

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL & U.S. MAIL: peggy.c.combs@us.army.mil

Major General Peggy C. Combs
U.S. Army Cadet Command
204 1st Cavalry Regiment Road
Building 1002
Fort Knox, KY 40121-5205

Re: Religious Endorsement in JROTC & ROTC Cadet Creeds

Dear General Combs:

We are writing on behalf of the Freedom From Religion Foundation (FFRF) regarding constitutional concerns with the Army's Junior Reserve Officer Training Corps (JROTC) and ROTC programs. FFRF is a national nonprofit organization with more than 23,500 members across the country, including over 5,500 members who are in active military service or are veterans. FFRF's purpose is to protect the constitutional separation between state and church.

We have received complaints from students in the Army JROTC program regarding the program's cadet creed. The creed ends with, "May God grant me the strength to always live by this creed." This part of the creed not only strikes the tone of a Christian prayer but also implicitly adds the requirement that every JROTC Cadet must believe in God, or at least must be willing to actively seek aid from the Christian God in upholding the creed. As written, the inclusion of religious wording makes the cadet creed run afoul of the Establishment Clause of the Constitution. The cadet creed must be modified.

No high school student desiring to better him or herself by joining the JROTC should be required to believe in God or be made to attest to a belief in God in order to participate in a government-run program. For cadets who practice a minority religion or are nonreligious, the very act of reciting this creed violates their right of conscience by forcing them to choose between their sincerely held beliefs and participating in the JROTC program.

The original intent behind creating an official JROTC cadet creed was to create a unified statement of purpose that could replace the multiple creeds that high schools across the nation had come up with on their own initiative.¹ That purpose is not furthered by having a creed that effectively excludes aspiring cadets who do not believe in a monotheistic God. The creed's required plea to "God" excludes the over 35% of potential JROTC cadets (millennials) who are nonreligious.² A proper creed would promote universal moral principles without attributing them

¹ http://bogalusajrotc.com/CADET_CREED.html

² *America's Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.

to a deity worshipped only by some. The creed should be something that all cadets can attest to whole-heartedly. Removing the religious plea at the end of the creed would make the JROTC program inclusive of all aspiring cadets, regardless of their religious or nonreligious beliefs.

The ROTC cadet creed suffers from the same issues as the JROTC creed. The ROTC creed ends, "May God give me the compassion and judgment to lead and the gallantry in battle to win." Like the JROTC creed, this line mimics a prayer and forces cadets to make an active appeal to God in order to participate. The creed implies that those who do not believe in God have a character flaw. It sends the message to aspiring cadets who are nonreligious or practice a minority religion that they must convert or they will never be successful cadets or Army officers. This implication is untrue, of course. In today's military over 23% of personnel are atheists, agnostics, or have no religious preference.³

As currently written, both creeds violate the Establishment Clause. The Supreme Court has said time and again that the "First Amendment mandates government neutrality between religion and religion, and between religion and nonreligion." *McCreary Cnty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Ed. of Ewing*, 330 U.S. 1, 15–16 (1947). As a government program, U.S. Army Cadet Command has a duty to ensure that the JROTC and ROTC remain neutral on matters of religion.

Rather than remaining neutral, the JROTC and ROTC have chosen to lend their power and prestige to religion. Not only does this create potential legal liability for U.S. Army Cadet Command, but it puts public high schools with JROTC programs in a tenuous position as well. Public schools cannot legally endorse religious programs. As long as the JROTC continues to endorse religion through its cadet creed, high schools have a constitutional obligation to distance themselves from the program. This means that high school staff cannot legally lead a JROTC program, the school cannot advertise the program, and the JROTC cannot be given special access to perform at school-sponsored events.

We ask that the religious language be omitted from both the JROTC and ROTC cadet creeds. This change will advance the mission of U.S. Army Cadet Command by making the JROTC and ROTC programs more inclusive of those who practice a minority religion or no religion and will help protect the right of conscience of each cadet. Please inform us in writing of the steps you are taking to resolve this matter. Thank you for your time and attention.

Sincerely,



Sam Grover
Staff Attorney

³ *MAAF Department of Defense Religious Preference and Chaplain Support Study*, MILITARY ASSOCIATION OF ATHEISTS & FREETHINKERS (July 2012), available at <http://militaryatheists.org/demographics/>.