

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL AND U.S. MAIL:
taylorhe@chipfalls.org

Dr. Heidi Taylor-Eliopoulos
Superintendent
Chippewa Falls Area USD
1130 Miles Street
Chippewa Falls, WI 54729-1923

Re: Motivational speaker promoting religious events and videos

Dear Superintendent Taylor-Eliopoulos:

I am writing on behalf of the Freedom From Religion Foundation regarding a constitutionally problematic assembly that we understand took place at Chippewa Falls High School earlier this school year. FFRF is a Wisconsin-based national nonprofit organization with more than 31,000 members across the country, including more than 1,400 members in Wisconsin. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters related to nontheism.

A concerned District community member contacted us to report that on December 3, 2018, Pastor Brian Cole spoke to students at Chippewa Falls High School during the school day. Video of Cole's recent public school presentation at Mondovi High School shows that although Cole addresses secular topics such as drug use and bullying, the central message of Cole's presentation is that he has found the solution to these problems, and he wants to share it with students, but they need to connect with him after the presentation because his "solution" is a religious conversion to Cole's particular brand of Christianity.

After spending more than half an hour describing a life of violent crime and drug use, Cole left students with this cliffhanger:

And something within the next three weeks, something radical happened in that county jail that completely transformed my life. And I can't talk about it here. But I challenge you guys to come to this outreach event that we're having tonight at Harvest Time Church in Mondovi. It's open to the public and I'll be able to share the rest of the story there.¹

Cole then laughed at a student for raising their hand when Cole asked whether anyone thought that a drug addict could "wake up one day" and make better choices.² He explained, "No, that doesn't happen. Come tonight and learn what happened. I didn't just wake up one day and decide to be a good guy."

¹ See www.youtube.com/watch?v=8ARjhVfo7D0 at 38:00.

² See *id.* at 38:40.

Cole then highlighted how great his life is now that he's a pastor. Cole encouraged students to go to his website, which looks like a typical Christian church website but includes Cole's scheduled public school presentations. He urged students to "message me on there if you need to talk." He also promoted his Youtube channel, which has primarily religious content.³ Cole urged students to speak to him after his presentation and said he had "some stuff" for them. Finally, he again invited students to his evening presentation "to hear the rest of the story, and I can get a little more open with stuff. Please come tonight. If you come, I'll give you a gift."⁴

A letter of endorsement from a Mondovi School District employee disturbingly acknowledged all of this, stating that "During Brian's presentation, he gave multiple ways of contacting him if a student had issues and would like further information or assistance. He also was speaking at a church later that same day if anyone wanted a more elaborate picture of his story and what ultimately was the turning point in his life."

Cole's own website explicitly states that his goal in speaking at public high schools is to win religious converts:

Besides my tenure here at The Oaks Community Church as Senior Pastor, my biggest passion is going out and speaking at different forums, especially to our youth. Romans 10:13–15 says: "For everyone who calls on the name of the Lord will be saved. How then will they call on Him in whom they have not believed? And how are they to believe in Him of whom they have never heard? And how are they to hear without someone preaching? And how are they to preach unless they are sent? As is written, 'How beautiful are the feet of those who preach the Good News.'" . . . My passion is speaking to students, whether in youth groups, Juvenile Centers, Group Homes, or schools. I have a powerful message of hope for others after the Truth of Jesus Christ set me free from all the bondage's [*sic*] of my past, and coming out of the occult, drug, and criminal lifestyle.

It is inappropriate and unconstitutional for a public school district to allow outside adults to promote religious events, websites, and videos to a captive audience of students during a school-sponsored assembly, or to encourage students to privately connect with those outside adults for religious counseling. The District may not give a pastor a captive audience of students to promote a religious message by asking the pastor to save the "punch line" until students either privately message the pastor or attend his evening presentation, both of which he promoted during the school presentation. Every student at Cole's presentation will understand that the District endorses Cole as a private counselor, Cole's evening church event, and Cole's mysterious "solution" to the very real problems he discussed. We request written assurances that Cole will not be invited to speak again in the future.

It is well settled that public schools may not advance or promote religion. *See generally Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962). The Supreme Court has held that "the

³ www.youtube.com/channel/UC_iE-zgNmaY3QpvjRd_Unkw/videos.

⁴ *See* Mondovi presentation video at 1:21:00.

preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.” *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2000) (quoting *Lee*, 505 U.S. at 589). In *Lee* the Supreme Court extended the prohibition of school-sponsored religious activities beyond classrooms to all school functions, holding prayers delivered by non-school personnel at public high school graduations an impermissible establishment of religion. Similarly, promotion of a particular church or religious event as part of a school assembly violates the Establishment Clause.

Allowing a speaker to promote a religious event and private spiritual counseling to your students gives the appearance that the District endorses that speaker’s religious message. “School sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents ‘that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.’” *Santa Fe Indep. Sch. Dist.*, 530 U.S. at 309–10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). This impermissible appearance of religious endorsement is not lessened by Cole stopping just short of actually proselytizing during the actual school presentation. Every high school student at this assembly would understand that the District endorses Cole’s “solution” to drug use and bullying—that was the point of his presentation.

We are aware that some Christian missionaries insinuate themselves into public schools by camouflaging their purposes and professing to be experts in a secular field or, as in this case, having an interesting personal story to tell. It is incumbent that public officials do “due diligence” when approached by outside groups with vested interests in pitching their message to a captive audience of public school students. Cole’s website clearly states his religious message and his goal of converting public school students to Christianity and should have been sufficient to cancel his presentation or, at a minimum, to prohibit him from mentioning any evening events or the religious videos on his website, offering to speak with students privately about their problems, or suggesting that he has a secret solution that he will share with students if they ask him. If Cole were unwilling to meet these requests, that would further confirm that he has no legitimate secular message to send to students.

Parents, not the school district, are responsible for determining the religious or nonreligious upbringing of their children. Inviting pastors to lure students with “gifts” to evening church events and private counseling sessions violates this parental trust. We request written assurances that the District will not allow Cole to speak at Chippewa Falls High School or at any other District schools in the future, and an apology to parents of all students at Cole’s assembly would clearly be appropriate as well. Thank you for your time and attention to these concerns.

Sincerely,



Ryan D. Jayne
Staff Attorney