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THE AMERICAN MILITARY CHAPLAINCY AND
ITS RELATIONSHIP TO THE ISSUE OF
SEPARATION OF CHURCH AND STATE

A Research Paper Presented to the
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of the requirements for the degree
of Master of Sacred Theology

by

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INTRODUCTION

The relationship of church and state in the United States is still a live issue today. The tension which exists within this relationship was again brought to public attention through the recent hearings of the cases before the United States Supreme Court regarding Bible reading and prayer in the public schools. A television special on churches and taxation also raised anew an issue which is increasing in tension. In addition, a prime focus of this tension has been centered in the discussion of the church's role over against the Vietnam War.

One particular facet of the debate on the relationship of church and state is the issue of the military chaplaincy. This is a controversial issue with which philosophy-of-government and legal analysts, as well as theologians, have wrestled throughout the history of our country. The task of this thesis is to examine the various positions held or suggested over against the United States military chaplaincy as it becomes a matter of discussion in the issue of the relationship of church and state.

CHAPTER I

DEVELOPMENT OF THE AMERICAN MILITARY CHAPLAINCY

Early Roots

Chaplains were a traditional part of the American military scene even before the Revolution of 1776. The American colonies simply followed the example of England, the mother country, in its armies and navies. Religion in the European parent countries was an integral part of a functioning government, and chaplaincies were the normal arrangements for the church's representation in the armed forces.

In most of the original colonies there was no established religion as such, and yet they were populated in such a way that there was at least a single religion for a settlement if not for the entire colony. Thus, whenever arms were taken up against a common foe, it was the normal situation for the pastor of the congregation to go with his male parishoners to serve as their chaplain, since he had already performed this function for them when they were constituted as the local militia.¹

The colonies followed various methods of procuring chaplains. Some were appointed by the governor, some by the legislature, others by the established church of the colony, and still others by the commanding officers of the regiments or ships. On September 23, 1756,

¹Anson P. Stokes, Church and State in the United States (New York: Harper & Brothers, 1950), I, 268.

at the time of the French and Indian War, Colonel George Washington addressed a letter to Governor Robert Dinwiddie of Virginia in which he requested appointment of a chaplain for his regiment. Washington detailed at some length the morale situation of the troops under his command. Food costs, he explained, were beyond the individual soldier's ability to pay, and tippling houses in the vicinity of the camp were far too many and liquor flowed too freely. In summary he made this plea:

The want of a chaplain, I humbly conceive, reflects dishonor on the regiment, as all other officers are allowed. The gentlemen of the corps are sensible of this, and proposed to support one at their private expense. But I think it would have a more graceful appearance were he appointed as others are.²

The plea failed, however, and almost three years later Washington made another attempt in a letter to the president of the Virginia Council, dated April 17, 1758:

The last assembly, in their Supply Bill, provided for a chaplain to one regiment. On this subject I had often without any success applied to Governor Dinwiddie. I now flatter myself, that your Honor will be pleased to appoint a sober serious man for this duty. Common decency, Sir, in a camp calls for the services of a divine, which ought not to be dispensed with, although the world should be so uncharitable as to think us void of religion, and incapable of good instructions.³

Undoubtedly the request was for an Anglican clergymen, for that was the established church in Virginia. But in that same year provision

²The Writings of George Washington, edited by Jared Sparks (Boston, 1834 to 1837), II, 188.

³Ibid., II, 278.

was also made for Dissenting (Baptist) clergymen to serve with the troops when requested.⁴

As the fight for justice and freedom grew more intense, many of the troops had their ministers with them. A diary entry by President Ezra Stiles of Yale University for November 17, 1774, tells how Colonel Israel Putnam's letter concerning the earnestness of the situation in Massachusetts was read "publicly in most of the Congregations in Connecticut"⁵ and how thereupon response was immediate, with various contingents being formed under the instigation of and in company with their pastors. Early in 1775 the Provincial Congress of Massachusetts approved the appointment of chaplains for the army.

An act of the Continental Congress, dated July 29, 1775, established the military chaplaincy as a legal entity.⁶ There were some problems, however, for the Continental Congress on the chaplaincy question, one being the perennial low pay for chaplains. In a letter dated December 31, 1775, Washington observed that the chaplains' pay was "too small to encourage men of abilities." He paid tribute to the devotion of the chaplains, adding that "some of them, who have left their flocks, are obliged to pay the parson acting for them more than they receive." To his way of thinking, "advancement of their pay" was

⁴Stokes, I, 268.

⁵The Literary Diary of Ezra Stiles, edited by Franklin B. Dexter (New York: Charles Scribner's Sons, 1901), I, 484.

⁶Roy J. Honeywell, Chaplains of the United States Army (Washington: U.S. Government Printing Office, 1958), p. 37.

the only way to remedy the situation, even if the number of chaplains had to be reduced by half, from one for every regiment to one for every two.⁷

The next year Congress specifically authorized the appointment of ministers of the Gospel as chaplains. General Washington issued an order on July 9, 1776, which carried out the congressional mandate. He made the following entry in his orderly book:

The honorable Continental Congress, having been pleased to allow a chaplain to each regiment, the colonels or commanding officers of each regiment are directed to procure chaplains accordingly, persons of good characters and exemplary lives, and to see that all inferior officers and soldiers pay them a suitable respect. The blessing and protection of heaven are at all times necessary, but especially so in times of public distress and danger. The General hopes and trusts, that every officer and man will endeavour to live and act as becomes a Christian soldier, defending the dearest rights and liberties of his country.⁸

Another entry in Washington's orderly book on August 3, 1776, states that troops were to have opportunity for worship and were to cease from profanity.⁹ The frequency with which references to the chaplaincy, to worship, and to religion in general occur demonstrates the concern for the subject in official circles.

In 1777 Washington showed his deep concern in having chaplains chosen who would, as far as possible, hold religious views sympathetic

⁷The Writings of George Washington, III, 220.

⁸Ibid., III, 456.

⁹Ibid., IV, 28.

to those of the men he served. With this in mind and to avoid religious disputes, he protested the proposal to substitute brigade for regimental chaplaincies. He said that the latter plan was preferable, as it

gives every Regiment an opportunity of having a chaplain of their own religious sentiments, it is founded on a plan of a more generous toleration . . . A Brigade . . . composed of four or five, perhaps in some instances six Regiments, there might be so many different modes of worship.¹⁰

Washington's concern for the religious welfare of his men went even further. On May 2, 1778, he not only issued a directive which called for "Divine Service to be performed every Sunday at 11 o'clock in each Brigade which has a Chaplain," but implemented this by ordering that:

Those Brigades which have none will attend the places of worship nearest to them. It is expected that officers of all ranks will, by their attendance, set an example to their men. While we are duly performing the duty of good soldiers, we certainly ought not to be unattentive to the higher duties of religion. To the distinguished character of a Patriot, it should be our highest glory to add the more distinguished character of a Christian. The signal instances of Providential goodness which we have experienced, and which have almost crowned our arms with complete success, demand from us, in a peculiar manner, the warmest returns of gratitude and piety to the Supreme Author of all Good.¹¹

The Army thus set a precedent which was followed almost immediately by the Navy. On November 28, 1775, when the Navy regulations were first

¹⁰American Army Chaplaincy (Washington: The Chaplains Association, 1946), p. 6.

¹¹Stokes, I, 272.

adopted, the second article provided for religious worship in the following statute:

The commanders of the ships of the Thirteen United Colonies are to take care that divine service be performed twice a day on board, and a sermon preached on Sunday, unless bad weather or other extraordinary accidents prevent.¹²

The new nation on September 20, 1776, adopted the "Original Rules and Articles of War" which in Article IV provided for the commissioning of brigade chaplains.¹³ By the end of the war there was an organized system of bridge chaplains who were reimbursed for their services on a pay scale comparable to that of a colonel. Almost all of the chaplains were Protestant since the colonies themselves were predominantly so.¹⁴ The need for the services of these wartime chaplains ceased in 1783 when the Continental Army was all but disbanded.

The Middle Period

From the end of the Revolutionary War until the Civil War the military chaplaincy was marked by much uncertainty. The office of the chaplain was formally established as a part of the new nation's army in

¹²Clifford M. Drury, The History of the Chaplain Corps, United States Navy (Washington: U.S. Government Printing Office, 1949), I, 3.

¹³Department of the Army, American Army Chaplaincy--A Brief History, PAM 165-1 (Washington: U.S. Government Printing Office, October 1955), p. 2.

¹⁴A Catholic chaplain, Fr. Lotbiniere, was appointed chaplain of Canadian regiment in the U.S. Army, January 26, 1776; cf. Honeywell, p. 45.

1791, but was of little significance for some years.¹⁵ In the War of 1812, there were at least 12 regularly appointed chaplains, besides an uncertain number of volunteers.

Navy chaplains also served on the frigates during these years, but their appointment was a haphazard affair. It was while Samuel L. Southard was Secretary of the Navy (1823 to 1829) that the ruling was made requiring prospective chaplains to be properly ordained ministers in fellowship with a recognized denomination. Before this time they often were petty officers with little specific theological training.¹⁶

A major change of emphasis for the Army chaplaincy took place in 1838. On July 5th of that year, an Act of Congress provided for the creation of a system of post chaplains. The Act provided that the administrative officers at any post might employ "such person as they may think proper to officiate as chaplain, who shall also perform the duties of schoolmaster at such post."¹⁷ The Act also allowed budget funds for a total of twenty chaplains.

The report of The President's Committee on Religion and Welfare in the Armed Forces indicates that during the years from 1838 to the time of the Civil War, the Army quotas for chaplains were not always filled. In part this was because of the shift in concept of what the

¹⁵American Army Chaplaincy, p. 9.

¹⁶Drury, I, 43.

¹⁷Ibid., I, 16.

chaplain's function was to be, whether strictly a spiritual leader or a kind of catchall for various peripheral duties. Then, too, "the institution itself fell into disfavor because appointment as a chaplain was considered by many as a political plum, to be held along with a civilian job."¹⁸ The situation received some criticism by at least one congressman who remarked:

At the opening of every session of Congress, ministers come here, either in person or through their agents, and log-roll to obtain the position of chaplains. I think it is high time the system should be abolished.¹⁹

In addition, the position of chaplain was abused, as documented in a chaplain corps history:

When the commanders of the class of warships which were allowed a chaplain, but had none aboard, needed the services of a clerk, it has not infrequently occurred that they have given the rank of chaplain to some one selected for "captain's clerk," or "commodore's secretary," in order that he might receive the chaplain's salary.²⁰

The Army suffered similar weaknesses, as a sergeant or even a retired cook would be appointed occasionally to undertake the religious ministrations for a regiment.²¹

These abuses of the chaplaincy had brought it into public disrepute, but a more serious threat to the continued existence of the military

¹⁸The President's Committee on Religion and Welfare in the Armed Forces, The Military Chaplaincy (Washington: U.S. Government Printing Office, 1951), p. 6.

¹⁹American Army Chaplaincy, p. 18.

²⁰Ibid.

²¹Ibid.

chaplaincy came in the late 1840's and 1850's. At this time critics outside of and in Congress began pointing to the military and other governmental chaplaincies as unconstitutional on the grounds that they effected a mingling of the functions of church and state. This subject will be further developed in Chapter II.

The Civil War brought a large number of chaplains into military service, and with them also a more spiritualized type of ministry. Chaplains for the Army posts, regiments, and hospitals were provided by both federal and state legislation. An Act of 1861 established regimental chaplains for the Regular Army, specifying that they be duly ordained ministers of a Christian denomination.²² This was expanded the following year to include the presentation of "testimonials of his good standing" in his denomination, as certified by either the denomination or five accredited ministers thereof.²³ This amendment also removed the requirement that chaplains must be Christian, since the wording now read that the chaplain be a member of "some religious denomination." Thus Jewish chaplains were first authorized during the Civil War.

At this time important changes also took place in the Navy. In 1860 the provision was made that each chaplain be permitted to conduct worship according to the forms of his own church and that attendance at

²²President's Committee, p. 6.

²³American Army Chaplaincy, pp. 25-26.

worship be voluntary in keeping with the Constitution. In 1862 Lincoln was granted authority to appoint chaplains for every general hospital at the same rate of pay as post chaplains, which was on a level equal with cavalry captains.²⁴

Demobilization at the war's end brought with it a sharp reduction in the number of chaplains, and by 1877 the position of chaplain had again reverted to little more than a schoolmaster or librarian of the army post. For about twenty-five years the situation remained static, although on larger posts other personnel were gradually drawn in to take over the chaplain's peripheral duties. The war against Spain in 1898, primarily a naval affair which involved a relatively small army, brought little change or improvement in the chaplain's position. Chaplains did serve with both the Navy and the Army of Occupation in the Philippines during this time.

Twentieth-Century Developments

The present-day status of the military chaplain dates from between 1899 and 1901. The question of ecclesiastical endorsement was raised in these years, and Congress reaffirmed acts on March 12, 1899, and February 2, 1901, requiring chaplains to be qualified clergymen of their respective denominations and to be duly endorsed by their respective ecclesiastical boards. Thereafter, the various religious

²⁴Honeywell, p. 112; also American Army Chaplaincy, p. 9.

denominations began to take a greater interest in endorsing qualified ministers for the chaplaincy, and set up special agencies for that purpose.²⁵

The Episcopal Church led the way, followed by the Roman Catholic Church. The Roman Catholic agency was the Army and Navy Diocese, now known as the Military Ordinariate. The Protestant churches set up the Protestant Committee on Army and Navy Chaplains in 1917, known today as The General Commission on Chaplains.²⁶ In this year also the chiefs of chaplains were first vested with examining authority of new chaplains. The Jewish Welfare Board became the endorsing agency for Jewish chaplains, Congress having passed a new act paving the way for the appointment of chaplains from various religious minority groups.

At the outbreak of World War I, the Army had 74 regular chaplains, the National Guard, 72. By the end of the war more than 2,300 had been commissioned for military service.²⁷ The goal was one chaplain for every 1,200 men, but this ratio fell short by half. An Army chaplains' school was established for the first time in 1918 at Fort Monroe, Virginia.

During this war, a system of senior chaplains was set up at general and divisional headquarters. Early in 1918 General Pershing asked the Right Reverend Charles Henry Brent, the Episcopal Missionary

²⁵American Army Chaplaincy, p. 34.

