



ACLU Trying to Ban Gideons From Kentucky Schools

The secular ACLU has launched an aggressive campaign in an effort to block the Gideons from distributing free Bibles and Christian literature to students at public schools in Kentucky. And just as aggressively the Christian legal advocacy group [Alliance Defending Freedom](#) has come to the rescue to inform school districts that the ACLU is out of line and that they need not fear a lawsuit from the secular legal attack group.



The Gideons International

Back in April, William Sharp, a staff attorney with the ACLU's Kentucky franchise, [shot off a letter](#) to 174 school districts across the state, informing them: "It has become apparent that public elementary schools throughout the Commonwealth routinely permit members of the Gideons International — a religious organization whose proselytizing methods include the distribution of Bibles and New Testaments — to distribute religious literature directly to their students during school hours."

Sharp insisted that such a practice "violates both federal and state constitutional guarantees barring governmental endorsement of religion, and it also impermissibly encroaches upon parents' prerogative to direct the religious upbringing of their children." Sharp complained that by allowing the Gideons to offer their encouraging materials to elementary school students during school hours, "school officials create the impression that the school endorses those religious views which subjects the students to 'subtle coercive pressure' to accept the proffered religious materials. This, the First Amendment does not allow."

Included with Sharp's letter was an Open Records Act "request" demanding that the school districts provide the ACLU with relevant documents to determine whether or not the districts were allowing the Gideons to distribute Bibles and literature to students. The letter also included a warning of impending "litigation" for those school districts that didn't knuckle under to ACLU demands that they bar the Gideons.

"Because we have consistently tried to resolve this issue without resort to litigation (and seek to do so again)," concluded Sharp in his threatening missive, "we are sending you this letter with the hope that you will ensure that this issue is adequately addressed in your district prior to the 2013-14 school year."

In the response the ADF, which has been monitoring the situation and speaking with some of the districts that received the letters, [sent its own letter](#) to the 174 districts, informing them that the ACLU got its facts wrong and they have nothing to fear if they wish to invite the Gideons to their schools this year.

"We write to correct several misrepresentations made in the ACLU's letter and to inform you that allowing religious community groups, like the Gideons, to distribute literature at tables in the school hallways or by the entrances and exits on an equal basis with their secular counterparts fully complies with the Establishment Clause" of the First Amendment, wrote a coalition of ADF attorneys.

In fact, added the First Amendment experts, "banning only religious community groups from



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distributing literature at public schools is clearly forbidden by the Free Speech and Free Exercise Clauses of the First Amendment. We hope to eliminate any confusion caused by the ACLU's letter and to offer you our assistance in formulating a literature distribution policy that comports with the controlling case law of the United States Supreme Court and the United States Court of Appeals for the Sixth Circuit."

The letter pointed out that the U.S. Court of Appeals for the 6th Circuit, which has jurisdiction over Kentucky, has affirmed the rulings of lower courts upholding the rights of the Gideons to distribute their literature in schools just like non-religious groups do. Additionally, the letter noted that the Kentucky School Board Association recognizes 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," said ADF Senior Legal Counsel Jeremy Tedesco in a statement. "Kentucky schools should not allow the ACLU to browbeat them into a constitutional violation."

ADF litigation staff attorney Rory Gray added that "public schools should encourage, not shut down, the free exchange of ideas. That's why schools frequently allow a wide array of groups to distribute literature of various sorts to students." He emphasized that "singling out" the Gideons as unwelcome, as the ACLU is trying to force Kentucky school districts to do, "would be clearly unconstitutional."

The ADF has offered to represent school districts free of charge should the ACLU follow through on its threats of a lawsuit over the distribution of Bibles and literature by the Gideons on school property.



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