

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

January 28, 2021

SENT VIA EMAIL & U.S. MAIL: chris.kuncl@mullenpublicschools.org

Chris Kuncl
Superintendent
Mullen Public Schools
404 N. Blaine, P.O. Box 127
Mullen, NE 69152

Re: Unconstitutional Religious Assembly and Open Records Request

Dear Superintendent Kuncl:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to once again raise serious constitutional concerns regarding religious programming scheduled to take place at Mullen High School. As you will recall, we wrote to you last January regarding the Todd Becker Foundation and an assembly scheduled for your students on September 2, 2020.

It is our understanding that the Todd Becker Foundation now intends to put on an assembly for students at Mullen High School during the school day on March 17, 2021. We, once again, request that you ensure that this unconstitutional assembly does not take place. We are also writing to remind the District of its obligation to protect students from proselytizing adults while they are at school, and to remind you of the divisiveness created in the community when schools invite speakers who are not welcoming of all students.

As you are aware, 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); *McCollum 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

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).

discuss Christianity and the bible with students after the formal presentation. Students are also invited to come back to the explicitly Christian evening presentation.

In order to comply with the Establishment Clause, this assembly must not occur.

Open Records Request

Pursuant to Neb. Rev. Stat. § 84-712, I request a copy of the following since January 13, 2020:

Any records related to the Todd Becker Foundation or its performances for students within Mullen Public Schools (“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 you choose to deny this request, please respond with a written explanation of the denial including any references to applicable statutory exemptions upon which you rely. If 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,

A handwritten signature in blue ink that reads "Chris Line". The signature is written in a cursive, flowing style.

Christopher Line
Staff Attorney
Freedom From Religion Foundation