



October 14, 2020

Via U.S. Mail

The Honorable James Inhofe
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

The Honorable Jack Reed
Ranking Member
Committee on Armed Services
United States Senate
Washington, DC 20510

The Honorable Adam Smith
Chairman
Committee on Armed Services
House of Representatives
Washington, DC 20515

The Honorable Mac Thornberry
Ranking Member
Committee on Armed Services
House of Representatives
Washington, DC 20515

Re: Sec. 541, S. 4049, Training on Religious Accommodation for Members of the Armed Forces

Dear Chairmen Inhofe and Smith, and Ranking Members Reed and Thornberry,

We write in support of Section 541 in S. 4049, the National Defense Authorization Act for Fiscal Year 2021, which would require training on existing religious accommodations for members of the military. This training is essential to ensure that servicemembers—and particularly servicemembers of minority religions—are afforded in practice the protections and accommodations that Congress has provided them under federal law. We urge the conference committee to retain this language in the final bill and to provide outside stakeholders, such as the Sikh Coalition, with the opportunity to engage the Department of Defense as the training is developed.

As you know, federal law has, for decades, forbidden the military from suppressing a service member's religious exercise unless the military has a compelling interest that cannot be met in a less restrictive way. More recently, Section 533 of the NDAA for FY 2014, requires the military to "accommodate the beliefs of a member of the armed forces reflecting the conscience, moral principles, or religious beliefs of the member and, in so far as practicable, may not use such beliefs as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment." And Section 528 of the NDAA for FY 2016 recognizes that "members of the Armed Forces come from numerous religious traditions, including Christian, Hindu, Jewish, Muslim, Sikh, non-denominational, non-practicing, and many more" and that "[d]iversity contributes to the strength of the Armed Forces, and service members from different backgrounds and religious traditions share the same goal of defending the United States."

Despite these protections, however, one of the greatest challenges for servicemembers in living out their faith while serving has been obtaining appropriate religious accommodations within their chains of command because military leadership are unaware any these protections exist, much less trained in how to apply them. Section 541 of the Senate bill would alleviate the current gap between the law and its application by requiring training on protections for commanders, chaplains, judge advocates, and other individuals. The content of the training would cover existing statutory protections and DoD policies for accommodations that military leadership are required to follow. This training is critical to ensure that the armed forces are properly applying laws and policies that were implemented to protect religious practice for all service members and their families, especially as applied to vulnerable religious minorities.

Religious minorities in particular have encountered barriers to benefitting from the protections Congress has passed—barriers that have unfortunately only been alleviated through legal intervention. Becket and the Sikh Coalition have successfully represented several such servicemen. For example, we brought two lawsuits challenging denials of religious accommodations by the Army. In *Singh v. Carter*, Becket, along with the Sikh Coalition and the law firm McDermott Will & Emery, represented Captain Simratpal “Simmer” Singh, a committed Sikh and decorated captain in the U.S. Army who sought to maintain a religious beard and turban. In *Singh v. McConville*, we represented Specialist Kanwar Bir Singh, Specialist Harpal Singh, and Private Arjan Singh Ghotra, observant Sikhs who sought to join the Army and enter basic training with their articles of faith intact. In Captain Singh’s case, the Army ordered him to undergo a series of discriminatory tests that other soldiers who wore beards for medical reasons were not required to complete. Days later, in a rare ruling against the Army, the court ordered the Department of Defense to cease all discriminatory testing against Captain Singh and granted him temporary protection while the case was ongoing. Following this injunction, the Army granted Captain Singh a longer accommodation that allowed him to serve with his religious beard, unshorn hair, and turban for up to one year. As a result of both lawsuits, in January 2017, the Army issued new regulations stating that Sikh soldiers and other religious minorities would not be forced to abandon articles of their faith throughout their military careers. The Air Force has also updated its policies to allow for religious accommodations.

But other branches, including the Navy and the Marine Corps, have not. Recently, Becket represented Leo Katsareas, a devout Muslim serving in the Navy who had been repeatedly denied an accommodation to wear a fist-length beard in compliance with his faith. After Katsareas appealed the Navy’s denial of his *seventh* accommodation request, the Navy finally reconsidered and granted him an accommodation allowing him to maintain his religiously motivated beard and remain in good standing with the Navy. Even there, though, the accommodation is only temporary, limited to his current duty assignment, and easily revocable.

Moreover, even where certain branches of the military have adopted or applied more accommodating religious policies, we are aware of many situations where a failure to understand or enforce those policies has seriously harmed service members’ careers and religious freedom. Forcewide training on existing controlling law and policy is required to address these deficiencies. Religious members of the armed forces should not have to spend years going through their chain of command and court proceedings to vindicate their rights and obtain the accommodations that the law guarantees them. Maintaining Section 514 in the final bill would help alleviate this problem by providing training to military decisionmakers about the religious exercise rights that all

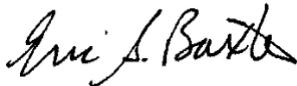
members of the armed forces have. This training is especially important to religious minorities like Captain Singh who wish to serve and whose expressions of faith are often not familiar to those in command.

In short, the training required by this bill would have a significant positive effect on members of minority religions who, in the words of the motto of the Army Chaplaincy, are willing to lay down their lives “for God and Country.”

Sincerely,



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