

# The Rutherford Institute

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## **Rutherford Institute Sues U.S. Navy Over Allegations of Retaliating Against Military Chaplain for Attempting to Pray in Jesus' Name**

*WASHINGTON, DC* — Attorneys for The Rutherford Institute have filed a First Amendment lawsuit in federal court in defense of a Navy chaplain's right to offer sectarian prayers in Jesus' name. The lawsuit, filed on behalf of Chaplain Gordon Klingenschmitt against the Department of the Navy, charges that the Navy's current policy places limits on how Christian chaplains can publicly pray and forbids them from praying "in Jesus' name." Institute attorneys are asking the U.S. District Court for the District of Columbia to declare that the Navy's practice of censoring Christian prayers violates the U.S. Constitution as well as Chaplain Klingenschmitt's First and Fourteenth Amendment rights.

"The Constitution is clear about the fact that the government is prohibited from establishing a religion," said John W. Whitehead, president of The Rutherford Institute. "However, by directing and controlling the content of prayers offered by military chaplains, the military is essentially establishing its own civic religion in violation of the Constitution's Establishment Clause."

In 1998, a memo issued by the Navy Chief of Chaplains discouraged chaplains from invoking the name of Jesus when they pray at public events. This instruction was later embodied in an instruction from the Secretary of the Navy which provided that "religious elements for a command function, absent extraordinary circumstances, should be non-sectarian in nature." Chaplain Klingenschmitt resisted these directives on the basis of a federal statute providing that chaplains "may conduct public worship according to the manner and forms of the church of which he is a member." The complaint alleges that Chaplain Klingenschmitt received adverse fitness reports, reprimands, and was brought up for

court martial because of his objection to these directives. The complaint also alleges that the military's recent attempt to separate Chaplain Klingenschmitt from the Navy is the latest in a recurring series of violations of his constitutional rights because of "his objection to Navy policies that seek to establish a civic religion for the Navy in violation of the Establishment Clause." The Navy initiated the separation proceedings against Chaplain Klingenschmitt on the grounds that he had lost the church endorsement necessary to serve as a military chaplain. However, in the lawsuit, Rutherford Institute attorneys counter that the separation proceedings violate Navy and military regulations because Chaplain Klingenschmitt received a new church endorsement before the lapse of his previous endorsement and the separation is being considered by a chaplain review board that has no authority to consider such matters. Having spent more than 15 years in active duty in the U.S. military, Chaplain Gordon Klingenschmitt is currently on active duty in the Navy's Chaplain Corps at Norfolk Naval Station.

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