

Of God and Country

*Whoever seeks to set one religion against another seeks to destroy all religion.*¹
President Franklin D. Roosevelt



Cynthia M.A. Geppert, MD,
Editor-in-Chief
Correspondence:
Cynthia Geppert
(ethicdoc@comcast.net)

Recently, a US Department of Veterans Affairs (VA) colleague knowing of my background in religious studies asked me what I thought of the recent change in VA religious policy. VA Secretary Robert Wilke had announced on July 3 that VA was revising its policies on religious symbols at all VA facilities and religious and pastoral care in the Veterans Health Administration, respectively.^{2,3} A news release from the VA Office of Public and Intergovernmental Affairs designated the changes as an “overhaul.”⁴

The revisions in these VA directives are designed to address confusion and inconsistency regarding displays of religious matters, not just between different VA medical centers (VAMCs) but even within a single facility. From my decades as a federal practitioner and ethicist, I can attest to the confusion. I have heard or read from staff and leaders of VAMCs everything from “VA prohibits all religious symbols so take that Christmas tree down” to “it is fine to host holiday parties complete with decorations.” There certainly was a need for clarity, transparency, and fairness in VA policy regarding religious and spiritual symbolism. This editorial will discuss how, why, and whether the policy accomplishes this organizational ethics purpose.

The new policies have 3 aims: (1) to permit VA facilities to publicly display religious content in appropriate circumstances; (2) to allow patients and their guests to request and receive religious literature, sacred texts, and spiritual symbols during visits to VA chapels or episodes of treatment; and (3) to permit VA facilities to receive and dispense donations of religious literature, cards, and symbols to VA patrons under appropriate circumstances or when they ask for them.

Secretary Wilke announced the aim of the revised directives: “These important changes will bring simplicity and clarity to our policies governing religious and spiritual symbols, helping ensure we are consistently complying

with the First Amendment to the US Constitution at thousands of facilities across the department.”⁴ As with most US Department of Defense (DoD) and VA decisions about potentially controversial issues, this one has a backstory involving 2 high-profile court cases that provide a deeper understanding of the subtext of the policy change.

In February 2019, the US Supreme Court heard oral arguments for *The American Legion v American Humanist Association*, the most recent of a long line of important cases about the First Amendment and its freedom of religion guarantee.⁵ This case involved veterans—although not the VA or DoD—and is of *prima facie* interest for those invested or interested in the VA’s position on religion. A 40-foot cross had stood in a veteran memorial park in Bladensburg, Maryland, for decades. In the 1960s the park became the property of the Maryland National Capital Park and Planning Commission (MNCPPC), which assumed the responsibility for upkeep for the cross at considerable expense. The American Humanist Association, an organization advocating for church-state separation, sued the MNCPPC on the grounds it violated the establishment clause of the First Amendment by promoting Christianity as a federally supported religion.

The US District Court found in favor of MNCPPC, but an appeals court reversed that decision. The American Legion, a major force in VA politics, joined MNCPPC to appeal the case to the Supreme Court. The Court issued a 7 to 2 decision, which ruled that the cross did not violate the establishment clause. Even though the cross began as religious symbol, with the passage of time the High Court opined that the cross had become a historic memorial honoring those who fought in the First World War, which rose above its purely Christian meaning.⁵

The American Legion website explicitly credited their success before the Supreme

Court as the impetus for VA policy changes.⁶ Hence, from the perspective of VA leadership, this wider latitude for religious expression, which the revised policy now allows, renders VA practice consonant with the authoritative interpreters of constitutional law—the highest court in the land.

Of course, on a question that has been so divisive for the nation since its founding, there are many who protest this extension of religious liberty in the federal health care system. Veterans stand tall on both sides of this divide. In May 2019 a US Air Force veteran filed a federal lawsuit against the Manchester VAMC director asking the court to remove a Christian Bible from a public display.⁷ With echoes of the Maryland cross case, the Bible in question was owned by a World War II prisoner of war (POW) and sat on a missing man remembrance table for all POWs in the lobby of the facility. Following complaints, the Bible was initially removed but was then returned after complaints over the removal.

Air Force Times compared the resulting melee to actual combat!⁷ As with the first case, such legal battles are ripe territory for advocacy and lobbying organizations of all political stripes to weigh in while promoting their own ideologic agendas. The Military Religious Freedom Foundation assumed the mantle on behalf of the Air Force veteran in the Manchester suit. The news media reported that the plaintiff in the case identified himself as a committed Christian. According to the news reports, what worried this veteran was the same thing that troubled President Roosevelt in 1940: By featuring the Christian Bible, the VA excluded other faith groups.¹ Other veterans and some veteran religious organizations objected just as strenuously to its removal, likely done to reduce potential for violence. Veterans opposing the inclusion of the Bible in the display also grounded their arguments in the First Amendment clause that prohibits the federal government from establishing or favoring any religion.⁸

Presumptively, displays of such religious symbols may well be supported in VA policy as a protected expression of religion, which

Secretary Wilke stated was the other primary aim of the revisions. “We want to make sure that all of our veterans and their families feel welcome at VA, no matter their religious beliefs. Protecting religious liberty is a key part of how we accomplish that goal.”⁴

