



To whom it may concern:

Bibles in Schools is a nonprofit organization committed to donating Bibles to public school libraries. As courts across the country have recognized, “the influence that this book has had on Western civilization cannot be gainsaid.”¹ Apart from its religious influence, the Bible has likely impacted western culture, literature, and political structure more than any other book in history.² In short, no library is complete without it. By offering to donate a Bible to your school’s library, Bibles in Schools is inviting you to accept a free copy of this book for inclusion in your library’s collection.

Accepting this donation and placing a copy of the Bible in your library does not violate the Establishment Clause or require your library to accept every donation. A school library retains the right to select books for its collection so long as its decisions are not based on hostility to religion.

First, the Establishment Clause (what some people call “the separation of church and state”) does not bar Bibles from public school libraries. In fact, excluding a Bible because of its religious content could be impermissible hostility toward religion. While students should never be *compelled* to participate in religious activities,³ the Supreme Court has explained that “the Bible may constitutionally be used in an appropriate study of history, civilization, ethics, comparative religion, or the like.”⁴ And nothing prohibits a school from enabling students to freely engage in research and learning, including about the Bible.⁵

¹ *Gibson v. Lee Cnty. Sch. Bd.*, 1 F. Supp. 2d 1426, 1431 (M.D. Fla. 1998) (citing cases).

² *Id.* (explaining some of the influences the Bible has had on western civilization).

³ See *Kennedy v. Bremerton Sch. Dist.*, 142 S. Ct. 2407, 2431–32 (2022) (permitting coach to silently pray on school property and on school time because students were not required to be present or pray with him); *Zorach v. Clauson*, 343 U.S. 306, 313–14 (1952) (permitting school to release students to attend outside religious training because students were not coerced to attend the religious instruction).

⁴ *Stone v. Graham*, 449 U.S. 39, 42 (1980) (explaining permissible uses of Ten Commandments and Bible in public schools).

⁵ See *Zorach*, 343 U.S. at 313–14 (permitting school to maintain school release program so that students could attend outside religious training); see also *Bd. of Educ. v. Pico*, 457 U.S. 853, 868 (1982) (plurality) (quoting *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967)) (explaining that a school library “is the principal locus” of students’ freedom “to inquire, to study and to evaluate, to gain new maturity and understanding”); see also *United States v. Am. Libr. Ass’n.*, 539 U.S. 194, 206 (2003) (observing that libraries offer various resources “to facilitate research, learning, and recreational pursuits”).

Fears that a public-school library might unlawfully entangle itself with religion by accepting a donated Bible in its collection are therefore unfounded. As the Supreme Court recently explained, the Establishment Clause does not require government to avoid actions that someone might mistakenly view as endorsing religion.⁶ But excluding the Bible because of its religious content could violate the Constitution because the Constitution prohibits government officials from acting out of hostility toward religion.⁷

Second, accepting a Bible donation does not require your library to accept every donation. As the Supreme Court explained in the context of monument donations, accepting one donation does not compel the government to accept any other donations.⁸ Here, in creating a collection of books and other resources, a library facilitates research, learning, and even recreational pursuits.⁹ Placing a book in a collection is different from giving a book donor or author a forum to speak.¹⁰ Because this selection process creates no forum for private speech, your library would remain free to accept or reject other donations.¹¹

In sum, your school library may accept Bibles in Schools' donation of a Bible without violating the Establishment Clause and without binding yourself to accepting other donated materials.

We hope that this letter has clarified the existing law* and assisted you in considering Bibles in Schools' offer.¹² If you have any further questions, do not hesitate to call us at (480) 444-0028 or contact us through our website at www.ADFlegal.org.

**This letter was last updated January 23, 2023.*

⁶ See *Kennedy*, 142 S. Ct. at 2427 (clarifying Establishment Clause requirements).

⁷ See *Church of the Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 534 (1993) (explaining that the Establishment and Free Exercise Clauses both prohibit “subtle departures from neutrality” including covert and overt hostility); see also *Masterpiece Cakeshop Ltd. v. Colo. C.R. Comm’n*, 138 S. Ct. 1719, 1729–30 (2018) (finding a First Amendment violation when the Colorado Civil Rights Commission treated a baker differently than other bakers because of his religious beliefs).

⁸ *Pleasant Grove City v. Summum*, 555 U.S. 460, 472–73, 480–81 (2009).

⁹ See *Am. Library Ass’n.*, 539 U.S. at 207.

¹⁰ See *id.*

¹¹ See *id.* at 205 (noting that a forum analysis does not apply to a library’s selection of materials); *Cornelius v. NAACP Legal Def. & Educ. Fund*, 473 U.S. 788, 800 (1985) (quoting *Perry Educ. Ass’n v. Perry Local Educators’ Ass’n*, 460 U.S. 37, 46 (1983)) (explaining that “access to a nonpublic forum . . . can be restricted as long as the restrictions are ‘reasonable and [are] not an effort to suppress expression merely because public officials oppose the speaker’s view.’”).

¹² This letter is not legal advice but is intended to be educational regarding the current state of the law. If you have questions regarding a specific legal matter, you should consult an attorney.