

FREEDOM FROM RELIGION *foundation*

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August 27, 2019

SENT VIA EMAIL & U.S. MAIL: b.wilson@brushschools.org

Dr. Bill Wilson
Superintendent
Brush School District RE-2J
527 Industrial Park Road
Brush, CO 80723

Re: Unconstitutional Religious Assembly and Open Records Request

Dear Superintendent Wilson:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to alert you to serious constitutional concerns regarding religious programming scheduled to take place at Brush High School on September 18, 2019. FFRF is a national nonprofit organization with more than 30,000 members across the country, including more than 800 members and two chapters in Colorado. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

It is our understanding that Brush High School has scheduled an assembly by the Todd Becker Foundation during the school day on September 18, 2019. We request that you immediately cancel this assembly. We are also writing to inform the District of its obligation to protect students from proselytizing adults while they are at school, and to make you aware of the divisiveness created in the community when schools invite speakers who are not welcoming of all students.

The Todd Becker Foundation is a Christian ministry that travels throughout the Midwest putting on assemblies in public schools with the explicit purpose of converting students to its brand of evangelical Christianity: “[O]ur purpose is to draw young people into a life-changing relationship with Jesus Christ.”¹ This evangelical mission is laid out in no uncertain terms on the Foundation’s website, “The Foundation’s purpose is to motivate high school students to discover their potentials and ultimately discover themselves by placing their faith in Jesus Christ as Lord and Savior.”²

The Foundation fulfills its mission by putting on an in-school program that uses a passage from the bible to impart a strong religious message on students (without explicitly telling them that they should follow Christianity). The assembly focuses on two questions: “Where is your life

¹ *Our Purpose*, THE TODD BECKER FOUNDATION, Available at goo.gl/ziQ4NX.

² *Id.*

headed?” and “Where will you go when you die?”³ The second question alone illustrates the deliberately proselytizing nature of the program.

Immediately following the in-school presentation, students are approached by Foundation staff and local church representatives. The Foundation members and church representatives ask students about their respective religious beliefs and “shar[e] with the student the gospel of Jesus Christ and point[] them to the hope of a new beginning found in Christ.”⁴ Not only do they discuss their religious beliefs with students, students are “brought to a decision to surrender their life to Christ, or to walk away from Him.”⁵

The Todd Becker Foundation is only focused on one thing, evangelizing. When students are provoked through the assembly into talking with Foundation members about very serious issues in their lives, such as physical or emotional abuse, drug or alcohol use, or other serious concerns, the only solution offered by the Foundation is Christianity.

The district cannot allow its schools to be used as recruiting grounds for religious groups. 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); *McCullum v Bd. of Ed.*, 333 U.S. 203 (1948). It is inappropriate and unconstitutional for the district to offer religious groups unique access to its students, which signals school endorsement of religion.

Even if the school allows students to opt out of this assembly, allowing religious programming in a public school is still unconstitutional. *See, generally, Lee*, 505 U.S. at 596 (“It is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.”); *Schempp*, 374 U.S. at 288 (Brennan, J., concurring) (“Thus, the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question”). When children opt-out, their absence is obvious, and the ostracism they suffer is precisely what the courts have sought to prevent.

In the past, we understand that the Todd Becker Foundation has provided a signed assembly agreement indicating that neither Keith Becker nor anyone acting on behalf of the Todd Becker Foundation would engage in religious “proselytizing” during their presentation. This type of agreement does not protect the District from the legal ramifications of any religious promotion that it facilitates during or immediately following the assembly. More importantly, the Todd Becker Foundation does engage in proselytizing. The Foundation includes a bible verse in its presentation, which focuses on where students will go when they die. Foundation members discuss Christianity and the bible with students after the formal presentation. Students are also invited to come back to the explicitly Christian evening presentation.

³ *The Todd Becker Foundation's Monthly Newsletter* (September 2014) (formerly available online, it has since been removed by the Foundation).

