]n (*The Quest of the Ages* [1929]) and Henry N. Wieman (*The Source of Human Good* [1946]).").

³⁵ About HDS, <http://hds.harvard.edu/about> (last visited May 27, 2015).

³⁶ *Id.*

³⁷ See Greg Epstein, *Humanist Chaplaincy (Humanist/Agnostic/Atheist)*, <http://chaplains.harvard.edu/people/greg-epstein> (last visited May 27, 2015); *Harvard University: About the Chaplain* <http://humanistchaplains.org/harvard-university/> (last visited May 27, 2015); *Speakers: Greg Epstein*, <http://www.tedxcambridge.com/speaker/greg-epstein/> (last visited May 27, 2015).

³⁸ *Stanford University: About the Chaplain*, <http://humanistchaplains.org/stanford-university/> (last visited May 27, 2015); Nanette Asimov, *Stanford gets a Chaplain for Atheists* <http://www.sfgate.com/news/article/Stanford-gets-a-chaplain-for-atheists-4139991.php> (last visited

congregations of mainline denominations. The government contends it is entitled to evaluate whether the graduate theological education at Harvard Divinity School “is consistent with the tenets” of each of these religious denominations when any of them chooses to act as an endorser. Parisi Decl. Ex. A, ¶3.c; Parisi Decl. ¶8(c); Official Capacity Defs.’ Mem. at 10.

The Harvard Divinity School describes itself as “the first nonsectarian theological school in the country.”³⁹ But many others have followed its example. “Yale Divinity School is interdenominational and completely nonsectarian. The faculty is drawn from the major Christian traditions as well as other world religions. Students represent several dozen denominations and faith groups. Instruction is provided in the history, doctrines, and polity of all the major church bodies.”⁴⁰ According to the government, it is entitled to evaluate whether the Yale Divinity School’s *nonsectarian* graduate education is “theologically consistent” with the religious tenets of various *sectarian* endorsers.

Union Theological Seminary, also nondenominational, describes itself as “deeply rooted in a critical understanding of the breadth of Christian traditions yet significantly instructed by the insights of other faiths. It makes connections between these traditions and the most profoundly challenging issues of our contemporary experience: the realities of suffering and injustice, world religious pluralism, the fragility of our planet, and discoveries of modern science. Union envisions a future in which teaching and learning continues to be ecumenical in spirit, supporting a record of academic

May 27, 2015); Michael Schulson, *Humanist chaplain John Figdor: “Religion introduces moral problems that wouldn’t exist otherwise,”* http://www.salon.com/2014/12/07/humanist_chaplain_john_figdor_religion_introduces_moral_problems_that_wouldnt_exist_otherwise/ (last visited May 27, 2015).

³⁹ *History and Mission*, <http://hds.harvard.edu/about/history-and-mission> (last visited May 27, 2015).

⁴⁰ *About YDS*, <http://divinity.yale.edu/admissions/about-yds> (last visited May 27, 2015).

excellence and a deep commitment to social justice.”⁴¹ The government insists that it is entitled to determine whether a nondenominational education infused with insights of nonChristian faiths “is theologically consistent with the tenets” of endorsers, whether Christian or nonChristian. Parisi Decl. Ex. A, ¶3.c; Parisi Decl. ¶8(c); Official Capacity Defs.’ Mem. at 10.

It is by no means apparent how the government deals with the fact that even sectarian schools offer graduate educations in theology for students of other faith traditions. The Brite Divinity School, from which Heap earned a graduate degree, for example, is affiliated with the Disciples of Christ, yet prepares many students for ministry in Methodist and other churches. *See supra* at _____. Starr King School for the Ministry, though emphatically Unitarian Universalist, trains students for the ministry of other faith traditions. Its website explains: “Our roots are deep in the fertile soil of Unitarian Universalism, and our branches embrace the multireligious life and learning that will matter most in this new century.”⁴²

Many religious movements accept education in another movement’s theological seminaries. The UUA, for example, is a recognized endorser whose Ministerial Fellowship Committee accepts ministerial candidates not just from the denomination’s two Unitarian Universalist Seminaries, but from many others as well. “Only Starr King School for the Ministry, and Meadville Lombard Theological School, are affiliated with the UUA,” which also “has a historic relationship and maintains close ties with Harvard Divinity School.”⁴³ The UUA’s Ministerial Fellowship Committee makes clear, however, that attendance at the denomination’s own schools “is not

⁴¹ *Union Theological Seminary: Vision*, <https://utsnyc.edu/about/mission-vision/> (last visited May 27, 2015).

