

Tony Kolenc Submission to ACS Constitutional Law Scholars Forum 2022

Abstract

The Article details the importance of religious freedom in the United States and its armed forces, as well as the unfortunate history of non-accommodation that has plagued the military until recent years. It recounts the Supreme Court case law that led Congress to enact the Religious Freedom Restoration Act (RFRA), and it outlines the military's reticence in accepting RFRA as the new standard in religious accommodation claims. Setting out an analysis for handling religious accommodation claims under RFRA in the military, it proposes a series of hypotheticals that demonstrate the kinds of issues the military will need to confront and accommodate if it is truly able to respect its members religious liberty, as well as the spirit and letter of RFRA.

Biography

Antony "Tony" Kolenc is an Associate Professor at UNT Dallas College of Law. He served 21 years in the United States Air Force, retiring as a Lieutenant Colonel from the Judge Advocate General's (JAG) Corps. During his career as a JAG, Tony litigated both civil and criminal cases before trial and appellate courts. He has also taught at the United States Air Force Academy in Colorado Springs and Florida Coastal School of Law. Tony received his Juris Doctor degree in 1999 from the University of Florida Levin College of Law. He has taught several courses, to include Evidence and Constitutional Law. His professional writings have focused on matters of constitutional law and military policy, especially focusing on Freedom of Religion.

Key Words

Constitutional law, religious liberty, religious freedom, First Amendment, Religious Freedom Restoration Action