

DECLARATION OF REVEREND TED HAGGARD

I, Reverend Ted Haggard, pursuant to 28 U.S.C. § 1746, declare:

1. Since March 2003, I have served as the President of the National Association of Evangelicals (“NAE”). Founded in 1942, the NAE is the largest representative group of evangelical Christians in America. Serving fifty-six member denominations/networks of churches, the NAE serves as a voice for over thirty million evangelicals within 45,000 evangelical churches across the United States.
2. The NAE established its Commission on Chaplains and Service to Military Personnel (“the Commission”) in 1944, and it functions to this day. The purpose of the Commission is to operate as a representative body of member denominations to the military and liaison with the Chiefs of Chaplains of the Armed Forces. As part of this role, the Commission serves as an executive agent for the ecclesiastical endorsement of chaplains for service in the military, governmental, and civilian institutions of the United States.
3. As an executive agent for the evangelical ministries within its membership, the Commission directly endorses 113 military chaplains for service in the United States Armed Forces. Those chaplains include clergy from more than thirty denominations, networks, and independent churches. Among these chaplains, twenty-six are currently serving in the United States Air Force. This role as an endorser includes, but is not limited to, processing and endorsing evangelical chaplains, planning to ensure the Departments of Defense and Veterans Affairs have an adequate supply of evangelical chaplains, determining and safeguarding the professional standards to be applied in the endorsement process, training and equipping evangelical chaplains for military service, and maintaining accountability and relationship with chaplains in the field.
4. As a representative body serving member denominations, the Commission acts on behalf of 1,120 military chaplains from more than eighty churches, denominations, and religious bodies. The Commission represents these chaplains and their churches to the Department of Defense, Congressional Armed Services Committees, and numerous other governmental agencies and officials. Acting in a collaborative fashion, the different member organizations provide annual training conferences and retreats for chaplains stationed in both the United States and Europe.
5. The role of Ecclesiastical Endorser is established in and supported by Department of Defense Directive Number 1304.19 and Department of Defense Instruction Number 1304.28. These policies are supported in numerous policy letters and directives issued by the individual Chiefs of Chaplains offices, guidance and input from the Armed Forces Chaplains Board, and the collaborative work of the members of the National Conference on Ministry to the Armed Forces. The current Ecclesiastical Endorser for the Commission is Captain Charles Marvin, CHC, USN, Ret.

6. The goal of the NAE and the Commission as the intervenor in this case is simple. How can we ask our men and women in uniform to fight in order to extend freedom and civil liberty to oppressed people and then turn around and deny them the very freedoms they fight to secure? We believe that all military personnel ought to have their religious freedoms secured. Wearing our nation's uniform does not negate the protections under the First Amendment, the Religious Freedom Restoration Act, and countless other laws protecting religious liberty in our country. Therefore, we defend the rights of military officers to authentically worship according to their conscience without fear of reprisal that their personal worship can be deemed coercive to subordinates. We defend the rights of enlisted personnel to worship according to their conscience and share that faith experience with fellow soldiers in an environment of sensitivity and respect. We defend the rights of military chaplains to worship according to their conscience and lead others in authentic expressions of personal veneration to Almighty God. We defend the rights for soldiers to gather on ceremonial occasions and commemorate those services with appropriate civic prayer. We defend the rights of chaplains to pray in a manner consistent with their faith tradition, while operating in an environment of respect, inclusiveness, and sensitivity.

7. We believe this is a critical case. Its outcome has ramifications for the future of religious expression and activity in the military context. It is the mission of the NAE to protect and defend the right of that expression.

8. As a representative body of Ecclesiastical Endorsers and Executive Agents, the NAE and the Commission have an interest in the outcome of this case in at least three ways:

i. As credentialed clergy, chaplains are bound to conduct services, ordinances, sacraments, and ceremonies according to the religious practices and doctrine of their endorsing faith group. Any regulation of the teachings, ceremonies, behavior, or role of chaplains is of vital interest to endorsing bodies and their representatives.

ii. The allegations found in paragraph 10 of the Amended Complaint claim that a chaplain was in error preaching the tenets of his faith in a voluntary religious setting and encouraging those in attendance to live out the tenets of their own faith. The inherent suggestion that the content of a chaplain's message in this setting be regulated or limited is of direct and unique concern to the agencies that commission the chaplains for service.

iii. The complaints found in paragraph 11 of the Amended Complaint are of concern for the same reasons explained in the discussion regarding Paragraph 10, above.