²⁶President's Committee, p. 7.

²⁷Ibid.

Bishop of the Philippines to be, in effect, the chief of chaplains for the European theater of the war.²⁸ According to the National Defense Act of 1920, this situation was amended by providing for a Chief of Chaplains to serve in the rank of colonel, who would not only supervise and coordinate the work of chaplains, but also investigate the qualifications of candidates prior to their appointment as chaplains.²⁹

The period between the two world wars was filled with difficulties for the military chaplaincy. The drastic demobilization of the Armed Forces brought about by the Kellogg-Briand Pact resulted in American churches moving towards pacifism.³⁰ Others criticized the incumbent chaplains for their lack of spirituality.³¹ Sentiments toward a civilian-type chaplaincy were strong in some of the major denominations during the early 1930's. One of the leaders in this crusade was The Christian Century, which commented: "We look with shame upon the blind servility with which the Christian church gave itself to the government of the United States in 1917 and 1918."³² The hope was expressed that churches would sever their connections with the military chaplaincy program.

²⁸Ibid.

²⁹American Army Chaplaincy, p. 41.

³⁰Catholics, Episcopalians, and Lutherans were largely free of pacifism.

³¹Marion J. Creeger, The Military Chaplaincy (Washington: National Council of the Churches of Christ in the U.S.A., 1959), p. 6.

³²"The Chaplaincy Question" (editorial), in The Christian Century, LII (January 16, 1935), 70-72.

Under this pressure the military chaplaincy was subjected to renewed scrutiny by various denominational assemblies and especially the Federal Council of Churches. The outcome of this concern and study was the consensus that:

The way for churches to deal with the problem of the chaplaincy was not to separate themselves from their involvement in our national defense but to strengthen their spiritual ties with chaplains and to work for a greater spiritual vitality in the chaplaincy.³³

As it turned out, this study and consensus prepared the General Commission on Chaplains of the Federal Council of Churches as well as the commissions of other church bodies for the heavy procurement of chaplains during the world conflict which was soon to come.

The military chaplaincy expanded rapidly during World War II, with a total of eight thousand chaplains in the Army and almost three thousand in the Navy.³⁴ But even more important was the high level of respect and efficiency of operation to which the military chaplaincy had risen. Chaplains had gone with their troops and ships to the ends of the earth and distinguished themselves with faithful, altruistic service in behalf of their men. Many stories have been documented which relate to the heroic ministries of Army, Navy and Marine chaplains in the Japanese prison camps in the Philippines. Chaplain William Dawson, just before the fall of Bataan, prayed: "Oh, God, I pray Thee that if this garrison does have to surrender that I may go with them and be

³³Creeger, p. 7.

³⁴President's Committee, p. 9.

strong enough to keep Thee in their midst." The following account describes this ministry:

Many succeeded in smuggling hymnals, Bibles and communion elements through the notorious Bataan Death March. One Catholic chaplain regularly went out with men on work details, because it gave him a chance to say Mass in the morning and the Rosary at night. When their Japanese captors tried to suppress all religious gatherings, Protestant Chaplain John K. Borneman held Bible classes along a drainage ditch the prisoners (and he) were digging.

Eighteen out of the 33 chaplains in the main prison camp at Cabanatuan did not live to regain their freedom. Another, H. G. Schwegler, was crippled for life. Three times the Japs (Japanese soldier) beat him unconscious, finally breaking his neck with a rifle butt, for refusing to tell how medicines were smuggled into the camp. But when American Rangers liberated the starving survivors, one man . . . tottered out of the prison on a chaplain's arm, declaring he had lost everything in Cabanatuan, including his health, "but I didn't lose God."³⁵

It was in the icy North Atlantic off Greenland in February 1942 that four chaplains made a common sacrifice that electrified the nation and added a new heroic dimension to the interfaith outreach of the Corps. The four chaplains were George L. Fox; Clark V. Poling (Protestants); Alexander D. Goode (Jewish); and John P. Washington (Catholic).

Shortly after 1:00 a.m. on that wind-whipped February night the Dorchester, an old rustbucket on which they and 900 men were sailing to Greenland, took a torpedo in the engine room, knocking out all communications and tearing a gaping hole in the hull. Terrified men groped their way out of the ink-black holds, lifejackets lost

³⁵Thomas J. Fleming, "God's Warriors," This Week Magazine (Special Supplement of the March 26, 1967 edition of the St. Louis Globe-Democrat Newspaper), p. 19.

in the panic. The four chaplains did much to calm the frantic; they helped corpsmen treat the wounded; they urged everyone to stay aboard as long as possible, because a man could not hope to live more than 40 minutes in the freezing sea.

A terrified young soldier sobbed: "Padre, I've lost my lifejacket; I can't swim" "Take this, I'm staying. I won't need it." No one of the survivors can remember which chaplain made the gesture first. But within minutes, all four had given away their life-jackets, and joined in that quiet resolve to stay with the ship. Arms linked, they stood on the slanting wave-swept deck, urging men into the last raft. The men heard them praying "Our Father Who art in heaven" A flare caught a last glimpse of them as the dying ship blundered into a great swell. With an enormous sucking sigh they were gone. Today, the Chapel of the Four Chaplains in Philadelphia is an interfaith memorial to their courage.³⁶

The Korean War told a similar story of sacrifice and devotion to their men, as thirteen chaplains died in battle, 26 were injured in battle and a total of 567 chaplains received 683 decorations.

In 1950 a study of the entire chaplaincy program was requested by President Harry S. Truman. The findings of his appointed committee, published in the report known as The Military Chaplaincy, voiced strong and unqualified words of commendation for the services rendered by the chaplains.³⁷ The chief shortcoming noted was that the quota allotment for all denominations was too conservative, often not up to required level, and that consideration ought to be given toward procuring more chaplains. The report also noted the problem was related to the prevailing shortage of trained ministers in most church denominations.

³⁶ Ibid., p. 20.

³⁷ President's Committee, p. 9.

Another development taking place after World War II involved the Army Air Corps. Chaplains serving with the Army Air Corps up to this point were drawn from among Army chaplain personnel on a four-year rotation basis. With the adoption of the National Security Act in 1947, the United States Air Force became a distinct department of the Armed Forces, along with the Army and Navy. By May 1949, the Chaplains Corps of the Air Force was constituted as a separate unit, paralleling its Army and Navy counterparts.

The continuing tensions in the world, as evidenced by such conflicts as the Korean War and the present Vietnam War, have required heavy commitments in national defense and worldwide treaties. This has caused our country to maintain large armies, fleets and air forces, even in relative peacetime years. These factors have affected the military chaplaincy, as there are now about three thousand clergymen on active duty. They serve in every area of the globe, wherever our government has deployed its military installations and manpower. Family dependents of married servicemen have become part of the government's concern, causing many chaplains to provide a typical parish program. In recent years physical facilities have changed and improved for the chapel program, as new chapels and educational buildings were built or renovated. A former chaplain comments:

Obviously our government has poured a considerable amount of tax money into the military chaplaincy program. The cost today, however, is but a small fraction of the total military outlay. The government's

thinking on the arrangement is basically still the same. In return for the many benefits which accrue to it, government is ready and happy to assume the financial cost of the spiritual ministry which the chaplains render to the citizens of the United States of America under arms.³⁸

³⁸Eugene F. Klug, "The Chaplaincy in American Public Life," Church and State Under God, edited by Albert G. Huegli (St. Louis: Concordia Publishing House, 1964), p. 379.

CHAPTER II

THE MILITARY CHAPLAINCY AND THE ISSUE OF SEPARATION OF CHURCH AND STATE

The Founding Fathers

Our country's forefathers were generally sympathetic with the cause of religion. They appreciated its significance in individual and national life. They encouraged provisions for worship in all branches of military service, while at the same time retaining an impartial attitude toward the various denominations. These concerns, moreover, were carried over by our forefathers as they formulated the legal basis of American society in the Constitution and the Bill of Rights.

There are two fundamentally important provisions which deal directly with religious rights, namely, the forbidding of religious tests as qualifications for public office in the original Constitution, and the guarantee of religious freedom in the Bill of Rights, which followed two years later.

Furthermore, the provisions of the later Fourteenth Amendment, as ratified in 1868, indirectly expand the scope and field of operation of these constitutional guarantees in the protection of the individual under the "due process" and "equal protection of the laws" clauses from infringement on his rights by a state.

Similar federal guarantees were already in the Constitution and its amendments. For example, Article VI states: "No religious test

shall ever be required as a qualification to any office or public trust under the United States." And the First Amendment declares: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The original Constitution had gone far by guaranteeing to all citizens personal religious freedom in the matter of federal office holding, and thereby implying a state-church separation. The First Amendment went further in prohibiting Congress from establishing a church or preventing freedom of worship.

These guarantees and prohibitions were important, both from the standpoint of assuring that there would be no restrictive connection between the government and any religious body, and in guaranteeing religious freedom. Indeed, the religious freedom guarantees of the Bill of Rights were adopted not as a protection from religion, but rather as a protection for religion. The emphasis was a positive one. The framers of the Constitution felt that such guarantees were necessary to insure the continuance and the strengthening of religion, which could not flourish under American conditions if any state church were either provided or tolerated.

Although the Declaration of Independence of 1776 contains many references to "Nature's God," the "Creator," and "Divine Providence," there are no such references in the Constitution. The only references to religion are the clauses which exclude Sundays as days to be counted within which the president may exercise his veto rights on legislation, the dating of the document at its close as "in the year of our Lord" 1787, and the all-important clause ruling out all federal religious tests.

In the opinion of Anson Phelps Stokes, those who drafted the Constitution omitted more specific reference to religious freedom, not because of any liking for secularism, but rather because they wished at the country's outset to show their impartiality toward various denominations and allow each state the freedom of choice in determining its own religious policy. The framers of the document were almost all men of church connections and of convictions regarding the essential truth of Christianity (or at least saw religion as a sound moral influence). A study of the membership of the Convention shows that it represented all the leading religious groups of the country.¹

According to Canon Stokes, the general rationale behind the chaplaincies in the American philosophy of government as conceived by its framers is this:

The separation of Church and State in the United States is of fundamental importance, but it has never been a rigid or complete one excluding informal cooperation, where essential separation of responsibility and function are maintained, and all religious bodies are treated with entire impartiality.²

Furthermore, since Congressional chaplaincies are adjudged similar to military chaplaincies, and thus justified by the same rationale, their creation was natural and they have continued from Washington's presidency to the present. In addition, three of the six members of a joint

¹Anson P. Stokes, Church and State in the United States (New York: Harper & Brothers, 1950), I, 525.

²Ibid., I, 557.

committee which made the chaplaincy proposals in the First Congress were members of the Constitution Convention, and thus, in Stokes' opinion, may be trusted as having an adequate understanding of the intent and the spirit of the Constitution.³

Though there were those who opposed such acceptance of chaplaincies, the above references represent the basic position of our country in its early years regarding religion and chaplains. The government frankly acknowledged that it had no right and no ability (and indeed, no desire!) to sustain the spirit of man, and that this was properly the sphere of the churches. Furthermore, the specific instance of the chaplaincy was carried over almost as an institutional hand-me-down from European practice and tradition which the colonists brought with them.

Early Questions

Opposition to a governmentally-supported chaplaincy has essentially been premised on the overriding concern that this represents establishment of religion. The First Amendment, while not too precise in its formulation, prohibits Congress from making any laws respecting an establishment of religion, or prohibiting its free exercise. From this early period in the United States, the chief spokesman against the chaplaincy was James Madison. His arguments and the weight of his person (fourth President from 1809 to 1817) are still used today by those opposing the chaplaincy.

³Ibid., I, 457.

Madison always opposed every form and degree of official relation between religion and civil authority. Perhaps because of his prominent allegiance to the Protestant Episcopal church, he considered religion to be the duty of man to his Creator, and not within the province of government. His reasons were stated at some length in an essay, "Detached Memoranda," answering the question: "Is the appointment of chaplains to the two Houses of Congress consistent with the Constitution, and with the pure principle of religious freedom?" In response to the question, Madison wrote:

In strictness, the answer on both points must be in the negative. The Constitution of the United States forbids everything like an establishment of a national religion. The law appointing Chaplains establishes a religious worship for the national representatives, to be performed by a minister of religion, elected by a majority of them; and these are to be paid out of the national taxes. Does not this involve the principle of a national establishment applicable to a provision for a religious worship for the constituent as well as the Representative Body, approved by the majority and conducted by ministers of religion paid by the entire nation?⁴

Madison went on to argue that establishing a chaplaincy for Congress amounted to a violation of equal rights as well as Constitutional principles. He felt that some of the minority religious groups, as Roman Catholics and Quakers, could never hope to have one of their clergymen appointed as chaplain since the Protestant groups were in the majority. Madison also stated that since religion consists in voluntary acts of worship, it should follow that members of the Congress should supply their religious leaders at their own expense and not use funds from public taxes.

⁴Ibid., I, 346-347.

Thus Madison made it clear that his opposition to chaplains in Congress was not to the religious services they performed for these leaders, but to their being conducted as a function of government and paid for by public funds, and as violating the principle of equal rights.

Madison also rejected the theoretical and practical arguments in favor of a United States military and naval chaplaincy:

We are always to keep in mind that it is safer to trust the consequences of a right principle, than reasonings in support of a bad one. Better also to disarm in the same way the precedent of Chaplainships for the army and navy, then erect them into an establishment is seducing; the motive to it is laudable. But is it not safer to adhere to a right principle, and trust to its consequences, than confide in the reasoning, however specious, in favor of a wrong one?

If the spirit of armies be devout, the spirit out of the armies will never be less so; and a failure of religious instruction and exhortation from a voluntary source within or without, will rarely happen; and if such be not the spirit of armies, the official services of their Teachers are not likely to produce it. It is more likely to flow from the labors of a spontaneous zeal.⁵

None of the founding fathers had ever expressed themselves as concisely on that specific issue. However, not much came from these criticisms, though Madison's opinion grew in stature as the years went by.

A more serious threat to the military chaplaincy came in the late 1840's, when critics began pointing to it as well as to the chaplains

⁵James Madison, "Monopolies, Perpetuities, Corporations, Ecclesiastical Endowments," in Harpers Magazine, CXXVIII, No. 28 (1914), 494.

in Congress and at Indian stations. These functions were seen as unconstitutional on the grounds that these arrangements effected a mingling of church and state. These charges continued to mount, until finally in 1852-1853 sharp and articulate opposition was mustered against the government chaplaincies, particularly in Congress.

