



# CONGRESSIONAL PRAYER CAUCUS FOUNDATION

November 27, 2019

**Via fax (440-326-1338) and U.S. Mail**

CONGRESSIONAL  
ADVISORY MEMBERS

Senator James Lankford  
Congressman Mark Walker  
Congressman Rick Crawford  
Senator John Boozman  
Senator Marsha Blackburn  
Senator Kevin Cramer  
Congressman Robert Aderholt  
Congressman Brian Babin  
Congressman John Carter  
Congressman Mike Conaway  
Congressman Jeff Fortenberry  
Congresswoman Vicky Hartzler  
Congressman Jody Hice  
Congressman Richard Hudson  
Congressman Bill Huizenga  
Congressman Doug Lamborn  
Congressman Chris Smith  
Congressman Glenn Thompson  
Congressman Tim Walberg  
Congressman Joe Wilson  
Congressman Robert Wittman

Chief Duane Whitely  
Elyria Police Department  
18 West Ave.  
Elyria, OH 44035

Re: Chaplain Program

Dear Chief Whitely:

I have the honor of serving as the Executive Director of the Congressional Prayer Caucus Foundation. The Foundation serves nearly 100 members of Congress who are part of the Congressional Prayer Caucus (the names of those members of Congress who serve on the Congressional Prayer Advisory Team are listed on the left).

In addition, the Foundation serves Legislative Prayer Caucuses in nearly 40 states, including Ohio, which have over 1,000 state senators and state representatives as members. These leaders are working together to preserve the integrity of our Founding Principles and protect First Amendment rights for all.

We recently learned that the Freedom From Religion Foundation ("FFRF") wrote you a letter objecting to the appointment of police department chaplains. FFRF argues that all chaplain programs are suspect, although perhaps military chaplains overseas may be acceptable if the servicemen could not otherwise worship God. But certainly police chaplains cannot be tolerated, according to FFRF, because Americans typically can exercise their First American right to worship without inconvenience in America.

FFRF leaves out, of course, the fact that the Supreme Court has held that paid chaplaincies are *constitutional*. The constitutionality of government-sponsored prayer was first considered nearly 45 years ago. In *Marsh v. Chambers*, 463 U.S. 783 (1983), a state legislator challenged his legislature's practice of hiring a chaplain (always a Christian of the same denomination) who always opened the legislative sessions with a Judeo-Christian prayer. The legislator contended that this practice violated the First Amendment's Establishment Clause.

In soundly rejecting this contention, Chief Justice Burger wrote that state-sponsored prayer is “deeply embedded in the history and tradition of this country.” 463 U.S. at 786. Regarding history, the Chief Justice noted that three days after Congress authorized the appointment of paid chaplains, Congress reached a final agreement on the language of the Bill of Rights. The Chief Justice reasonably concluded that the men who wrote the First Amendment’s Religion Clause did not view state-sponsored prayer as a violation of that Amendment. Regarding tradition, the Chief Justice further wrote that state-sponsored prayer has continued without interruption ever since the First Congress, and has been consistently followed in most of the states. 463 U.S. at 788-89.

These principles in *Marsh* were reaffirmed a couple years ago in *Town of Greece v. Galloway*, 134 S. Ct. 1811 (2014), where the Supreme Court once again held that state-sponsored prayer is constitutionally permissible. In his opinion for the Court, Justice Kennedy highlighted our nation’s historic use of prayer, further stating that “the First Congress provided for the appointment of chaplains only days after approving language for the First Amendment [which] demonstrates that the Framers considered legislative prayer a benign acknowledgment of religion’s role in society. . . . As a practice that has long endured, legislative prayer has become part of our heritage and tradition, part of our expressive idiom, similar to the Pledge of Allegiance, inaugural prayer, or the recitation of ‘God Save the United States and this honorable Court’ at the opening of this Court’s sessions.” *Id.* at 1819, 1825.

FFRF claims that the law requires neutrality between religion and non-religion, but then misconstrues this to argue that religion should be excluded from the public square, such as the police department. This interpretation is wrong. As the Supreme Court in *Zorach v. Clauson*, 343 U.S. 306, 313-314 (1952) stated, “We find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence.”

If we can be of any service to you on this issue, feel free to contact us. We have First Amendment lawyers on staff who will work with you, without charge, if you need their services. To protect our freedom, we must exercise that freedom. May God bless you and the citizens of Elyria.

Sincerely,



Lea Carawan  
Executive Director  
Congressional Prayer Caucus Foundation  
National Strategic Center