⁴² *Welcome to Starr King*, <http://www.sksm.edu/> (last visited May 27, 2015).

⁴³ *Theological Schools*, <http://www.uua.org/careers/ministers/becoming/theological-schools> (last visited May 27, 2015).

required.”⁴⁴ “Other schools with a significant UU student presence include: Andover Newton Theological School, Seattle University, Iliff School of Theology, Lancaster Theological Seminary, Pacific School of Religion, Union Theological School, United Theological Seminary of the Twin Cities and Wesley Theological Seminary.”⁴⁵ And many Unitarian Universalist ministers attended schools having no connection at all with the denomination.⁴⁶

Thus, for example, the Rev. James Grant, who earned a Bachelor’s Degree in Divinity from the Southern Baptist Theological Seminary, and his Masters of Theology from the University of Richmond – neither of them a Unitarian Universalist school – was accepted by the UUA’s Ministerial Fellowship Committee,⁴⁷ and currently serves as Affiliate Minister of the First Unitarian Universalist Church of San Diego.⁴⁸ Whether Rev. Grant’s education is “is theologically consistent with the tenets of the religious tenets” of his Unitarian Universalist denomination is a question that the government is constitutionally competent neither to ask, nor to answer.

Yet, the government contends it may determine that education in one denomination’s school is theologically inconsistent with the faith tradition that accepts it. Indeed, the government in this case claims the very sort of theological expertise that New Hampshire’s highest court did in 1868 when it ventured to rule that the minister chosen by the Dover, New Hampshire, First Unitarian

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *See id.*

⁴⁷ *The Rev. James E. Grant*, <https://my.uua.org/directory/people/131583> (last visited May 27, 2015).

⁴⁸ *Reverend Jim Grant, Affiliate Minister*, <http://www.firstuusandiego.org/rev-jim-grant-associate-minister> (last visited May 27, 2015).

Society of Christians was insufficiently “Christian” to serve the congregation.⁴⁹ Justice Jonathan Everett Sargent’s opinion for the court quoted passages from the Rev. Francis Ellingwood Abbot’s sermons to show that Rev. Abbot was far too open-minded to serve a Christian congregation. The Rev. Abbot had, after all, once preached:

Wherever a human soul is born into the love of truth and high virtue, there is the “Holy Land.” Wherever a human soul has uttered its sincere and brave faith in the Divine, and thus bequeathed to us the legacy of inspired words, there is the “Holy Bible.”⁵⁰

“If Protestantism would include Mr. Abbot in this case,” Justice Sargent opined for New Hampshire’s highest court,

it would of course include Thomas Jefferson, and by the same rule also Thomas Paine, whom Gov. Plumer of New Hampshire called “that outrageous blasphemer,” that “infamous blasphemer,” “that miscreant Paine,” whose “Age of Reason” Plumer had read “with unqualified disapprobation of its tone and temper, its coarse vulgarity, and its unfair appeals to the passions and prejudices of his readers.”⁵¹

⁴⁹ See *Hale v. Everett*, 53 N.H. 9 (1868). See Charles B. Kinney, *Church and State: The Struggle for Separatism in New Hampshire* at 113 (New York: Columbia University, 1955) (“One of the more celebrated cases in New Hampshire jurisprudence is that of Hale versus Everett.”); Carl H. Esbeck, *Dissent and Disestablishment: The Church-State Settlement in the Early American Republic*, 2004 B.Y.U. L. Rev. 1385, 1534 n.541 (2004) (“As late as 1868, the state supreme court decided that a Unitarian minister would not be allowed to use the town meeting house because of his heterodoxy, and this in spite of being called and settled by a majority of the community.”); *supra* note 30, 17 Geo. Mason U. Civ. Rts. L. J. at 18-19 (discussing *Hale v. Everett*).

⁵⁰ *Hale v. Everett*, 53 N.H. at 87-88 (quoting Rev. Abbot’s sermon of March 29, 1868).

