

September 23, 2010

Via U.S. Mail and Facsimile
John McHugh
Secretary of the Army
1400 Defense Pentagon
Washington, D.C. 20301-1400
Fax: (703) 697-8036

518 C Street, N.E.

Re: Evangelical Concert at Fort Bragg, NC

Washington, D.C. 20002

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Dear Secretary McHugh:

It has come to our attention that this Saturday, September 25, the Office of the Garrison Chaplain at Fort Bragg will host an evangelical Christian event called “Rock the Fort.” “Rock the Fort” is a “pioneering effort to share Jesus with military personnel, their families, and the community at large” and will feature Christian music, Gospel presentations, and proselytizing — all “encouraged by Fort Bragg chaplains.” Rock-the-Fort 2010, <http://www.haymountumc.com/Rock-the-Fort-2010.html>. This marriage of religion and government is precisely what the Establishment Clause of the First Amendment to the U.S. Constitution was designed to forbid, and we write to ask that you take steps to put a stop to the military’s endorsement of this event.

“Rock the Fort” is being co-sponsored by the Billy Graham Evangelistic Association and the Office of the Garrison Chaplain at Fort Bragg. *See* Rock-the-Fort 2010, *supra*. The Billy Graham Evangelistic Association “exists to support and extend the evangelistic calling and ministries of Billy and Franklin Graham by proclaiming the Gospel of Jesus Christ to all we can by every effective means available and by equipping others to do the same.” BGEA: About Us, http://www.billygraham.org/about_index.asp. The Association’s promotional materials for Rock the Fort state that ministering to the men and women of the military has long been an important part of the Association’s mission and that this event is an important part of that goal. BGEA: How to pray for Rock the Fort, <http://www.billygraham.org/articlepage.asp?articleid=6289>.

Colonel David Hillis, Fort Bragg Garrison Chaplain, wrote a letter, a copy of which is attached, on Department of the Army letterhead to Christian houses of worship near Fort Bragg that endorses the program and solicits the participation of local Christian leaders. Col. Hillis emphasized the Christian nature of the event and his intent to “minister alongside you and to excel even more in Spiritual care and outreach to our Soldiers, their Families and to our entire community!” Army Chaplain Antonio McElroy further clarified the goals of the Chaplain’s office when he said “I don’t think that there has been an outside concert of this magnitude with an organization like BGEA and our chaplains partnering with local churches to come together for one purpose — and that is to glorify God and share the Gospel of Jesus Christ.” *See* BGEA: How to pray for Rock the Fort, *supra*.

Your voice in the battle to preserve religious liberty

The military's participation in a religious event designed to proselytize soldiers and the community departs from the Army's obligation to maintain "official religious neutrality." *McCreary County v. ACLU of Kentucky*, 545 U.S. 844, 860 (2005). This neutrality principle, "at the very least, prohibits government from appearing to take a position on questions of religious belief or from 'making adherence to a religion relevant in any way to a person's standing in the political community.'" *County of Allegheny v. ACLU*, 492 U.S. 573, 593-94 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 687 (1984)). The government, thus, may not undertake any activity that "has the purpose or effect of 'endorsing' religion." *Allegheny*, 492 U.S. at 592. And it may not "openly or secretly, participate in the affairs of any religious organizations or groups and vice versa." See *id.* at 591 (quoting *Everson v. Bd. of Educ.*, 330 U.S. 1, 16 (1947)).

To be sure, the Army may maintain military chaplains to meet the spiritual needs of its soldiers. See *Katcoff v. Marsh*, 755 F.2d 223, 237-38 (2nd Cir. 1985). *Katcoff* does not, however, give military chaplains license to use their office to proselytize either soldiers or civilians. The statute creating Army chaplain positions authorizes chaplains only to "hold appropriate religious services at least once on each Sunday for the command to which he is assigned, and [to] perform appropriate religious burial services for members of the Army who die in that command." See 10 U.S.C. § 3547(a). The court in *Katcoff* describes the duties of the chaplain this way:

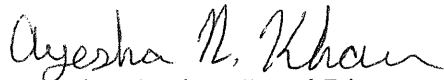
To meet the religious needs of our armed forces Army chaplains and their assistants engage in a wide variety of services to military personnel and their families who wish to use them. *No chaplain is authorized to proselytize soldiers or their families.* The chaplain's principal duties are to conduct religious services (including periodic worship, baptisms, marriages, funerals and the like), to furnish religious education to soldiers and their families, and to counsel soldiers with respect to a wide variety of personal problems.

