

The Service Academies, Character Building, and Compulsory Chapel

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Although few people know it today, compulsory chapel attendance at the U.S. service academies was in effect until 1973. Until this quite recent date, penalties for non-attendance at service academy religious services could be severe. Although the stated purpose of compulsory chapel attendance was the building of character, it was later replaced by a decidedly secular character development training program. This article explains why and how court challenges ended compulsory chapel attendance.

Compulsory public church attendance, as prescribed by law, was nothing new. In the mid-1600s, both Britain's Lord Protector Oliver Cromwell and Denmark's King Christian VI had made church attendance the law. Scofflaws might be punished by fines, whipping, and even imprisonment. Compulsory attendance extended to the Colonies when in 1612 the Virginia Company's colonial governor, Sir Thomas Dale (of Pocahontas fame), decreed that non-attendance at religious services could be punished increasingly by (1) a fine, (2) a whipping, and, finally, (3) six months in the galleys.

Prior to the passage of the Bill of Rights, the now-independent confederation states of Virginia and Massachusetts had passed similar legislation

requiring of its citizens compulsory church attendance. But in anticipation of the Bill of Rights, both James Madison and Thomas Jefferson drafted the Virginia Bill for Religious Liberty (1786). Their objections to compulsory religious attendance were not so much on moral grounds as on economic ones. Tax dollars were then freely funneled into supporting the churches. Despite the subsequent First Amendment guarantee of Freedom of Religion, religious faith was still considered so important to the moral development of military officers that the 6th U.S. Congress (1800) required Navy commanders to attend worship services.

The Art of Military Persuasion Begins

Compulsory chapel attendance (for both “academic officers and cadets”) had likewise been in effect at the U.S. Military Academy since 1821 and at the Naval Academy since 1853. However, a USNA graduate once informed us that by the 20th Century the Naval Academy had seemingly eased up a bit on the chapel requirement. If a midshipman refused to attend religious services, he had the unpleasant alternative of writing a 5,000-word essay, “Why I am an atheist.”

At the Naval and Military Academies, prior to 1974 students under the age of 21 were not permitted to change religious faith (even on grounds of conscientious objection) and their previous chapel attendance patterns without both the permission of their parents and the senior chaplain. The academies offered only three choices of religious faith, Protestant, Catholic, and Jewish. During the previous 40 years, only 3 midshipmen and no cadets had been granted variance (*Anderson v. Laird*, 1972).

The Neutrality Test

The First Amendment provides in part that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. These restrictions seek to prevent coerced religious adherence and to guarantee the free exercise of one's religious beliefs. The Supreme Court has consistently taken the position that the First Amendment requires only that the government maintain a position of neutrality toward religion (*School Dist. V. Schempp*, 1963).

This concept of "neutrality" seems somewhat blurred in practice since it often involves the interpretation of the *intent* of government officials with respect to the secular purpose of a given law. Thus we've observed controversial, and arguably somewhat conflicting Supreme Court opinions, on issues ranging from a moment of silence in public schools with prayer designated as an acceptable use of that time (unconstitutional) (*Wallace v. Jaffree*, 1985) to publicly funded bus transportation to religious schools (constitutional) (*Everson v. Board of Educ.*, 1947).

Preliminary Legal Challenges Begin

In 1969, the issue of compulsory chapel at last came to a showdown when six midshipmen and one USMA cadet elected to let the American Civil Liberties Union present their issue to federal court. Prior to this time, it is likely that most service academy students viewed compulsory chapel attendance as yet another unique, however annoying, aspect of academy life rather than a major constitutional issue. After all, what cadet or midshipman had the time or money necessary to take this case through federal courts?

What was the rationale behind the requirement for future officers to attend religious services? Apparently, as Dierker (1997) saw it, it was the desire of the commanders to instill moral and ethical values into the lives of cadets and midshipmen. However laudable and well meaning the intent of the commanders, the courts would, as will be seen, clearly rule that churches and synagogues were not the acceptable route.

As if anticipating a court showdown, a unified policy for compulsory chapel attendance was agreed upon at the "Eleventh Conference of Superintendents of the Academies of the Armed Forces," April 18, 1969. Moral development was deemed equivalent to religious development. Not surprisingly, numerous civilian church groups were shocked to find that the superintendents had equated chapel attendance to a form of military training and not a matter of religious conviction.

Notwithstanding, the USMA's 1970 Annual Report of the Superintendent declared, "Attendance at chapel remains a part of a cadet's training in character development, and no cadet is exempt. ... [T]hese activities contribute significantly to the development of character in the Corps of Cadets." The 1971 Annual Report of the Superintendent took a somewhat different line of explanation, stating, "... chapel attendance has been a vehicle for the presentation of training essential to the moral development of our cadets (Dierker, 1997)." In other words, the Superintendent's Reports from 1969 through 1973 gradually revise their views as if anticipating the compulsory chapel issue might be overruled by the courts.