⁵¹ *Id.* at 114 (quoting *Life of Wm. Plumer* 242-43). In stark contrast with the New Hampshire Supreme Court’s harsh words, Frederick Douglass lavished praise on Rev. Abbot for doing “much to break the fetters of religious superstition, for which he is entitled to gratitude.” *Farewell Dinner to Francis Ellingwood Abbot, on Retiring from the Editorship of “The Index”* 48 (Boston: George H. Ellis, 1880) (letter of June 15, 1880, from Hon. Frederick Douglass to the Rev. M.J. Savage). See generally Creighton Peden, *The Philosopher of Free Religion: Francis Ellingwood Abbot, 1836-1903*, at 13-17 (Peter Lang Publ’g, Inc. 1992); Francis Ellingwood Abbott, *Valedictory*, in Francis Ellingwood Abbot, *Collected Essays of Francis Ellingwood Abbot (1836-1903): American Philosopher and Free Religionist* at 313, 317-18 (Everett J. Tarbox, Jr. & Creighton W. Peden, eds.; Lewiston, New York: Edwin Mellen Press, four vols. 1996).

Rev. Abbot was, in the court’s view, too nearly a humanist – too much like Jefferson and Paine – for him to serve the Unitarian congregation that had called him.⁵² “Justice J.E. Sargent spoke for the majority of the Supreme Court of New Hampshire. Abbot and his followers were viewed as having apostatized the faith of the Puritans who founded the Unitarian Society in Dover by supporting a religion ‘that acknowledges no leader, is loyal to no master, imitates no exemplar, looks to no redeemer, needs no savior, knows no Christ.’”⁵³

That is where inquiries into theological fit lead. But the Constitution bars them. No one today can seriously argue that the government may constitutionally make such decisions concerning theological fit of a minister with the doctrine of his congregation or denomination.

VI. CONCLUSION

Heap is correct that the government may not discriminate against Humanists on the basis of theological viewpoint. The government’s own submissions indicate that it acted improperly, evaluating theological fit of his graduate theological education and pastoral experience with Heap and the Humanist Society’s doctrinal positions. It has, as a practical matter, admitted wrongdoing. The government’s motion to dismiss should accordingly be denied and Heap’s case should be permitted to proceed.

DATED: May 28, 2015

RICH ROSENTHAL BRINCEFIELD MANITTA
DZUBIN & KROEGER, LLP

s/ EDWARD S. ROSENTHAL

EDWARD S. ROSENTHAL
Virginia State Bar No. 15780

⁵² *Id.*; see Paul Kurtz, *Secular Humanism*, in *The New Encyclopedia of Unbelief* 693 (Tom Flynn & Richard Dawkins, eds.; Amherst, New York: Prometheus Books, 2007)) (identifying Thomas Paine and Thomas Jefferson as “deeply influenced by secular and humanist ideals”).

⁵³ Peden, *supra* note 49, at 17 (quoting *Hale v. Everett*, 53 N.H. at 132).

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Attorneys for *Amicus Curiae* The Forum On The
Military Chaplaincy

EXHIBIT A



*Nurture the Living
Care for the Wounded
Honor the Fallen*

THE FORUM ON THE MILITARY CHAPLAINCY
P.O.Box 151655
Austin, TX 78715-1655

21 October 2013

The Honorable Chuck Hagel
Secretary
United States Department of Defense
1000 Defense Pentagon
Washington, D.C. 30301

Dear Mr. Secretary,

We are writing to express our support for the Department of Defense (DoD) accepting the application of Mr. Jason Heap as a military chaplain and approving The Humanist Society, which endorses Mr. Heap, as a new endorsing agency.

As you may know, the DoD is currently reviewing the application of Mr. Heap for the military chaplaincy. The Humanist Society, a new endorsing agency, endorses Mr. Heap. The individual application for Mr. Heap and organizational application for the Humanist Society were confirmed received and completed in full (by Navy Recruiting Command and the Armed Forces Chaplains Board (AFCB), respectively) at the beginning of July. Since that time, there has been limited communication and no decision. The Endorsing Agent, Mr. Jason Torpy, has requested and been denied the opportunity to meet with the Navy Chief of Chaplains to discuss the open application and the prospects for future endorsement. The purpose of this letter is to request the Navy and the AFCB complete processing of Mr. Heap's application and issue a decision, forthwith.