These advocates of reform spoke from diverse convictions. Some were radical freethinkers, others were concerned Protestant sectarians. The core of the problem, as they saw it, was that church and state were not being kept absolutely separate. Their thinking, however, seemed to be characterized more by prejudice than by insight into the principle. According to Klug:

They were so unrealistic in their views that they would have the two realms not only separate but each also with no responsibility for the welfare of the other. It is possible to see now that this was a posture which in the future was to characterize the assaults against any working arrangements between church and state on the grounds that an establishment of religion was being effected. The opposition has never succeeded in convincing the legislative or judicial branches of our government that the chaplaincies are unconstitutional.⁶

In the early 1850's the Predestinarian Baptists voiced their opposition to the chaplaincy. In addition to invoking the First Amendment, they now added the Sixth Article of the Constitution in their argument (no religious test required). One Baptist memorial deplored the "immense increase of the number of chaplains employed by the

⁶Eugene F. Klug, "The Chaplaincy in American Public Life," Church and State Under God, edited by Albert G. Huegli (St. Louis: Concordia Publishing House, 1964), p. 371.

Government," which, it was feared, would ultimately subject the United States to an "unholy union" of church and state. The memorialists enumerated the chaplains' strength as 30 in the Army, 24 in the Navy, and even 2 in Congress. They also mentioned those chaplains serving at various naval and military schools, stations and outposts, and took particular exception to those chaplains serving as teachers at Indian schools, but who were, in reality, engaged in converting these Indians to Christianity.⁷

Further, Hard-Shell Baptists recommended that soldiers and sailors support their own clergymen, if so inclined. As to the clergymen themselves, the memorial took strong exception to their treatment as officers, and suggested that they join the services as common enlisted men and so labor among the other enlisted personnel. It was suggested that these clergymen ought to be content with such voluntary contributions as they might receive, but if not satisfied with these, advised additional remuneration by various religious societies rather than the Government. These were the typical views of about 150,000 Hard-Shell Baptists resident in the United States in the early 1850's.⁸

Both Houses of Congress considered the questions raised, and on January 10, 1853, Senator George E. Badger of North Carolina, representing the Judiciary Committee, submitted a report to the Senate. The

⁷Klaus J. Herrmann, "Some Considerations on the Constitutionality of the United States Military Chaplaincy," The American University Law Review, XIV, No. 1, (1964), 28.

⁸Ibid.

committee had looked with keen interest at the phrase "an establishment of religion" as written in the First Amendment, and decided that it had particular reference to establishment of religion in the mother country. The three aspects of such established religion had been (1) endowment of a particular religion at public expense; (2) giving members of this religion exclusive political rights; and (3) compelling non-members to join in the worship and religious observances of the established religion. The report concluded:

If Congress had passed, or should pass, any law which, fairly construed, has in any degree introduced, or should attempt to introduce, in favor of any church, or ecclesiastical association, or system of religious faith, all or any one of these obnoxious particulars--endowment at public expense, peculiar privileges to its members, or disadvantages or penalties upon those who should reject its doctrines or belong to other communions--such law would be a "law respecting an establishment of religion," and therefore, in violation of the constitution. But no law yet⁹ passed by Congress is justly liable to such an objection.

Thus the judiciary committee published its decision that neither the letter nor the spirit of the First Amendment was violated by the chaplaincies. The report concluded that "it is not seen how the institution of chaplains is justly obnoxious to the reproach of invading religious liberty in the widest sense of the term."

The challenge had been presented primarily as regards congressional chaplaincies. Accordingly the decision made by the judiciary committees of the Thirty-second Congress was a key factor in all future judgments,

⁹Stokes, III, 131.

involving chaplains. Madison's serious doubts had been weighed, judged, and answered with forthright support of the chaplaincy idea.

Again in 1854 an attempt was made to eliminate all chaplaincies. The memorial to Congress laid emphasis not only on the first clause of the Bill of Rights, but on Article VI of the Constitution. Congress, however, was unimpressed. The House Judiciary Committee's report brought out the fact that the context clearly showed that the reference in Article VI was "to a class of persons entirely distinct from chaplains."¹⁰

The closing statement of this committee's report demonstrates the continuing tradition of attributing a Christian orientation to government:

While your committee believes that neither Congress nor the Army or Navy should be deprived of the service of chaplains, they freely concede that the ecclesiastical and civil powers have been, and should continue to be, entirely divorced from each other. But we beg leave to rescue ourselves from the imputation of asserting that religion is not needed to the safety of civil society. It must be considered the foundation on which the whole structure rests. Laws will not have permanence or power without the sanction of religious sentiment--without the firm belief that there is a Power above us that will reward our virtues and punish our vices. In this age there can be no substitute for Christianity; that, in its general principles, is the great conservative element on which we must rely for the purity and permanence of free institutions. That was the religion of the founders of the republic, and they expected it to remain the religion of their descendents. There is a great and a very prevalent error on this subject in the opinion that those who organized this government did not legislate on religion. They did legislate on it by making it free to

¹⁰Ibid., III, 112.

all . . . The error has arisen from the belief that there is no legislation unless in permissive or restricting enactments. But making a thing free is truly a part of legislation as confirming it by limitations; and what the government has made free, it is bound to keep free.¹¹

Furthermore, in the early sessions of the Thirty-fourth Congress (1855), a group of certain "Particular Baptists" from Henderson County, Tennessee, presented a petition opposing government chaplaincies as inconsistent with the separation of church and state. The tone of the petition was emotional, and its arguments were similar to others expressed during this period: the precedent and exception regarding the chaplaincy may lead to extensions of such church-state unions which would enslave all; chaplains are a national clergy, supported by indirect taxation of the public; those government employees requiring the services of a chaplain should be paid enough that they could support clergymen the same as civilians; if the chaplaincy were more religiously oriented, more clergymen would volunteer and there would be better support (financially and otherwise) from the denominations for their ministry.¹²

The argument went on, and although Congress continued to reject the petitions calling for abolishing chaplaincies, further rulings from it on the issue were sought. On March 13, 1859, the House judiciary Committee added further opinion to what had previously been stated. The

¹¹Report No. 124, House of Representatives, 33rd Congress, 1st Session, March 27, 1854; cf. Stokes, III, 132.

¹²Stokes, III, 133-134.

Committee stated that the spirit of Christianity had a tendency to lessen the rigors of war, that it encouraged acts of charity and kindness in the human heart, and therefore it was to be seen as a beneficial influence upon the Army and Navy. The Committee concluded:

To abolish it (this Christian influence), in this Christian age of the world, would seem like retrograding rather than advancing civilization. While so much good and no perceptible evil has resulted from the practice; while no constitutional prohibition exists in relation to it, and no tendency to a "religious establishment" is discernable under it; while diversity of truth is tolerated as freely as the constitutional requirement, in the minister, as well as in those for whom he officiates; and while the expense is so small as not to be felt by any one, your committee does not think it necessary to interfere with the office of chaplain, as it exists at present, in the Army and Navy.¹³

Although there were those who agitated for the abolishment of governmental chaplaincies during this period, there were also many vocal supporters of the chaplaincies who advocated their continuance. The chief spokesman for the latter group was an Episcopal layman from Washington, D.C., Lorenzo Dow Johnson. In 1856 he published a pamphlet entitled "Chaplains of the General Government, with Objection to Their Employment Considered." This was followed a year later by another, "An Address to the Pastors and People of These United States on the Chaplaincy of the General Government." In this little volume of both fact and opinion, Johnson was frank to point out the weaknesses which then existed in the chaplaincy system, but he contended that its chief opponents were "those who avowed their disbelief in all revealed

¹³Klug, p. 373.

religion."¹⁴ In the opinion of Klug, Johnson's literary efforts were an important measure in defeating the move to abolish chaplaincies.¹⁵

Furthermore, in those areas of the chaplaincy where he saw weaknesses, Johnson made recommendations for change, and history had judged them to be necessary and correct, although the proposals took some years before their adoption. Such items which he recommended included an examining board for new chaplains, appointing chaplains on the basis of ability and merit, and requiring annual reports from chaplains to their respective supervisory boards--things which are now all standard procedure in the military chaplaincy.¹⁶

Atheistic Opposition

The forces of opposition to the chaplaincy had historically been carried by advocates of religion. However, toward the third quarter of the nineteenth century, certain atheist and radical groups vigorously opposed the chaplaincy on grounds of constitutional violation. These groups defined themselves as "those who not only believe in the separation of Church and State as accepted by all thoughtful Americans, but who wish government to give no encouragement or countenance to religion."¹⁷

¹⁴ Ibid., p. 374.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Stokes, III, 592.

Examples of such groups who believed that every trace of religion, much less Christianity, should be eliminated from American law and governmental procedure included "The National Liberal League" and "The American Association for the Advancement of Atheism."

The National Liberal League in 1876 propounded that the support of chaplains out of the public treasury was tantamount to uniting church and state. Particularly offensive, according to the League's ideology, were the compulsions on American citizens to "contribute involuntarily to the support of religious opinions which are not their own."¹⁸ The abolition of state-paid chaplaincies was made a pillar of the National Liberal League's constitution. United in the League were ministers such as the Rev. Francis Ellingwood Abbott (Unitarian), and Rabbi Isaac Mayer Wise. Eventually the National Liberal Party grew out of this League, and in its Platform of 1879 called for constitutional amendment to effectuate total separation of church and state, to include the abolition of chaplaincies.¹⁹

In the "Nine Demands of Liberalism" as put forth by the League, it is stated:

We demand that the employment of chaplains . . . in the navy and militia . . . and all other institutions supported by public money, shall be discontinued . . . We demand that all religious services now sustained by the government shall be abolished . . . We demand that all laws, directly or indirectly, enforcing the observances of Sunday as the Sabbath shall be repealed; We demand

¹⁸Herrmann, XIV, 29.

¹⁹Ibid.

that all laws looking to the enforcement of "Christian" morality shall be abrogated . . . We demand that not only the Constitution of the United States and of the several States, but also in the practical administration of the same, no privilege or advantage shall be conceded to Christianity or any other special religion; that our entire political system shall be founded and administered on a purely secular basis; and that whatever changes shall prove necessary to this end shall be consistently, unflexibly, and promptly made.²⁰

Similarly, the second point of the demands of the American Association for the Advancement of Atheism calls for the "elimination of chaplains . . . from public payrolls." The association called attention to the fact that President James Madison opposed what he called the violation of the separation principle for church and state by the chaplaincies. Furthermore, the association or its representatives have frequently brought suit against various governmental agencies to abolish the military chaplaincy. But in every instance, the suits have been dismissed.²¹

The same group, the American Association for the Advancement of Atheism, gave violent opposition to the Navy's V-12 program during World War II, under which the Navy gave financial support to theological trainees who were enrolled in the program. This arrangement prompted the Christian Century to permit the following editorial:

Well, here it is--the United States Navy stepping in to control the education of boys as Christian ministers, with their training for that holy calling fixed by the Navy's judgment as to what will produce officer material!

²⁰Stokes, III, 593.

²¹Ibid., III, 594-595, and Klug, p. 388.

Not in the 150 years of the nation's history has the issue of state control of the functions of the church been raised in such aggravated form. And this by a government which professes to be fighting for freedom of religion! The Christian Century has long opposed the inclusion of chaplains, with military and naval rank, among the commissioned officers of the Army and Navy. We have always believed that ministers could render more effective spiritual service to the enlisted men simply as chaplains, bearing only the commissions of the churches which send them to this particular task.²²

The debate was carried over into the pages of Christianity and Crisis, where an opposite view was defended:

The Church does not surrender a single right within the sphere of her own jurisdiction . . . If it is right for the Church to permit her ministers to render spiritual service to American soldiers, sailors, and airmen at the expense of the state, it is not wrong for the Church to permit future chaplains to accept financial assistance from the State while they are preparing themselves to render a service which the State is eager that they should render, and in the rendering of which they are granted complete spiritual freedom.²³

No branch of the Armed Forces any longer gives financial assistance to prospective military chaplains. In order to fill their quota allotments for the future, however, both Army and Navy (and the Air Force) encourage qualified theological students to apply for commission while still at the seminary.²⁴ The only compensation which the student

²²"Navy to Educate Chaplains" (editorial), The Christian Century, LX (March 10, 1943), 284, 285.

²³"Navy Chaplaincy Question" (editorial), Christianity and Crisis, III (June 14, 1943), 1.

²⁴Klug, p. 386.

receives under such arrangement is that normally given to a reserve officer for the time he spends with a reserve training unit or on temporary tour of duty.

The dispute over the V-12 chaplaincy training program serves as a case in point to illustrate how the question of the military chaplaincy has periodically been dragged into the arena of contest on the subject of religious freedom and the separation of church and state. However, legal opinions have consistently supported the chaplaincies and their constitutionality on the grounds that equal opportunity is guaranteed to each denomination and no establishment of religion by the government can be shown to have occurred.²⁵

Recent Court Cases

Very few individuals have ever sued in courts of the United States for injunctions against governmental expenditures for the military and other chaplaincies. The reason for this is not difficult to discern, for precedents upon precedents have amply established the taxpayer's lack of standing in court cases of such substance. Courts have been unwilling to accept a taxpayer's plea that his contributions to the national treasury entitle him to sue as to their final disbursement. "The plaintiff's share in the Treasury's monies is neither deemed significant nor determinable. Too, the plaintiff must demonstrate the illegality of government expenditures, and would be hard put to

²⁵Ibid., p. 39.

further prove that he has actually suffered some direct injury as a consequence."²⁶

In the case of Elliott v. White, submitted in December 1927, the plaintiff prayed for an injunction prohibiting the Treasurer of the United States from disbursing funds of the United States in order to pay salaries of Congressional, as well as Army and Navy, chaplains. Elliott, an avowed atheist, alleged that such payment constituted the promotion of religious and sectarian institutions in violation of the First Amendment. The suit was summarily dismissed by the Federal Court of Appeals of the District of Columbia because the plaintiff lacked standing to sue.²⁷

A much more extensive and detailed civil action was filed 28 years later. In Hughes v. Priest, the plaintiff was able to cite a number of Supreme Court decisions which had been handed down in the meantime:

Allegation was made in this action that governmental expenditures for the chaplaincy were violative not only of the establishment clause, but also of the decisions in Everson v. Board of Education and McCollum v. Board of Education which were decided in 1947 and 1948 respectively. In the former case, one of the most sweeping assertions in the Church-state arena was made by Justice Black's dictum that Government cannot pass laws which "aid one religion, aid all religions, or prefer one religion over another"²⁸ without thereby violating the establishment clause.²⁸

²⁶Herrmann, XIV, 31.

