

February 11, 2025

The Honorable Douglas A. Collins  
Secretary of Veterans Affairs  
U.S. Department of Veterans Affairs  
810 Vermont Ave., NW  
Washington, DC 20420

***Sent via email and U.S. Mail***

**Re: The VA’s Censorship of Chaplain Sermons**

Secretary Collins:

Congratulations on your confirmation as Secretary of Veterans Affairs. Given your service as an Air Force Reserve chaplain, we want to alert you to troubling censorship of chaplains occurring within the VA. We know that you and President Trump support religious liberty, and so we ask you to take immediate action to protect the rights of chaplains within the VA.

Our client, Chaplain Russell Trubey, is a current Army Reserve chaplain, veteran, and former missionary, who has served the veterans of Coatesville VA Medical Center (“Coatesville Facility”) for the last ten years. One of his duties is to lead the Protestant Chapel service, but in June of 2024, after Chaplain Trubey preached a sermon, the VA threatened to punish him with a Letter of Reprimand (“LOR”). Despite the Coatesville Facility suddenly rescinding the proposed LOR—after receiving our Letter of Representation—Chaplain Trubey’s supervisor now seeks to censor sermons through new policies and proposed Standard Operating Procedures. We are also concerned that this is a systemic problem within the VA as we have learned that chaplains in other VA facilities, including Utah, are encountering similar discrimination.

We know that you will do the right thing to protect Chaplain Trubey and his colleagues, but we’re also prepared to litigate if necessary. And our track record in court is outstanding. In just the past three years, we have won four cases at the U.S. Supreme Court, including one that protected a class of Navy sailors from the Biden Administration’s vaccine mandate. *See Austin v. U.S. Navy SEALS 1-26*, 142 S. Ct. 1301 (2022) (upholding preliminary injunction against military vaccine mandate subject to narrow stay); *see also Groff v. DeJoy*, 600 U.S. 447 (2023), *Kennedy v. Bremerton School District*, 597 U.S. 507 (2022), and *Carson v. Makin*, 596 U.S. 767 (2022).

We ask that you take immediate action to eliminate the speech code being imposed by the VA and ensure that Chaplain Trubey and his colleagues may preach according to the dictates of their conscience.

### **Factual Background**

Endorsed by the General Council of The Assemblies of God, Chaplain Trubey has served as the hospice and palliative care chaplain at the Coatesville VA Medical Center since 2015. One of his duties is to provide Protestant worship services on Sundays. Consistent with this duty and the teachings of his endorsing organization, Chaplain Trubey preaches sermons using text from the Bible during each service. Whenever he preaches, Chaplain Trubey adheres to his religious beliefs, faith tradition, and the teachings of his ecclesiastical endorser, which all find their basis in the Christian Bible.

When Chaplain Trubey selects the sermon topic and Bible passage from which he will preach, he relies on God to lead him. In June of 2024, Chaplain Trubey felt that God was leading him to preach a two-part sermon series on the first chapter of Romans. On June 23, 2024, Chaplain Trubey preached the second installment of the series, entitled “When a Culture Excludes God,” and the biblical text he read was Romans 1:23–32. Before reading the text, Chaplain Trubey explained to those attending the service that what he would be reading would be hard to hear. But he also explained that in order to hear God’s good news of hope and redemption, they needed to hear the bad news first. In Romans 1, the Bible describes behaviors that cultures engage in and celebrate when they exclude God from their lives. One of those behaviors the Bible describes is homosexual behavior. After Chaplain Trubey read the text to those attending the service, some people walked out of the room and left the service. Chaplain Trubey continued to preach the sermon, explaining that God provides grace, forgiveness, and wholeness to all who trust in God, regardless of past behavior.

After the service ended, an onsite VA police officer approached him. The officer alleged there were complaints about his sermon from that day. Chaplain Trubey informed his supervisor, Chaplain Brynn White, that the police had been called after his sermon, and explained the content of the sermon to her. Chaplain White said that Romans 1 was a “very charged and divisive text,” and asked Chaplain Trubey to send her his sermon transcript and to “write out any extemporaneous lines that [he] might have said that others might have found offensive.” Chaplain Trubey complied with this request.

The following morning, Chaplain White informed Chaplain Trubey by email that he was not to offer any patient care services to veterans at the Coatesville Facility. After Chaplain Trubey inquired as to why, Chaplain White sent a follow-up email explaining that he was being transferred out of Chaplain Service while the VA investigated him for the sermon he preached and assigned him to logistics. When Chaplain Trubey pressed further, Chaplain White simply responded that the allegation was for “inappropriate conduct.”

