

Marine Court-Martialed for Displaying Bible Verse in Workplace

Liberty Institute and volunteer attorney Paul Clement asked the Court of Appeals for the Armed Forces (CAAF)—the highest military court whose cases are subject to review by the Supreme Court of the United States—to review the case of Lance Corporal (LCpl) Monifa Sterling, USMC. LCpl Sterling was convicted at a court-martial for putting a Bible verse on her computer when she was stationed at Camp Lejeune, North Carolina.

After being criminally prosecuted by the United States Government, LCpl Sterling initially represented herself, then appealed her case to the Navy-Marine Corps Court of Criminal Appeals. She again cited her First Amendment rights to religious expression, as well as her protection under the Religious Freedom Restoration Act (RFRA). RFRA is a vital law that has been used in court to protect religious liberty in various contexts.

But in this case, both the trial and the appellate court said RFRA did not apply because displaying a Bible verse does not constitute religious exercise. Sterling and her attorneys take issue with this opinion.

“If the government can order a Marine not to display a Bible verse, they could try and order her not to get a religious tattoo, or go to church on Sunday,” says Liberty Institute Director of Military Affairs and Senior Counsel Mike Berry. “Restricting a Marine’s free exercise of religion is blatantly unconstitutional.”

Liberty Institute, along with volunteer attorney Paul Clement—a partner at Bancroft PLLC who has argued over 75

cases in the U.S. Supreme Court, including the recent Hobby Lobby victory—is now asking the court to rule that the appellate court should have applied RFRA in LCpl Sterling’s case, protecting her right to post Bible verses as a form of religious exercise.

A decision that RFRA should have been applied would set a major precedent that could be used to protect others in the military who desire to express their faith while serving their country.

Non-Religious Speech is OK ... But Religious Is Not?

While stationed at Camp Lejeune, LCpl Sterling, a devout Christian of Haitian descent, noticed that other service members had placed various personal items in their work spaces at the military base. So she decided to express herself as well in her workspace by displaying one of her favorite Bible verses.

LCpl Sterling printed out the words of Isaiah 54:17: “No weapon formed against you shall prosper.” But after taping it in three different places in her workspace, LCpl Sterling’s supervisor—who also happened to be her former drill instructor—ordered her to remove the Bible verse, cursing at her in the process. When LCpl Sterling asked why, her supervisor said, “I don’t like the tone.” The service member explained it was her First Amendment right to display the Bible verse and declined to take them down. Moreover, no other person in the unit ever complained about the verse.

The next day, LCpl Sterling discovered that her supervisor tore down the Bible verse and threw it in the trash. Adding injury to insult, the U.S. Government charged LCpl Sterling with the crime of failing to obey a direct order because she did not remove the Bible verse.

“If a service member has a right to display a secular poster, put an atheist bumper sticker on their car, or get a Star of

David tattoo,” explains Berry, “then Lance Corporal Sterling has the right to display a small Bible verse on her computer monitor.”

Attacks on Religion Trigger Vigorous Legal Defense

Liberty Institute has defended service members in all four branches of the military—from officers to enlisted service members to chaplains who are black and white, male and female. “Nobody in the military is safe anymore,” adds Berry, “regardless of rank, age, color, gender or branch of service. Whether you are a lowly private, or a commanding general, opponents of religious freedom simply don’t care. Clearly, people of faith are the targets.”

Other military members represented by Liberty Institute include:

- Chaplain Wes Modder, a highly-decorated chaplain unlawfully and unconstitutionally discriminated against by the U.S. Navy:

When a few soldiers requested private counseling sessions with Chaplain Wes Modder and then complained that they disagreed with the chaplain’s religious beliefs and moral convictions shared in these sessions, Chaplain Modder’s commander removed Chaplain Modder from his unit and isolated him at the base chapel. Liberty Institute is vigorously defending Chaplain Modder and asked a Navy admiral to reject the commander’s punishment of Chaplain Modder and exonerate him so he can continue ministering to sailors and Marines and fulfill his duty of service.

- Chaplain Joe Lawhorn, a former Army Ranger punished by the Army over a lifesaving, anti-suicide message: Colonel David Fivecoat, Chaplain Lawhorn’s commanding officer, reprimanded Chaplain Lawhorn because of a suicide prevention presentation he gave to an Army

Ranger battalion. Chaplain Lawhorn's message included his own personal testimony of how his Christian faith had helped him counter depression. But the Colonel deemed it too Christian in its approach, and the Colonel subsequently issued Lawhorn a "Letter of Concern" to be placed in the Chaplain's file. Liberty Institute defended Chaplain Lawhorn's religious freedom, resulting in successful removal of the "Letter of Concern" from the Chaplain's file.

- Senior Master Sergeant (Retired) Phillip Monk, a U.S. Air Force veteran who was exonerated after filing a religious discrimination claim against his commander:
When Senior Master Sergeant (Retired) Phillip Monk was on active duty, he respectfully declined his commander's demand that Monk agree with her views on same-sex marriage. As a result, she relieved him of his duties and banned him from her unit. Liberty Institute stepped in and filed a formal complaint with the military on SMSgt Monk's behalf. During a meeting following the formal complaint filing, Air Force investigators abruptly read SMSgt Monk his Miranda rights, accusing him of the military crime of making false official statements. The Air Force investigation cleared SMSgt Monk of any crimes, avoiding any potential court-martial or disciplinary action that could have jeopardized his retirement. Last year, the Air Force presented SMSgt Monk with a prestigious award for his performance and conduct and also approved SMSgt Monk's request to officially retire after more than 20 years of faithful service.

Service Members Can Secure Their Religious Freedom

Our service members give up many freedoms when serving, but religious freedom is never one of them. The First Amendment, RFRA, and military code protect service members' right to

express their faith freely, and their right to free religious expression should be protected.

For that reason, Liberty Institute is hopeful that CAAF will decide to take LCpl Monifa Sterling's case and correct the lower court ruling by saying RFRA does apply—and that displaying Scripture, especially when no one complained about the small verse, is unquestionably and constitutionally protected religious exercise and expression of faith.