²⁷Ibid.

²⁸Ibid., XIV, 32.

Here was a decision which seriously weakened the Government's authority to levy taxes, in any amount, for the support of any form of religious activity or institution. This definition has been called the most authoritative analysis of the First Amendment's meaning.

The statement made by Justice Black encouraged Hughes to allege that "he had been forced to pay a part of the costs of promulgating religious doctrines abhorrent to him."²⁹ The defendant in this case, the Treasurer of the United States, moved to dismiss the case on grounds that the court lacked jurisdiction over the subject matter and for failure to state a claim upon which relief could be granted.

In reply, Hughes cited Thomas Jefferson's famed statement: "To compel a man to furnish contribution of money for the propagation of opinions which he disbelieves, is sinful and tyrannical."³⁰ But it is well to look again at the context of such early statements, as the following indicates:

Jefferson's concepts of monetary contributions and those held in an age of income tax statements can scarcely be considered synonymous. Nor can Jefferson's opinion be reasonably expected to carry validity within the framework of national tax administration. Indeed, ideological convictions, of whatever merits, have not been the sole basis of tax refunds either in the courts or in proceedings before the Internal Revenue Service. If ideological convictions had such import, pacifists or opponents to nuclear armaments could conceivably represent their personal predilections as adequately substantial to channel their income tax payments away from national defense budgets.³¹

²⁹Ibid.

³⁰Ibid.

³¹Ibid.

According to this case then, any attempt by taxpayers to lodge complaint in courts on the sole foundation of their status as taxpayers can expect to be rebuffed. The case was dismissed by Judge Edward A. Tamm in December 1955, in the Federal District Court at Washington, D.C., on the grounds that the plaintiff "does not have status to maintain the action" and that, moreover, his plea failed to "set forth a cause of action."³²

Carl Zollmann, in his valuable compilation of legal opinion involving this issue, cites quite a number of court decisions in support of his summary:

The consequences of this situation stand out clearly and well defined. "No principle of constitutional law is violated when thanksgiving or fast days are appointed; when chaplains are designated for the army and navy; when legislative sessions are opened with prayer of the reading of the Scriptures."³³

In line with these judgments the government chaplaincies have continued to exist and function. Nevertheless, sporadic criticism and court cases also continue against the chaplaincy, though the opponents are not always clear in their attacks. The American Civil Liberties Union is one such example. In a recent statement John de J. Pemperton, Jr., executive director of the Union, flatly denied the charge made by the annual convention of the National Association of Evangelicals that the Union seeks to destroy the military chaplaincy:

³²Religious News Service, Domestic Service, December 21, 1955.

³³Carl Zollmann, American Church Law (St. Paul, Minn.: West Publishing Co., 1933), p. 33.

The Union Agrees wholeheartedly with Justice Thomas L. Clark's distinction made in his opinion for the United States Supreme Court in the public school Bible reading and prayer case (School District vs. Schempp, June 17, 1963) between military chaplaincy issues and public school devotional practices. Justice Clark made it explicitly clear that the Court was not condemning the former, "where government regulates the temporal and geographic environment of individuals to a point that, unless it permits voluntary religious services to be conducted with the use of government facilities, military personnel would be unable to engage in the practice of their faiths."³⁴

Addressing his opinion to the same Schempp case was Mr. Justice Arthur Goldberg, who felt the Court should recognize the propriety of providing military chaplains. While using federal funds to employ chaplains for the Armed Forces might be violating the establishment clause, yet Mr. Goldberg stated that

a lonely soldier stationed at some faraway outpost could surely complain that a government which did not provide him with the opportunity for pastoral guidance was affirmatively prohibiting the free exercise of his religion.³⁵

A similar defense was made by Mr. Justice Thomas Brennan in the same case when he wrote that "Hostility, not neutrality, would characterize the refusal to provide chaplains and places of worship for soldiers cut off by the State from all civilian opportunities for public communion."³⁶

³⁴"A.C.L.U. Denies Attack on Chaplaincy," The Christian Century, LXXXI, No. 20 (1964), 630.

³⁵Herrmann, XIV, 33.

³⁶Ibid., XIV, 34.

Dr. Herrmann comments in his legal study:

One might well perceive an implication that the Government need not necessarily provide chapels and chaplains to those of its armed personnel who are not cut off from civilian church facilities. Then, it may properly be adduced, the federal government is within the limits of the establishment clause only where chaplains and chapels are provided to the military during actual combat, simulated combat conditions (maneuvers), or at locations inaccessible or not provided for by civilian ministers of religion and houses of worship.³⁷

Yet the overwhelming majority of U.S. Armed Forces personnel are located in areas relatively easily accessible to churches of a private character, both within and without the United States. Indeed, governmental chapels do not hesitate to publicly advertise their services of worship, and quite candidly invite the civilian public to attend.³⁸

In this connection, an officer of the American Civil Liberties Union of New Jersey has protested the activities of Air Force chaplains at McGuire Air Force Base. Non-members of the Armed Forces were permitted to attend Sunday school classes and religious services which were conducted under U.S. Air Force auspices. It was deemed by the American Civil Liberties Union of New Jersey that no instrumentality of the federal government should engage in the teaching of religion, whereas chaplain-employees of the federal government are in fact so engaged. As a result of this concern, United States Congressman

³⁷Ibid.

³⁸The Washington Post, February 15, 1964 (Washington, D.C.) This is standard practice at many bases and posts, and fosters good military-civilian community relations.

Frank J. Becker entered his objection into the Congressional Record on October 3, 1963, attacking those "who would reduce the United States to a godless society."³⁹

In April 1968 the A.C.L.U. began a new attack, this time aiming at the United States Army's "Character Guidance Program." Army Regulation No. 600-30 states that this program has as its aim "to strengthen in the individual those basic moral, spiritual and historical truths which motivate the patriot and which undergird the Code of Conduct." Although the program is said to be a command responsibility, it is specifically provided that "the chaplain normally will be the instructor for all Character Training," and that "training materials related to the objectives, and especially the moral aspects, of the Character Guidance Program will be prepared by the Chief of Chaplains." All personnel are required to receive Character Guidance instruction in amounts which vary with their enlisted or officer status and grade level.

The A.C.L.U.'s objection was not to the concept of a character guidance program as such, but rather to the religious flavor of that program, and to the control and implementation of that program by the Corps of Chaplaincy. In a letter to the Department of the Army, Lawrence Speiser, A.C.L.U. Director, states:

Supreme Court decisions interpreting both the Establishment and Free Exercise Clauses of the First Amendment clearly proscribe programs of this kind. Moral and spiritual truths are matters about which

³⁹Herrmann, XIV, 35.

men may greatly differ. A pluralistic society encourages and protects these differences and a free society allows all individuals to choose for themselves the religious views to which they will be exposed as well as those to which they will adhere. It is no part of the business of the government to interfere with or influence that choice.⁴⁰

The letter made reference to past Supreme Court decisions of 1962 and 1963 involving the fostering of religion in public schools. Director Speiser felt that these decisions made it quite clear that the Character Guidance Program was a prohibited establishment of religion. The fact that men were compelled to attend the lectures which included religious references and quotations from the Bible was especially condemned. Speiser then concluded:

We urge that prompt action be undertaken by the Department of the Army to review Army Regulation No. 600-30 with an eye toward eliminating the program or re-casting it so as to conform with constitutional requirements, if, indeed, such a re-casting is possible. During the period of any such review, operation of the program should be suspended, or at the very least, participation therein should be made voluntary, so that further violation of individual rights may be avoided.⁴¹

The Department of the Army took a few months to review the matter, and in December 1968 Robert E. Jordon, III, General Counsel for the Army, responded to the A.C.L.U. In his letter Jordan agreed that a number of religious references were present in the Character Guidance

⁴⁰Lawrence Speiser, "Letter from the ACLU to the Department of the Army," (Washington, D.C.) April 15, 1968.

⁴¹Ibid.

lectures, and admitted that inadequate attention had been given in the past to assure that the program would be wholly secular in matters of duty, honor, and patriotism. The Army now planned to revise all of the materials in question, eliminating passages with religious connotations. Furthermore, better control procedures would be introduced to prevent the problem from recurring. The letter concluded:

Finally, we have again emphasized that Army Chaplains, in conducting this program, are performing a military function on behalf of the Command, and are not to use the Program in any way as a religious training program. The Chaplain has an entirely proper role in dealing with the religious problems of those who come to him of their own volition for religious counselling and guidance, but it is quite important that he separate that role from the one involved in the Character Guidance Program.⁴²

This decision by the Army set off a flurry of headlines in the nation's press, as well as some protests in the halls of Congress. The debate was still raging in April 1969 when the A.C.L.U. sent another letter to Defense Secretary Melvin R. Laird, in an attempt to clarify the issue. The A.C.L.U. felt that it had been misunderstood by the newspapers and Congressional critics. They objected, not to any and all references to God in the guidance lectures, but rather to their overall flavor and mandatory character. Mr. Speiser, in his first letter, had labeled many of the views expressed in the program as "sermonizing" and felt that it was not part of the business of the government to foster this or that religious point of view. The A.C.L.U.

⁴²Robert E. Jordan, III, "Letter from the Department of the Army to A.C.L.U.," (Washington, D.C.) December 6, 1968.

was not trying to eliminate reference to religion, nor did it desire to act as a censor of all lectures or moral guidance given by military chaplains. Rather

the ACLU seeks to separate the proper role of the military chaplain in voluntary counseling and guidance from the military functions which the chaplain performs for and in behalf of the Command. Certainly no Character Guidance Program could embrace an aim other than to build respect for law and individual liberties. That lesson is indeed lost when the government itself violates that law or makes light of those liberties.⁴³

To date, no further official comment has been made, and the case seems to be closed for the present time. However, one Air Force chaplain has made public response to the A.C.L.U. criticism. Chaplain Victor H. Schroeder was dismayed that there had not been greater public reaction to the case. He wondered if we as a "covenant nation" had come so far down the road of godlessness that we were ready to accept the idea that "freedom of religion" really meant "freedom from religion." He also objected to the trend whereby the vast majority of our nation's population was being discriminated against by a small minority who were trying to force their atheistic opinions on the nation under the guise of "freedom of religion." His article concluded with these thoughts:

A chaplain without God's message cannot carry out his mission. What is a chaplain going to use to instill honesty, integrity, discipline, and devotion to duty in the hearts of the fighting men if love of God and country is eliminated? The basic laws of our land are not man's laws but God's laws . . . The time has come when citizens of our nation who want law and order,

⁴³"Press Release" by American Civil Liberties Union--Washington Office, April 3, 1969.

peaceful opportunity for higher education, and freedom of religion must take a stand and express their convictions so that this nation's direction toward disrespect for authority, and freedom from religion and discrimination against religious convictions will be reversed.⁴⁴

We have reviewed and traced some of the support and opposition which has been a part of the history of the chaplaincy corps. Nevertheless, the basic institution as understood by the founding fathers of the United States or a minister serving the personnel in the Armed Forces has remained the same. Furthermore, the chaplaincy has withstood the challenges of various groups and individuals on grounds of violating the Constitution. The basic philosophy of American government concerning the military chaplaincy remains: the military is a necessary part of the maintenance of democratic society; within that service, certain civilian rights must be curtailed, but that in no way excepts military personnel from their need or desire for religious ministrations; it is not the government's, but the churches' sphere of activity to provide such ministrations; therefore, to achieve its own military purpose and to assure no loss of equal rights for military personnel, government makes available the chaplaincy program to the churches and assists them by paying for and supporting their efforts.⁴⁵ Both the letter and the spirit of congressional legislation is responsible for the justification and establishment of the military

⁴⁴Victor H. Schroeder, "Chaplains and the Name of God," The Link, XXVII, No. 8 (Washington, D.C.), 1969, 4.

⁴⁵Robert F. Drinan, Religion, The Courts, and Public Policy (New York: McGraw-Hill Book Company, 1963), p. 24.

chaplains; the implementation of the congressional mandates, however, required the establishment of military regulations, which set forth the chaplain's place within the military structure and the duties of his office. To that subject we now turn.

CHAPTER III

THE PHILOSOPHY OF THE MILITARY AND THE REGULATIONS ESTABLISHED TO PROTECT THE SEPARATION PRINCIPLE

Military Philosophy for the Chaplaincy

Two of the common arguments used by those opposing the chaplaincy are that the chaplaincy is a tacit approval by the churches of the war system and that military regulations are so structured that the chaplain's ministry is limited. A summary of the military's philosophy of the chaplaincy and its regulations concerning the chaplain and his duties within the military organization forms the background for the various data examined in this chapter.

An analysis of the objectives central to the Armed Forces indicates that the military is a pragmatic organization; it has a job to do, and it looks for efficiency and precision in accomplishing its mission. The chaplaincy is a part of the military organization, and is thus not exempt from being used by the military to accomplish its mission in the most efficient way possible. In short, the military sees the chaplaincy as utilitarian in function: it exists primarily to make a better soldier.

Alva J. Brasted, a former Chief of Chaplains, United States Army, voices this aim: "The purpose of the chaplaincy is to make

better men and more efficient soldiers . . ." ¹ The Christian Century quoted General John Pershing as regarding the chaplaincy as a part of the "efficiency program" of the war system:

The chaplain's usefulness in the maintenance of morale through religious counsel and example has now become a matter of history and can be accepted as having demonstrated, if need be, the wisdom of religious appeal to the soldier. As a consequence, the efficiency program of the army has taken the religious element more deeply into account, and the force of spiritual uplift has been given larger consideration.²

The Christian Century stands as representative of one group who criticizes the basic military philosophy behind the chaplaincy. In their opinion, this utilitarian justification for the chaplaincy has deeper motives on the part of the government. In one of its articles this publication expressed such motivation as the government wanting the church to bless its wars, for without the blessing of religion, it could no longer interpret a war as will by God. The article stated:

But the blessing of the church upon war cannot be withdrawn while the church officially and responsibly contributes its ministers to a status in the war system in which their profession as minister is subordinated to their profession as soldier. The important fact is that the chaplaincy is not a function of religion; it is a function of the war system. The war department and the high command so conceive it and defend it as such.³

¹John Irwin, A letter to The Christian Century, LI, No. 35 (1934), 1096.

