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Careening toward a Cliff

Unanswered Questions about Impact of Homosexual Behavior Spells Harm for U.S. Military

By: Chuck Colson | Published: April 14, 2011 5:08 PM

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If you knew a cliff were ahead of you but did not know where it was and could not see it until it was too late, what would you do? How would you react? Would you continue to move forward, stop in your tracks, or even retreat?

Military chaplains and service members are facing precisely that kind of confidence-shattering uncertainty as the Obama administration pushes hard for the final repeal of the law against open homosexual conduct in the military, which would be replaced by the military's version of the so-called Employment Non-Discrimination Act: making homosexual behavior a protected class on the federal level for the first time. (While a controversial law was passed in the lame-duck session initiating repeal, repeal can only take place after military leadership certifies that it won't harm the military.)

Those pushing this agenda know that the new military "ENDA" will create a politically correct line that must be obeyed to avoid public punishment and career-ending penalties. Indeed, it already has: When one general spoke in favor of the time-tested existing law, he was publicly censured by Admiral Mike Mullen; when a different general spoke in favor of repeal, he was warmly praised by House Democrats. So if high-ranking generals cannot safely oppose the agenda, then chaplains and service members are fully aware that they cannot safely speak.

But seldom has there been such an urgent need for clear, principled opposition to a bad public policy. Recent meetings and hearings with high-level Pentagon officials who are carrying out President Obama's campaign promise have revealed that complaints about "discrimination" against those practicing homosexual behavior will be addressed on a "case-by-case" basis by commanders with zero policy guidance on how to adjudicate the complaints. Such an approach guarantees arbitrary results that will undercut the free exercise of religion for chaplains and service members even as they are at war, defending our American freedoms.

Stunningly, at the April 1 hearing about repeal, one military official admitted that the policies to protect chaplains and service members from backlash based on their orthodox Christian beliefs are still "under review."

In other words, the entire military is careening toward the edge of the cliff and hasn't even figured out where the brake pedal is.

This problem isn't just a practical one of line-drawing, though. It is a full-bore constitutional crisis. The First Amendment requires that chaplains be available to provide for the needs of service members with regard to the free exercise of religion. (See, for example, *Katcoff v. Marsh*, 755 F.2d 223 (2nd Cir. 1985)).

Further, chaplains cannot be generic spiritual advisors, for that would not serve the vast religious diversity of our troops. Constitutionally, all chaplains must be—and are—representatives of their faith groups, who meet specific religious needs of their fellow believers while also serving all service members as counselors and moral teachers. Unless the military protects the right of chaplains to act in this way, then the constitutionally protected right to the free exercise of religion that our troops defend for us will be denied to them. Since, as senior Obama administration officials have openly admitted, there is a "zero sum game" between religious

liberty and the broad, amorphous protections for homosexual conduct the military plans to implement, something has to give.

The things that give are religious freedom, troop morale, and common sense.

Consider this response from the Obama administration: when faced with the enormous conflicts arising from making men shower and sleep next to men who find them sexually attractive, Obama's repeal team trivialized the tension, saying that resulting problems would be similar to a "personality conflict."

But having commanded a marine infantry platoon, I know what an effect this will have on unit morale.

[Donovan Campbell](#), a tough ex-marine who served three tours in Iraq, says that what holds a platoon together in combat is self-giving love—what Christians call agape love. If we throw sexual lust—or eros—into the mix, we will destroy unit cohesion. The consequence will be that men will die. All for politically correct posturing that has nothing to do with winning wars.

With so little regard evident for military discipline and even a modicum of sexual privacy, it is no surprise that—barring clear action by Congress—we will soon see in the military the same constant attacks on religious liberty that have arisen repeatedly in the civilian realm, as my friends at the [Alliance Defense Fund](#) know only too well.

The fact is, religious freedom within our military is facing a grave threat. This is why 66 high-ranking and decorated veteran chaplains with millennia of combined service repeatedly warned the Obama administration of the religious liberty problem. The [questions they raised](#) then *must* be answered now, before it's too late.

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