Mr. Heap meets all requirements for appointment as a military chaplain. He holds Masters Degrees from Brite Divinity School and the University of Oxford and expects to complete a PhD from Walden University in early 2014. Similarly, the Humanist Society meets the requirements for an endorsing agency laid out in DoD Instruction 1304.28, including the "religious" organization requirements. Furthermore, a listing of over one hundred chaplaincy, divinity school, and denominational leaders, including all major humanist organizations, have signed a "Statement of Principle" supporting the admission of a Humanist chaplain to the military. The time has come for the DoD to approve the admission of the Humanist Society as an endorsing agency, and the admission of Mr. Heap as a Humanist chaplain.

The prime objective of the Chaplain Corps is to provide for the free exercise of religion of service members. This is required by the 1st Amendment, and is codified in military regulations, which provides that "[t]he Department of Defense places a high value on the rights of members of the Military Services to observe the tenets of their respective religions." DoD Instruction 1300.17, para. 4. Military regulations also "provide for the free exercise of religion in the context of military service as guaranteed by the Constitution." DoD Directive 1304.19, para. 4.1. The military chaplaincy should not be allowed to carry out their duties as if "religion" only means divine and supernatural beliefs. Rather, individual soldiers should be accommodated in their beliefs, even if nontheistic.

Minority faith groups, such as Jews, Hindus, and Muslims, are allowed military chaplains, and according to the Defense Equal Opportunity Management Institute, there are more Humanists than any non-

Advocate for a Military Chaplaincy committed to free and diverse religious expression, and to the sacred traditions of personal integrity, selfless compassion, respect for others, and excellence in leadership.

Christian denomination. These service members not only deserve Humanist chaplains, the Constitution and military regulations mandate it. Humanist chaplains would aid this large group of service members in dealing with matters of conscience, a central function of the military chaplaincy. They would also provide the benefit of confidentiality to non-theist service members. This privilege is not available to other type of counselors, such as social workers and mental health counselors. Because of the potential negative impact of seeking nonprivileged counseling might have on military careers, most service members are reluctant to seek assistance for their personal or relationship problems. The military owes it to nontheist service members who face losing life or limb in our various war theatres, and who do not identify with a mainstream religion.

Humanist Chaplains, just as Mormons, Christian Scientists, and Roman Catholics, do not share the beliefs of mainline Protestants, but would certainly minister to all military personnel. Buddhists and Unitarian Universalists allow their chaplains to hold nontheistic beliefs, just like Humanists, and yet Buddhist and Unitarian Universalist chaplains serve honorably. Even now, there are actively serving chaplains who privately harbor nontheistic beliefs, and they are serving honorably, though they must remain closeted about their beliefs. The Dutch military has had Humanist chaplains for 50 years. There is no part of the chaplains' job description that should exclude Humanists, and nontheists already serve as military chaplains.

To facilitate the free exercise of religion and belief, a core principle of the military chaplaincy is pluralism – having a representative chaplaincy where diversity of religion, including nontheists, is valued. As stated in military regulations, the Chaplain Corps “[s]hall serve a religiously diverse population.” DoD Directive 1304.19, para. 4.2. Without Humanist chaplains, pluralism suffers. Today’s Chaplain Corps strains the goal of pluralism and diversity, as nearly two-thirds of all chaplains come from conservative Christian denominations, despite less than 20 percent of service members identifying with these denominations. Though there can be no exact matching of chaplain and general religious demographics, the military should be eager to embrace diversity already in the ranks by admitting its first Humanist chaplain.

Returning now to Mr. Heap’s bid for the chaplaincy, we see an exemplary candidate who exceeds the qualifications required. In particular, Mr. Heap:

- (a) ...and the prospective endorsing agency submitted the appropriate forms and documentation pursuant to DoD Instruction 1304.28, paras. 6.1.1.1, 6.1.1.2 & 6.2.3 and meets the “religious organization” test of being recognized under IRS Code 501(c)(3) and the religious “church” section 170b1A(i);
- (b) ...is fully qualified for service pursuant to DoD Instruction 1304.28, para. 6.1.1.3;
- (c) ...has two years of experience in a religious leadership position pursuant to DoD Instruction 1304.28, para. 6.1.3;
- (d) ...is educationally qualified, having a bachelor’s degree with 120 semester hours and a graduate degree in religious studies with 72 semester hours pursuant to DoD Instruction 1304.28, para. 6.1.4, and from a college accredited by the American Council on Education pursuant to DoD Instruction 1304.28, para. 6.2; and
- (e) ...meets the physical standards of DoD Instruction 1304.28, para. 6.4.1, along with those requirements of DoD Directive 6130.3(Ref. (f)) and DoD Instruction 1310.02.