⁴ *How do the one-on-one conversations work?*, THE TODD BECKER FOUNDATION, Available at <https://goo.gl/M87Nos>.

⁵ *The Todd Becker Foundation's Monthly Newsletter* (September 2014).

Please review the enclosed memo, which further details how the Todd Becker Foundation utilizes public schools, like Brush High School, to convert children to their brand of evangelical Christianity and why the District cannot allow the Foundation to present in its schools. In order to comply with the Establishment Clause, this assembly must be cancelled.

Open Records Request

Pursuant to the Colorado Open Records Act, I hereby request the following records from January 1, 2019 to the present:

Any records related to the Todd Becker Foundation or its performances for students within the Brush School District RE-2J (“District”), including but not limited to:

- a. Any contracts or agreements between the District and representatives of the Todd Becker Foundation,
- b. Any records (including emails, brochures, letters, etc.) received by District staff from representatives of the Todd Becker Foundation,
- c. Any records (including emails, letters, etc.) sent by District staff to representatives of the Todd Becker Foundation,
- d. Any financial records related to performances by the Todd Becker Foundation, including invoices, checks, and receipts.

If any of these records are available through electronic media, they may be e-mailed to chris@ffrf.org. If I can provide any clarification that will help expedite your attention to my request, please contact me at 608-256-8900.

Thank you for your time and attention to this matter.

Sincerely,



Christopher Line
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation



CLOSING THE DOORS

WHY THE TODD BECKER FOUNDATION MUST NOT BE ALLOWED IN PUBLIC SCHOOLS

A REPORT BY

FFRF.ORG FREEDOM FROM RELIGION FOUNDATION

What Is The Todd Becker Foundation?

The Todd Becker Foundation is a Christian ministry that travels throughout the Midwest putting on assemblies in public schools with the explicit purpose of converting students to its brand of evangelical Christianity: “[O]ur purpose is to draw young people into a life-changing relationship with Jesus Christ.”¹ This evangelical mission is laid out in no uncertain terms on the foundation’s website, “The Foundation’s purpose is to motivate high school students to discover their potentials and ultimately discover themselves by placing their faith in Jesus Christ as Lord and Savior.”²

In order to help achieve its religious purpose, the foundation partners with local churches and invites local clergy members to help proselytize to students after its assemblies. One pastor from South Dakota shared his excitement about being able to proselytize in public schools on the Todd Becker Foundation website: “I am extremely thankful to have been a part of the

Todd Becker Foundation assembly. Their team was able to do something that our church would never be able to do: challenge students to pursue righteousness, invite them to hear the Gospel, and then give them a full Gospel presentation — all on school property!”³

The Todd Becker Foundation insinuates itself into public schools by minimizing its religious purpose and by claiming to deliver a secular message about how students can make better choices. It is incumbent on public officials to exercise due diligence in vetting outside adults to ascertain whether they have a religious agenda to impose on a captive audience of public school students. While Christian evangelizers often come as wolves dressed in sheep’s clothing, this particular wolf is thinly disguised. The Todd Becker Foundation’s overtly religious and proselytizing messages are explicit. Even a cursory examination beforehand should raise major red flags for school administrators.

ONE-BY-ONE
WE'RE TAKING THE GOSPEL
TO PUBLIC SCHOOLS AND TURNING THE HEARTS
AND MINDS OF YOUNG PEOPLE
TO JESUS CHRIST.

When you join in supporting the Todd Becker Foundation, you join in making an eternal impact in the lives of high school students from Texas to Minnesota. Your financial support helps rescue lost souls to Jesus Christ in one of the most hostile environments towards the Truth - public schools.