9. The injunctions requested by the Plaintiffs directly impair the goals and interests of the NAE, its Commission, and its military chaplains in that they restrict the ability of chaplains to minister according to the policies and guidance (to include the

specific tenets, practices, and doctrine) of their Ecclesiastical Endorser. Chaplains' adherence to the stated beliefs of their endorsing agencies is an integral part of the process for both the accessions boards and station assignment. The implementation of paragraphs 26.a and 26.b of the Amended Complaint would restrict the sharing and the practice of one's faith. This restriction would be contrary to the governing purpose and philosophies of the NAE. The very purpose of our organization, as established in our constitution, is to honor God and advance the name of Jesus Christ through united evangelical action. The same document establishes an overarching statement of faith that includes the beliefs in the resurrection of both the saved (unto the resurrection of life) and the lost (unto the resurrection of damnation) and that the salvation of lost and sinful people depends upon regeneration of the Holy Spirit. Additionally, the expressed values of the NAE include statements that, "We believe in a biblical faith demonstrated by loyalty to the Word of God and commitment to proclaiming its message worldwide," and "Confronting society with the relevance of the gospel by being salt and by reflecting Christ's light is one of our missions." Each of these governing principles and guiding ideologies depend upon the presence of the free exchange of ideas both within and without the military setting. If the requested relief is granted, it would directly impact the ability of the Commission to fulfill its stated goals by restricting the ability of its chaplains to minister according to the stated beliefs and doctrines of the NAE, their endorsing body.

10. The NAE and the Commission have a rich history of advocacy on First Amendment issues. Throughout its more than sixty year history, the NAE has actively served as an advocate on First Amendment issues by passing over thirty resolutions encouraging the protection religious freedom including two specifically addressing these concerns within the context of the United States Armed Forces. More recently, in October of 2004, the General Council of the NAE approved and subsequently published *For the Health of a Nation: An Evangelical Call to Civic Responsibility*, a twelve-page document that outlines the participatory role of the organization and its membership in shaping many areas of public policy, including religious freedom. The Commission has participated in hearings before the United States Congress regarding religious expression in the United States Air Force and at the United States Air Force Academy. In December 2005, the Commission unanimously approved a statement designed to guide chaplains in regard to civic prayer concerns and praying in Jesus' name.

11. The NAE has also been party to several amicus briefs dealing with religious freedom, free exercise, free speech concerns, and other First Amendment matters. For examples of our extensive involvement in the litigation aspects of First Amendment issues, please see the following cases: *Catholic Charities of Sacramento v. State of California* (U.S. Supreme Court, No. 03-1618); *Boy Scouts of America and Connecticut Rivers Council, Boy Scouts of America, v. Nancy Wyman* (U.S. Supreme Court, No. 03-956); *O Centro Espirita Beneficiente Uniao Do Vegetal v. Ashcroft* (10th Circuit Court of Appeals, No. 02-2323); *Cutter v. Wilkinson* (U.S. Supreme Court No. 03-9877); *HEB Ministries v. Texas Higher Education Coordinating Board* (Texas Sup. Ct., No. 03-0995).

12. As a representative body serving the evangelical community, the NAE, by necessity, has developed considerable knowledge and legal expertise regarding protections for the free exercise of religion under the First Amendment, the Religious Freedom Restoration Act, and other laws. To assist in the NAE's analysis of such matters and to help steward a critical constitutional inheritance, the NAE Office of the President has engaged able First Amendment legal counsel to assist with the preparation of the National Association of Evangelicals Statement on Religious Freedom of Soldiers and Military Chaplains which is attached as Exhibit A.

13. As one who was involved since the early beginnings of the United States Air Force Academy's Spiritual Programs In Religious Expression (SPIRE) program, I have been interpreting and navigating the regulations guiding religious expression in the military for several years. For over twenty years I have served in a pastoral role over USAFA cadets and other military personnel. It is clear to me that the proposed policy contains troubling ramifications. The USAF has traditionally done an excellent job of handling, with sensitivity and respect, the issues of accommodating religion in all situations, when not conflicting with good military order. The USAF has acknowledged its responsibility for the spiritual care and religious well being of all USAF personnel.

13. As the representative voice of almost 15% of all military chaplains, the NAE, the Commission, and those we serve will be dramatically impacted by the outcome of this case. Should the Plaintiffs prevail in this litigation, the ability of our chaplains to perform their stated duties would be drastically reduced, and in some instances, eliminated. Because chaplains were specifically singled out in the initial complaint, we have a responsibility to provide to the Court the perspective of an Ecclesiastical Endorser and those whom we endorse. This is an issue that goes beyond a single chaplain and military service member and their individual rights. Rather, this lawsuit is an attack upon the very existence of religious expression within the military context. The government has a compelling interest to accommodate the free exercise of religion for our men and women in uniform. The military chaplaincy has a rich heritage extending back to our Nation's Founding and the Revolutionary War. It may be difficult to consider the merits of this lawsuit without an entity specifically representing the interests of the military chaplaincy and their endorsing bodies. The NAE and the Commission are in a unique position to provide that perspective.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this seventh day of February 2006.

Reverend Ted Haggard