Our understanding is that the next administrative step is for the Navy Recruiting Command to forward a letter to the AFCB stating that Mr. Heap is fully qualified in his officer application. That will allow the AFCB to approve the Humanist Society as a new endorser of military chaplains. After this, the Navy will have a qualified endorser and be able to complete the processing of Mr. Heap’s application. Furthermore, DoD agencies should be cooperating closely with the Humanist Society as a prospective new endorser.

With only minor administrative actions performed for nearly three months, it is time for DoD to approve the application of the Humanist Society to become an endorser, and Mr. Heap's application to serve as a chaplain.

Please find enclosed the "Statement of Principle" signed by a wide and diverse group of national religious leaders who call upon the DoD to do the right thing under the Constitution and its own regulations

Thank you for your consideration and action on this matter.

Very truly yours,

The Forum on the Military Chaplaincy

Paul W. Dodd, Chaplain (Colonel), U.S. Army (Ret)
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cf:

Hon. Chuck Hagel, Secretary of Defense
Hon. Ray Mabus, Secretary of the Navy
ADM Jonathan Greenert, Chief of Naval Operations
RADM Mark Tidd, Chief of Navy Chaplains
Chaplain (Col.) Jerry Pitts, Executive Director, AFCB
CAPT Diana Meehan, Senior Recruiter, Navy Recruiting Command

EXHIBIT B



Nurture the living

Care for the wounded

Honor the fallen

THE FORUM ON THE MILITARY CHAPLAINCY
P.O.Box 151655
Austin, TX 78715-1655

Humanist chaplain support Statement of Principle

Statement text printed directly from <http://forumonthemilitarychaplaincy.org/resources/time-to-embrace-a-chaplaincy-for-all-the-troops/> on 8/14, 11AM

We, the undersigned, support this statement which calls on our national leaders to assure that military chaplains can adequately address the needs of the men and women in the Armed Services by providing support to humanists and other nontheists and by accepting otherwise qualified chaplain candidates who represent nontheistic beliefs.

THE STATEMENT: Time to Embrace a Chaplaincy for All the Troops

View or download a PDF of the current version of the [sign-on letter with signatories](#), [sign-on letter with wording only](#), and [the original Forum position paper](#). Use the web form below to add your signature.

The nation's capacity to embrace fully and resolutely the concept of religious liberty, and the constitutional right of every American to freely exercise their beliefs, is being tested. Some claim the United States is a Judeo-Christian country, and by doing so, they diminish people of other beliefs and of nontheistic beliefs. Diverse communities of belief in the military are properly seeking recognition. Many of these communities not only include but celebrate gay, lesbian, bisexual and transgender service members. Humanists and Wiccans seek to join Buddhists, Hindus and other diversity groups who already have recognition and representation in our military. Not surprisingly, the military services are the primary testing ground, simply because most patriotic Americans believe we all have a duty to secure liberty and justice for the guardians of our freedom. Some will retreat predictably to a well-worn and mindless adage, complaining that the military is being exploited for social engineering and experimentation, never stopping to think of the service members who should be the primary beneficiaries of these hard won and blood soaked constitutional liberties.

Several years ago, the Co-chair of the Forum on the Military Chaplaincy was standing in line in uniform waiting to be checked out of the Post Exchange. The gentleman behind him, who appeared to be retired military, said, "Chaplain, what do you think about bringing these Muslim chaplains into this man's Army." Chaplain Dodd answered, "That's what free exercise of religion is all about, and I will welcome them." The man shrugged and voiced his disapproval, and the chaplain simply replied, "Well you know, if the Muslim chaplain is not allowed to minister to his troops, then we might as well shut



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the military chaplaincy down, because none of us would have the right to be here either." The cash register saved the day, and Dodd was on his way.