Even a cursory examination of the Todd Becker Foundation reveals its evangelical agenda.⁴

Source: The Todd Becker Foundation's Annual Ministry Banquet Advertisement

The In-School Assembly

The Todd Becker Foundation's strategy is to put on two separate assemblies with different content but the same religious message. The first is an afternoon assembly held during school hours. This assembly "tells the tragic Todd Becker story and challenges students to take the narrow road, according to the scripture, Matthew 7:13." This assembly uses a passage from the bible to impart a strong religious message to students without explicitly telling them that they should follow Christianity. The assembly focuses on two questions: "Where is your life headed?" and "Where will you go when you die?"⁵ The second question reveals the deliberately proselytizing nature of the program. Toward the end of the program, students are asked to come kneel before the stage if they are ready to "take the narrow path." The narrow path refers to the bible verse that the program centers around, Matthew 7:13. Promotional materials released by the Todd Becker Foundation reveal that students who come forward to "take the narrow path" are then targeted by the foundation and local clergy.

One-on-One Conversations

Immediately following the in-school presentation, students are approached by foundation staff and local clergy.⁶ The foundation members and clergy ask students about their respective religious beliefs and hand out religious texts and DVDs.⁷ It's during these one-on-one conversations that the foundation "shar[es] with the student the gospel of Jesus Christ and point[s] them to the hope of a new beginning found in Christ."⁸ Not only do they discuss their religious beliefs with students, students are "brought to a decision to surrender their life to Christ, or to walk away from Him."⁹

REACHING THE NEXT GENERATION WITH THE TRUTH THEY ARE LONGING FOR

Every assembly program focuses on these two questions: "Where is your life headed?" and "Where will you go when you die?" Students want to hear these questions. They have heard all of the lies and are ready for the Truth.

Pictured here are a few students who made a decision to stand on the Narrow Road and change the direction of their lives. One-on-one, the Todd Becker Foundation team and local believers sit down with them and open God's Word. From there, each student is brought to a decision to surrender their life to Christ, or to walk away from Him.

Source: Todd Becker Foundation Newsletter, October 2015

These one-on-one conversations with foundation staff and local clergy are inappropriate in a public school environment and pose a liability for school districts. The foundation purports to toe the line between what is and isn't allowed in a public school presentation, but allowing Christian pastors and evangelists the opportunity to evangelize one on one with students during the school day is an egregious constitutional violation that puts school districts in legal peril.

These one-on-one prayers are disturbingly intimate. The Todd Becker Foundation newsletter and Facebook page showcase dozens of instances of foundation team members touching, embracing or hugging students.¹⁰ The foundation often takes photos of these interactions to use on social media and promotional materials. After these conversations, the foundation collects the student's personal information so that local clergy can continue to contact students long after the foundation has left.¹¹

West Union, Iowa: Following the afternoon assembly, team member Matt Sell uses guitar cases as an make-shift altar as he leads this young man to Christ.

A Todd Becker Foundation member prays with a student following an in-school assembly.¹²

Source: Todd Becker Foundation Newsletter, August 2017



Keith Becker praying with a high school student following a school assembly.¹³ Source: Todd Becker Foundation Facebook Page

The foundation claims that these interactions between evangelizers and students are permissible because “these one-on-one conversations are simply by the student’s own choice and thus, no student is forced or required to stay after the assembly to talk.” This is simply not true. Far from spontaneous student-initiated conversations, these one-on-ones are the entire purpose of the assembly. The entire program is designed to elicit an emotional response from students, identify those students who are ripe for proselytizing, and single out those students for one-on-one proselytizing.

The district cannot allow its schools to be used as recruiting grounds for religious groups. 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); *McCullum v Bd. of Ed.*, 333 U.S. 203 (1948). It is inappropriate and unconstitutional for the district to offer religious groups unique access to its students, which signals school endorsement of religion.

The Evening Event

During and after the afternoon assembly, the foundation invites students to come back that night for the evening program. The evening event incorporates express proselytization and presents the foundation’s faith-based, Christian message.

