

Navy chaplains' suit expanded to include 2,000_90803

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By Ward Sanderson

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WASHINGTON (BP)—A federal judge recently expanded the scope of a religious discrimination lawsuit against the Navy, further whipping the tempest that threatens to force the sea service into reviewing the promotions of every evangelical in its Chaplain Corps since 1977.

The decision effectively doubles the number of former and present chaplains represented in the case to about 2,000 by widening the span of time under scrutiny. A group of evangelicals filed the suit against the Navy three years ago in the U.S. District Court for the District of Columbia, and it has since become a class action.

The chaplains claim the service unfairly promotes Roman Catholics and mainline Protestants ahead of evangelicals, thereby forcing the latter out, and that the resulting mix fails to represent the religious preferences of sailors.

The suit seeks an overhaul of the system, a review of past promotions and the repair of any injustices occurring over the years, which could

theoretically result in retroactive promotions and back pay, although the chaplains say they aren't after money.

Navy policy prevents it from discussing pending suits, but the service denies it operates under any bias.

“The Chaplain Corps is comprised of a dynamic group of officers and enlisted personnel whose purpose is to facilitate the faith needs of everyone in the sea services,” said Lt. Jon Spiers, a spokesman for the chief of naval personnel. “The Navy sees what the Chaplain Corps does as a fundamental element of mission readiness. What they do is tremendously important each and every day.”

Whoever is right, an attorney representing the evangelicals hails the decision as a victory.

“It makes my job much easier,” attorney Arthur Schulcz said from Washington, D.C. “And it really addresses the full scope of the predicament.”

The chaplains also are backed by the Rutherford Institute, the legal foundation that represented Paula Jones in her sexual harassment suit against former President Clinton.

The Justice Department is handling the Navy's defense. Charles Miller, department spokesman, said he cannot comment on the case.

Initially, the evangelicals maintained the Navy's alleged discrimination began in the late 1980s, with the introduction of what they call “the thirds policy”—a purposeful organizing of the Christian element of the Chaplain Corps into one-third Catholic, one-third Mainline or “liturgical” Protestant and one-third evangelical, or “non-liturgical.”

The chaplains claim such a system fails to reflect the numbers of

evangelicals in the Navy. The Navy denies any such policy.

According to the complaint, two-thirds of the Navy's chaplains are Catholic or mainline. The Defense Manpower Data Center, however, records that only a third of sailors actually belong to those churches.

Evangelicals complain that sermons have been censored or watered down in the name of pluralism or cooperation among religions.

Spiers, the Navy personnel spokesman, said pluralism is important. "It's your job to help out everybody, regardless of their faith preference."

Those in the lawsuit say that they'll help everyone but won't modify their message in the process.

According to court documents, the suing chaplains filed a motion to move the date of review back to 1977 after discovering that the then-Chief of Chaplains John O'Connor ordered a "stacking policy" requiring at least two Catholic priests to sit on every chaplain selection board. Schulcz said the practice was stopped in 1986 due to a lawsuit, but he believes the precedent bolsters his position.

"Rear Admiral O'Connor's placing of two Catholics on the board is typical of the arrogance with which the Chaplain Corps and Navy deals with promotions," Schulcz said. O'Connor died in May 2000 at age 80. After leaving the Navy, O'Connor went on to become the celebrated archbishop of New York, a cardinal and arguably the Vatican's strongest voice in the United States.

According to the ruling issued by Judge Ricardo Urbina in July, the Navy argued against moving the date of review back in part because O'Connor's death deprived them of a chief witness.

Urbina disagreed.

“Although former Chief O'Connor—a witness potentially as important to the plaintiffs as to the defendants—passed away three years ago, his death occurred just two months after the plaintiffs filed their complaints, making it unlikely that he could have been deposed before his death,” the judge wrote.

“As a result, the court concludes that the defendants have not shown that the proposed amendment is unduly delayed or would cause them undue prejudice.”

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