



Department of Defense INSTRUCTION

NUMBER 1300.17

February 10, 2009

USD(P&R)

SUBJECT: Accommodation of Religious Practices Within the Military Services

- References:
- (a) DoD Directive 1300.17, "Accommodation of Religious Practices Within the Military Services," February 3, 1988 (hereby canceled)
 - (b) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R)), June 23, 2008
 - (c) Section 774 and chapter 47 of title 10, United States Code

1. PURPOSE. This Instruction:

- a. Reissues Reference (a) as a DoD Instruction in accordance with the authority in Reference (b).
- b. Prescribes policy, procedures, and responsibilities for the accommodation of religious practices in the Military Services.

2. APPLICABILITY AND SCOPE

- a. This Instruction applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the "DoD Components").
- b. The policies and procedures prescribed herein apply solely to the accommodation of religious practices in the Military Services and in no other context.

3. DEFINITIONS

- a. Neat and Conservative. In the context of wearing a military uniform, "neat and conservative" items of religious apparel are those that:

(1) Are discreet, tidy, and not dissonant or showy in style, size, design, brightness, or color.

(2) Do not replace or interfere with the proper wear of any authorized article of the uniform.

(3) Are not temporarily or permanently affixed or appended to any authorized article of the uniform.

b. Religious Apparel. Articles of clothing worn as part of the doctrinal or traditional observance of the religious faith practiced by the member. Hair and grooming practices required or observed by religious groups are not included within the meaning of religious apparel. Jewelry bearing religious inscriptions or otherwise indicating affiliation or belief is subject to existing Service uniform regulations under the same standard that applies to jewelry that is not of a religious nature.

4. POLICY. The U.S. Constitution proscribes Congress from enacting any law prohibiting the free exercise of religion. The Department of Defense places a high value on the rights of members of the Military Services to observe the tenets of their respective religions. It is DoD policy that requests for accommodation of religious practices should be approved by commanders when accommodation will not have an adverse impact on mission accomplishment, military readiness, unit cohesion, standards, or discipline.

5. RESPONSIBILITIES

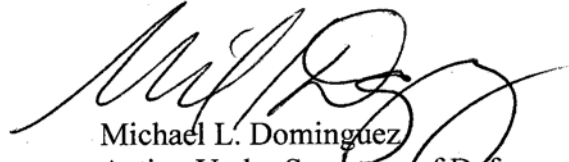
a. Principal Deputy Under Secretary of Defense for Personnel and Readiness. The Principal Deputy Under Secretary of Defense for Personnel and Readiness, under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, shall be responsible for the administration of this Instruction and may issue guidance implementing this Instruction, as appropriate.

b. Secretaries of the Military Departments. The Secretaries of the Military Departments shall issue appropriate implementing documents and administer the rules thereunder within their respective Departments consistently with this Instruction.

6. PROCEDURES. The enclosure contains procedures for accommodating religious practices in the Military Services.

7. RELEASABILITY. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

8. EFFECTIVE DATE. This Instruction is effective immediately.



Michael L. Dominguez
Acting Under Secretary of Defense
(Personnel and Readiness)

Enclosure
Procedures

ENCLOSURE

PROCEDURES

1. In accordance with rules prescribed by the Secretary of the Military Department of the individual making the request for accommodation, military commanders should consider the following factors, in addition to any other factors deemed appropriate, when determining whether to grant a request for the accommodation of religious practices, as addressed in section 4 of the front matter of this Instruction:

- a. The importance of military requirements in terms of mission accomplishment, military readiness, unit cohesion, standards, and discipline.
- b. The religious importance of the accommodation to the requester.
- c. The cumulative impact of repeated accommodations of a similar nature.
- d. Alternative means available to meet the requested accommodation.
- e. Previous treatment of the same or similar requests, including treatment of similar requests made for other than religious reasons.