²Samuel M. Cavert, "The Federal Council and the Chaplaincy," The Christian Century, LI, No. 25 (1934), 856.

³Ibid.

Moreover, The Christian Century speaks for pacifists in raising an even more basic question: can a Christian sanction war or be a military chaplain or a combatant? From their point of view, the military chaplaincy stands in sharp contrast to all the anti-war resolutions which churches have made in recent decades. The Century has felt that war--any war--spells defeat for the Christian Church, and it is not only morally repugnant but psychologically impossible for a church which is aware of its defeat to bless the cause of its defeat. This dilemma was raised in the following:

The question, then, is whether the Christian church expresses the mind of Christ when it recruits its ministers for the military status of the chaplaincy. There is only this simple question: Is the function of recruiting and recommending Christian ministers for the military office of the chaplaincy compatible with the character of the Christian church?⁴

Or, as The Christian Century states the issue thetically:

The highest ministry which the Christian Church can offer the souls of soldiers and sailors is just to let them know that, whatever may be said in favor of war, the Christian Church cannot condone it, or bless it, or have any share of it . . . the highest service it can render the state and the social order demands that it keep itself free from all entanglements with governments and reserve all its commitments for Christ alone who is the church's own and only sovereign Head.⁵

Even Dr. Samuel Cavert, a former General Secretary of the Federal Council of Churches (whom The Christian Century criticizes)⁶ points

⁴"Chaplaincy Question," The Christian Century, LII, No. 3 (1935), 70-71.

⁵Cavert, LI, 857.

⁶Cf., e.g., ibid., LI, 856-857.

out the chaplain's dilemma. "He may be so completely at home in the military atmosphere that he is not as sensitive to the unchristian character of the whole psychology of preparedness for war and justification of war as a Christian minister ought to be."⁷

Quite the opposite point of view is expressed by General Brasted. In his opinion, not only must the chaplain accept his ministerial position in the military as defensible, but he must support the mission of the army. However, if a chaplain should come to believe that men should never take up arms and he begins to teach "peace at any price," such a man would have no place in the army. According to Brasted, "unless he conscientiously believes that the soldier should be taught to shoot as well as to pray, he has no right to be an army chaplain."⁸

Furthermore, there are some chaplains who contend that ministry to individual soldiers cannot be isolated from what those soldiers are doing. One chaplain commented, "My presence with the soldiers is an endorsement of their job. After all, if they were doing something wrong, a minister of the Church wouldn't be supporting them, would he?"⁹

⁷Loren P. Beth, The American Theory of Church and State (Gainesville: University of Florida Press, 1958), pp. 120-121.

⁸Irvin, LI, 1096-1097.

⁹Richard J. Neuhaus, "The Anguish of the Military Chaplain," The Lutheran Forum, I, No. 11 (1967), 16.

Another said, "I support what those soldiers are doing as long as they are doing their duty."¹⁰

A sociological study of American military chaplains by Waldo Burchard supports these opinions as those commonly held by American chaplains. Burchard discovered that the views of the chaplains he surveyed differed in no way from those of other officers on the deep question of the morality of modern warfare. More than half, in fact, denied that any conflict existed between military regulations and religious ideology; 79 percent believed that a man with a good religious training would make a better soldier; 45 percent supported the view that killing an enemy soldier was a righteous act, and the remainder thought it justifiable; none felt that the individual soldier had any moral responsibility in the matter except to serve his country.¹¹

A third alternative to pacifism or militarism is offered by L. Alexander Harper, a Navy chaplain. Working within the existing structure of the military chaplaincy, he looks at the issue from the vocational viewpoint. His presuppositions are that a man's right to make his own decision and the possibility of equally sincere Christians differing in judgment on participation in a war are real and ought to be considered seriously.

¹⁰Samuel L. Hoard, "From the Front Line," The Lutheran Forum, II, No. 2 (1968), 21.

¹¹Pierre Berton, The Comfortable Pew (Philadelphia: J. B. Lippincott Company, 1965), p. 67.

If a sailor reached a decision to become a conscientious objector I should defend him to the limit of his right to do so. And I should help him to make clear to himself the positive cause of peace for the sake of which his radical No had to be spoken, because only so can his pacifism be responsible.

Likewise, if a man sees his military service as an obligation he cannot evade, I shall support his decision and help him to see it clearly. I have no qualms about encouraging a serious sense of vocation in a Christian serviceman who has made this decision, if his task of bearing arms to liberate fellow men from a bondage worse than death is understood. Only his sense of obedience to God, his redemptive concern for the enemy, and his long-term efforts for peace can make his arms-bearing responsible.¹²

Thus, while some criticize the chaplaincy as having no place within a military structure, others see it as an integral part of the military machine, to aid in fulfilling its military purposes, as well as ministering to its men, and there are still others who see it merely as the setting or environment for their ministry.

In addition to the Army's prime function of preparing men for waging war, a secondary Army goal which utilizes chaplains is described in the Army manual as "preserving the American way of life." Elvin J. Stahr, Jr., a former Secretary of the Army, explained this philosophy as centering on the chaplain, whom the Army looks to

for promoting and safeguarding the moral and spiritual well-being of the young men and whom in its ranks . . . We would be unfaithful to our duty as parents, teachers, and ministers if we denied our young people, through neglect, the source of lifelong power and inspiration.¹³

¹²L. Alexander Harper, "Chaplain: A New Look," The Christian Century, LXXIV (February 13, 1957), 196.

¹³"Military Chaplains," America (March 10, 1962), p. 743.

Whether or not this philosophy was meant by the Army to determine the content of a chaplain's ministry would be hard to determine.

In an analysis of the years 1945-1952, however, Merlin Gustafson, an assistant professor of political science at Kansas State University, detects at least that tendencies in the direction of seeing the chaplain as the one who promotes and safeguards the moral and spiritual well-being of the men were supported by the Army. As he analyzes the evidence, Gustafson suggests that during the 1940's, the role of chaplain was primarily one of character guidance for the men, through the chaplain's presentations of basic morality lectures. During the Truman years, there was not a strict church-state separation in theory or in fact. Moreover, in Gustafson's opinion, some distinct theological tendencies were encouraged by the state, namely, that an amalgamated, religion-in-general was promoted.¹⁴ Furthermore, the propagation of this same religion-in-general has been demonstrated as having continued during the Eisenhower administration.¹⁵

Military Regulations Regarding the Chaplaincy

The regulations of all three branches of the Armed Forces have become more and more explicit in defining the position and duties of the chaplain, and in securing proper safeguards for his conscience and

¹⁴Merlin Gustafson, "Church, State, and the Cold War, 1945-1952," Journal of Church and State, VIII, No. 4 (1966), 49-63.

¹⁵Martin E. Marty, The New Shape of American Religion (New York: Harper and Row, 1958), p. 141.

the rights of the denomination he represents. Already since 1826 for the Navy and 1862 for the Army (though specific ecclesiastical endorsing boards were not required by law until 1901) the ecclesiastical position of a chaplain has been conceived as deriving solely from the church body (or five fellow clergymen from his denomination) which endorsed him. The Army Chaplains' Manual states:

A principal requirement to qualify for appointment as chaplain in any compound of the Army is an ecclesiastical endorsement. The endorsement is submitted by the applicant's denomination to the office of the Adjutant General. The withdrawal of a chaplain's ecclesiastical endorsement by the denomination which he represents is basis for action by the Adjutant General's Office to terminate his commission and separate him from the service.¹⁶

Thus, there is no such person as a non-denominational or inter-denominational chaplain. The churches are the calling agency as well as the disciplinary agents in the ecclesiastical standing of chaplains' corps, and without the continuing endorsement from the calling denomination, he cannot remain. Furthermore, the endorsement is reviewed and resubmitted each year by the chaplain's endorsing agency.

The regulations of the Armed Forces regarding the chaplain's duties under the commanding officer of a ship or station have at times been taken to mean that the Armed Forces themselves are sponsoring religious worship and practice. In the military structure of chain of command and responsibility, the commanding officer is ultimately the one

¹⁶The Chaplain, Department of the Army Field Manual, FM 16-5 (Washington: U.S. Government Printing Office, 1958), par. 15, p. 9; cf. Army Regulations, AR 165-15, Sec. II, 2e (November 7, 1960).

responsible for all that goes on within his command. Thus, the religious responsibility is his, though in this specialized area, as in many others, he delegates this responsibility to his staff officers, in this case, the chaplain. This principle as applied to chaplains is stated by Army regulations as follows:

Commanders are responsible for the religious life, morals, and morale of their commands, and for the efficiency of chaplains under their command. It is the duty of commanders to exercise active supervision over the military activities of the chaplains under their command without trespassing upon the ecclesiastical field. Commanders will provide chaplains with such equipment, transportation, and other facilities as will enable them to perform their duties effectively.¹⁷

The chaplain is the commander's staff adviser and consultant on all matters which influence or pertain to the religious life, morals, and morale of all personnel in the command.¹⁸

In the opinion of Klug, these regulations merely serve as safeguards to give the chaplain the sanction and the proper assistance and equipment needed to perform his ministerial duties. Klug states: "The churches alone, through their chaplains, provide the spiritual content and activation of the government's regulations. Without the churches, the regulations on the chaplaincy would mean nothing."¹⁹

¹⁷J. Lawton Collins, "Religious Activities: Responsibilities of Commanders," AR 660-20, Army Regulations (Washington: U.S. Government Printing Office, 1951), par. 2.

¹⁸J. Lawton Collins, "Religious Activities: Duties of Chaplains," AR 660-10, Army Regulations (Washington: U.S. Government Printing Office, 1951), par. 2b.

¹⁹Eugene F. Klug, "The Chaplaincy in American Public Life," Church and State Under God, edited by Albert G. Huegeli (St. Louis: Concordia Publishing House, 1964), p. 380.

This position of the chaplain responsible to and under the authority of the commanding officer has been challenged as merely another indication of the necessity of the church bowing to the state as the ultimate authority. William R. Miller, writing in The Christian Century, poses the conflict of loyalties facing the chaplain: the objectives of the military establishment, owing unswerving loyalty to the state, on the one hand, and total obedience to God, on the other. In his opinion, these two positions could come into diametrical opposition to each other--"and to the extent that the church is pledged to a higher loyalty than any government of men, it must reserve the right of disobedience to all authority, but God's"--and an effective army cannot tolerate this kind of possible sedition among its officers and men who might refuse to obey orders from a superior officer.²⁰

The Wisconsin Evangelical Lutheran Synod (an ultra-conservative Lutheran denomination, formerly a member of the Lutheran Synodical Conference) calls attention to this dual allegiance. In 1951 this denomination published a series of "position papers." In their position on the chaplaincy, the Wisconsin Synod has as its premises that the chaplaincy is a governmental rather than a church institution, and that the religious services carried out by chaplains are under governmental direction. Such governmental direction runs counter to their understanding of the Christian Church, since "The Church lives at all times

²⁰William R. Miller, "Chaplaincy Vs. Mission in a Secular Age," The Christian Century, LXXXIII, No. 44 (1966), 1336.

in the realization that in its mission and work in the world it receives its directions only from Christ, its Head."²¹

Furthermore, the regulations regarding the chaplain's duties have been a subject of debate. In the paragraph on "Professional Duties," Army regulations state that:

The duties of chaplains are analogous to those performed by clergymen in civilian communities, modified by the distinctive conditions and circumstances of military life. Each chaplain will, so far as practicable, insure that the religious and moral needs of all military and civilian personnel of the command and their dependents are adequately met. Chaplains will serve as friends and counselors to all members of the command to which they are assigned. They will strive to promote religion, morality, patriotism, good morale, and the principles of the character guidance program, and will cooperate fully with commanders in the accomplishment of this purpose.²²

Richard J. Neuhaus, a Lutheran writer and critic of governmental policies, disagrees with this fundamental similarity between the ministry of a civilian pastor and a chaplain. "Between pastor and congregation there is presumably an agreement on roles and goals. But a clergyman may be a chaplain to organizations which have purposes quite unrelated to the Church which gives his ministry definition and shape."²³ The military organization, in his opinion, would certainly have different purposes, and thus, give the ministry a totally different

²¹Council of Presidents, Continuing in His Word (Evangelical Joint Synod of Wisconsin and Other States, 1953-1954), p. 2 of "The Chaplaincy Question."

²²Collins, "Duties of Chaplains," par. 3.

²³Richard J. Neuhaus, "The Risk of Chaplaincy," The Lutheran Forum, II, No. 2 (1968), 20.

shape than that of the church. Also, in the evaluation of this military ministry, the President's Committee on Religion and Welfare in the Armed Forces saw one significant difference in the chaplain's duties over against his civilian counterpart. "Chaplains are required to provide religious services for men of all faiths. On the battlefield, especially, chaplains have an opportunity to serve all men and demonstrate the essential unity of all races, faiths, and groups."²⁴

This interpretation of the chaplain's role has been picked up by conservative denominations, who see in the chaplaincy a fostering of religious unionism by the government (that is, a cooperation between denominations which some church bodies condemn, because it ignores differences in doctrine and practice).²⁵ In their opinion, they have additional fuel for their fire of criticism for the same Committee's statement that "being the servant of God for all, the chaplain cannot cultivate a narrow, sectarian spirit."²⁶

In principle, however, even the ultra-conservative denominations acknowledge that the government has tried to secure for the chaplain various safeguards for his conscience and for his denominational integrity. Some of these are stated in military regulations:

²⁴The President's Committee on Religion and Welfare in the Armed Forces, The Military Chaplaincy (Washington: U.S. Government Printing Office, 1951), p. 6.

²⁵Council of Presidents, passim.

²⁶President's Committee, p. 12.

Public worship: 1) Chaplains will not be required to participate in religious services conducted jointly by clergymen of various denominations. 2) Private ministrations, sacraments, and ordinances: Chaplains will administer or arrange for rites and sacraments for military personnel and civilians under military jurisdiction according to the respective beliefs and conscientious practices of all concerned.²⁷

The Army's chief concern, as seen in the regulations governing the chaplaincy, is that there must be equal opportunity for all, within the bounds of that which is reasonable, and that none be made to conform to any establishment of religion, however benign and well-intentioned it may be. The standard policy and practice of Army, Navy, and Air Force have been in accord with these principles.