The next day, the Coatesville Facility initiated a fact-finding investigation into Chaplain Trubey’s sermon. During the pendency of the investigation, Chaplain Trubey

was relegated to logistics, stocking shelves, counting inventory, and performing other duties unrelated to serving as a chaplain. Chaplain Trubey quickly learned that this position was commonly referred to among staff as “nurse jail,” as it was where staff members were banished while being investigated or punished. During this time, Chaplain Trubey was isolated from his fellow chaplains and the veterans whom he cherished serving. Because of the staff perception of “nurse jail,” Chaplain Trubey experienced ostracization, strange looks, and being the subject of the workplace rumor mill.

It was also during this time that Chaplain White introduced her proposed changes to the CVAMC Chaplain Service Standard Operating Procedure and Performance Plan (collectively, “SOP”). The changes, if implemented, would subject chaplains to discipline if they preach sermons that relate to “divisive, cultural, or political issues.”<sup>1</sup> The proposed changes confine chaplain sermon topics to “commonly-held religious ideals and values across various denominations and people groups,” disallowing sermons that are “specific to one’s own theology/denomination.”<sup>2</sup> The proposed changes target Chaplain Trubey and would prevent him from preaching what Chaplain White subjectively considers to be “divisive” biblical texts. Put another way, the proposed changes would give Chaplain White, or anyone else with an ire towards certain religious beliefs, the ability to silence chaplains who preach sermons she disagrees with. Chaplain White has displayed a pattern of discriminating against Christians at the Coatesville Facility, as Chaplain Trubey is not the only chaplain that she has punished for allowing the Bible to be quoted in the presence of veterans. Chaplain White’s animosity towards Evangelical Christians is further evidenced by her signing her name—in her official capacity as Chief Chaplain at the Coatesville VA Medical Center—to an op-ed using the new insult of “Christian Nationalism” to make some Evangelical Christians sound dangerous.<sup>3</sup>

Chaplain Trubey heard nothing about the status of his investigation until November 2024—almost five months after Chaplain White removed him from his chaplain duties. Chaplain White proposed that Chaplain Trubey receive a Letter of Reprimand for “Conduct Unbecoming” as a result of the investigation. After we sent a Letter of Representation, the Coatesville Facility quickly rescinded this proposed reprimand. But Chaplain Trubey still faces censorship of his sermons, particularly in light of Chaplain White’s speech code in the proposed SOP changes. Chaplain White confirmed her intent to continue discriminating against Chaplain Trubey during his Return to Service meeting. At that time, she said that a possible option to ensure that “this situation” does not happen again is for Chaplain Trubey to submit his future sermons to her for review to see what she finds objectionable, and that she hoped the proposed changes to the SOP would serve as standards for what constitutes harm. Chaplain White confirmed her intention to screen chaplains’ sermons in a January 2025 email to the chaplains.

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<sup>1</sup> Proposed CVAMC Chaplain Service Standard Operating Procedure, at 2.

<sup>2</sup> *Id.* at 25.

<sup>3</sup> Rev. Brynn White, Chief Chaplain, Coatesville VA Medical Center, Reading, Berks County, et al., Oct. 18, 2022, *We’re Pa. clergy. Christian nationalism isn’t Christian. This is why*, <https://penncapital-star.com/commentary/were-pa-clergy-christian-nationalism-isnt-christian-this-is-why-opinion/>.

## Legal Analysis

### 1. The Censorship of Chaplain Trubey's Sermons Violates His Freedom of Speech.

Chaplains' sermons hold a special place in the context of the First Amendment's Free Speech protections, and chaplains do not forfeit those rights by virtue of their employment by the federal government. Here, the VA punished Chaplain Trubey for exercising his rights and now proposes changes to the SOP that would allow the Coatesville Facility to continue violating his free speech rights and the rights of all chaplains.

First, chaplain sermons are protected speech. The government institutionalized the provision of religious services in the VA by creating the chaplain service and by dedicating facilities and personnel to provide complete religious ministry to veteran patients and families. Part of the required religious ministry of chaplains is to provide "comprehensive religious services and worship," including "prepar[ing] and deliver[ing] sermons," and ensuring "all patients are provided opportunities for the free exercise of religion."<sup>4</sup> Thus, it has been the government's clear intent that certain facilities on VA property (e.g., chapels) and personnel (e.g., chaplains) be dedicated exclusively to the free exercise rights of its veterans. *Rigdon v. Perry*, 962 F. Supp 150, 163 (D.D.C. 1997). Indeed, the very purpose underlying these facilities is expressive, religious activity. *Id.* Because of this, the government has created a forum for expressive, religious activity, and it may not engage in content or viewpoint discrimination. *Id.*; see also *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 828–29 (1995) ("Viewpoint discrimination is . . . an egregious form of content discrimination" and "[d]iscrimination against speech because of its message is presumed to be unconstitutional.").