Katcoff, 755 F.2d at 228 (emphasis added). A chaplaincy program is constitutional when it provides a way for the Army to accommodate the religious needs of soldiers who, by virtue of their service to the United States, cannot otherwise worship as their religious beliefs require. *Id.* at 233-38. "Rock the Fort" is not an event designed to minister to the needs of soldiers unable to otherwise access religious services; rather, it is an event designed to proselytize soldiers and

community members into the worship of Jesus Christ.¹ The Army has, thus, overstepped the constitutional line by sponsoring the event.

Accordingly, we urge you to cancel the event. In addition, we suggest that you review your policies and procedures to ensure that your Army Chaplains do not overstep in the future by promoting explicitly evangelical events, Christian or otherwise.

Very truly yours,



Ayesha N. Khan, Legal Director

Ian Smith, Staff Attorney

cc: Lieutenant General Frank G. Helmick
Commanding General
XVIII Airborne Corps & Fort Bragg
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Fort Bragg, NC 28310
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Robert M. Gates, Secretary of Defense
Department of Defense
1400 Defense Pentagon
Washington, D.C. 20301-1400

¹ Outside of the military context, courts have consistently struck down government involvement in and sponsorship of similar religious events. *Doe v. Village of Crestwood*, 917 F.2d 1476, 1478-79 (7th Cir. 1990) (affirming injunction against holding Mass during town-sponsored festival because “[a] religious service under governmental auspices necessarily conveys the message of approval or endorsement”); *Gilfillan v. City of Phila.*, 637 F.2d 924, 930-31, 933-34 (3d Cir. 1980) (City’s collaboration with Archdiocese and monetary support for Pope’s visit and Mass constituted impermissible sponsorship of religious event); *Newman v. City of East Point*, 181 F. Supp. 2d 1374, 1381-82 (N.D. Ga. 2002) (city violated Establishment Clause by promoting and using taxpayer funds to publicize mayor’s prayer breakfast, even though breakfast was not held on city property and was privately sponsored).



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY GARRISON, FT BRAGG
2175 REILLY ROAD, STOP A
FORT BRAGG, NORTH CAROLINA 28310

OFFICE OF THE
GARRISON CHAPLAIN

2 June 2010

Dear Fellow Minister in the Gospel!

I am privileged to announce an exciting event which will change Fort Bragg and the surrounding area! On Saturday, September 25, 2010, the Billy Graham Association is coming to Fort Bragg to offer a free concert and the Christian message to all of Fort Bragg and the surrounding community! The event will be called *Rock the Fort* and has had several successful and similar events at Army Posts around the country. *Rock the Fort* is evangelistic in nature and will feature a free Children's Program from 2 to 3:30 pm and a free Adult Program from 5 to 7:30 pm with a Christian rock concert that will headline two high-visibility Christian artist groups. The concert will conclude with a clear Gospel message.

In view of the enormous impact this event can have on our Post and our area, my request to you is simple. Would you and your congregation join the Fort Bragg Unit Ministry Teams and me to be a crucial part of the success of this exciting outreach to the Fort Bragg community? Specifically, I pray that you and your church would join with us in several challenges: to work together in this unifying Christian event, to offer to your congregation to participate in one of the free "Christian Life Witness Courses", provided by the Billy Graham Association on September the 17th-18th (location to be announced), to help advertise, reach out and invite your neighbors and to pray for the Spiritual success of this event.

Fort Bragg has been blessed throughout the years because you have continued to be a Spiritual support to so many of our Soldiers and Families who have sought solace and refuge with your loving congregation! For your Ministry in the Gospel, I salute you! As well, I look forward to this opportunity to minister along side of you and to excel even more in Spiritual care and outreach to our Soldiers, their Families and to our entire community!

I would be honored to personally call you or visit you in order to share with you the vision of *Rock the Fort* and to answer any questions. You can reach me at 910-396-1121 or at david.hillis@us.army.mil. As well, I hope to send some of our Fort Bragg Chaplains to your congregation to share the *Rock the Fort* video, to answer questions and to encourage. I sincerely look forward to sharing in your fellowship and to labor for our Lord in His vineyard!

In His Service

DAVID P. HILLIS

Chaplain (Colonel) U. S. Army
Fort Bragg Garrison Chaplain