On the other hand, the doctrinal position and practice of conservative church bodies have become generally known and respected in recent years, mostly as a result of their participation in the chaplaincy program. This, in turn, has resulted in the regulations themselves being expanded to include additional safeguards for churches and chaplains with strongly confessional standards and practices. One of the regulations, for example, which has been added to the Navy manual since World War II is the following on Holy Communion:

The chaplain is in the Navy as a clergyman of his particular religious faith, and the Navy expects him to continue his ministry and religious stewardship in the spirit and tenets of the church in which he is ordained . . . The chaplain's responsibility to the Navy does not lessen his loyalty to his religious group . . . Each chaplain is free to conduct such a communion

²⁷Collins, "Duties of Chaplains," par. 3, sec. b, parts 2 and 3.

service according to the manner and form of his own church. The Navy Department allows chaplains perfect freedom of conscience with respect to the matter of "closed" or "open" communion. In order to meet the religious needs of officers and men, it is expected that the chaplain will provide opportunity for them to partake of communion, or, when this ministry is limited for them either by the chaplain's own conscience, the regulations of his church, or by the custom or conscience of officers and men, he will exercise every effort to arrange for the service of communion to be conducted by chaplains or civilian clergymen of other faiths.²⁸

Similar provisions are made in the Army and Air Force manuals.²⁹

Thus the concern about unionistic worship practices is well covered in military regulations. Though some denominations view doctrinal differences as of minor importance, yet certain chaplains, for example, those of the Lutheran Church--Missouri Synod, are compelled by conscience and oath of office to avoid unionistic practices. For their protection, the Army manual states:

No chaplain is required to conduct any service or rite contrary to the regulations of his denomination . . . The chaplain may officiate jointly in a religious service with a chaplain or civilian clergyman of another denomination, unless forbidden by laws and practices of his own denomination. Freedom of worship in our democratic way of life is recognized by the military establishment.³⁰

A similar guarantee is plainly expressed in the Navy and Air Force manuals.³¹

²⁸Chaplains' Manual (Navy), par. 4102, p. 24.

²⁹The Chaplain (Army), par. 23a, p. 13: The Air Force Chaplain, p. 42

³⁰The Chaplain (Army), par. 28c, p. 16.

³¹Chaplains' Manual (Navy), par. 5502a, p. 29; Air Force Chaplain, p. 19.

Patriotic services represent another area of the chaplaincy on which military regulations give direction. The Wisconsin Evangelical Lutheran Synod feels that the chaplain may be "forced" to take part in such services, and finds them objectionable. This Lutheran Synod regards patriotic services as religious services, since they include the invocation, prayer and benediction. The military regards them as mere patriotic ceremonies in which there is room for individual freedom, as the following shows:

In the holding of patriotic services, no program should ever be arranged for a union service in which chaplains of different faiths are to participate without consultation and agreement with the chaplains concerned that the proposed program is one in which they can participate. The chaplain's conscience is the final judge as to whether a proposed program is of a religious nature that precludes his taking part.³²

Nevertheless, all critics agree that in the chaplaincy there is a great temptation to subvert one's denominational particularity and replace it with a type of military denomination,³³ or American "Shinto,"³⁴ or culture Christianity.³⁵ The Wisconsin Evangelical Lutheran Synod's final evaluation is that

the military chaplaincy in its present form is still unionistic in essence and practical tendency. Despite the fact that during the last ten years the Government has come to recognize officially the Church as the body

³²Chaplains' Manual, par. 4401.

³³Albert F. Ledebuhr, "Military Chaplaincy: An Apologia," The Christian Century, LXXXIII, No. 44 (1966), 1333.

³⁴George W. Cornell, "How Free Are Military Chaplains?" Christian Herald, XCI, No. 11 (1968), 13, and Ledebuhr, LXXXIII, 1333.

³⁵Harper, LXXIV, 194.

that authorizes and places chaplains at the service of the Government . . . it still retains its directive authority over the religious work in the chaplaincy, tending to crowd the military chaplain into unionistic activity.³⁶

In addition, the Wisconsin Synod voices the concern of conservative denominations regarding the chaplain's stated moral obligation to provide for the religious needs of the entire command, either by directly providing them himself, or by assisting members of those denominations which he cannot in conscience or religious tenets serve to secure their own clergymen and make preparations of time, place, and publicity for them.³⁷ This provision is considered by the Wisconsin Synod to be "reprehensible," because it obliges the chaplain "to engage the services of false prophets in behalf of servicemen committed to his care."³⁸ This same line of reasoning justifies their condemnation of the chaplain's function (from the Chaplains' Manual of the Army) of positively encouraging military personnel to engage in organized religious fellowship and personal devotions, since, in their opinion, he is to do this without any distinction of religious affiliations, and must, to satisfy governmental expectations, give "positive" encouragement for the promotion of religion among the men in his charge.³⁹

³⁶Council of Presidents, pp. 6-7.

³⁷cf. The Chaplain, pp. 2, 4; Chaplains' Manual, section 3400.

³⁸Council of Presidents, p. 5.

³⁹Ibid.

In 1954 the Wisconsin Synod issued Tract Number 11 called "The Chaplaincy Question." In it the Synod charged that the chaplaincy is an institution of the Government and therefore is seriously limited in its religious freedom and effectiveness. The tract criticized the religious services and programs of the chaplaincy as being Christless in character and that the Government aims to take advantage of spiritual values for nonspiritual purposes. Chaplain Delvin E. Ressel, an Air Force chaplain representing The Lutheran Church--Missouri Synod, responded to these charges in "An Open Letter" to the Wisconsin Synod. In this article Chaplain Ressel made clear the dual role of a military chaplain. The military chaplaincy is an institution of the Church in that the Church (1) trains its chaplains theologically, (2) ordains, calls, and indorses its chaplains, and (3) has exclusive control of its chaplains in all ecclesiastical matters.⁴⁰

In the same open letter Ressel spelled out in what respects the military chaplaincy is an institution of the Government. Under the judicial branch of the Government military chaplains are subject to the Uniform Code of Military Justice, as are all other military personnel. Concerning the legislative branch of the Government, the Congress, in the National Defense Act of 1920, created the office of Chief of Chaplains, and thus provided the legal basis for the present organization of the military chaplaincy. But the most direct Government relationship to the military services is that of the executive branch. The chain

⁴⁰Delvin E. Ressel, "An Open Letter to the Conference of Presidents of the Evangelical Lutheran Joint Synod of Wisconsin and Other States," The Lutheran Chaplain, XVI, No. 1 (1955), 7.

and delegation of authority begins with the President as Commander-in-Chief of the armed forces, and extends through the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force to military commanders at all echelons. At nearly every echelon there is a representative of the military chaplaincy on the commander's staff.⁴¹

Thus the executive branch of the Government is the main channel of military authority, says Ressel, and its basic source is the Constitution while the ultimate source of military authority, under God, is the American people. The Government has established the legal, military and logistical basis of the military chaplaincy, and in these respects it is an institution of the Government. Ressel concludes:

Let us state the dual institution of the military chaplaincy from the chaplain's viewpoint. Through the President and intermediary commanders I have received only military authority, and only that which I need to perform my duties as military chaplain. But the ultimate source of this military authority, under God, is the American people. Through my Church I have received only the spiritual authority to exercise the Office of the Keys. But the ultimate source of this spiritual authority is Our Lord Jesus Christ. . . . In a free country with a free church, these authorities do not conflict. For the Church this spells opportunity!⁴²

Nevertheless, the Wisconsin Evangelical Lutheran Synod recognizes its obligation to minister to its men in the military, especially if they are stationed in an overseas area. During the current Vietnam War

⁴¹Ibid., XVI, 8.

⁴²Ibid., XVI, 9.

the Synod has obtained permission from the Department of Defense, authorizing one of its clergymen to minister in a civilian status to the Wisconsin Synod men stationed in Vietnam and Thailand. The minister spends one year in the combat zone, after which he returns to the United States and is replaced by another civilian chaplain.

A contrasting practice and point of view is presented by Dale E. Griffin, in a master's thesis on the effects of the chaplaincy on the Lutheran Church--Missouri Synod. Griffin documents Dr. C. F. W. Walther's (the first president of the Synod) approval of the chaplaincy of a Pastor F. W. Richmann. "Obviously, Dr. Walther approved of the military chaplaincy as then constituted, took considerable pride in Pastor Richmann's representation of the Missouri Synod in the Union Army, and tacitly approved of Pastor Richmann's service to non-Lutherans as well as to Lutherans."⁴³

A final subject to be considered in this chapter is that of worship practices at U.S. Military academies. Attendance of military personnel at religious services is entirely a matter of voluntary decision, with the exception of the academies, where compulsory chapel attendance is the policy. At the U.S. Military Academy at West Point, chapel attendance is considered a necessary and integral part of the military and cultural training of a prospective officer. Therefore, attendance constitutes a stringent requirement. The Academy maintains

⁴³Dale E. Griffin, "The Effects of the Participation of the Missouri Synod in the Military Chaplaincy During World War II on Its Subsequent History" (unpublished Master's Thesis, Lutheran Theological Seminary, Philadelphia, 1964), p. 8.

that attendance at West Point is entirely by voluntary enrollment, and that the candidate seeking an appointment thereto, does so on the understanding that he agrees to participate in chapel services.⁴⁴

Policy at the U.S. Air Force Academy at Colorado Springs, Colorado makes chapel attendance obligatory for all cadets except those of the senior class.

At the U.S. Naval Academy at Annapolis, Maryland all midshipmen are required to attend religious services, but they may journey to churches other than the Naval Academy Chapel.

In his legal study, Herrmann expresses his doubt that Academy policy could stand the test of constitutionality. Apparently the federal government's policy in this instance plainly involves the state in enforcement of religion, something which Herrmann seriously questions:

Admittedly, enrollment of a cadet at a U.S. Academy proceeds out of his personal volition. In no sense, however, can there be construed out of such volition, some kind of overall authorization tantamount to circumventing the establishment clause. Such can be no more defensible than regulations which would require the voluntary patients of U.S. Veterans' Administration hospitals to attend religious services. . . . or logically be extended to apply to all members of the armed forces who serve as professional military and naval personnel, thus in a wholly voluntary capacity.⁴⁵

⁴⁴Kalus J. Herrmann, "Some Considerations on the Constitutionality of the United States Military Chaplaincy," The American University Law Review, XIV, No. 1 (1964), 28.

⁴⁵Herrmann, XIV, 35-36.

In summary, a survey of military opinion and regulations would seem to indicate that the basic military philosophy behind the chaplaincy is to assist in development and maintaining the efficiency of the soldier, sailor or airman, and to instill American patriotism. The chaplain, working under the commanding officer as a staff officer, is to accomplish these goals through a program reaching the religious life, morals and morale of the men in his unit. Through various regulations, the Armed Forces have sought to insure the chaplain from the necessity of violating either his conscience or his denominational tenets. Both the military philosophy and its regulations concerning the chaplaincy have come under the attack of critics; the first, because the chaplain is seen as part of the war system and one who must inculcate a type of "Americanism," and the second, because the chaplain is seen to be forced into religious unionism and a compromising of both his conscience and his denominational particularities. This chapter has indicated several points at which the churches have criticized the regulations concerning the chaplaincy. Because the chaplaincy is by definition a ministry, there are additional criticisms of both the style and content of this specialized ministry which the churches bring from their diverse and particular theological orientations.

CHAPTER IV

THE THEOLOGICAL BASIS AND ITS APPLICATION

Owing to the very nature of the subject matter under consideration, the theological aspects of the military chaplaincy have already come into play in the previous chapters, especially as particular theological stances formed the basis for understanding the relation of church and state, and the interaction between the two. The purpose of this chapter is to examine four questions which invariably come up in any theological examination of the military chaplaincy. They are: (1) Why is this ministry theologically necessary? (2) Who is responsible for the implementation of this ministry? (3) What is the content of this ministry? and (4) How is this ministry to be carried out?

The Theological Basis for the Military Chaplaincy

A survey of opinions of both supporters for and protesters against the military chaplaincy indicates that both are unanimous in their theological justification for the necessity of this ministry. The basis for their justification is also unanimously the same: The Great Commission of Christ to preach the Gospel to all men (Mark 16:15 and Matthew 28:19). The Jewish faith and other non-Christian groups who do not use the Great Commission as a basis for ministry, nevertheless recognize both the necessity and the right of servicemen to religious

guidance and their obligation to provide such for men of their respective faiths.¹

Pacifists, as represented by The Christian Century, state that there is no question "of the duty of the church to preach the Gospel to soldiers and sailors. That duty is covered by the Great Commission of the Church's Lord, and should be discharged in due proportion to the Church's other evangelistic and pastoral activities."² Other groups or individuals that are critical of the existing form of the military chaplaincy (for example, the Wisconsin Synod; also Richard J. Neuhaus) nevertheless, agree and presuppose a ministry to those in the military.

Martin Graebner, a Lutheran pastor, speaking as a supporter of the military chaplaincy, explains the use of the Great Commission as a basis for this ministry in the following way:

The Lutheran Church--Missouri Synod believes that through its army and navy board our government should be so provided with army chaplains to bring the Gospel to our soldiers and sailors. To justify its position it needs no further proof beyond the simple command of the Lord: preach the Gospel to every creature. It certainly is a terrifying thought that we should permit men to die in their sins when we have the manpower and the means and the opportunity to bring them the Gospel of Christ for their eternal salvation. Those who oppose this stand of the Missouri Synod must have the burden of proof.³

¹J. Deedy, "Religious Counselors Replace Military Chaplains," Commonweal, XXCVIII, No. 33 (1968), 370.

²"Chaplaincy Question," The Christian Century, LX, No. 51 (1938), 1568.

³Martin Graebner, Army Chaplains (Milwaukee: Spiritual Welfare Commission, n.d.), pp. 1-2.

