

FREEDOM FROM RELIGION *foundation*

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July 11, 2024

SENT VIA EMAIL & U.S. MAIL: jacey.oliver@rrps.net

V. Sue Cleveland
Superintendent
Rio Rancho Public Schools
500 Laser Rd NE
Rio Rancho, NM 87124

Re: Unconstitutional religious assembly and **public records request**

Dear Superintendent Cleveland:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation that recently occurred in Rio Rancho Public Schools. FFRF is a national nonprofit organization with more than 40,000 members across the country, including more than 400 members in New Mexico. 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 the District has partnered with Christian evangelist David Corn to convert its students to Christianity. A concerned Eagle Ridge Middle School parent reported that on May 1, 2024, students were dismissed from class to attend a mandatory assembly featuring Corn, who describes himself as an illusionist and Christian evangelist. It is our understanding that Corn's assembly was not religious in nature, but that he was permitted to invite students to attend a religious worship event the next day at a local church. Our complainant reports that their child came home with a ticket for this worship event distributed by Rio Rancho Public Schools.

On a website promoting his "Magic & Morality Public School Outreaches," Corn describes his whole scheme:¹

This is a huge, community-wide evangelistic event typically held on Thursday night. God has really used these rallies to see kids, teens, & adults come to Christ and be added to the church! Several churches have seen over 100 first-time visitors come through this ministry! God has used this tool of illusions to attract a crowd of lost people to hear the gospel. **Primarily we enter public schools, hold morality talks, and invite young people to church for a bigger illusion show where I will preach the gospel. Hundreds of first-time visitors have come to church, heard the gospel, & trusted Christ!** We have done many variations of this including a town meeting, a neighborhood picnic, & Bible clubs!

¹ <http://www.evangelistdavidcorn.com/pastors.html>

He explains his calling is to convert public school students to Christianity:²

God has called me to be an evangelist. My burden is “to preach the gospel, not where Christ was named” (Rom 15:20) and see unreached people get saved! Illusions are just a tool we use which God has blessed. **The illusions have opened the door for us to have a ministry in the public schools!**

He admits that his goal is to convert non-Christian public school students:³

Target: Unreached people in public schools: Some statistics say 3 out of 4 young people have never been to a church of any kind. We want to reach them and their families! **We target people who do not normally come to church & who have never heard how to be saved!**

He further lays out the scheme step-by-step:⁴

1. We fast and pray about this event. (Matt 17:21)
2. We promote a free illusion show to your church and your community! (1 Tim 6:17)
3. We work to get into public schools. We have 3 options for public schools to choose from, and these options have been well received by superintendents and principals all over the country!
4. We can print newspaper articles, go to parks, or hit the streets to find people! (Lk 14:23)
5. We hold a rally at your church, preach the gospel, and depend on that gospel to draw sinners to Christ!

We write to ask that the District investigate this complaint and take immediate action to ensure that its administrators and staff are not pushing religion onto students, or allowing outside religious speakers to use its schools to evangelize and recruit students for religious events.

It is unconstitutional to take away instructional time from students to expose them to Christian preachers. It is well settled that public schools may not show favoritism towards or coerce belief or participation in religion. *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *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).

Moreover, “the preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere.” *Santa Fe*, 530 U.S. at 310 (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. By giving a Christian evangelist special

² *Id.*

³ *Id.*

⁴ *Id.*

permission to use District property and unique access to a captive audience of students in order to evangelize and promote his worship event, the District displayed blatant favoritism towards religion over nonreligion, and in this case, evangelical Christianity over all other faiths.

Allowing an evangelical ministry even one-time access to recruit students and encourage their attendance at an evangelistic event is a violation of the Establishment Clause. The courts have protected public school students from overreaching outsiders in similar situations. *See, e.g., Berger v. Rensselaer Sch. Dist.*, 982 F.2d 1160 (7th Cir. 1993) (holding that distribution of bibles by Gideons in school violated Establishment Clause). Courts have granted injunctions against schools for their complacency in such situations. *See, e.g., Roark v. S. Iron R-1 Sch. Dist.* 540 F. Supp.2d 1047, 1059 (E.D. Mo. 2008); *upheld in relevant part by* 573 F.3d 556 (8th Cir. 2009) (holding that school policy allowing evangelical Christian organizations to distribute bibles in school violated Establishment Clause). This partnership with an overtly evangelical ministry is not only unlawful, it sends the message that Rio Rancho Public Schools favors those students and community members who subscribe to this particular brand of evangelical Christianity. This needlessly alienates the District students and families who belong to the 37% of the American population that are non-Christian, including the almost 30% who are nonreligious.⁵

The District must enforce its constitutional obligation to remain neutral toward religion and stick to the task of providing a secular education. The District cannot be a venue for evangelists to recruit students, and it cannot allow its speakers to invite students to religious events. Please inform us in writing of the steps you are taking to protect the rights of conscience of children and families by not providing religious organizations unique access to your students, and please respond to the following public records request.

Public Records Request

Pursuant to the New Mexico Inspection of Public Records Act.(§14.2, NMSA 1978), I request a copy of the following records since January 1, 2023:

Any records related to the David Corn and his performances for students within the Rio Rancho Public Schools, including but not limited to:

- a. Any contracts or agreements between the District and David Corn, or representatives of David Corn,
- b. Any records (including emails, brochures, letters, etc.) received by District staff from David Corn or representatives of David Corn,
- c. Any records (including emails, letters, etc.) sent by District staff to David Corn or representatives of David Corn,
- d. Any financial records related to performances by David Corn, 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 relied upon.

⁵ Gregory A. Smith, *About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated*, Pew Research Center (Dec. 14, 2021), available at www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Line", with a long horizontal flourish extending to the right.

Christopher Line
Staff Attorney
Freedom From Religion Foundation