While "[t]he First Amendment doubly protects religious speech," *Kennedy*, 597 U.S. at 523, Chaplain White and the Coatesville Facility doubly punish it. The adverse actions against Chaplain Trubey demonstrate that his superiors responded because of his religious viewpoints. Chaplain White removed Chaplain Trubey from his duties and launched an investigation based on the viewpoint of his sermon. Implicit in the VA's decision to punish Chaplain Trubey with an LOR is the presumption that biblical beliefs—and the Bible itself—are not only wrong and inappropriate, but incompatible with and "unbecoming" of honorable and loyal service as a VA chaplain.

What's more, the changes to the SOP allow Chaplain White and other supervisors to continue to discriminate against chaplains on the basis of their religious viewpoints simply because they find the viewpoint "divisive, cultural, or political." "If there is a bedrock principle underlying the First Amendment, it is that the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable." *United States v. Eichman*, 496 U.S. 310, 319 (1990). Indeed, the Bible and other religious texts comment extensively on what some people could deem "divisive, cultural, or political," and chaplains would be hard-pressed to preach a sermon avoiding these topics and giving the viewpoint espoused by their religious text. This opens the door

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<sup>4</sup> Chaplain GS-0060-12 Chaplain Service Standard Functional Statement, at 2-4.

for supervisors to punish chaplains simply for preaching a viewpoint they find offensive. But the Constitution “commits government itself to religious tolerance, and upon even slight suspicion that . . . state intervention stem[s] from animosity to religion or distrust of its practices, all officials must pause to remember their own high duty to the Constitution and to the rights it secures.” *Church of Lukumi Babalu Aye, Inc. v. Haileah*, 508 U.S. 520, 547 (1993).

Second, the SOP changes also place content-based restrictions on speech. The changes attempt to define what constitutes “divisive” content (“reproductive healthcare, social equality, etc.”), which is clear content discrimination, making the prohibition presumptively unconstitutional. *See Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015) (“Content-based laws—those that target speech based on its communicative content—are presumptively unconstitutional. . . .”). Even without this attempt to define what specific topics are prohibited, forbidding chaplains’ speech because it is “divisive, cultural, or political” is, by itself, a content-based restriction on speech. The same holds true for the proposed requirement that sermon topics be limited to “commonly-held religious ideals and values across various denominations and people groups,” and disallowing sermons that are “specific to one’s own theology/denomination.” Chaplains’ speech would be chilled because they would not know which next topic would arbitrarily be deemed “divisive” or not “commonly-held.” Such vagueness also “raise[s] special First Amendment concerns because of its obvious chilling effect on free speech.” *Reno v. ACLU*, 521 U.S. 844, 845 (1997).

Third, the VA’s requirement that chaplains submit their sermon transcripts to Chaplain White for review and approval is an unconstitutional prior restraint on speech. The Supreme Court has repeatedly emphasized that “[a]ny system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutional validity.” *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 70 (1963). Given that Chaplain White has tied this new policy directly to Chaplain Trubey’s investigation and the proposed SOP changes, it is clear that Chaplain White is attempting to filter which religious viewpoints will be expressed in sermons and which will not. “It is clearly unconstitutional to enable a public official to determine which expressions of view will be permitted and which will not . . . .” *Cox v. State of La.*, 379 U.S. 536, 557 (1965).

For these reasons, the adverse actions taken against Chaplain Trubey and the proposed changes to the SOP flout the U.S. Constitution’s free speech protections.

## 2. The Censorship of Chaplain Trubey’s Sermons Violates His Free Exercise.

Subjecting Chaplain Trubey to punishment because of his religious exercise violates the Free Exercise Clause. “The Clause protects not only the right to harbor religious beliefs inwardly and secretly. It does perhaps its most important work by protecting the ability of those who hold religious beliefs of all kinds to live out their faiths in daily life through ‘the performance of (or abstention from) physical acts.’” *Kennedy*, 597 U.S. at 524. Because our nation’s Founders prioritized this first liberty in our Constitution, the First Amendment prohibits regulations that place a unique disability on religion or religious activity. *McDaniel v. Paty*, 435 U.S. 618, 626 (1978).

