

**Congress of the United States**  
**Washington, DC 20515**

August 18, 2014

The Honorable Ray Mabus  
Secretary of the Navy  
1000 Navy Pentagon  
Washington, DC 20350-1000

Dear Secretary Mabus,

We were glad to receive confirmation that the Navy will be returning Bibles that had been removed from Navy Lodge guest rooms after a complaint from the Freedom from Religion Foundation (FFRF) argued that the presence of Bibles in the nightstands of a military hotel is a violation of the Establishment Clause.

It is our understanding that the Navy originally responded to this complaint by advising all Navy Lodges on June 19, 2014 that religious materials in guest rooms should be removed in partnership with the chaplain's office by September 1, 2014. A letter confirming the disposition of religious materials was sent from Michael D. Rigg, Senior Assistant Counsel for the Navy Exchange Service Command (NEXCOM), to FFRF in a letter dated June 23, 2014.

The Establishment Clause exists to ensure that the government cannot affirmatively impose or elevate one religion over another. However, it does not prohibit the government from referencing religion altogether, nor does it require that the government scrub all references of religion from the public square. Rather, the Establishment Clause ensures both that the government does not show preference to a certain religion, and that the government does not take away one's ability to practice religion.

The Supreme Court recently stated, "It is an elemental First Amendment principle that government may not coerce its citizens to support or participate in any religion or its exercise." *Town of Greece v. Galloway*, 134 S. Ct. 1811 (2014). The Court went on to state that "an Establishment Clause violation is not made out any time a person experiences a sense of affront from the expression of contrary views . . . ." *Id.*

These guiding principles from the Court were written in the context of a challenge to a small town's practice of opening legislative sessions with prayer. The challengers did not like that most of the prayers offered were Christian in nature, even though anyone was welcome to offer a prayer. However the content of what was volunteered was irrelevant, so long as all were welcome. The Court rejected the feeble argument that a reasonable observer would believe that the government was favoring Christianity over other religions.

These crucial principles are no less applicable here. The mere presence of a Bible or other religious text—texts which are typically placed out of sight in a nightstand drawer—coerces no one. The Establishment Clause does not require that you remove the Bibles from the guest rooms.

After we inquired with the Navy Office of Legislative Affairs about the exchange between FFRF and NEXCOM, we were provided with the following response on August 14, 2014:

In June 2014, NEXCOM directed that all Religious Materials in Navy Lodge Facilities be transferred to the Installation Chaplain's Office. Since that decision was made without senior Navy leadership consultation, we are returning the religious materials pending review of this matter in context with our religious accommodation policy. This review will determine what steps, if any, need to be taken to ensure we are best supporting the diverse religious and spiritual needs of our personnel, families and guests.

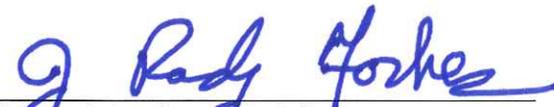
In light of this response, we respectfully request timely answers to the following questions:

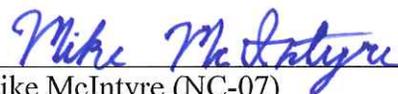
1. The original letter from FFRF, dated March 12, 2014, was sent both to you and to the office of Counsel for NEXCOM in Virginia Beach. Who reviewed this letter when it was received?
2. Who within Navy leadership was consulted before a response was sent to FFRF, and who was consulted before the decision was made to remove the Bibles?
3. Has the NEXCOM directive to remove the Bibles, dated June 19, 2014, been rescinded? If not, when will it be rescinded?
4. What policy will Navy Lodge facilities follow from now on when they are offered donated religious materials for guest rooms and who will be responsible for deciding whether or not to accept the donated materials?
5. Have the Bibles been physically returned to their original location in the guest rooms? If not, by when do you anticipate that they will be returned?

Additionally, we request an update on this issue when your review is complete, including any policy that will be applied going forward and a summary of who will be responsible for implementing it.

The Establishment Clause does not require shunning all religious materials from your facilities, nor must they be quarantined to a lobby or library. The donated materials should remain in the guest rooms, and we look forward to confirmation that they have been returned.

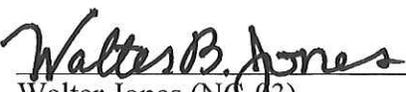
Sincerely,

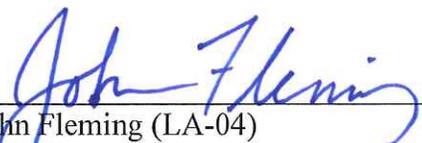
  
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J. Randy Forbes (VA-04)  
Member of Congress

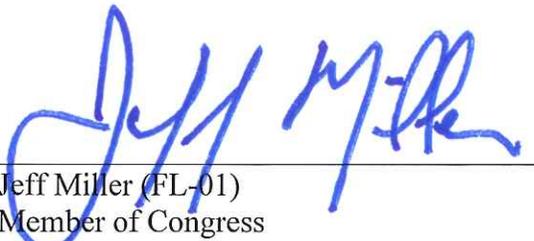
  
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Mike McIntyre (NC-07)  
Member of Congress

  
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Joe Wilson (SC-02)  
Member of Congress

  
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Doug Lamborn (CO-05)  
Member of Congress

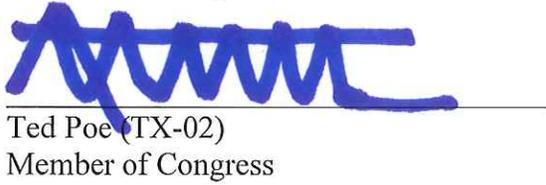
  
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Walter Jones (NC-03)  
Member of Congress

