



(202) 466-3234 (phone)
(202) 466-2587 (fax)
info@au.org

1301 K Street, NW
Suite 850, East Tower
Washington, DC 20005

May 9, 2012

The Honorable Howard P. “Buck” McKeon
Chairman
Committee on Armed Services
2120 Rayburn HOB
Washington, DC 20515

The Honorable Adam Smith
Ranking Member
Committee on Armed Services
2120 Rayburn HOB
Washington, DC 20515

Re: Oppose Any Amendment that Would Undermine Religious Liberty and Open the Door to Discrimination

Dear Chairman McKeon and Ranking Member Smith:

On behalf of Americans United for Separation of Church and State, representing over 120,000 members and supporters in all 50 states and the District of Columbia, **we write to express our opposition to the amendments to the Fiscal Year 2013 National Defense Authorization Act (H.R. 4310), which would undermine the religious freedom rights of military service members and open the door to discrimination.**

The Akin Amendment proposes to protect the rights of conscience of service members by granting a blanket accommodation for religious beliefs regarding “human sexuality.” First, this amendment is unnecessary to achieve its alleged goal of protecting religious conscience, as the religious freedom rights of service members are already protected by the First Amendment and the Military Equal Opportunity Program. Second, the language of the amendment goes too far—it grants an accommodation without limit, failing to consider the effects that such an accommodation would have on the safety, dignity, and rights of other service members. All service members should and do have the right to hold whatever religious beliefs they choose. But, the language in this amendment could permit discriminatory action, with no recourse, against gay, lesbian, and bisexual service members who are bravely defending our country.

The amendment also contains a provision to “protect” military chaplains from performing actions to which they are morally opposed. But again, military chaplains already have this right—in particular, they have no duty to perform marriage ceremonies that would conflict with their faith’s teachings and tenets. The language in this provision, however, undermines the religious freedom rights of military service members. The military is a religiously diverse institution and not every service member has access to a chaplain of his or her own faith. That is why chaplains currently have a duty to care for all service members, regardless of their faith. Undermining that duty risks leaving our service members without the ability to have their religious needs met.

Finally, another proposed amendment would bar Department of Defense property from being used for marriage or civil union ceremonies for same-sex couples, even in states that recognize such marriages and unions. This means that one service member could use the facility for his marriage, but another could be denied simply because of his sexual orientation. Barring ceremonies for same-sex couples, but allowing them for opposite-sex couples is quite simply discrimination and should not be enshrined in law.

Accordingly, we urge you to oppose the Akin and other amendments that would undermine religious liberty and allow discrimination.

Sincerely,

A handwritten signature in black ink that reads "Maggie Garrett". The signature is written in a cursive, flowing style.

Maggie Garrett
Legislative Director

cc: House Armed Services Committee
Speaker John Boehner
Minority Leader Nancy Pelosi