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PRESS RELEASE

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NAVY OFFICIAL BANS CHAPLAIN FROM MINISTERING TO BEREAVED FAMILIES AND SAILORS

Liberty Institute Protests Navy's "Restraining Order" Against Decorated Navy Chaplain,
Barring Him from Ministering to Sailors

GOOSE CREEK, SC, March 24, 2015—Today, Liberty Institute announces that Chaplain Modder's commanding officer, Captain Jon R. Fahs, issued a "no contact" order to Chaplain Wes Modder (the military version of a restraining order), forbidding him from counseling or ministering to members of his unit. The order comes on the heels of a tragic death in Modder's unit, banning him from ministering to grieving sailors and the deceased sailor's family members.

After a sailor in his unit unexpectedly passed away, Chaplain Modder immediately sprung into action to fulfill his usual chaplain duties of providing comfort and support to the deceased sailor's grieving family. But just as Chaplain Modder was about to perform those duties, the Navy informed him of the "no contact" order, banning him from having any contact with any personnel from his unit, depriving him of the ability to comfort them during a time of grief and mourning. Captain Fahs also banished Chaplain Modder from the Naval base where Modder is stationed on the day of the memorial service for the fallen sailor. The order also comes just days after Captain Fahs denied Chaplain Modder's request for a religious accommodation to provide pastoral counseling in accordance with his faith. (See *Captain Fahs' denial letter at <https://www.libertyinstitute.org/ModderFacts>*)

"This Navy official is using the 'no contact' order as a weapon to punish and humiliate a decorated military chaplain," said Mike Berry, Liberty Institute Senior Counsel and Director of Military Affairs. "I am stunned that he would deny Chaplain Modder the ability to minister to a grieving family and other sailors."

Liberty Institute President and CEO Kelly Shackelford said, "Of the most critical times for chaplains, the death of a colleague is near the top of the list. For this Navy official to bar a chaplain from comforting and ministering to sailors and families is a reprehensible violation of religious freedom and common human decency."

Case Background: Chaplain Wes Modder is a Navy chaplain and former Marine who previously served as the Force chaplain for Naval Special Warfare Command. He has deployed overseas multiple times during the War on Terror, including in support of Navy SEAL Teams. In October 2014, Chaplain Modder's commander called him a "consummate professional leader," "the best of the best," and said he sets the "clear benchmark" for chaplain professionalism. Now, the Navy is threatening Chaplain Modder with career-ending punishment because, when asked, he expressed faith-based views on marriage and human

sexuality in private counseling sessions. Liberty Institute is defending Chaplain Modder and asserts that censoring his religious expression is unconstitutional religious discrimination. The “no contact” order comes only days after the Navy officially denied Chaplain Modder’s request for religious accommodation, in violation of federal law and Department of Defense (DoD) regulations. *(Read more about Modder’s case at <https://www.libertyinstitute.org/ModderFacts>)*

About Liberty Institute

Liberty Institute is the largest nonprofit legal organization in the nation dedicated solely to defending religious liberty in America. Liberty Institute protects freedom of religious expression in our military, schools, churches, and throughout the public arena. For more information, visit www.LibertyInstitute.org.