The Federal Courts Rule

In 1970, the U.S. District Court for the District of Columbia upheld the Secretary of Defense's claim that chapel attendance was indeed constitutional. In an opinion which stressed the judicial deference which must be given to the military in matters of discipline and training, the District Court concluded that the purpose of required attendance at chapel was wholly secular (i.e., military training to create effective officers and leaders) and that the primary effect of such attendance is also secular (i.e., to gain an awareness and respect for the force religion has on the lives of men). The District Court found that the plaintiffs had failed to demonstrate that the religious effects of chapel attendance on the cadets and midshipmen is anything but slight, unsubstantial, and non-extensive. The opinion went on to agree with the Government position that compulsory "attendance" at chapel services does not equate to compulsory "worship," and that the purpose and primary effect of compulsory attendance was essentially neutral in that it did not substantially "advance" or "inhibit" religion.

However, the cadet and the midshipmen appealed, and in July 1972 the D.C. Circuit Court in a 2-1 decision reversed the lower court's decision. For the first time ever, compulsory chapel attendance at the U.S. service academies was ruled unconstitutional. The Circuit Court's opinion reviewed the history of the First Amendment and concluded that compulsory Church attendance was one of the primary restrictions on religious freedom which the authors of the Constitution sought to abolish. The Court forcefully ruled that "attendance at religious exercises is an activity which under the Establishment Clause [of the First Amendment] a government may never compel."

The D.C. Circuit Court, in hindsight and not unexpectedly, did not subscribe to any of the lower court's many arguments. The Circuit Court did not accept the argument that compulsory chapel attendance was equivalent to "training" and *not* religious indoctrination. Nor did it accept the argument that compulsory chapel would permit future officers to empathetically "... inculcate awareness of the sentiments of others ... rather than to inculcate religious feeling of the cadets themselves."

Finally, neither did the Circuit Court accept the final argument that because attendance at a service academy was "voluntary," chapel attendance was also "voluntary." The court could not attach or require attendance (or non-attendance) at religious services to any form of government employment.

Even after the D.C. Circuit Court reversed the District Court, the academies continued to enforce compulsory chapel attendance with the statement that, despite the reversal of the initial judgment, until the entry of an appropriate order, "... USMA, with the authority of the Department of Defense, will continue chapel until further notice (Dierker,1997)."

During the time before the DoD's expected appeal to the Supreme Court, Solicitor General Erwin Griswold argued the chapel services were primarily educational, stating, "No cadet or midshipman is required to believe what he hears (MacKenzie, October 1972)." Additionally, JCS Chairman-designee Admiral Thomas Moorer went on public record saying, "... an atheist could not be as great a military officer as one who is not an atheist (Mann, July 1972)."

The matter of compulsory chapel attendance supposedly ended when the Supreme Court on December 18, 1972 declined to hear the Secretary of Defense's appeal. However, the art of encouraging religious training did not end even after the Supreme Court let stand the Circuit Court ruling on *Anderson v. Laird*, for the 1973 Annual Report of the Superintendent read, "... The task of encouraging cadets to participate in voluntary religious activities has been left largely to the Academy's chaplains and to cadets and officers ... [C]adet commanders are expected to play a positive role in encouraging cadets to participate in religious activities" The entire issue was then quietly dropped when the 1974 Annual Report made no mention whatever of a cadet religious program (Dierker, 1997).

The Chaplains' Viewpoints Considered

Support for voluntary-only attendance at religious services came, not surprisingly, from the military chaplains themselves. After all, reasoned one military chaplain, what clergyman wanted to be faced by a hostile congregation? The General Commission on Chaplains in 1964 noted a record of "... resentment, hostility, and cynicism toward religion engendered in cadets subject to the chapel requirement."

And so, it was not the chaplains but rather the *commanders* who chose to enforce chapel attendance upon cadets and midshipmen. Today, the AFI 36-2706 states religious accommodation is based on constitutional rights. Religion is defined as "a *personal set* [emphasis added] or institutional system of attitudes, moral or ethical beliefs, and practices." Henceforth, agnosticism and

atheism -- as expressions of conscience -- may be accorded equal respect as traditional religions.

Did the elimination of compulsory chapel attendance have any residual, long-term effects of perpetuating a system of higher-ranking officers who had either a particular pro- or anti- religious bias? This question is, of course, an excellent topic for a doctoral dissertation. However, our initial answer would seem to be no.

A Secular Character Development Program is Born

Nevertheless, the academies were still left with the task of teaching moral development but without the assistance of compulsory chapel attendance. The development of character in future officers was still considered a matter of great importance. One alternate route was, of course, the creation of the distinctly secular Social Actions Program which conveniently came into existence in 1974. And, after a considered pause, the matter of specialized moral development training for cadets and midshipmen came about when in 1991 all academies established their respective Centers for Character Development. A chaplain may or may not also be assigned to any of the Centers, but his or her role would now be limited to secular instruction in ethics and spiritual values. The secular approach of instructing integrity to future officers was adopted smoothly and without objection.

The long-term results were not that service academy chapels were abandoned to stand as hollow, dusty museums. Rather, it turned out that most cadets and midshipmen were (not surprisingly) of uniformly strong religious

backgrounds, and chapel attendance never dropped by more than perhaps 20% (Dierker, 1997). And much to the relief of our military chaplains, they now ministered to volunteer congregations.

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