In the middle of this sensitive controversy are the many veterans and their families that third parties—for profit, for politics, for publicity—have far too often manipulated for their own purposes. If you want to get an idea of the scope of these diverse stakeholders, just peruse the amicus briefs submitted to the Supreme Court on both sides of the issues in *The American Legion v American Humanist Association*.⁸

VA data show that veterans while being more religious than the general public are religiously diverse: 2015 data on the religion of veterans in every state listed 13 different faith communities.⁹ My response to the colleague who asked me about my opinion of the VA policies changes was based on the background narrative recounted here. My response, in light of Roosevelt’s concern and this snippet of a much larger swath of legal machinations, is the change in the VA policy is reasonable as long as it “has room for the expression of those whose trust is in God, in country, in neither, and in both.” We know from research that religion is a strength and a support to many veterans and that spirituality as an aspect of psychological therapies and pastoral counseling has shown healing power for the wounds of war.¹⁰ Yet we also know that religiously based hatred and discrimination are among the most divisive and destructive forces that threaten our democracy. Let’s all hope—and those who pray do so—that these policy changes deter the latter and promote the former.

Disclaimer

The opinions expressed herein are those of the author and do not necessarily reflect those of *Federal Practitioner*, Frontline Medical Communications Inc., the US Government, or any of its agencies.

References

1. Roosevelt FD. *The Public Papers and Addresses of Franklin D. Roosevelt. 1940 volume, War-and Aid to Democracies: With a Special Introduction and Explanatory Notes by President Roo-*

- sevelt [Book 1]. New York: Macmillan; 1941:537.
2. US Department of Veterans Affairs, Veterans Health Administration. VA Directive 0022: Religious symbols in VA facilities. https://www.va.gov/vapubs/viewPublication.asp?Pub_ID=849. Published July 3, 2019. Accessed July 18, 2019.
 3. US Department of Veterans Affairs, Veterans Health Administration. SVA Directive 1111(1): Spiritual and pastoral care in the Veterans Health Administration. https://www.va.gov/vhpublications/ViewPublication.asp?pub_ID=4299. Published November 22, 2016. Amended July 3, 2019. Accessed July 22, 2019.
 4. VA Office of Public and Intergovernmental Affairs. VA overhauls religious and spiritual symbol policies to protect religious liberty. <https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5279>. Updated July 3, 2019. Accessed July 22, 2019.
 5. Oyez. The American Legion v American Humanist Association. www.oyez.org/cases/2018/17-1717. Accessed July 16, 2019.
 6. The American Legion. Legion salutes VA policy change for religious freedom. <https://www.legion.org/honor/246151/legion-salutes-va-policy-change-victory-religious-freedom>. Published July 03, 2019. Accessed July 22, 2019.
 7. Miller K. Lawsuit filed over Bible display at New Hampshire VA Hospital; uproar ensues. <https://www.airforcetimes.com/news/your-military/2019/05/07/lawsuit-filed-over-bible-display-at-new-hampshire-va-hospital-uproar-ensues>. Published May 7, 2019. Accessed July 22, 2019.
 8. Scotusblog. The American Legion v American Humanist Association. <https://www.scotusblog.com/case-files/cases/the-american-legion-v-american-humanist-association>. Accessed July 22, 2019.
 9. US Department of Veterans Affairs. Veterans religions by state 2015. https://www.va.gov/vetdata/docs/SpecialReports/Veterans_Religion_by_State.xlsx. Accessed July 22, 2019.
 10. Smothers ZPW, Koenig HG. Spiritual interventions in veterans with PTSD: a systematic review. *J Relig Health*. 2018;57(5):2033-2048.

LETTERS

Portrayal of Federal Endoscopy Technology

To the Editor: I was excited to see that in the latest issue of *Federal Practitioner* there is an article titled “Unrelated Death After Colorectal Cancer Screening: Implications for Improving Colonoscopy Referrals.”¹ In fact, it made the cover! But your cover image showed what appears to be an ancient (an ancient artifact, perhaps)—did I mention ancient?—fiber-optic endoscope. Fiber-optic endoscopes haven’t been used in maybe 20 years. High-definition endoscopy is the standard of care. Before that it was standard definition. The cover image suggests that federal endoscopists may be using museum-quality colonoscopes, which I know is not the case. I just wanted to point out what I found to be humorous.

Thank you for opportunity to share my opinion.

CDR R. Daniel Lawson, MD, MC, USN
 Head, Endoscopy
 Naval Medical Center San Diego
 Owner, Lawson GI LLC
 Gastroenterologist

Response: Dr. Lawson, thank you for your concern. The image in question was selected by myself and the art director and not the authors of the article in question, purely for its recognizable and iconic nature. The image was in no way meant to portray the current state of the technology used at federal facilities. We regret that it may have confused or misled any readers about the current standard of endoscopy care. In the future we will retire such images to the museums where they belong.

Reid A. Paul, MA
 Editor

Reference

1. Gawron A, Bielefeldt K. Unrelated death after colorectal cancer screening: implications for improving colonoscopy referrals. *Fed Pract*. 2019;36(6):262-270.