Furthermore, Gordon Lindemann and C. Charles Bachmann, writing in the Lutheran Quarterly, suggest that the basis for the church's responsibility to the military is the same as "to any mission field in which there is a cry 'to come over and help us.' The appeal . . . constitutes missionary enterprise demanding high priority in missionary zeal."⁴

John Dillenberger, Lutheran theologian and writer, testifies that contrary to my expectations, the most fruitful part of my experience as a Navy chaplain lay with those who were dissatisfied with the church, both within and without its borders. As a corollary, the most difficult and perhaps the least fruitful work was done with those in the church for whom the Christian faith was primarily a matter of good will or conduct, and those of the more sectarian and fundamentalistic groups.⁵

Implementation of the Military Chaplaincy

The question of who is responsible for the implementation of this ministry to the military revolves around the doctrine of the call. Opponents of the chaplaincy point out that a call is ordinarily issued by a congregation of believers who are of the same denomination as the person called. The chaplaincy, accordingly, does not qualify for several reasons.

Representative of this point of view is Karl Paul Donfried, a Lutheran pastor. Writing in the Lutheran Quarterly, he points out

⁴Gordon Lindemann and C. Charles Buchmann, "Naval Chaplaincy and the National Lutheran Council," Lutheran Quarterly, VI, No. 3 (1953), 307.

⁵John Dillenberger, "Reflections of a Protestant Chaplain," Union Seminary Quarterly Review, I, No. 4 (1946), 14-15.

first that the chaplain has no congregation in any specific sense. Nor can the chaplain be a "pastor" in the true sense of that word, in Donfried's opinion, since there would obviously be denominational mixtures and conflicts within the group to which he was assigned. Furthermore, due to the military organization of a worship program, there would be no congregation in practice, either, says Donfried, since "there is no lay participation in the decision-making in any chapel. The chaplain as a military officer is the only one empowered to make decisions."⁶

An answer to such criticism is presented by Martin Graebner. He cites as a parallel to a call to the military chaplaincy the vague call (either parishoners or a congregation calling) of a mission board, whose call is merely for the pastor to preach the Gospel in a given area.⁷ In this regard, Lindemann and Bachmann present the opinion that the significance of the call is "not mitigated by the area of service or the field of labor; it is still God who calls. We submit that the call to the military chaplaincy is of the same order of importance as a call to a civilian parish."⁸

A further argument against the military chaplaincy from an allegedly Lutheran point of view is that the call does not come to the

⁶Karl Paul Donfried, Letters to Lutheran Quarterly, XVIII, No. 3 (1966), 274, and XIX, No. 3 (1967), 317-320.

⁷Graebner, p. 2.

⁸Lindemann, VI, 306.

chaplain without his own initiative. In his study on Army chaplains Graebner disagrees with those who question this practice. Instead, he sees "volunteering for this ministry as an acceptable practice, based upon an assessment of the church's need and a modest self-appraisal."⁹

The Content of the Chaplain's Ministry

The question of content for this ministry is raised chiefly by two major criticisms of the chaplaincy, namely, that the chaplain is forced to proclaim a truncated Gospel and that the military stifles the prophetic voice of the church as it is to be spoken through its pastors. Donfried levels the charge "that the military uniform puts a straitjacket upon a chaplain so that what he utters is very often not the Christian Gospel, but the Chaplain Division's version of a state-theology."¹⁰

L. Alexander Harper, a Navy chaplain, speaks from the other side. In answer to the question of what saving word the chaplain can speak to his men in the difficult situation of bearing arms, he replies that it is basically the same word which has been spoken to all men everywhere--the message of God's faithfulness in Jesus Christ, who calls forth and makes possible the faith, hope, and love promised in the Gospel and fulfilled in God's kingdom. Harper admits that

⁹Graebner, p. 3.

¹⁰Donfried, XVIII, 273.

the situation of the serviceman is a difficult one: his domestic life is uprooted, his freedom curtailed, his immediate community restricted for months on end to other men in uniform, his permanent vocation exchanged for arms-bearing. The Gospel must speak to what is timely here as well as what is timeless. The chaplain has many opportunities to speak this saving word.¹¹

Chaplain Albert Ledebuhr, a Lutheran clergyman on active duty with the Air Force, supports this view. He feels it is a common misconception held by civilian clergy that the chaplain is forced to preach some sort of "wishy-washy party line handed down from some high military office." He comments that the chaplaincy offers countless opportunities to present the Gospel to young men, many of whom are totally unacquainted with the good news of God's love in Jesus Christ.¹²

The chaplain's conscience has also been a subject of concern. With regard to the safeguards established in service regulations for the chaplain's conscience and the regulations ordering the commanding officer to assist the chaplain in carrying out his ministry, John I. Daniel, writing in Pulpit Digest, suggests that the chaplain is not bound or hindered in what he says. He comments: "The primary concern of a self-respecting, prophetic-spirited preacher, freedom of expression, presents no serious problem in the United States armed forces today."¹³

¹¹L. Alexander Harper, "Chaplain: A New Look," The Christian Century, LXXIV, No. 7 (1957), 195.

¹²Albert F. Ledebuhr, "Military Chaplaincy: An Apologia," The Christian Century, LXXXIII, No. 44 (1966), 1333.

¹³John I. Daniel, "Chaplains and Churches," Pulpit Digest, XXXII, No. 163 (1951), 18.

John R. Himes, a retired Army chaplain, attests to the validity of the claim that the prophetic voice speaks even within the command structure:

And surprisingly frequently one hears the prophetic voice. It may be heard where it is most effective, within the command structure, where the decisions are made rather than on the streets, but it is there. There have always been hazards, not beginning with Jeremiah nor ending with John the Baptist, as can be attested by any minister who speaks out on unpopular subjects. But the Word of God is never completely silenced by human fears, even in the military chaplaincy.¹⁴

The opposite picture is painted, however, by those who see the chaplaincy only as a muzzled ministry, without the hope of a meaningful prophetic voice, because of the imposed military structures. William R. Miller represents this point of view in The Christian Century, recognizing that every pastor must in some way "tow the line" before the powers that be in his ecclesiastical hierarchy, but the "chaplain, unlike the civilian pastor, may face direct disciplinary action or at least ostracism by his peers if he fails to do so. Here finally is what the matter boils down to: the system. Is it possible to perform a prophetic ministry while beholden to the state in so direct and crass a manner?"¹⁵

Donfried agrees with Miller's contentions, and it is his opinion that the element of a prophetic role is lacking in every chaplain he

¹⁴John R. Himes, A Letter to Lutheran Quarterly, XIX, No. 2 (1967), 189.

¹⁵William R. Miller, "Chaplaincy Vs. Mission in a Secular Age," The Christian Century, LXXXIII, No. 44 (1966), 1336.

has known or worked with. He feels the chaplain is afraid to speak out on unpopular issues because he is a military officer and thus very much concerned with his own career. He states: "The loss of any prophetic voice among our chaplains is, I believe, due to two reasons: too much rank consciousness and too great a concern for one's career."¹⁶

Donfried criticizes the current structure of the chaplaincy because it does not permit chaplains to speak out against the possible "demonic" use of power. He feels that every chaplain must have the right

prophetically to say that the state is wrong if his conscience so tells him . . . and that he cannot do this at the present time without serious risk to his military career. Thus I am not saying chaplains must oppose the very use of power, but that they should at least have the opportunity to oppose its possible abuse.¹⁷

This criticism of structure stifling even the opportunity for a prophetic ministry was given to the Navy's V-12 program during World War II, when obligations to the Navy beginning already in college and seminary were seen as a threat to the chaplain's ministry becoming merely "Navy Gospel," empty of prophetic power. This program has been discussed earlier in Chapter II.¹⁸

¹⁶Donfried, XIX, 272.

¹⁷Ibid., XIX, 320.

¹⁸See supra, p. 32.

The Shape of the Ministry to the Military

This concern of those who look for a prophetic voice in the chaplaincy, but finding none because of the military structure, leads directly to an examination of the question: How is this ministry to be carried out? This topic pivots on two key issues: The chaplain as a part of the military structure, symbolized by both rank and uniform, and the rejection of the concept and structure of the military chaplaincy as now conceived and practiced, to be replaced by a civilian or church ministry to the military.

Although the rank and uniform of the chaplain have been under criticism for some time because they were seen to represent the chaplain's official ties with the government rather than with his denomination, they have continued to the present. Several reasons lie behind this, some quite practical, and others as an integral part of the chaplaincy as presently conceived. According to William Adams Brown, who wrote for the Edinburgh Conference on "Church, Community, and State" in 1937, "many of the laymen feel that the Y.M.C.A. workers and other non-commissioned religious workers were relatively useless during the war (World War I), and that, therefore, the only solution for effective work is commissioned officers with rank."¹⁹

A common attitude toward the military chaplain as now conceived is this: "If I were a soldier looking for help, I would want a chaplain

¹⁹William Adams Brown, Church and State in Contemporary America (New York: Charles Scribner's Sons, 1936), p. 136.

who knew the workings of the organization inside out. I would not feel very easy with someone who was physically present, but not really part of the machinery."²⁰

Active duty chaplains agree that the personal sense of identification which the young soldier has with the chaplain because they are in common environment is an important factor in the military ministry. Chaplain Ledebuhr supports his point by cataloguing the varied and many circumstances which may face a soldier, emphasizing that in each instance, a chaplain is there with him, having gone through similar training and experiencing the same fears and risks. "Thus the young soldier acquires a sense of identification with a minister that he probably never felt before. It is my experience that the soldier who has marched with me will generally worship with me."²¹

Chaplain Paul G. Mathre emphasizes the unity between servicemen and chaplain because of the unique relationship which they have. He sees the uniform as being a symbol of unity of purpose and identifies military personnel as members of a single group.

A chaplain, as an ordained clergyman and also as a commissioned officer, wears the same uniform as those whom he serves. He is subject to the same regulations and is faced with many of the same problems. He is officially identified as a member of the group. Thus, a chaplain serves members of a specific occupation from within the occupational structure.²²

²⁰George W. Cornell, "How Free Are Military Chaplains?" Christian Herald, XCI, No. 11 (1968), 36.

²¹Ledebuhr, LXXXVIII, 1334.

²²Paul G. Mathre, "Military Chaplaincy: An Occupational Ministry," Lutheran Quarterly, VIII, No. 2 (1966), 145.

According to Klug, the chaplain's rank as an officer has never in any way been shown to adversely influence his effectiveness as a clergyman. In his estimation, the people whom the chaplain serves are aware that his rank is chiefly an honor bestowed on his office, that it is needed for proper integration of the staff concept of the military organization and for determining a pay scale commensurate with his office.²³

A survey of the field, however, indicates that an opposite philosophy regarding rank for the chaplain is also held. Representative of this point of view is Rev. J. D. Forest, who claims that some chaplains are "rank-happy." There are a few chaplains, he says, "who care not much for the opportunity to minister as for the commissioned status often unavailable to them in more demanding areas of the military."²⁴

Neuhaus, quoting sociologist Oliver Whitley, says that research has indicated that the chaplain experiences a severe role conflict between minister and military officer. Most often this conflict is resolved by compartmentalizing, though sometimes by rationalizing. Whitley says:

The chaplain attempts to isolate religious and moral concerns from those military functions with which they seem to conflict. This way of handling the conflict tends to strengthen the role of the military officer at

²³Eugene F. Klug, "The Chaplaincy in American Public Life," Church and State Under God, edited by Albert G. Huegli (St. Louis: Concordia Publishing House, 1964), p. 381.

²⁴J. D. Forest, "Study of Chaplaincy Proposed," The Christian Century, LXXX, No. 10 (1963), 586.

the expense of the role of the minister. Every argument used by the chaplain in the research interviews tended to assert the military claim and to deemphasize the religious claim. The evidence points to the chaplain being an interpreter of the values of the military organization.²⁵

The problem was taken up in a recent feature article in The National Register, a Roman Catholic weekly newspaper. Tim Conlan wrote: "The question is not whether there should be ministers to serve the spiritual needs of military personnel--no one argues that point--but whether these ministers should be bound to the military establishment by oath, rank and salary."²⁶

In Catholic circles the subject came to the surface when Cardinal Francis Spellman died in December, 1967, and speculation arose concerning the successor to his office as military vicar, head of the ordinariate for the Armed Forces. Professor Gordon Zahn, University of Massachusetts sociologist and an outspoken pacifist, was among the first to suggest that there be no replacement. He contended it was inappropriate for a bishop to identify himself so closely with the military establishment and the war machinery. Zahn's suggestion was not popularly received and Archbishop Terence Cooke, the cardinal's successor to the New York archdiocese, also succeeded the cardinal as military vicar.²⁷

²⁵Richard J. Neuhaus, "The Anguish of the Military Chaplain," The Lutheran Forum, I, No. 11 (1967), 16.

²⁶Tim Conlan, "Chaplains--Should They Be in Uniform?" The National Register, (March 16, 1969), p. 10.

²⁷Ibid.

Zahn is presently the leading exponent of the argument contesting chaplaincies. He says: "Chaplains should be such, that they do not become part of the military establishment. They should remain under the authority of their bishop." He and other critics in the Catholic church use as their basic argument that war is irreconcilable with Christianity and that churchmen who link themselves to the military necessarily link themselves to war. For them it is a question of scandal, and they feel the minister could better serve the needs of the military personnel if he was not compromised by involvement in the military complex.

Zahn frequently points to the historical examples of the German clergymen who served the Nazi forces and urged the German soldiers on towards building a "Reich that would last a thousand years." Some German chaplains refused the Sacraments to laymen who publicly opposed the German war effort.²⁸

In this same article, Conlan refers to a former Navy chaplain who commented "that it takes a superhuman effort to break down the barriers between officers and enlisted men. The enlisted men see the priest first as an officer, then as a religious man, and I think it's safe to say the majority of career chaplains have no rapport with the enlisted men."

A strong defender of the uniform and rank custom for chaplains is Rear Admiral James W. Kelly, Chief of Navy Chaplains. He contends that the concern and deep involvement demonstrated by Armed Forces chaplains is a reminder of divine concern and involvement.

²⁸Ibid.

