

FACT CHECK:

Keeping Governor Tim Kaine Honest About Virginia's "Chaplain-Gate"

Quote Analysis by Chaplain Klingenschmitt, www.PrayInJesusName.org

Why did Governor Tim Kaine's administration force the sudden resignation of six Virginia State Police Chaplains because they prayed publicly "in Jesus' name?" While Gov. Kaine is under fire himself, he continues defending his Police Superintendent Col. Flaherty, who forced the resignations of six chaplains by creating and enforcing a strict "non-sectarian" prayer policy. Is Gov. Kaine now misleading the public, to cover his tracks? Let's compare the Governor's recent public statements to known facts:

TRUE OR FALSE?

1) "No one lost their jobs." (Gov. Kaine's letter to 86 pastors, 30 Sep 08)

FALSE. Six chaplains lost their jobs as chaplains, having effectively "turned in their chaplain badge" in protest over the Governor's "non-sectarian" prayer policy. They are no longer permitted to perform chaplain duties, until they comply with the prayer policy and get reinstated. Until then, they remain on the payroll "in limbo" performing clerical duties, not ministerial duties as they were trained to do.

2) "No one suffered a 'forced resignation.'" (Gov. Kaine's letter to 86 pastors, 30 Sep 08)

FALSE. These chaplains were given direct verbal orders to stop praying "in Jesus name" at public ceremonies. Faced with a choice between disobeying orders and violating their conscience by publicly denying the name of Jesus Christ, they resigned. Their only options were PAIN, PAIN, or RESIGNATION. These heroic chaplains resigned rather than deny Christ or disobey orders.

3) "There is no 'anti-Christian persecution'..." (Gov. Kaine's letter to 86 pastors, 30 Sep 08)

FALSE. These chaplains were punished with exclusion, and Gov. Kaine's letter still admits that even if they returned to chaplain duties, they would be excluded from praying at public ceremonies. Exclusion itself is a form of punishment, as the Supreme Court ruled in 1991 *Lee v. Weisman*, stating that governments cannot enforce non-sectarian prayer content, nor "punish with exclusion" people who pray "sectarian" prayers at public events. (See last page).

4) "...or violation of free speech rights." (Gov. Kaine's letter to 86 pastors, 30 Sep 08)

FALSE. These chaplains cannot speak the illegal word "Jesus" during public ceremonies. They are free to pray to a neutered, non-sectarian, government-sanitized god, but they are not FREE to pray or speak according to their own conscience, at public ceremonies.

5) "I do not believe that anyone has been forced to offer only 'watered down prayers'A non-denominational prayer to the Creator, God, Lord, or Father is not 'watered down' by any means." (Gov. Kaine's letter to 86 pastors, 30 Sep 08)

FALSE. Governor Kaine's new policy requires conformity to government-sanitized prayer content, omitting the word "Jesus Christ" from prayer content during public ceremonies. If nobody felt forced to water-down their prayers, why did six chaplains resign in protest?

6) "I would never do anything to inhibit any body's religious worship. It doesn't diminish my ability to worship my God, to pray to the Father or the Lord without mentioning Jesus Christ." Gov. Kaine, NBC News 12 TV, 25 Sep 08.

FALSE. Governor Kaine has directly inhibited and diminished the freedom of chaplains to worship as THEY see fit, instead they must conform to the Governor's religion, and pray how the Governor prays, or face exclusion.

7) "This change was absolutely necessary in order for the Department to comply with court decisions concerning the issue of sectarian prayer at government sanctioned events." (Amber Lee Amato's email to David Carr from Gov. Kaine's constituent services, 30 Sep 08)

DECEPTIVELY FALSE. If he's read *Turner v. Fredericksburg*, the case in which the 4th circuit court of appeals upheld the Fredericksburg policy in that small town only, he would realize that court didn't attempt to universalize any ban on Jesus-prayers, rather it gave governments three options: 1) you may create a non-sectarian prayer policy (which Kaine denies exists), 2) you may schedule a rotating prayer policy among diverse religions (including Jesus-prayers), or 3) you appoint chaplains to pray as their own faith dictates. Christians supporting the chaplains request option 2 or 3, not 1. Kaine wants 1, but has not written any such policy, he's only verbally enforcing one.

READ QUOTE FROM SANDRA DAY O'CONNOR'S RULING IN *TURNER V. FREDBG.*:

“In *Marsh*, the legislature employed a single chaplain and printed the prayers he offered in prayerbooks at public expense. By contrast, the legislature in *Simpson* allowed a diverse group of church leaders from around the community to give prayers at open meetings. *Simpson*, 404 F.3d at 279. Both varieties of legislative prayer were found constitutional.”