It just never occurred to this retiree that the military chaplaincy walks a thin and fragile line between church and state, securing the free exercise of religion for all of America's service members while avoiding undue entanglement of church and state. Military chaplains exist for the sake of their service members, not the other way around. Every service member has a constitutional right to the free and unfettered exercise of their religious beliefs, without regard to dominant theologies, orthodox doctrines, or privileged status.

Objecting to the new challenges faced by today's chaplains, recent outcries from religious traditionalists and privileged classes have been loud and persistent, both in and outside of the military. The presence of gays, lesbians and bisexuals in chapel services and family support activities strains the capacity of some chaplains to carry out their sworn duty to "perform or provide" spiritual care. The growing visibility and demands of Humanist troops for the appointment of chaplains who can nurture and support them further strains the sensibilities of many conservative chaplains. Those unable to care for a diverse and altogether unfamiliar clientele may find their gifts and skills more useful in some other area of ministry, and this might actually be the most honorable course of action for them to minister with integrity.

We the undersigned strongly support the recruitment and retention of highly qualified, clinically trained chaplains who are representative of and committed to a chaplaincy reflecting a broad and inclusive range of interfaith, multicultural and diverse life experiences. This inclusive outreach extends to chaplains representing the gay, lesbian and bisexual communities of faith, and to those of minority beliefs, including Humanists and other nontheists. They, too, are valued members of our country's military and must be embraced fully. Our soldiers, sailors, Marines, airmen, and Coast Guardsmen deserve nothing less!

Professor Kurt Fredrickson, Associate Dean at Fuller Theological Seminary said it best, "In the end, chaplains are very important, and if Humanist chaplains meet a need for our military, this concept must be embraced."

To that, we simply say AMEN!

Respectfully yours,

Paul W. Dodd, Chaplain (Colonel), U.S. Army (Ret)

Tom Carpenter, Esq. (CAPT USMC 1970-1982)

www.forumonthemilitarychaplaincy.org



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Organizations are listed with names for identification purposes only, unless the organization is listed first.

Initial Sponsors:

- Forum on the Military Chaplaincy, Paul W Dodd, Chaplain (COL, US Army Ret.), U.S Army & Tom Carpenter, Esq (prior CAPT, USMC), Co-Chairs
- Rev. Dr. Rita Nakashima Brock, Founding Co-Director, The Soul Repair Center at Brite Divinity School
- Chaplain (COL, US Army Ret) Herman Keizer, Jr., Founding Co-Director, The Soul Repair Center at Brite Divinity School
- The Humanist Society, Rebecca Hale, President
- The Military Association of Atheists & Freethinkers, Jason Torpy, President
- Kapitein Luitenant ter Zee drs. Erwin A. Kamp, Coordinator Geestelijke Verzorging bij het Veteraneninstituut
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- Rev. Dr. Rebecca Parker, President and Professor of Theology, Starr King School for the Ministry, Graduate Theological Union
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Additional Signatories:

- Unitarian Universalist Association, Rev. Sarah Lammert, Ecclesiastical Endorser for Military Chaplains and Director of Ministry and Faith Development
- United Church of Christ, Rev. Stephen B. Boyd, Ecclesiastical Endorser, Chaplain (Colonel), US Army Reserve (Retired)
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- Metropolitan Community Churches, Rev. Darlene Garner, Elder
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- Dr. Larry Graham, Ph.D., Professor of Pastoral Theology and Care, Illif School of Theology
- Shelly Rambo, Assoc. Professor of Theology, Boston University
- Rev. Tiffany Steinwert, Ph.D., Dean of Hendricks Chapel at Syracuse University
- Esther Boyd, Johns Hopkins Interfaith Center Program Coordinator
- Aubrey Sarvis, Esq., Former Executive Director, Servicemembers Legal Defense Network (SLDN)
- Dr. Sharon Groves, Director, Religion and Faith Program at the Human Rights Campaign
- Charles C. Haynes, Director, Religious Freedom Center, Newseum
- Roger D. McClellan, Founder, The Progressive Christian Alliance
- Rev. Dr. Cindi Love, Executive Director, Soulforce
- Barry A. Kosmin, Director, Institute for the Study of Secularism in Society & Culture, Trinity College, Hartford
- Dr. Michael T. Curd, Founding Director, Institute of Pastoral Care
- Rev. Harry Knox, CEO, Religious Coalition for Reproductive Choice
- Varinder Singh, Founder, Turban Campaign CIC (Sikh)
- Rev. Dr. Lea Brown, Senior Pastor, Metro Community Church of the Palm Beaches
- Rev. William Young, Ph.D., Assistant Pastor, Metro Community Church Austin
- Rev. Dr. Larry Bethune, Senior Pastor, University Baptist Church Austin
- TK Barger, PhD, Community Minister, First Unitarian Church of Toledo
- Rev. Dr. Gordon Gibson, Minister Emeritus, UU Fellowship of Elkhart, IN
- Rev. Dr. Kyle M. Walker, Interim Pastor, Faith Presbyterian Church, Houston
- Rev. Marnie Leinberger, Pastor, Milagro Christian Church (DOC), Pueblo
- Bruce W. Marold, Teacher, Trinity Episcopal Church, Bethlehem, PA
- Karen Winkel, Pastor, R Church, United Church of Christ, Montrose, CO
- Rev Joseph M Cherry, Minister, Unitarian Universalists of Modesto and Merced, CA
- Jim Rigby, Pastor, St. Andrew's Presbyterian Church, Austin
- Rev. Dr. Sid Hall, III, Pastor, Trinity United Methodist Church, Austin
- James Stockton, Episcopal Chaplain, St. Luke's Medical Center, Houston TX



Nurture the living

Care for the wounded

Honor the fallen

- Rev. Debra Hayden, Retired Pastor, Christian Church (Disciples of Christ)
- Jennifer Harmon, Order of St Benedict (OSB), Ecumenical
- Jimmy Creech, Former United Methodist clergy, Author, and Speaker
- Rev. Sandra M. Richards, Pastor, First United Methodist Church Los Angeles
- Rev. Dr. Lanny C. Lawler, Minister, North Christian Church, Columbus, IN
- Kathy Cooper-Ledesma, Senior Pastor, Hollywood United Methodist Church
- Chip Roush, Consulting Minister, First Unitarian Church of South Bend, IN
- Rev. David Strong, Spirit of Christ Catholic Community Church
- Virginia C Haradon, Treasurer, St. Michael's Independent Catholic Church
- Rabbi Denise L. Eger, Founding Rabbi, Congregation Kol Ami, West Hollywood
- Rev Robert Myers-Bradley, BCC, Louis Stokes Cleveland VAMC Chief Chaplain Service
- Rev. Dr. Henry P. Roberson, Catholic Chaplain (Lieutenant Colonel), US Army (Retired)
- Jerry Rhyne, Chaplain (Colonel), US Air Force (Retired)
- Charles Dennis Camp, Chaplain (Colonel) U.S. Army (Retired)
- John W Price, Chaplain (Colonel) US Army (Retired), Palmer Memorial Episcopal Church, Houston
- Seanan R. Holland, Chaplain (Lieutenant) US Navy
- Heather C. Thomason, USAFR Chaplain Candidate, Christian Church (Disciples of Christ)
- Ank (anna) van Harinxma, Humanist Chaplain (Major), Dutch Armed Forces
- Rev. David Pyle, Chaplain (Captain), US Army Reserve, UU Church of Ventura
- Imam Al-Hajji Bakori, Muslim Chaplain at Capital Academy, Nigeria
- Revd. Titus Yeke, Christian Chaplain at Capital Academy, Nigeria
- Dennis Laich, Major General, US Army (Retired)
- Alan M. Steinman, Rear Admiral, USPHS/US Coast Guard (Retired)
- Vincent W. Patton III, Master Chief Petty Officer of the Coast Guard (Retired)
- Edward Pfeffer, Lieutenant Colonel, U. S. Army (Retired)
- Rev. Sue Wintz, MDiv, Board Certified Chaplain (BCC)
- Rev. Johnna L. Faber, Chaplain, U of Texas Medical Branch Galveston
- E. A. Leonard, Colonel, US Army (Retired), Co-Chair, Outserve-SLDN Military Advisory Council
- Paula M. Neira RN, CEN, Esq., prior Lieutenant, US Navy, Outserve-SLDN Military Advisory Council
- Anne Wynne, Esq., Founder, Atticus Circle, and Former board member of SLDN
- Dr. Susan Gore, Founder, The Mentor Group
- Greg M. Epstein, Humanist Chaplain at Harvard University
- Chaplain Binyamin Biber, Humanist Chaplaincy at American University, DC
- Barry Klassel, Humanist Chaplain at Rutgers University
- Jonathan P. Figdor, Humanist Chaplain at Stanford University
- Joe Farkas, prospective Humanist Chaplain and Master of Divinity student, University of the West
- The American Humanist Association, Roy Speckhardt, Executive Director