The chaplain's presence, personifying the spiritual outreach of the church which educated, ordained and loaned him to the armed forces for a specialized ministry, points to the presence of God. I am not aware of a single chaplain who has, for a single moment, lost sight of the spiritual objectives to which he is committed as an ordained representative of his church in the armed forces.²⁹

In a subsequent edition of The National Register numerous "letters to the editor" were published in reaction to the question raised. Many agreed that the criticisms were just and should have gone even further. One letter from a former chaplain's assistant indicated a rather extreme and harsh view. The writer felt that chaplains did their work only because of the good pay and the power they enjoyed in this field. He wrote:

Some chaplains remember that they are in the army to serve the troops, but, by and large, they all care mostly about impressing officers and their families, and when they achieve any rank they become part of the power-hungry ring that represents them, The Military Chaplains' Association. They should be curbed, controlled and their rank taken away from them to keep them honest and clean--and for the good of their own souls.³⁰

One of the more enlightening and positive letters written in response to The National Register article was authored by Chaplain Daniel A. Schreiter of the Alaskan Air Command. He takes up the question of whether or not a clergyman should be bound to the military establishment by oath, rank and salary. Schreiter feels the chaplain,

²⁹Ibid.

³⁰"Letters to the Editor," The National Register, (April 6, 1969), p. 4.

in taking the oath of office, does not bind himself to obey lawful superiors. Regarding rank as binding the chaplain to the military, he says it is not so much a bond as it is a challenge and much depends on how the individual chaplain uses his rank and does not permit it to become an obstacle in communicating with others. The influence which salary will have on the chaplain depends on his personal dedication to the priesthood or his personal avarice and his need for material security. Then Schreiter makes this comment:

Your article raises the question, should clergymen in uniform concern themselves with national policy? In my opinion, they do by the very fact of being in uniform. The military priest is dedicated by oath to uphold the Constitution. That makes him even more involved in national morality and policy than his civilian counterpart. His oath is an act of religion and his concern for the preservation of sound government becomes a matter of conscience in the light of that oath.³¹

A number of solutions to the critics dilemma have been offered. Norman MacFarland, a former Navy chaplain, recommends abolishing the rank structure for chaplains, thus following the examples of the British and West German navies, whose chaplains have no uniforms or rank, but wear a distinctive suit which identifies them readily as chaplains. He further recommends one chaplain corps for all the services. As he sees it, such a reorganization would do away with a great deal of inefficiency and duplication of effort. This unified

³¹Ibid.

corps would be under the immediate supervision of the churches, thus divesting the chaplain of military power, but investing him with ecclesiastical authority.³²

The Christian Century has continually voiced support for such a proposal, in which the chaplaincy would be de-militarized and given over to the churches.

Nothing is more important for the church today than to declare its complete independence of the state, and this means that every minister ordained by the church and for whom the church holds itself in any degree responsible, shall look to the church directly for his support. If he ministers to soldiers and sailors he shall do so as a minister of the church, not as an officer of the army or navy, supported by and responsible to the war organization. The sharing of this responsibility by church and state is incongruous with the nature and function of the church.³³

As a modus operandi they would see four things are necessary:

(1) withdrawal of the churches' support for the present system; (2) the organization of a non-military chaplaincy; (3) adequate provision for its financial support; (4) the cooperation of the government in eliminating the present system and giving opportunity for non-military ministers to discharge their function.³⁴

In addition, a recent proposal of such a civilian ministry to the military has come from the American Jewish Congress. Their concern stems

³²Norman MacFarlane, "Navy Chaplaincy: Muzzled Ministry," The Christian Century, LXXXIII, No. 44 (1966), 1339.

³³An Editorial, The Christian Century, LV, No. 49 (1938), 1542.

³⁴"Demilitarize The Chaplaincy," The Christian Century, LIII, No. 44 (1936), 1417.

from the difficulties, as they see them, of those clergymen who cannot in conscience support war, but who recognize the right of servicemen to religious guidance. Therefore, their recommendation is to replace military chaplains with religious counselors, who would not be subject to military discipline. These civilian chaplains, according to the Jewish Congress' proposal, would be paid by their respective faiths and bear no responsibility or duty other than ministering to the religious needs of the soldiers who seek their help or guidance.³⁶

Objections voiced to such plans are two-fold. The first is the opinion from within the military that one cannot assign a civilian to the military who is not subject to the rules of the military.³⁷ And the second objection is the lack of financial resources on the part of the churches. One such critic estimates that such a civilian chaplaincy would cost approximately \$54 million just for salaries and the other necessary buildings and supplies such a ministry would require.³⁸

In summary, it may be said that there is universal recognition by the churches of the necessity for their ministry to military personnel. The chaplaincy is seen by some as not being a "real" or "authentic" ministry to military personnel, because there is no formal congregation; this is countered by others who cite missionary work as a parallel

³⁶Cornell, XCI, 36.

³⁷Deedy, XXCVIII, 370.

³⁸Cornell, XCI, 36, and Brown, p. 227.

situation. Furthermore, the chaplaincy is viewed by some as stifling the Gospel and muzzling a prophetic ministry because of the nature of the military organization and structure, while others would claim that a meaningful word of Gospel and a true prophetic ministry can be realized within the military, if the chaplain is faithful to his calling and does not prostitute himself to the system. Finally, the chaplain's rank has been criticized and the suggestion made of eliminating the whole concept of the military chaplaincy and instituting rather a civilian ministry to the military. Others have defended the rank structure based upon the sense of identification which the chaplain can have with the soldier, and attempts to revise the existing chaplaincy ministry are considered impractical.

CHAPTER V

SUMMARY AND CONCLUSIONS

Summary

The institution of the military chaplaincy has stood the test of time and the test of criticism. It is still today fulfilling the purposes it was conceived to fulfill by the founding fathers, namely, to minister to the religious needs of the personnel in the Armed Forces.

The basic philosophy of government which made necessary this informal cooperation between church and state has also remained; there is basically a religious milieu which recognizes a need in man for spiritual ministrations and guidance, and since it is not the responsibility of government but rather of the church to provide the spiritual, government supports and assists them in carrying out their task. This governmental help is not, however, on a general scale, but is usually restricted to those areas like the military where the life of an individual is regulated by the government to such an extent that certain of his basic rights as guaranteed to him by law would be denied or seriously abridged.

The military is a bit more pragmatic in its understanding of the chaplaincy than even the government which established it. The military views the chaplain as the staff officer to assist in developing and maintaining the military efficiency of the soldier and to instill patriotism. To insure the chaplain of his constitutional rights and

denominational particularity, the Armed Forces have incorporated such necessary safeguards and guarantees into their regulations.

From the churches' point of view, there is universal agreement that a ministry to the military is necessary, not only to provide spiritual guidance to military personnel and their dependents, but also to fulfill the theological necessity of ministry to all in Christ's Great Commission to preach the Gospel to all. Some critics of the present chaplaincy arrangement propose a thorough-going revision, culminating in the establishment of a civilian ministry to the military; such a revision would in their opinion, free the churches to speak meaningfully to military personnel and to the military system and the governmental establishment as well, since they would no longer be an integral part of the state, subject to its dictates and discipline. Others, however, support the present arrangement and point to the common identity of soldier with chaplain as a unique environment for ministry.

Thus, although criticisms against the chaplaincy have been leveled on grounds of constitutional violation, and of being merely a tool of the military, and of fostering denominational unionism and theological compromise, these criticisms have been met with legal and theological clarification, thereby allowing the military chaplaincy to continue.

Implications and Conclusions

Since the chaplaincy is a ministry, the implications of this ministry will be directed to the churches, although these implications

would also effect government and the various military organizations were they carried out.

First, in governmental and military philosophy and practice, the chaplaincy is somewhat of a unique phenomenon of cooperation between church and state. Klug emphasizes this in his study and shows how this uniqueness is present also in other areas. In a general way, he says that the clergy have always held a unique position in the consideration of our national and state governments as a result of the clergy's sacred calling and devotion to the religious needs of the people.

They have consistently been accorded respect, even certain privileges, because of their position. Thus, for example, ministers have been excused from jury duty and military draft. They have been looked upon as public officers in being legally authorized to perform marriage ceremonies . . . Certain travel privileges and rates for clergymen have also reflected government's friendly intervention . . . During World War II clergymen were granted special ration privileges for gasoline and tires because the government did not want their ministry to the populace restricted in any way.¹

From the supporting data reviewed in this paper, we see how the military chaplaincies and all other chaplaincies supported by the government derive their sanction from the laws of our land because of the government's interest in the service of the church to the needs of society. The courts and the congress have stood behind this interpretation, judging the position and employment of chaplains to be harmony with other privileges accorded the churches for valuable and distinctive social contributions.

¹Eugene F. Klug, "The Chaplaincy in American Public Life," Church and State Under God, edited by Albert G. Huegli (St. Louis: Concordia Publishing House, 1964), p. 387.

Contrary to the critics, however, government has no interest in dictating to the churches nor taking over the work of the church. Klug states that while government is not concerned with the salvation of souls, it does recognize two facts:

Men in military service and patients in public institutions are no exception in their need and desire for religious ministrations, and churches must provide the answer to this need. Only thus is religious freedom not inhibited and a high level of morality and morale maintained in the land.²

Therefore government is being realistic when it makes available the chaplaincy program to the churches, and has its own purposes in view and expects that these purposes will be achieved.

Some critics see this attitude of government as being objectionable, labeling it as merely "organized selfishness."³ But the fact remains that the assistance which government gives to the churches in the form of chaplaincies can be justified under the Constitution in no other way. Zollmann has given an excellent summary of this position in the light of civil law and Scriptural principle. He says that though Christ did not intend to erect a temporal dominion . . . nor did he make any pretense to worldly pomp and power, yet

his religion is calculated and accommodated to meliorate the conduct and condition of man under any form of civil government. The services of

² Ibid., p. 389.

³ Heinrich Emil Brunner, The Divine Imperative (Philadelphia: The Westminster Press, 1947), p. 460.

religion to the state indeed are of untold value. To it we are indebted for all social order and happiness. Civil and religious liberty are due to it.⁴

A second implication of the chaplaincy ministry is that the dangers of such an arrangement when supported by public funds are not minimized. Klug wonders whether the church by its loan of chaplains to the government does not cast a vote in favor of militarism? He answers his question by saying that it depends to a great extent on the vitality of the American churches. He states:

The chaplain is no more a militarist than his civilian counterpart when he leads those under his care to assume gladly their part in government's task. At the same time the churches through their chaplains must always remain alert to the threat of the militaristic way of thinking, which exalts power and its exercise for its own sake . . . The freedom to speak and preach the Gospel with its fullest application remains a right for clergymen in uniform as well as out.⁵

Thirdly, a survey of chaplains and their critics indicate that the individual called to be a chaplain, the type of person he is, can, to a large extent, determine the quality of his ministry to the military. There is ample evidence that regardless of the strengths or weaknesses of the current chaplaincy structure, there are men who are convinced they are able to fulfill their tasks of being pastors in the system the way it is presently conceived and run.

Hutcheson underscores the importance of calling the right type of man to the military chaplaincy, and emphasizes how necessary it is for

⁴Carl Zollman, American Church Law (St. Paul, Minn.: West Publishing Co., 1933), p. 578.

⁵Klug, p. 390.

the new chaplain to adapt himself from the civilian over into the military structure, and see himself adapting to a new form of ministry. Many ineffective and fruitless ministries can be explained in terms of the attempt of a chaplain who does not understand the military society, to transfer intact into the military setting a ministry based on civilian parish structures. Says Hutcheson:

Examples are everywhere. One is the office-centered ministry, the military version of the ivory tower clergyman sitting in the study of a suburban church Another example of the chaplain not understanding his job is the one who finds his satisfaction in shepherding and protecting a small group of men known to their shipmates as "Holy Joes," a committee minority, ignoring the rest of the society and recreating in miniature his parish church relationships. Still another is the chapel-happy chaplain. Wherever he goes he must recreate as nearly as possible the building and facilities of the parish church But the gospel will be most effectively communicated by one who understands and works within the structures of the society in which he is ministering.⁶

This would seem to indicate, then, that the various church bodies, through their respective calling and endorsing agencies, need to exercise an exceptional amount of critical judgment in selecting and recommending men for the chaplaincy. In addition, continuing close ties and supervision between denomination and chaplain are necessary to strengthen and edify each other, and to keep open avenues of communication and understanding.

⁶Richard G. Hutcheson, Jr., "The Chaplain and the Structures of the Military Society," The Chaplain, n.d., pp. 11-12.

A related implication to the above is the matter of denominational particularity. Churches need to remind government and the Armed Forces of their faith-and-life practice and how this will affect the chaplain and his ministry. Canon Stokes is of the opinion that care should be exercised to eliminate from eligibility for the chaplaincy those men who are not willing or able to cooperate with other groups either because of personal idiosyncrasies or rigid views.⁷ Eugene Klug points out that such elimination would mitigate against freedom of religion and denominational particularity in belief and practice. He feels that chaplains and denominational chaplaincy boards have the responsibility to preserve intact the particularity of religious expression.

Government, as Luther foresaw, tends all too easily to appropriate to itself the shepherd's role, even as the church in times past has sought to control the hangman's noose. Neither must ever happen. It is conceivable that the chaplaincy could be made into an instrument of the state to serve the state's own ends. To prevent this the churches must continue to stress the purely ecclesiastical functions which through the chaplains they are willing to assume.⁸

It would seem, therefore, that churches would exercise care in choosing men able to minister in the military situation, but that these men also are soundly representative and faithful to their calling denomination in belief and practice in their military ministry.

A fourth consideration is pointed out by the President's Committee on Religion and Welfare in the Armed Forces, namely, that relationships

⁷Anson P. Stokes, Church and State in the United States (New York: Harper & Brothers, 1950) III, 121.

⁸Klug, p. 391.

with civilian churches and the use of their facilities be used to the maximum extent. It would appear to be the churches' responsibility to take the initiative and question chaplains and commanding officers of military installations as to the needs of their personnel (especially as regards dependents of military personnel) and then offer to assist them in fulfilling these needs wherever possible.⁹ It would be further helpful if the various denominations were to furnish its members in the military with the names of contact pastors close to where they might be stationed and to inform such pastors of the soldiers' presence in their vicinity.

Finally, because some very basic questions have been asked concerning the institution of the chaplaincy itself and the churches' relation and responsibility to the government, a thorough-going re-evaluation of the shape and content of this ministry would seem to be in order at this time. Such a study would have the purpose of determining if the church is carrying out the best possible ministry to the military while remaining faithful to its own genius and purpose.

⁹The President's Committee on Religion and Welfare in the Armed Forces, The Military Chaplaincy (Washington: U.S. Government Printing Office, 1951), pp. 3-4.

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