

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 › MADISON, WI 53701 › (608) 256-8900 › WWW.FFRF.ORG

November 5, 2021

SENT VIA EMAIL AND U.S. MAIL: oknezovich@spokanesherriff.org

Sheriff Ozzie D. Knezovich
Spokane County Sheriff's Office
1100 W. Mallon Avenue
Spokane, WA 99260

Re: Unconstitutional Chaplaincy

Dear Sheriff Knezovich:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to the Spokane County Sheriff's Office's official chaplaincy program and its endorsement of Christianity through this program. FFRF is a national nonprofit organization with more than 35,000 members across the country, including more than 1,500 members and two local chapters in Washington. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned Spokane County employee has raised concerns with Spokane County's employment of chaplains and its endorsement of Christianity through this official chaplaincy program. Our complainant reports that despite the fact that the chaplaincy is nominally targeted at law enforcement, all Spokane County employees regularly receive emails and newsletters from the chaplains. These emails and newsletters promote Christianity and include preaching, proselytizing, and religious devotionals.

The October newsletter's theme is "The Battle Belongs to The Lord."¹ It includes multiple bible verses:

This is what the LORD says to you: 'Do not be afraid or discouraged because of this vast army. For the battle is not yours, but God's.' 2 Chronicles 20:15b.

Romans 8:28 "And we know that in all things God works for the good of those who love Him, who have been called according to His purpose.

The October newsletter also includes a religious devotional and proselytizing:

We see in our selected verse today how we can maintain our needed strength and resiliency, day in and day out. Psalm 144:1 tells us this; "Praise be to The Lord my rock, Who trains my hands for war, and my fingers for battle."

¹ <https://www.spokanecounty.org/DocumentCenter/View/39783/Chaplain-Newsletter-10-2021>

Who trains us? God Himself. What for? All types of war and battle. Friends, remember that it is God Who ultimately trains us and equips us, in every way, for all types of battle and every challenge and/or conflict that we will ever face.

The verse that ties into this is from Matthew 6:33, and tells us; “But seek first His Kingdom and His righteousness, and all these things shall be given to you as well.” I tell you this, that if we faithfully seek God and His wisdom in all that we do, we can be successful in every area, one step at a time. Amen.

Blessings from Above, Chaplain Robert Kinnune

A review of previous newsletters reveals that they always include bible quotes, Christian religious references, and proselytizing.

For instance, the May newsletter included a Christian devotional²:

What has stuck out to me in the last 2 months learning about Chaplaincy, watching all of you, and the role that we play in our Community; is the need to bring light into dark places. Luke 1:79 says “to shine on those living in darkness and in the shadow of death, to guide our feet into the path of peace”. How do we shine on those experiencing darkness at that moment and what does that “light” look like? For me “the Light” is His unending presence day in and day out. The Word says in Deu. 31:8: “Do not be afraid or discouraged, for the Lord will personally go ahead of you. He will be with you; he will neither fail you nor abandon you”. There have been many times in my life that knowing the Lord had already gone to the places I was concerned and actually frightened about, gave me much peace. It was as if the places were dark but knowing Jesus had already been there and in a sense “turned the light on” by His very presence...I am reassured. In my devotion this week it stated “Just as He came as the light of the world, He commands us to be “lights” too. In Matthew 5: 14-16 we see believers depicted as the light of the world. Just as the moon has no light of its own, reflecting the light of the sun, so are believers to reflect the Light of Christ so that all can see it in us. The Light is evident to others by the good deeds we do in faith and through the power of the Holy Spirit. The emphasis here is maintaining a credible and obvious witness in the world, a witness that shows us to be faithful, God-honoring, trustworthy, sincere, earnest, and honest in all that we do. Also, we should always be ready to give an account of the hope that we have for the gospel Light we have is not to be covered, but made obvious for all to see and benefit from, that they too, may leave the darkness and come into the Light.

While the chaplaincy program claims that chaplains “will not proselytize or otherwise attempt to force a particular religious faith on anyone,”³ this is clearly not the case. The program requires

² <https://www.spokanecounty.org/DocumentCenter/View/37646/Chaplain-Newsletter-May-2021>

³ <https://www.spokanecounty.org/1497/Chaplaincy-Services>

that chaplains be “an ordained minister, priest, or pastor and/or person recognized by the board,” and “affiliated with a local church and have that body’s approval for service as a chaplain.”⁴ These requirements all but ensure that chaplains will always be Christian ministers, priests, and pastors.

