

Atheists Threaten to Sue Schools for Refusing to Ban Bible Distributions

Alliance Defending Freedom (ADF) has sent 174 school districts in Kentucky a legal letter after the American Civil Liberties Union (ACLU) threatened them with litigation if any of them refuse to ban Gideon Bible distribution at their schools. The letter corrects the ACLU's arguments that such distribution is unconstitutional.

Also signing the letter are eight Kentucky attorneys who are among the nearly 2,300 ADF allied attorneys worldwide.

"Public schools should encourage, not shut down, the free exchange of ideas," says litigation staff counsel Rory Gray. "That's why the schools frequently allow a wide array of groups to distribute literature of various sorts to students. Singling out the Gideons while allowing other groups to distribute literature would be clearly unconstitutional."

The ADF letter explains that "federal cases have consistently affirmed private citizens' right to share religious literature at public school on equal terms with those distributing non-religious literature."

The U.S. Court of Appeals for the 6th Circuit, which has jurisdiction over Kentucky, has specifically agreed with other court decisions upholding "the Gideons' ability to distribute literature to secondary school students on equal terms with secular groups."

The 6th Circuit also made clear the same rule applies to elementary students. Guidance provided by the Kentucky School Board Association similarly recognizes that schools cannot ban the distribution of literature simply because it is religious.

“The First Amendment does not allow religious speech to be singled out for discrimination,” adds senior legal counsel Jeremy Tedesco. “Kentucky schools should not allow the ACLU to browbeat them into a constitutional violation.”