

Chaplains' Case Against Navy Wins First Test In Court

A series of lawsuits against the United States Navy alleging discrimination of evangelical chaplains has taken a major step forward following a federal judge's ruling that the plaintiffs have valid constitutional issues. Denying a Justice Department motion to dismiss the cases, U.S. District Court Judge Ricardo Urbina ruled in January that the 25 current or former chaplains successfully stated their claim that military policies violate the First Amendment.

Thirteen charismatic and Pentecostal chaplains are among the plaintiffs of two lawsuits affected by the ruling and one case pending court action in San Diego.

"When you're on this end, it's like wrestling a gorilla. You have all the force of the military coming against you," said William Blair, an Assemblies of God pastor, former Marine and ex-Navy chaplain who says he was forced to retire in 1999 after 20 years' service. "Never has the system been challenged at this level." Blair claims that evangelicals have been discharged after being denied promotions.

One of the plaintiffs' primary complaints is that the Navy reserves two-thirds of its chaplaincy positions for Catholics and Protestants but that less than one-third of sailors who claim a religious affiliation come from those backgrounds.

Urbina said the statistics on the Navy's religious demographics were not "concocted by the plaintiffs" but were

“taken at two separate points in time” and came from “an independent third party.” He called the Justice Department’s argument that the statistics were valid “feeble” and criticized it for failing to address relevant issues. Urbina’s ruling encouraged those who are joined in the suits.

“A 62-page ruling on a motion to dismiss is unheard of,” said Art Schulz, a retired Army officer and attorney for the chaplains.

The government insists the Navy’s system is fair. In a brief filed for a related case, Justice Department attorneys disputed the arguments. They noted that chaplains’ faith backgrounds are no longer included in promotion-board hearings.

But Blair disagrees, noting that when he entered chaplain duty in the early 1980s, there were numerous Pentecostals, Baptists and other evangelicals among the 100-plus people in his class. Yet their superiors always defined ways of conducting church services in liturgical traditions, he said.

“We were expected to do a liturgical service, but never the other way around. I can do a Presbyterian Episcopal service. But I doubt my Lutheran, Presbyterian or Episcopal friends can do a Pentecostal service.”

Ken Walker