Police chaplaincies are unconstitutional. Government chaplains may only exist as an accommodation of a public employee’s religious beliefs when the government makes it difficult or impossible to seek out private ministries. For instance, it may be difficult for military service members to find a place of worship while on mission in a foreign country or for an inmate in a prison to find a way to worship. Chaplains are meant to lighten the government-imposed “burden” on religious exercise. Spokane County and the Sheriff’s Office do not place any burden on employees or the public, so there is no need for the County to provide chaplains for them. Chaplains’ employment, even if volunteer, demonstrates endorsement of religion, in this case, Christianity, which violates the Constitution.

In the case of law enforcement, there is no significant government burden on free exercise. Courts look to the Establishment Clause to determine if chaplaincies are legitimate. *See, e.g., Voswinkel v. City of Charlotte*, 495 F. Supp. 588 (W.D.N.C. 1980) (finding a police chaplain position unconstitutional). Law enforcement agencies acting in their official capacities may not proselytize or promote religion. *See Milwaukee Deputy Sheriff’s Ass’n v. Clarke*, 588 F.3d 523 (7th Cir. 2009) (ruling sheriff meetings with presentations by religious group unconstitutional). This puts the Department in the position of policing the actions, words, and programs of the chaplains. In our experience, government entities rarely exert the appropriate oversight of the chaplaincy, allowing chaplains to use the workplace as their church, as is clearly the case here. Paid or not, chaplains are sponsored by the County. They are bound by the First Amendment like any other government employee, and the County and Sheriff’s Office are liable for their constitutional violations. The best solution is to discontinue this government-sponsored religious chaplaincy.

The County is also vulnerable to a discrimination lawsuit. As they disclaim, the chaplains intend, at least nominally, to assist people of all faiths. But the County serves all citizens regardless of their religious affiliation (or lack thereof). Non-religious Americans make up the fastest growing segment of the U.S. population by religious identification—35 percent of Americans are non-Christians, and this includes the 31 percent of Spokane County residents who are religiously unaffiliated.⁵

It is troubling that chaplains are actively preaching to County employees and counseling members of the public. Community resources or licensed therapists who actually have certification in victim counseling should be the first resort for those vulnerable people, not members of the clergy. It is also concerning that chaplains are meant to counsel law enforcement officers and their families. There are almost certainly officers who are not Christians. They should not be encouraged to compromise their beliefs and use religious support services. Nonreligious and non-Christian officers are your employees too, but if they want in-office help,

⁴ <https://www.spokanecounty.org/1512/Qualifications>

⁵ *The 2020 Census of American Religion*, Public Religion Research Institute (July 8, 2021), available at <https://www.ppri.org/research/2020-census-of-american-religion>.

they may be forced to take on costs to receive live person-to-person counseling and do so on their own time. All in all, this program discriminates against County employees by providing chaplains who are only equipped to handle the needs of some employees, alienating and discriminating against nonbelievers and non-Christians.

It does no good to claim that chaplains can meet the needs of nonbelievers and believers of other faiths. This is simply not true. If chaplains were adept at providing secular therapy, they would be therapists, not chaplains. There is no reason to think a nonbelieving employee would be comfortable dealing with a person who provides comfort from a religious viewpoint. Chaplains cannot simply set aside their religion in order to assist a nonbeliever, and are often unwilling to even try to do so. Chaplains view the world and its problems through the lens of religion and a god, a view inapposite to nonbelievers. Claims that someone is “in a better place” or that a god “works in mysterious ways” may be the bedrock of religious consolation, but are meaningless and even hurtful trivialities to nonbelievers.

Secular counselors would be equipped to counsel 100% of the employees, would not use their positions to preach and proselytize, and would be actually licensed in counseling. There is no doubt that law enforcement officers have stressful jobs. But the idea that law enforcement agencies thus need religious guidance does not follow, and favoring religious officers and their families with free, on-the-job counseling while not only ignoring the needs of those of non-Christian faiths or no faith but actively allowing the chaplain to attempt to convert them to Christianity is discriminatory.

We ask that Spokane County discontinue its chaplaincy program. The best approach by the County is to provide secular support services and to leave determinations on religious support to individuals. At the very least, the chaplaincy program must cease promoting and endorsing Christianity, and must cease preaching and proselytizing to County employees. Please inform us in writing of the steps you will take to remedy this matter.

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

Cc: Josh Kerns, County Commissioner, *via* Jkerns@spokanecounty.org
Mary Kuney, County Commissioner, *via* mkuney@spokanecounty.org
Al French, County Commissioner, *via* AFrench@spokanecounty.org