

FREEDOM FROM RELIGION *foundation*

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December 29, 2010

SENT VIA MAIL AND FAX
(703) 697-8036

The Honorable John McHugh
Secretary of the Army
1400 Defense Pentagon
Washington DC 20301

Re: Halt Illegal "Spiritual Fitness" Survey and Programming

Dear Mr. Secretary:

We are writing on behalf of Army service members and members of the Freedom From Religion Foundation ("FFRF") who object to the "spiritual fitness" evaluation from the Army's Comprehensive Soldier Fitness (CSF) program. FFRF is a nationwide nonprofit organization with more than 16,000 nonreligious members including currently active and former members of the Army. FFRF's dual purposes are to protect the constitutional principle of separation between church and state and to educate about nontheism.

The U.S. Army is a secular branch of a secular government and has no business interfering with the private religious views of its soldiers. The CSF "spiritual fitness" evaluation and programming are invidious and not inclusive of service members who are nonbelievers such as atheists, agnostics, and freethinkers. The nonreligious population of the U.S. is 15% (American Religious Identification Survey 2008) and 23.4% of all military personnel identified as atheist, agnostic or have no religious preference (2010 MAAF study based on Department of Defense data). On behalf of our members in the Army, we ask that the Army immediately end the use of its "spiritual fitness" evaluation and programming.

Spiritual Evaluation

It is our information and understanding that the Army's Comprehensive Soldier Fitness program includes a mandatory "spiritual fitness" evaluation as one of four categories in the Global Assessment Test (GAT). In the spiritual fitness category, soldiers are evaluated by ranking statements on a spectrum from "not like me at all" to "very much like me." These are the spiritual statements:

I am a spiritual person.

My life has lasting meaning.

I believe in some way my life is closely connected to all humanity and all the world.

*The job I am doing in the military has lasting meaning.
I believe there is a purpose for my life.*

It is grossly inappropriate for the Army to rate soldiers as lacking fitness in some way if, as matter of conscience, they do not identify as “a spiritual person” or do not believe their life has “lasting meaning.” Asking a soldier if he or she is “a spiritual person” unquestionably relates to personal religious belief or non-belief. It is unlikely that many atheists or agnostics would identify as “spiritual.” By definition, nontheists do not believe in deities, spirits, or the supernatural.

The CSF’s transparent attempt to redefine the *phrase* “spiritual fitness” in a novel way is clearly a pretext, so that the Army may claim that the survey is not intruding into matters of personal conscience, when in fact it is. Soldiers understand the *word* spiritual in its customary and normal use. The primary dictionary definitions of “spiritual” are: 1) of, relating to, consisting of, or affecting the spirit; 2) of or relating to sacred matters; 3) concerned with religious values. Nonbelieving soldiers who took the survey tell us that they answered the spiritual questions on the survey as “not like me at all.” These soldiers therefore received a low spiritual fitness score.

Low Fitness Scores

It is our understanding that the soldiers’ answers are tabulated and they are given a rating of their “spiritual fitness.” When a soldier receives a low spiritual fitness score, the soldier receives the following assessment:

Spiritual fitness is an area of possible difficulty for you. You may lack a sense of meaning and purpose in your life. At times, it is hard for you to make sense of what is happening to you and others around you. You may not feel connected to something larger than yourself. You may question your beliefs, principles, and values. Nevertheless, who you are and what you do matter. There are things to do to provide more meaning and purpose in your life. Improving your spiritual fitness should be an important goal. Change is possible, and the relevant self-development training modules will be helpful. If you need further help, please do not hesitate to seek out help from the people you care about and trust – strong people always do. Be patient in your development as it will take time to improve in this area. Still, persistence is key and you will improve here if you make this area a priority.

This response is deeply offensive and inappropriate. Imagine how it feels to be told by the Army that your beliefs disqualify you from being a fit soldier. Imagine how it feels to be told that you should change and “improve” your spirituality. The Army has no business psychoanalyzing nonbelievers in this facile and condescending manner or saying they need “help.” Depending on how soldiers interpret such phrases as “spiritual person,” “lasting meaning” and “purpose,” they receive a poor evaluation. These questions relate to intensely personal matters of conscience. The Army may not send the morale-deflating

message to nonbelievers that they are lesser soldiers, much less imply they are somehow incomplete, purposeless or empty.

A typical atheist will not agree with the statement “my life has lasting meaning.” This appears to be a code phrase to rate belief in an afterlife. Likewise, “I believe there is a purpose for my life,” would appear to be code for a deity-given purpose. As nontheists, we reject the idea that there is a *purpose for life*; we believe individuals make their own purpose in life.

