

# FREEDOM FROM RELIGION *foundation*

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May 31, 2024

**SENT VIA EMAIL & U.S. MAIL: [council@carlsbadca.gov](mailto:council@carlsbadca.gov)**

The Honorable Keith Blackburn  
Mayor  
Carlsbad City Council  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

Re: “Censorship” of Chaplain Prayers

Dear Mayor Blackburn and City Council members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a letter you recently received from First Liberty Institute imploring you to allow two chaplains to push their personal Christian beliefs onto Carlsbad residents and employees. FFRF is a national nonprofit organization with more than 40,000 members across the country, including more than 5,200 members and two chapters in California. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It was brought to our attention that the Council recently received a letter from First Liberty Institute after City Manager Scott Chadwick tried to rein in two religious leaders that the City has been allowing to act as official chaplains, preaching and promoting their personal religious beliefs to City employees and leading prayer at city-sponsored events. The letter indicated that on March 13, 2024, the police chief asked JC Cooper to lead a prayer at the Carlsbad Police Department Awards Ceremony. The prayer was explicitly sectarian, delivered “In Jesus’ name.” We understand a City Council member objected to opening this city-sponsored event, which was meant to honor department employees’ achievements regardless of their personal religious beliefs, with a Christian prayer. We understand that Mr. Chadwick then decided that the City’s chaplains could no longer deliver sectarian prayers at City-sponsored events. If they wanted to deliver prayers, those prayers would have to be inclusive of all the residents of Carlsbad and not just meant to advance their Christian faith. It is our understanding that the chaplains have stopped delivering invocations at City-sponsored events because they refuse to do so without being allowed to advance their personal religious beliefs.

The letter claims that Mr. Chadwick “misunderstands the law concerning public chaplains and invocations,” but it is First Liberty that misstates the law and is misleading the City in an attempt to fundraise off of their gullible supporters by painting the chaplains as martyrs.<sup>1</sup>

First and foremost, First Liberty distorts the law to the point of turning it completely upside-down by relying on *Kennedy v. Bremerton School District*, in which the Supreme Court upheld a government employee’s prayer because the Court viewed that prayer as a “personal religious observance,” holding that

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<sup>1</sup> See, e.g., [firstliberty.org/news/california-city-orders-to-stop-praying-in-jesus-name/](https://firstliberty.org/news/california-city-orders-to-stop-praying-in-jesus-name/).

Kennedy's prayer was private speech rather than government speech.<sup>2</sup> The City Manager did not prohibit Denny Cooper and JC Cooper from engaging in sectarian prayers *as personal religious observances*, but rather prohibited them from delivering sectarian prayers *as part of their official duties as chaplains*, as representatives of the City.

This distinction makes all the difference, as City employees and volunteers have a right to pray *privately* in any manner they wish, but simultaneously the City has an obligation to refrain from *official government* actions that “prefer one religion over another.” *Everson v. Bd. of Ed. of Ewing Tp.*, 330 U.S. 1, 15 (1947). First Liberty left this crucial point out of its letter because the conduct at issue is obviously government speech, not private speech. It is nonsensical to suggest a City representative's private free speech rights allows them to dictate official government speech without any government oversight, which First Liberty would surely point out itself if the speech at issue were not its own preferred religious message.

Even more fundamentally, First Liberty's ludicrous attempt to convince the City that it *must* favor Christianity over other religions leads to an important lesson: the simplest and best solution is for the Council to stop allowing local religious leaders to act as chaplains and spread their personal religious beliefs on behalf of the City at all.

The City does not have to employ chaplains or allow local religious leaders to act as chaplains, and in fact doing so only divides residents along religious lines, as the current situation demonstrates. 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 a government-imposed “burden” on religious exercise. Police officers, firefighters, crime victims, and residents do not need the government to fund their “spiritual support.”

Our Constitution's Establishment Clause—which protects Americans' religious freedom by ensuring the continued separation of religion and government—dictates that the government cannot in any way show favoritism toward religion or coerce belief or participation in religion. As the Supreme Court has put it, the First Amendment requires “governmental neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cnty. v. ACLU*, 545 U.S. 844, 860 (2005); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 15–16 (1947). Moreover, government-sponsored prayer “has the improper effect of coercing those present to participate in an act of religious worship.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 312 (2000).

Allowing City representatives to deliver exclusionary, sectarian remarks on behalf of the City invites discrimination lawsuits. No doubt the chaplains would claim, at least nominally, to assist people of all faiths. But as this incident shows, they are only interested in advancing their own personal religious beliefs, to the extent that they refuse to perform any duties whatsoever if they cannot use their government role to proselytize. The City serves all Carlsbad regardless of their religious affiliation or lack

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<sup>2</sup> The Court's characterization of Kennedy's prayer was at odds with the actual facts of the case, as the dissent pointed out, but that is irrelevant to the legal conclusion.

thereof. Thirty-seven percent of Americans are non-Christians, including the nearly thirty percent who now identify as religiously unaffiliated.<sup>3</sup>

Community resources or licensed therapists who have certifications in counseling should be the first resort for vulnerable people, law enforcement, emergency responders and their families, not members of the clergy who hope to be helpful. The City employs and serves people who are not Christians, including many who are not religious at all. They should not be encouraged to compromise their beliefs and to support religion in general, or one particular religious belief. Allowing religious leaders who are only equipped to handle the needs of some employees and community members to act as an official chaplain alienates those who do not share those chaplains' Christian beliefs.

There is no reason to think a non-believing employee or crime victim would be comfortable receiving spiritual guidance from 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 attempt to do so—the chaplains' conduct in this instance confirms that they refuse to perform any activities that do not involve spreading a specifically Christian message. 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 offensive trivialities to nonbelievers.

In order to demonstrate the Council's respect for the diverse range of religious and nonreligious Carlsbad residents, we urge you to end any city-sponsored chaplaincies and stop allowing individuals to spread their personal religious beliefs on behalf of the City. The City should provide secular support services and leave decisions to seek religious support to individuals. The City of Carlsbad is a diverse community with ample opportunities for people of various faiths to seek support. The City must separate itself from religion and respect the beliefs, including nonbelief, of all. Please inform us in writing of the steps you will take to address 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

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<sup>3</sup> Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), available at [www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/](http://www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/).