  
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John Fleming (LA-04)  
Member of Congress

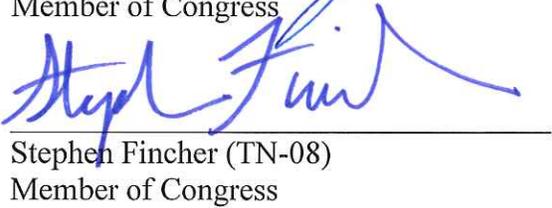
  
Jeff Miller (FL-01)  
Member of Congress

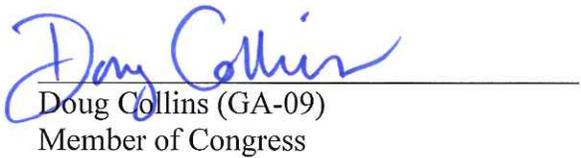
  
Steve Scalise (LA-01)  
Member of Congress

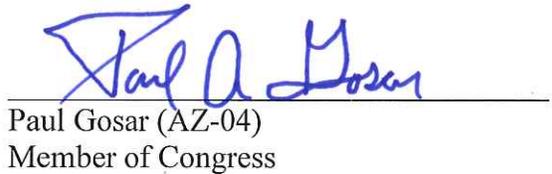
  
Mike Kelly (PA-03)  
Member of Congress

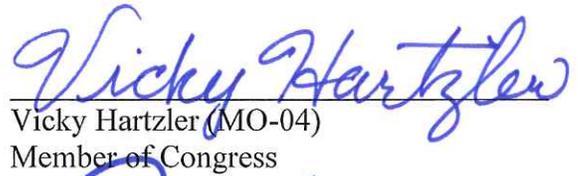
  
Ted Poe (TX-02)  
Member of Congress

  
Tim Walberg (MI-07)  
Member of Congress

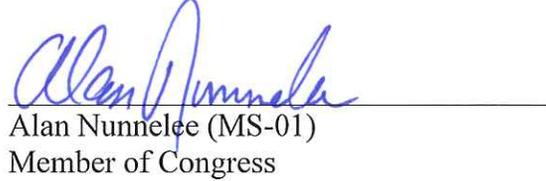
  
Stephen Fincher (TN-08)  
Member of Congress

  
Doug Collins (GA-09)  
Member of Congress

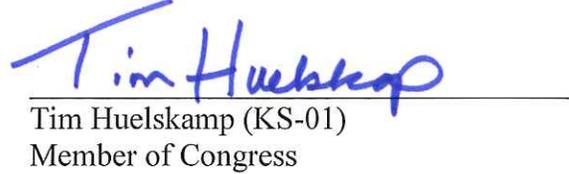
  
Paul Gosar (AZ-04)  
Member of Congress

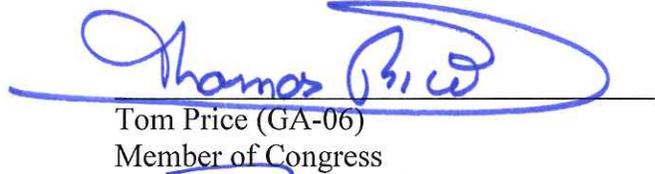
  
Vicky Hartzler (MO-04)  
Member of Congress

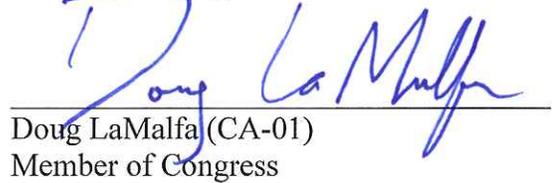
  
Bob Goodlatte (VA-06)  
Member of Congress

  
Alan Nunnelee (MS-01)  
Member of Congress

  
James Lankford (OK-05)  
Member of Congress

  
Tim Huelskamp (KS-01)  
Member of Congress

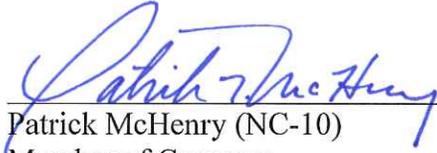
  
Tom Price (GA-06)  
Member of Congress

  
Doug LaMalfa (CA-01)  
Member of Congress

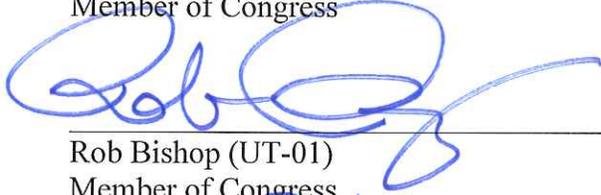
CC: Michael D. Rigg  
Office of the General Counsel  
Navy Exchange Service Command  
3280 Virginia Beach Blvd.  
Virginia Beach, VA 23452-5724



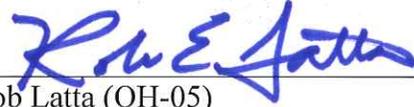
Mike Coffman (CO-06)  
Member of Congress



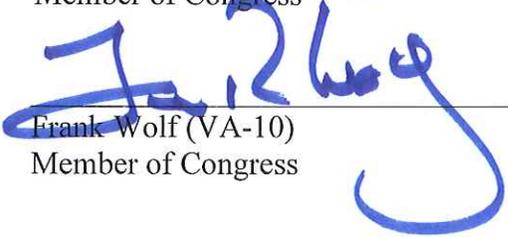
Patrick McHenry (NC-10)  
Member of Congress



Rob Bishop (UT-01)  
Member of Congress



Bob Latta (OH-05)  
Member of Congress



Frank Wolf (VA-10)  
Member of Congress