Training Modules

It is our further understanding that the training modules for soldiers with a low “spiritual fitness” rating contain explicit and implicit religious references that promote religion. We are concerned about the following examples in one spiritual fitness training program (See <http://www.maaaf.info/spirituality.html> for the transcript):

- “Prayer is for all individuals...” This explanation of prayer is absurd. CSF’s phony definition of prayer, which apparently includes simply being quiet with your thoughts, is contrary to all common definitions and understanding of prayer. Most nontheists believe with FFRF that nothing fails like prayer, that it is counterproductive to imagine one can suspend the natural laws of the universe through wishful thinking.
- In promoting that soldiers seek out a chaplain, the module says, “Think of seeking spiritual support as your armor or battle gear that builds your strength and resilience even in the toughest of battles.” This falsely unites chaplain religious support with being a strong soldier. Soldiers who are nonbelievers feel no need for chaplain spiritual guidance. Using imagery that implies non-religious soldiers are weak and vulnerable is offensive and bigoted.
- The module provides two testimonials promoting spiritual support. Both promote a religious support system, “church” in one and “higher power” in the other.
- The module includes an extensive bogus Christian explanation for flag folding, which, by its own admission is religious and not a part of the Flag Code. The module says this script for flag folding is “very popular among many patriots.” According to the script, “The twelfth fold, for in the eyes of a Christian citizen, this represents an emblem of eternity and glorifies in the eyes God the Father, God the Son, and God the Holy Ghost.” CSF may not constitutionally advance this Christian revisionist explanation of ceremonial flag folding. The Department of Veterans Affairs issued a memo in 2007 that directed all cemetery directors to cease promoting religious scripts like this one. It is shocking that the U.S. Army would promote such religious propaganda.
- In the “Positive Meaning Making” section, the module discusses “Ultimate Justice.” The module says, “Believing that justice will ultimately be served can

help Soldiers cope with injustice around them right now.” Even though the module attributes this view to “some soldiers,” CSF is clearly encouraging soldiers to seek comfort in the notion of divine rewards and punishments. Nonbelievers reject the fairy tale of “ultimate justice.”

- The “Positive Meaning Making” section also discusses the value in believing in a “greater power or purpose in the universe.” Nonbelievers do not believe in a “purpose in the universe” or believe in a “greater power.”

These are just a few examples of the subtle and not so subtle promotion of religion in the spiritual fitness training. The Army may not encourage such religious worship, practices or beliefs.

Unconstitutional Program

It is a fundamental principle that the “First Amendment mandates government neutrality between religion and religion, and between religion and nonreligion.” *McCreary County v. ACLU*, 545 U.S. 844 (2005) (citations omitted). The Supreme Court has said, “The Establishment Clause, 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 Greater Pittsburgh Chapter*, 492 U.S. 573, 593-594 (1989) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 687, (O’CONNOR, J., concurring)).

As the Supreme Court has made clear, “When the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain.” *Engel v. Vitale*, 370 U.S. 421, 430-431 (1962). Just as the military may not require soldier attendance at worship services or recite meal-time prayers at the military academies, it cannot chastise or reward soldiers for self-identifying as being “spiritual.” See *Anderson v. Laird*, 466 F.2d 283, 285 (D.C. Cir. 1972) (“Attendance at religious exercises is an activity which under the Establishment Clause a government may never compel.”); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003)(striking down meal-time prayer at the Virginia Military Institute as violative of the Establishment Clause).

The CSF spiritual fitness programming is an egregious violation of the First Amendment. Government “sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents ‘that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.’” *Santa Fe Independent School Dist. v. Doe*, 530 U.S. 290, 309-310 (2000) (citations omitted). The GAT evaluation identifies nonreligious soldiers as outsiders by determining that nonbelievers, who rightly identify themselves as not being spiritual persons, are unfit soldiers. Not only are they arbitrarily told that something is wrong with them, they are encouraged to “change” and “improve” in the area of “spiritual fitness.” This impermissible message to soldiers violates the Establishment Clause.

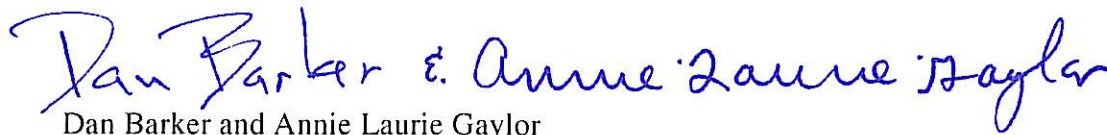
Equal Opportunity Violation

The GAT spiritual fitness evaluation additionally raises serious concerns as to whether it violates Equal Opportunity provisions of Army Regulation 600-20. That policy provides that the Army will not treat personnel in a discriminatory or unequal way on the basis of religion. *See AR 600-20, 6-2(a)*. The policy further specifies that, "Soldiers will not be accessed, classified, trained, assigned, promoted, or otherwise managed on the basis of...religion. *See AR 600-20, 6-2(b)*. On its face, the GAT accesses and classifies soldiers based on their "spiritual" views.

Conclusion

Service members have the constitutional right to decide whether to observe religious practices and what beliefs or nonbeliefs to profess, accept or reject about life, meaning, spirits, etc. Neither CSF nor the Army may dictate what is orthodox in matters of conscience. It is ironic that while nonbelievers are fighting to protect the freedoms for all Americans, their freedoms are being trampled upon by this Army practice. The Army must end the unconstitutional "spiritual fitness" evaluation and training program. We ask to hear from you in writing at your earliest convenience regarding what steps you are taking to ensure the rights of our servicemen and women are being upheld.

Very truly,

A handwritten signature in blue ink that reads "Dan Barker & Annie Laurie Gaylor". The signature is written in a cursive, flowing style.

Dan Barker and Annie Laurie Gaylor

Co-Presidents

FREEDOM FROM RELIGION FOUNDATION

cc: BG Rhonda Cornum
CSF Director