Under the Free Exercise Clause, “the government may not . . . punish the expression of religious doctrines it believes to be false . . .” *Parker v. Hurley*, 514 F.3d 87, 103 (1st Cir. 2008). But that’s what happened here. Chaplain Trubey’s sermon was a constitutionally protected act of free exercise. He believes that the Bible is the completely infallible and authoritative Word of God, “useful for teaching, rebuking, correcting and training in righteousness.” *2 Timothy* 3:16 (NIV). After prayer and reflection, Chaplain Trubey felt God leading him to preach the two-part series on Romans 1 as part of his duty to lead the Protestant worship service.

Because he preached this sermon, Chaplain White and the Coatesville Facility immediately removed Chaplain Trubey from his normal duties as chaplain, banished him to “nurse jail,” and issued an LOR. He lost pay, could not preach, and suffered damage to his reputation. If he had not preached the sermon on June 23, there is no question that he would not have faced any of these negative adverse actions. And the changes to the SOP will perpetuate this same form of religious discrimination simply based on sermon topics disfavored by supervisors. Subjecting chaplains to adverse actions because of protected religious exercise is unlawful and a violation of their Free Exercise rights.

### 3. The Censorship of Chaplain Trubey’s Sermons Violates RFRA.

Subjecting Chaplain Trubey to adverse actions violates RFRA by placing a substantial burden on his religious exercise that is not the least restrictive means of furthering a government interest. 42 U.S.C. §§ 2000bb-1(a). RFRA applies the compelling interest test set out in *Sherbert v. Verner*, 374 U.S. 398 (1963). 42 U.S.C. § 2000bb(b)(1).

RFRA offers “very broad protection for religious liberty,” *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 693 (2014), and prohibits the government from substantially burdening religious exercise unless certain conditions are met. “[A] substantial burden on one’s exercise of religion exists ‘[w]here the state conditions receipt of an important benefit upon conduct proscribed by a religious faith, or where it denies such a benefit because of conduct mandated by religious belief, thereby putting substantial pressure on an adherent to modify his behavior and to violate his beliefs.’” *Perrier-Bilbo v. United States*, 954 F.3d 413, 431 (1st Cir. 2020) (quoting *Thomas v. Review Bd. of Ind. Emp’t Sec. Div.*, 450 U.S. 707, 717–18 (1981)).

That is the case here. Chaplain Trubey’s faith in God animates his decisions as to what to preach in his sermons. He faces an impossible choice: set aside his sincere religious beliefs or face reprimand, likely jeopardizing his future as a VA chaplain and related income. It is difficult to imagine more “substantial pressure on an [individual] to modify his behavior and violate his beliefs.” *Id.*

The VA has an interest in prohibiting discrimination of all kinds within the VA. But preventing one type of discrimination does not justify discrimination against another group. Faith in God is not incompatible with that interest, and punishing chaplains for performing their prescribed duty of preaching scripture does not serve those interests. Rather, pitting chaplains against their faith harms the integrity and viability of the

chaplain corps and negatively impacts every chaplain's ability and willingness to serve. The VA must honor the constitutional rights that its veterans have fought for.

Importantly, there are other less restrictive means to prevent discrimination in the VA than punishing a chaplain for preaching a sermon that aligns with biblical text. The VA was wrong to punish Chaplain Trubey for preaching the Bible in a Protestant worship service—a requirement of his job description. And it would be wrong to punish him or any other chaplain for it in the future.

## **Conclusion**

The punishment and censorship of Chaplain Trubey is clearly unconstitutional and violates RFRA. We ask that you correct the discrimination against Chaplain Trubey by compensating him for the overtime he lost due to the investigation and LOR and protecting him from continued censorship by reprimanding Chaplain White and rescinding the new SOP. Chaplains should be free to preach according to their religious convictions and denominational teachings without fear of censorship, retribution, or retaliation. This is exactly what the U.S. Constitution and federal law demand, and it's what the veterans at the Coatesville Facility deserve.

Finally, we are also aware that the Coatesville Facility is not the only VA facility that is engaged in improper religious discrimination<sup>5</sup> and chaplain censorship. This is a systemic problem. We know that you will do the right thing to correct not only the unconstitutional policies at the Coatesville Facility but also throughout our VA system.

Thank you for your leadership. We look forward to working with you to resolve this matter.

Sincerely,



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<sup>5</sup> This Administration has vowed that “any unlawful or improper conduct, policies, or practices that target Christians are identified, terminated, and rectified.” White House, Eradicating Anti-Christian Bias (Feb. 6, 2025), <https://www.whitehouse.gov/presidential-actions/2025/02/eradicating-anti-christian-bias/>.



cc: Dan Rattray, Chief Counsel for the North Atlantic District, Dept. of VA  
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Enclosure: Proposed CVAMC Chaplain Service Standard Operating Procedure