Nurture the living

Care for the wounded

Honor the fallen

- Humanistische Alliantie, Dr Hans Alma, voorzitter (Humanist Alliance Netherlands, Dr Hans Alma, President)
- Humanistisch Verbond, Ineke de Vries, directeur (Humanist Association Netherlands, Ineke de Vries, Director)
- Institute for Humanist Studies, Warren Wolf, President
- Society for Humanistic Judaism, M. Bonnie Cousens, Executive Director and Andrea Friedlander, President
- Congress of Secular Jewish Organizations, Roberta Feinstein, Executive Director
- Secular Student Alliance, August Brunsman, Executive Director
- Camp Quest, Amanda Metskas, Executive Director
- HUHumanists, John Hooper, President (Unitarian Universalist Humanist Association)
- Center for Inquiry, Ron Lindsay, Esq, President & CEO
- American Atheists, Dave Silverman, President
- Secular Woman, Julia Burke, Board Member
- The Clergy Project, Catherine Dunphy, Executive Director
- Institute for Science & Human Values, Toni Van Pelt, Director of Public Policy
- Jeffrey M Hersh, Esq., Legal Director, Forum on the Military Chaplaincy
- Chuck Von Der Ahe, President, Atheist Alliance of America
- Rabbi Jeffrey Falick, President, Association of Humanistic Rabbis
- Miriam S Jerris, Rabbi, Society for Humanistic Judaism
- Rabbi Adam Chalom, Dean, International Institute for Secular Humanistic Judaism
- David Niose, Esq., President, Secular Coalition for America
- Todd Stiefel, President, Stiefel Freethought Foundation
- Jone Lewis, National Leaders Council President, American Ethical Union
- Ron Solomon, Vice President, International Humanist & Ethical Union
- Rein Zunderdorp, Vice President, International Humanist & Ethical Union
- Mark Weber-Bodzislav, Master of Divinity student at the University of the West
- Mary Ellen Sikes, President, American Secular Census
- Jenny Kalmanson, Humanist Celebrant and Humanist Society Governance Committee Chair
- Susan Averbach, IISHJ Rabbinic Student
- Deborah Godden, Clergy Leader, Machar, DC Humanistic Judaism Congregation
- Greg Langer, Chairman, Humanist Community at Harvard
- Chris Stedman, Assistant Humanist Chaplain at Harvard University
- Richard Haynes, President, Atheist Nexus International, Inc
- Rabbi Jeffrey Falick, Humanistic Rabbi, The Birmingham Temple in Michigan
- Rodney Chlebek, Michiana Skeptics
- Marsha McDonough, Ph.D., Psychologist in private practice
- Jeff Lutes, M.S., LPC, Psychotherapist in private practice
- Dena Mainord, DMin, Licensed Professional Counselor
- Rabbi Frank A. Tamburello, Westchester Community for Humanistic Judaism
- Charlotte Klasson, President, New Orleans Secular Humanist Association



Nurture the living

Care for the wounded

Honor the fallen

- Rev. Patrick McLaughlin, Unitarian Universalist Church of Manchester, NH
- Rev. Dr. Kenneth W. Collier, Unitarian Universalist Minister (Retired)
- Rev. Scott Gerard Prinster, PhD Candidate, Department of the History of Science, University of Wisconsin
- Gregg L. DesElms, Independent Christian Chaplain
- Mandy Beal, Student, Andover Newton Theological School
- Aaron Belkin, San Francisco State University, Professor, Author
- Robert C. Miller, MDiv Candidate, Brite Divinity School

last update of names 10/3 8PM (128 addl + 9 original = 137 total individuals and organizations)