THIS OPINION TEXT IS A SMOKING GUN! GOV. KAINE HAD THREE OPTIONS!

1. Non-sectarian prayers,
2. Rotating prayer policy,
3. Chaplains who choose their own prayer-books.

By refusing options 2 and 3, and mandating option 1, Gov. Kaine has verbally established a “non-sectarian” faith for all PUBLIC speech offered by his own police chaplains, under threat of punishment, if his chaplains pray publicly “in Jesus’ name.” Public prayer to Jesus would violate Flaherty’s standing verbal orders, and the Governor’s verbal endorsement of those orders.

8) “My office gave no directive to the state police.” (Kaine’s written statement, 25 Sep 08)

TRUE. Prior to events, Gov. Kaine was likely not consulted, and was blindsided by Flaherty’s unilateral verbal policy against public prayer “in Jesus’ name.” After the fact, however, Kaine openly endorsed that bad policy, and justified forcing the six chaplains to resign, saying on his monthly radio show, “it’s important for those in leadership positions to follow the laws, whether they like them or not.” (Hence Gov. Kaine actually believes case law requires chaplains to stop praying publicly “in Jesus’ name.” THAT IS FALSE, AS PROVEN BY THE QUOTE FROM JUSTICE SANDRA DAY O’CONNOR see quote #7 above, in *Turner v. Fredericksburg.*)

9) “There is no mandate prohibiting police chaplains from mentioning Jesus Christ.” (Kaine’s written statement, 25 Sep 08).

FALSE. There remains today a verbal mandate issued by the Police Superintendent, with Gov. Kaine’s verbal endorsement, that prohibits Virginia State Police Chaplains from praying “in Jesus name” at PUBLIC events, ceremonies and meetings. Flaherty said his guidance does not

apply to PRIVATE ceremonies, such as counseling sessions or funerals, and therefore does not ban chaplains from offering [PRIVATE] denominational services. But publicly, they're gagged, and must publicly deny the name of Jesus by censoring Him from their prayers.

10) "Nor does it 'prohibit state police chaplains from mentioning Jesus Christ' at these ceremonies." (Kaine's written statement, 25 Sep 08).

TRUE AND FALSE. It depends what 'these' means. At public ceremonies, the word Jesus remains banned as illegal speech. At private ceremonies, chaplains can say Jesus, (ever so quietly), and not be punished for violating the Kaine administration's prohibition against speaking PUBLIC prayers "in Jesus' name."

11) "No one has lost their jobs or positions because of this." (Kaine's written statement, 25 Sep 08)

FALSE. Six chaplains have lost their positions as chaplains, and their jobs as chaplains, although they're still permitted to perform other non-religious tasks, and they MAY OR MAY NOT still be employed by the Virginia State Police Department. Since the Kaine administration has not released any of their names, and the former chaplains have been otherwise silenced from making public statements against their Police Superintendent or Governor or policy, perhaps as a condition of their severance pay. So we have no idea how they're being treated, except that they've lost their jobs and positions as chaplains, after being forced to resign, because they couldn't pray "non-sectarian" public prayers, as ordered by the Kaine administration. If the Police Superintendent publicly renounces any existing "gag order" and allows the former chaplains to speak openly without retribution or reprisal, we may learn the actual truth about their employment status from them.

12) "No one was forced to resign from their duties as chaplains. Apparently six individuals, after receiving the Colonel's guidance, decided to step down from their voluntary positions." (Amber Lee Amato's email to David Carr from Gov. Kaine's constituent services, 30 Sep 08)

FALSE. These chaplains were given a direct verbal order to pray "non-sectarian" prayers at public ceremonies, leaving them with three choices: A) Disobey orders, or B) Violate your conscience by watering down your prayers, or C) don't participate (i.e. resign). FORCED with a choice between PAIN, PAIN, OR RESIGNATION, they chose to resign, effectively "turning in their chaplain badge" in protest. Six heroic chaplains lost their jobs by taking a stand for Jesus Christ.

13) “Flaherty gave his instructions to the chaplains after consultation with the attorney general’s office.” (Kaine’s written statement, 25 Sep 08)

PROBABLY FALSE. Attorney General Bob McDonnell’s spokesman said on 26 Sep: “In his individual capacity, Attorney General McDonnell is a vigorous supporter of religious liberty and the right of the clergy to freely practice their faith.” Freely practice means freely practice, without restriction. As a conservative evangelical who also prays in Jesus’ name, McDonnell believes in freedom to worship, even in public, not censorship or private speech as Flaherty’s liberal policy now dictates. Clearly these two men disagree, and McDonnell has not confirmed even speaking to Flaherty beforehand.