The evening performance also includes a full concert by touring band, “Chye.” The band describes its mission as “to share the love of Jesus Christ with the high school students they meet in their role as the music ministry team of the Todd Becker Foundation.”¹⁴

Under most circumstances, the religious message of a private, after-school performance is not attributable to the school district. But because students are recruited for the event as part of a school-sponsored program, many students and parents perceive the district to be endorsing the foundation’s strong religious message. Clearly, the school becomes party to the proselytizing.

The Legal Analysis

Nearly 70 years ago, the Supreme Court ruled that it is illegal to use the state’s tax-supported public schools for the dissemination of religious doctrines. See *McCullum v. Bd. of Educ. of Sch. Dist. No. 71*, 333 U.S. 203(1948). Even if the foundation’s in-school communications were limited to advertising for a program that takes place outside of school, allowing Todd Becker Foundation representatives exclusive access to students during the school day “affords sectarian groups an invaluable aid in that it helps to provide pupils for their religious [program] through use of the state’s compulsory public school machinery. This is not separation of Church and State.” *Id.*

The district cannot allow non-school individuals to treat schools as a recruiting ground for their religious mission. Students are a vulnerable and captive audience. The “[s]chool 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*, 530 U.S. at 309-10 (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O’Connor, J., concurring)). This excludes the 35% of young Americans who are nonreligious.¹⁵

Moreover, “the 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 the classroom to all school functions, holding prayers at public high school graduations an impermissible establishment of religion. Thus, recruitment for religious programming as part of a school assembly is in violation of the Establishment Clause.

It makes no difference even if the school allows students to opt out of religious programming. See, generally, *Lee*, 505 U.S. at 596 (“It is a tenet of the First

Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.”); *Schempp*, 374 U.S. at 288 (Brennan, J., concurring) (“Thus, the short, and to me sufficient, answer is that the availability of excusal or exemption simply has no relevance to the establishment question”); *Mellen v. Bunting*, 327 F.3d 355, 372 (4th Cir. 2003) (“VMI cannot avoid Establishment Clause problems by simply asserting that a cadet’s attendance at supper or his or her participation in the supper prayer are ‘voluntary.’”). When children opt-out, their absence is obvious, and the ostracism they suffer is precisely what the courts have sought to prevent.

These proselytizing assemblies are not only a violation of student and parental rights, they needlessly subject the school district to significant legal liability. See *Anderson v. Chesterfield County School Dist.*, No. 4:11-03300, (S.C. Dist. Ct. Jan. 24, 2012 Consent Decree) (Issuing an injunction against school involvement in religious activities following religious assembly and ordering the school to pay the plaintiffs’ attorney fees and costs).¹⁶

The Bottom Line

The Todd Becker Foundation is only focused on one thing: evangelizing. When students are enticed through the assembly into talking with foundation members about very personal issues in their lives, such as physical or emotional abuse, drug or alcohol use, or other serious concerns, the only solution offered by the foundation is Christianity.

One story from the Todd Becker Foundation newsletter describes the foundation’s interactions with a girl in Kansas.¹⁷ After an in-school assembly, a member of the foundation approached this girl and asked what was going on in her life. She replied that she had been abused by her dad, that her mom was into drugs, and that she was in a lesbian relationship. The foundation member’s response was to read bible passages to her, specifically passages explaining that homosexuality is a sin. According to the foundation, the girl “was not ready to leave her life of sin for eternal life in Jesus,” but she was invited back to the night event. The student came to the night event with her girlfriend and the foundation member asked them if they were willing to leave their homosexual lifestyle to follow Christ. The team member and Keith Becker sat down with the minors and “showed them through Scripture how this was not God’s plan for their lives and how Satan had twisted their perception of God.” One of the girls ended

One of the girls ended up saying, “I don’t want to be homosexual anymore.” The other replied, “I would rather burn in hell forever than be straight.”

up saying, “I don’t want to be homosexual anymore.” The other replied, “I would rather burn in hell forever than be straight.” The foundation summed up the story: “Their lesbian relationship ended that night with one heart surrendered to Christ and one heart still in rebellion towards God.”

