

September 29, 2000

Sent Via Facsimile

General John Abrams
Commanding General
Training and Doctrine Command
United States Army

Lieutenant General Timothy Maude
Deputy Chief of Staff, Personnel
United States Army

Major General Gaylord Gunhus
Chief of Chaplains
United States Army

Dear GEN Abrams, LTG Maude and MG Gunhus:

The Servicemembers Legal Defense Network (SLDN) submits the attached "Proposed Guidelines for Chaplains' Interactions with Gay Service Members" for the Army's consideration in its ongoing efforts to train soldiers on the "Don't Ask, Don't Tell, Don't Pursue, Don't Harass" policy.

SLDN hopes this input will be helpful in your efforts to train Army Chaplains on how they may most effectively minister to and assist gay, lesbian and bisexual soldiers, as well as those perceived as being gay.

According to General Shinseki, "Trust is the confidence that soldiers have in the willingness and abilities of their fellow soldiers to faithfully do their duty when the time comes. It is about standing and delivering on one's duty to one's fellow soldiers... Quality of trust in a unit directly impacts on that readiness."

Gay, lesbian, and bisexual soldiers must be able to trust the Chaplain Corps. SLDN hopes these recommendations help to promote the trust so necessary to Army readiness and our nation's defense. These recommendations are tailored to comply with the provisions of Army Regulation 165-1, Chaplain Activities in the United States Army.

Sincerely,
/signed/
Stacey L. Sobel
Legal Director

Encl.

cc: The Honorable P.T. Henry, Assistant Secretary for Manpower and Reserve Affairs

Proposed Guidelines for Chaplains' Interactions with Gay Service Members

All communications between gay, lesbian and bisexual soldiers and Chaplains must be confidential. AR 65-1 (Chpt. 4.4m.) states that privileged communications with chaplains include "matters of conscience." Often times, gay, lesbian and bisexual soldiers feel compelled to disclose their sexual orientation as a matter of conscience and these communications should be confidential. AR 165-1 (Chpt. 4.4.n(2)) further requires Chaplains to respect the confidentiality of "sensitive information" provided by soldiers. Matters relating to sexual orientation must be considered, at a minimum, as sensitive information. This message must be stressed during Chaplain indoctrination, during recurring unit training programs, and again by Chaplains whenever they meet with gay soldiers.

Commands must establish guidelines for punishing Chaplains who violate confidentiality. These guidelines should be consistent with measures taken whenever confidentiality is compromised. Dismissal must be an option. AR 165-1 (Chpt. 8.10) provides for "adverse personnel actions" against Chaplains violating its provisions. The Chaplain Corps must fully understand the possible consequences.

Chaplains should encourage gay soldiers who are considering revealing their orientation to their command to first speak with a Trial Defense Service attorney to learn the many legal consequences of such an action. Chaplains should not direct soldiers to "come out" to the Army against the soldiers' will.

Chaplains should encourage gay, lesbian and bisexual soldiers who wish to report harassment to first speak with a Trial Defense attorney to obtain the legal information they need before taking such a step. The exception is where the service member's safety is in immediate jeopardy. Chaplains should in these cases assist soldiers, if requested, in reporting the harassment while maintaining the soldiers' confidences. Chaplains should not reveal soldiers' sexual orientation in reporting harassment. Chaplains should inform soldiers that commands do not need information concerning soldiers' sexual orientation to take complaints seriously. Chaplains should assist soldiers in reporting the who, what, when and where of the harassment, id in identifying witnesses to the harassment.

Chaplains must be willing to recommend another Chaplain if their personal beliefs preclude them from adequately advising gay soldiers. Chaplains must also be reminded of the AR 165-1 (Chpt. 4.3.a.) "professional status of Chaplains" provision that "Army Chaplains have a dual role as religious leaders and staff officers." As staff officers, Chaplains should not engage in behavior that gay soldiers would likely perceive as harassment, in violation of the policy's "Don't Harass" component. Chaplains should assist commands in combating anti-gay harassment.

Soldiers must feel free to disagree with any religious or moral message presented by Chaplains regarding -gays, lesbians and bisexuals. Soldiers must not fear being outed by Chaplains based on different beliefs.

Denominations who “sponsor” Chaplains for military service must understand (and agree and enforce to their military representatives) that being gay is not in violation of military policy. They must understand that soldiers who identify themselves as gay to Chaplains are provided full protection and support under confidential privileges.

AR 165-1 (Chpt. 11) requires Chaplains to provide “moral leadership training” which includes “personal integrity,” “trust,” “human relations,” “sexual harassment prevention,” and “consideration of others.” For those gay, lesbian and bisexual soldiers who feel compelled to report harassment or disclose their sexual orientation, the issue is often very much one of personal integrity and trust. Chaplains must understand this human dimension and appreciate its complexity.

Chaplains must be protected from scrutiny or sanction if they assist gay soldiers.