

# FREEDOM FROM RELIGION *foundation*

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May 31, 2019

**SENT VIA EMAIL AND U.S. MAIL:**

**John.Batiste@wsp.wa.gov**

Chief John R. Batiste  
Washington State Patrol  
Helen Sommer's Building  
106 11th Ave. SW  
Olympia, WA 98501

Re: Unconstitutional religious promotion by WSP chaplains

Dear Chief Batiste:

I am writing on behalf the Freedom From Religion Foundation to alert you to constitutional concerns regarding the state patrol's police chaplains. FFRF is a national nonprofit organization with 31,000 members across the country, including more than 1,400 members in Washington and two state chapters. FFRF's purposes are to protect the constitutional separation between state and church, and to educate the public on matters relating to nontheism.

A concerned Washington State Patrol employee notified us that the WSP has a chaplaincy program that raises several important constitutional issues. We understand that the WSP provides chaplains with uniforms, giving the appearance that chaplains are police officers or, at least, representatives of the WSP. We also understand that the WSP chaplains preside over various WSP ceremonies, such as wreath layings and cadet graduations, often leading prayers that graduating cadets are expected to participate in. Finally, we understand that the WSP chaplains regularly leave pamphlets in detachment offices, and that these pamphlets include varying degrees of religious content, including Christian crosses and celebrating Christian holidays.

It is our understanding that all of the WSP chaplains are members of Protestant Christian denominations. The Washington State Chaplain Foundation website, which was founded by WSP Senior Chaplain Mike Neil, includes a Christian cross on its logo and on at least some of the officers' uniforms.<sup>1</sup> By all appearances, the chaplaincy provides religious counseling exclusively from a Protestant Christian perspective.

Our complainant reported that they find the uniformed all-Christian chaplains' persistent presence "uncomfortable and oppressive," and that it gives an appearance "that the agency is promoting and endorsing 'Christian' values and supports a set of political beliefs that Christians endorse." The WSP's apparent endorsement of the Christian chaplaincy's religious views, and the continual presence of these uniformed Christian ministers, creates

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<sup>1</sup> See [tfwpcf.org/wscf-chaplains/](http://tfwpcf.org/wscf-chaplains/).

an environment where our complaint feels that if they were to “dissent or object I feel I would be cast out, looked down upon and have my career adversely affected.”

Taken together, there is an overwhelming appearance that the chaplain program, and thus the WSP, endorses religion in general, and Christianity over other religions. Further, the uniformed chaplains promote Christianity while acting on behalf of the WSP when they deliver prayers at cadet graduations and distribute pamphlets with religious messages and iconography to WSP employees. The WSP’s decision to allow only Protestant Christians to preside over WSP ceremonies such as wreath layings further cements the general appearance that the WSP prefers religion over nonreligion and Protestant Christianity in particular.

We request that you investigate these concerns and take immediate action to ensure that the WSP and its representatives do not endorse or promote religion in general, or any particular religion. At a minimum, all religious symbols must be removed from WSP chaplain uniforms and any literature given to WSP employees, and future WSP events must not include prayers, mandatory or otherwise. Any chaplains who are unable to carry out their duties in an entirely secular manner must not be allowed to continue to represent the WSP.

Law enforcement agencies may not facilitate proselytizing or other religious promotion by chaplains or other outside religious groups. *See Milwaukee Deputy Sheriff's Ass'n v. Clarke*, 588 F.3d 523 (7th Cir. 2009) (ruling sheriff violated the Establishment Clause by allowing a religious group to present at Sheriff’s Office events). In *Clarke*, the sheriff was liable because he granted a religious organization special access to officers. The religious group “offered peer support, but also sought to foster discussion on how the officers could ‘impact others for Christ’ and Christ’s impact in their lives. This presents a problem for the Sheriff because the Establishment Clause prohibits the government from ‘promot[ing] or affiliate[ing] itself with any religious doctrine or organization.’” *Id.* at 528 (citing *Cty. of Allegheny v. ACLU*, 492 U.S. 573, 590 (1989)). Since the WSP has similarly granted its chaplains unique access to WSP employees and events, any religious content of those interactions is fairly attributable to the WSP and is unconstitutional.

WSP police chaplains exceed their authority when they deliver prayers at WSP events, distribute religious literature to officers, or otherwise use their position to minister to WSP employees or the public. 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. In those cases, chaplains provide a means of accommodating the religious beliefs of those who would otherwise have no way to worship. But the actions reported by our complainant indicate that WSP chaplains have gone well beyond religious accommodation into religious endorsement.

If the WSP maintains a chaplaincy program, it puts itself in the position of policing the actions, words, and programs of its chaplains. In our experience, government entities rarely exert the appropriate oversight on a chaplaincy, allowing chaplains to use the workplace as their church. Paid or not, chaplains are sponsored by the WSP. They are bound by the First Amendment like any other government employee, and your office is liable for their

constitutional violations. The best solution is to discontinue this government-sponsored religious chaplaincy and replace it with individuals who can provide death notifications and other important community services from a purely secular perspective.

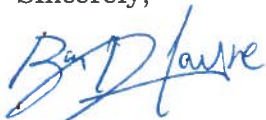
Community resources or licensed therapists who actually have certification in victim counseling should be the first resort for members of the public in need of counsel, not members of the clergy. It is also concerning that chaplains are meant to counsel law enforcement officers and their families. There are WSP troopers and other employees who are not Protestants. They should not be encouraged to compromise their beliefs and use a government-selected religious support service. Nonreligious and non-Protestant officers are your employees too, but if they want in-office help, their only option may be to consult with a Protestant minister. All in all, this program discriminates against WSP employees by providing chaplains who are only equipped to handle the needs of some employees, alienating and discriminating against nonbelievers and non-Protestants.

It does no good to claim that chaplains can meet the needs of nonbelievers and believers of other faiths. There is no reason to think a nonbelieving employee would be comfortable confiding in a religious minister who provides comfort from a religious viewpoint. Chaplains who are religiously trained but lack training in secular counseling are ill-equipped 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.

A secular counselor would be equipped to counsel 100% of the employees, and would be actually licensed to do so. 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 Christian officers and their families with free, on-the-job counseling while ignoring the needs of those of non-Christian faiths or no faith is discriminatory.

Please investigate these concerns and respond in writing at your earliest convenience with the steps taken to ensure that the WSP does not appear to endorse religion. If police chaplains are unable, or unwilling, to fulfill their duties in an entirely secular way, including omitting the religious symbols on their uniform and on literature given to WSP employees, we see no alternative to ending the chaplaincy program. Finally, regardless of the status of the chaplaincy program itself, please provide specific assurances that future WSP events, including cadet graduations, will not include prayers or other religious rituals.

Sincerely,



Ryan D. Jayne  
Staff Attorney