The district should only be inviting speakers who create a welcoming environment for all students, not speakers with a religious mission who will cause legal problems for the district and controversy in the community. Some superintendents who have allowed the foundation to host an assembly believing that it would deliver a message appropriate for their schools have expressed regret after learning about what took place at the evening event. At an evening assembly in Caledonia, Minn., in 2016, Keith Becker reportedly told attendees, “If you are a homosexual, you need to come down from the crowd, get down on your knees and give your life over to Jesus, or you will go to Hell.” The superintendent confessed to a local newspaper, “We should’ve done a better job in vetting the speaker.”¹⁸ An Iowa superintendent who felt that the foundation delivered a “really good message” about how drinking can affect students’ lives changed his tone after learning the foundation was allegedly spreading anti-gay and anti-Mormon messages following the in-school assembly. “If I had known that would have been the case, they would not have come into the building,” he said.¹⁹

Your community has many secular experts, who have experience, training, certification, and/or degrees in relevant fields and who are qualified to discuss these kinds of serious issues with your students. These are the experts who you should be bringing in to present to your students, not groups with a religious purpose like the Todd Becker Foundation. The experts, unlike the Todd Becker Foundation, are dedicated to educating on these issues without an ulterior motive.

Public school administrators have an obligation to protect students from proselytizing adults while they are at school. In order to protect students’ rights and comply with the Establishment Clause, the Todd Becker Foundation must no longer be allowed to present in public schools.

Endnotes

- 1 *Our Purpose*, The Todd Becker Foundation, Available at goo.gl/ziQ4NX.
- 2 *Id.*
- 3 *Comments from Community Churches*, The Todd Becker Foundation, Available at <https://goo.gl/pjza2M>.
- 4 The Todd Becker Foundation's Annual Ministry Banquet, Available at <https://goo.gl/eiFgkQ>.
- 5 *The Todd Becker Foundation's Monthly Newsletter* (September 2014), Available at <https://goo.gl/nF8vgq>.
- 6 See example of foundation members explaining how they approached students after assemblies, <https://goo.gl/EGmYuL>, <https://goo.gl/3HHUnb>.
- 7 Mackenzie Ryan, *ACLU warns Iowa schools about anti-gay Christian group*, Des Moines Register, September 1, 2016, Available at <https://goo.gl/2PFS1E>.
- 8 *How do the one-on-one conversations work?*, The Todd Becker Foundation, Available at <https://goo.gl/M87Nos>.
- 9 *The Todd Becker Foundation's Monthly Newsletter* (September 2014), Available at <https://goo.gl/nF8vgq>.
- 10 See the Todd Becker Foundations Newsletter and Facebook page: <https://goo.gl/MTa2sG>, <https://goo.gl/17giQp>.
- 11 *The Todd Becker Foundation's Monthly Newsletter* (August 2017), Available at <https://goo.gl/Um2rRF>.
- 12 *The Todd Becker Foundation's Monthly Newsletter* (August 2017), Available at <https://goo.gl/Um2rRF>.
- 13 Todd Becker Foundation Facebook Page, Available at <https://goo.gl/17giQp>
- 14 *About Chye*, Chye Band Webpage, Available at <https://goo.gl/Qc2xfu>.
- 15 *America's Changing Religious Landscape*, Pew Research Center (May 12, 2015), available at <https://goo.gl/Xn2Wfg>.
- 16 Available at <https://goo.gl/GhMh2R>.
- 17 *The Todd Becker Foundation's Monthly Newsletter* (November 2016) Available at <https://goo.gl/TTw12c>.
- 18 Daniel E. McGonigle, *Controversial foundation speaker comes to Caledonia*, The Caledonia Argus, December 6, 2016, Available at <https://goo.gl/179KR9>.
- 19 Mackenzie Ryan, *ACLU warns Iowa schools about anti-gay Christian group*, Des Moines Register, September 1, 2016, Available at <https://goo.gl/2PFS1E>.

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