14) “The superintendent of the Virginia State Police must follow the law regarding prayers at public, government-sponsored events.” (Kaine’s radio show, 24 Sep 08)

FALSE. No such law or written policy exists for this issue, as confirmed by #1 above, since only a verbal order was given to the chaplains. The Superintendent is not bound by any written law passed by any legislature or signed by any governor. Instead Police Superintendent Col. Flaherty took it upon himself to issue his own unilateral verbal edict, SUDDENLY CHANGING STATE-WIDE POLICY when no law or policy was ever written. He ordered all of his chaplains to pray “non-sectarian” prayers at all public ceremonies, only allowing the word “Jesus” to be uttered by chaplains in private. Congress cannot make a law prohibiting the free exercise of religion and speech, neither can courts create such a law, since they are bound only to interpret existing laws and policies.

15) “It’s important for those in leadership positions to follow the laws, whether they like them or not.” (Kaine’s radio show, 24 Sep 08)

FALSE, since there is no Virginia State Law prohibiting chaplains from mentioning Jesus publicly. There is a local policy at the Fredericksburg City Council, but that council had no jurisdiction over the entire state of Virginia, UNTIL GOV. KAINE ARBITRARILY SAID IT NOW DOES. Citing the Fredericksburg policy, which was contested in court (see below), Gov. Kaine has verbally declared the Fredericksburg City Council policy must now be enforced as if it were state-wide policy, even while he admits no state policy exists (See #1 above.)

16) “Your letter contained some...disparaging comments about ‘liberals, atheists, and homosexuals’” (Gov. Kaine’s letter to 86 pastors, 30 Sep 08)

FALSE. The exact quote in the email alert sent to pastors (recruiting 86 Virginia Pastors to sign an on-line pledge to mobilize their people to vote) is as follows:

Please note: If you see several “churches” with offensive names on the pledge, please ignore them. Unfortunately, a group of atheists and homosexuals are signing the pledge to combat our efforts and confuse pastors.

This phrase merely alerted pastors to the possibility of graffiti-bloggers defacing our web-site data-collection tool, and the statement simply identified the graffiti-bloggers (in terms they used to described themselves) without disparaging them.

17) “I believe that the moral commands of our faith compel us to be truthful.” (Gov. Kaine’s letter to 86 pastors, 30 Sep 08)

Then why are 13 of Gov. Kaine’s preceding 16 statements verifiably false?

And why isn’t the media questioning the veracity of Gov. Kaine’s statements, when it’s obvious he’s trying to patch up his own image, after enforcing a bad prayer policy?

THE BOTTOM LINE:

Forced to choose between publicly denying Jesus (and violating their conscience) OR disobeying verbal orders to water-down their prayers, six chaplains involuntarily resigned, making them heroes for refusing to deny their faith in Jesus Christ.

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Quote Sources:

Gov. Kaine’s written statement, 25 Sep 08:

http://www.newsadvance.com/lna/news/local/article/kaine_takes_on_police_prayer_flap/8788/

Gov. Kaine's radio show, 24 Sep 08:

http://www.wsls.com/sls/news/state_regional/article/kaine_defends_state_police_superintendent_over_chaplain_prayer_policy/18148/

Gov. Kaine's letter to 86 pastors, 30 Sep 08:

<http://persuade.tv/Frenzy14/KaineReplyTo86Pastors.PDF>

Gov. Kaine's NBC TV-12 news interview, 25 Sep 08

<http://www.nbc12.com/global/story.asp?s=9075046>

1991 Lee v. Weisman Supreme Court Majority says Gov't cannot enforce non-sectarian prayers:

"The government may not establish an official or civic religion as a means of avoiding the establishment of a religion with more specific creeds...The State's role did not end with the decision to include a prayer and with the choice of clergyman. Principal Lee provided Rabbi Gutterman with a copy of the "Guidelines for Civic Occasions" and advised him that his prayers should be nonsectarian. Through these means, the principal directed and controlled the content of the prayers. Even if the only sanction for ignoring the instructions were that the rabbi would not be invited back, we think no religious representative who valued his or her continued reputation and effectiveness in the community would incur the State's displeasure in this regard. It is a cornerstone principle of our Establishment Clause jurisprudence that it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government, Engel v. Vitale, (1962), and that is what the school officials attempted to do."