2. The factors described in this enclosure are intended to promote standard procedures for resolving difficult questions involving the accommodation of religious practices. In view of the different mission requirements of each command, individual consideration of specific requests for accommodation is necessary.

3. When requests for accommodation are not in the best interest of the unit, and continued tension between the unit's requirements and the individual's religious beliefs is apparent, administrative actions should be considered. Those actions may include, but are not limited to, assignment, reassignment, reclassification, or separation. Nothing in this Instruction precludes action under chapter 47 of title 10, United States Code (Reference (c)), in the appropriate circumstances.

4. The guidance in this Instruction shall be used by the Military Departments in the development of implementing documents on the exercise of command discretion concerning the accommodation of religious practices.

- a. Worship practices, holy days, and Sabbath or similar religious observance requests shall be accommodated, except when precluded by military necessity.

b. Religious beliefs shall be included as a factor for consideration when granting separate rations.

c. Religious beliefs shall be considered as a factor for the waiver of required medical practices, subject to military requirements and medical risks to the unit.

d. Familiarization with religious accommodation policies shall be included in the training curricula for command, judge advocate, chaplain, and other appropriate career fields or assignments.

e. Applicants for commissioning, enlistment, and reenlistment shall be advised of their Military Department's specific religious accommodation policies.

5. In accordance with section 774 of Reference (c), members of the Military Services may wear items of religious apparel while in uniform, except where the items would interfere with the performance of military duties or the item is not neat and conservative. The Military Departments shall prescribe regulations on the wear of such items. Factors used to determine if an item of religious apparel interferes with military duties include, but are not limited to, whether or not the item:

a. Impairs the safe and effective operation of weapons, military equipment, or machinery.

b. Poses a health or safety hazard to the Service member wearing the religious apparel and/or others.

c. Interferes with the wear or proper function of special or protective clothing or equipment (e.g., helmets, flak jackets, flight suits, camouflaged uniforms, gas masks, wet suits, and crash and rescue equipment).

d. Otherwise impairs the accomplishment of the military mission.

6. Religious items or articles not visible or otherwise apparent may be worn with the uniform provided they shall not interfere with the performance of the member's military duties, as discussed in paragraph 5 of this enclosure, or interfere with the proper wearing of any authorized article of the uniform.

7. A complete ban on wearing any visible items of religious apparel may be appropriate under circumstances in which the Service member's duties, the military mission, or the maintenance of discipline require absolute uniformity. For example, members may be prohibited from wearing visible religious apparel while wearing historical or ceremonial uniforms; participating in review formations, parades, honor or color guards, and similar ceremonial details and functions.

8. The standards in paragraphs 5, 6, and 7 of this enclosure are intended to serve as a basis for determining a member's entitlement to wear religious apparel with the uniform. For example, unless prohibited by paragraph 5 or 7 of this enclosure, a Jewish yarmulke may be worn with the uniform whenever a military cap, hat, or other headgear is not prescribed. A yarmulke may also be worn underneath military headgear as long as it does not interfere with the proper wearing, functioning, or appearance of the prescribed headgear, under paragraph 6 of this enclosure.

9. Notwithstanding any other provision in this Instruction, chaplains may wear any required religious apparel or accouterments with the uniform while conducting worship services and during the performance of rites and rituals associated with their religious faith.

10. The authority to approve the wearing of an item of religious apparel with the uniform, under the guidelines of this Instruction, shall be exercised at the command level specified by each Military Department. Denials of requests to wear religious apparel shall be subject to review at the Service Headquarters level. Final review shall occur within 30 days following the date of initial denial for cases arising in the United States, and within 60 days for all other cases. Exceptions to these deadlines shall be limited to exigent circumstances. Service members shall be obliged to comply with orders prohibiting wearing questionable items of religious apparel pending review of such orders under regulations issued by the Secretaries of the Military Departments.

11. Nothing in this guidance or in the Military Department documents authorized by section 4 of this enclosure (except when expressly provided therein) shall be interpreted as requiring a specific form of accommodation in individual circumstances.