



December 18, 2009

Robert M. Gates, Secretary
United States Department of Defense
1400 Defense Pentagon
Washington, DC 20301-1400

**Re: Tabernacle Baptist Church program at Fort Leonard Wood,
Missouri**

518 C Street, N.E.

Washington, D.C. 20002

(202) 466-3234 phone

(202) 466-2587 fax

americansunited@au.org

www.au.org

Dear Secretary Gates:

We sent the attached letter regarding the “Free Day Away” program at Fort Leonard Wood, Missouri to the Acting Inspector General of the Department of Defense on July 23, 2008. The letter explained that Free Day Away, a program of the Tabernacle Baptist Church of Lebanon, Missouri, violates the U.S. Constitution because it results in coercion of soldiers to participate in church services. The Free Day Away, one of only two days off available to soldiers undergoing basic training at Fort Leonard Wood (the other is the day before graduation, which is generally spent with family and guests), includes recreational programs such as bowling, free food, and a compulsory church service at which soldiers are told that they are all sinners who “must be saved now or go to hell.”

On August 12, 2008, Leonard Trahan, Jr., Director of the Defense Hotline, sent a letter to Americans United stating that an inquiry about the complaint would be conducted under Hotline case number 107973. As of December 14, 2009, the investigation was still open, and the Department of Defense Hotline was not able to provide any other information.

On July 26, 2008, the Commanding General of the U.S. Army issued the attached memorandum regarding “Guidance for Initial Entry Training (IET) Soldier Participation in Events Sponsored by Religious Organizations.” This memorandum specified that “[w]hen IET Soldiers are offered the opportunity to participate in activities or programs sponsored by a religious organization, . . . they will be offered secular ‘personal time’ alternatives if they decide not to participate. Personal time activities will not include barracks maintenance or similar activities that offer Soldiers no meaningful choice.”

We understand that the Free Day Away program has been renamed “The Tabernacle Baptist Church Retreat,” and that soldiers undergoing basic training at Fort Leonard Wood are now told that the program is optional. While these changes lessen the coercive nature of the program, we are concerned that soldiers would still be coerced to participate if there were no secular alternative that provides comparable benefits to the Church Retreat. Our understanding is that the only “secular alternative” offered to soldiers is free time at Fort Leonard Wood. Soldiers

who opt not to participate in the Church Retreat thus have no opportunity to leave the base or enjoy recreational activities such as bowling or free food. If that is so, presenting soldiers with such a choice still coerces them to participate in religious activities in violation of the Establishment Clause of the First Amendment to the U.S. Constitution. See *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 312 (2000) (prayer at high-school-football games was coercive, although attendance was voluntary, because the school could not “exact religious conformity from a student as the price’ of joining her classmates at a varsity football game” (citation omitted)); *Lee v. Weisman*, 505 U.S. 577, 587, 595 (1992) (prayer at high-school graduation gives students “no alternative but to submit” to the prayer); *Mellen v. Bunting*, 327 F.3d 355, 371-72 (4th Cir. 2003) (holding that mealtime prayer at a public military college coerced cadets into participating in a religious exercise even though the prayer was technically voluntary).

Accordingly, we ask that you investigate the “secular alternatives” to the Tabernacle Baptist Church Retreat that are offered to soldiers undergoing basic training at Fort Leonard Wood. If there are no secular alternatives that offer benefits comparable to those of the Church Retreat and, thus, give soldiers a true choice as to whether to participate in religious activity, we ask that you take steps to give soldiers a comparable secular alternative. For example, the constitutional problem could be solved by providing soldiers who do not participate in the Church Retreat transportation to a town that offers recreational opportunities similar to that of the Retreat. If it is not possible to create a comparable secular alternative, we ask that you discontinue the Church Retreat. Because of the importance of this matter, please respond to this letter within 60 days. Thank you for your consideration, and feel free to contact Taryn Wilgus Null at (202) 466-3234 or null@au.org if you have any questions.

Sincerely,



Ayesha Khan, Legal Director
Alex Luchenitser, Senior Litigation Counsel
Taryn Wilgus Null, Madison Fellow

cc: John McHugh, Secretary
United States Army
1400 Defense Pentagon
Washington, DC 20301-1400

Kenneth O. Preston, Sergeant Major
United States Army
1400 Defense Pentagon
Washington, DC 20301-1400

Gen. Martin Dempsey, Commander
United States Army Training and Doctrine Command
TRADOC G-6
84 Patch Road
Fort Monroe, Va. 23651-1051

Enclosures