



December 31, 2015

Ms. Katherine Lugar
President and CEO
American Hotel & Lodging Association
1250 I Street NW, Suite 1100
Washington, D.C. 20005

Dear Ms. Lugar:

The purpose of this letter is to respond to the letter sent to you by the Freedom from Religion Foundation (FFRF), wherein it “urge[d] you to offer bible-free rooms, just as establishments now offer smoke-free rooms.”

By way of introduction, the ACLJ is a nonprofit law firm dedicated to the defense of constitutional liberties secured by law. ACLJ attorneys have argued before the Supreme Court of the United States in a number of significant cases involving the freedoms of speech and religion. *See, e.g., Pleasant Grove City v. Summum*, 555 U.S. 460 (2009) (unanimously holding that a monument erected and maintained by the government on its own property constitutes government speech and does not create a right for private individuals to demand that the government erect other monuments); *Bd. of Educ. v. Mergens*, 496 U.S. 226 (1990) (holding by an 8-1 vote that allowing a student Bible club to meet on a public school’s campus did not violate the Establishment Clause).

The ACLJ has prepared this letter on behalf of over 178,000 Americans who are concerned about misinformation propagated by FFRF in its crusade to end a one-hundred year old tradition—Gideons placing Bibles in closed drawers of hotel nightstands.¹

At the outset, the ACLJ emphasizes the absence of any legal basis or argument in FFRF’s letter. The omission is not coincidental, as there is *no* legal basis upon which FFRF could demand that you remove Bibles from your hotel rooms. FFRF, a self-described First Amendment state/church watchdog, now ventures into territory where there can be no doubt that the First Amendment’s Establishment Clause does not apply. In the absence of any legal authority supporting its demand, FFRF instead resorts to an unreasonable and legally baseless “heckler’s veto,” hoping to strong-arm privately held entities to do its bidding. FFRF thus invades the realm of private businesses making business decisions. It is the hotel’s prerogative—and only the hotel’s prerogative—to decide whether to honor time-tested traditions.

¹ The practice dates to 1908. *See About Us: Our History*, THE GIDEONS INT’L, <http://www.gideons.org/AboutUs/OurHistory.aspx> (last visited Dec. 28, 2015).



Scare-tactics advanced by an out-of-touch special interest group like FFRF should have no part in the decision-making process of private businesses.

We respectfully request that any consideration of FFRF's demands be undertaken in the context of FFRF's nature and mission. FFRF consists of self-described freethinkers, atheists, agnostics, and skeptics on a mission to purge the nation of its religious traditions. The FFRF sells distributable literature wishing readers "Heathen's Greetings,"² and depicting Santa Clause proclaiming, "Yes, Virginia, there is no god."³ It places winter solstice signs to counter Christmas nativity scenes it has been unable to remove. One such sign proclaimed: "At this season of the Winter Solstice, may reason prevail. There are no gods, no devils, no angels, no heaven or hell. There is only our natural world. Religion is but myth and superstition that hardens hearts and enslaves minds."⁴

In keeping with its disdain for religious traditions, the FFRF has demanded that crosses and statues of Jesus at multiple war memorials be torn down;⁵ a Tennessee police department end its "Adopt a Cop" program;⁶ that a Texas Sheriff's office abandon its plan to place little white cross stickers on their patrol cars;⁷ that major university sports programs cancel their chaplaincies;⁸ that the national motto, "In God We Trust," be removed from our nation's currency and government buildings;⁹ that the Star of David be removed from an Ohio holocaust memorial;¹⁰ that Presidents Bush and Obama cancel the National Day of Prayer;¹¹ and that high school cheerleaders be prohibited from putting Bible verses on spirit banners.¹² This is the same group that declared war on the Salvation Army and its unquestionably humanitarian and community-oriented work¹³—hardly the type of organization that should be granted influence over our nation's hospitality industry.

² See *Heathen's Greetings*, FREEDOM FROM RELIGION FOUND., <https://ffrf.org/shop/nontracts/heathen-s-greetings> (last visited Dec. 28, 2015).

³ See *Yes, Virginia! There is No God...*, FREEDOM FROM RELIGION FOUND., <http://ffrf.org/shop/solstice-cards/yes-virginia-there-is-no-god> (last visited Dec. 28, 2015).

⁴ *FFRF's 'No Gods' Solstice Display Returns to Wash. Capitol Lawn*, FREEDOM FROM RELIGION FOUND. (Dec. 21, 2015), <http://ffrf.org/news/news-releases/item/25117-ffrf-s-no-gods-solstice-display-returns-to-wash-capitol-lawn>.

⁵ Jay Sekulow, *Freedom From Religion Foundation Loses Again: Appeals Court Upholds Display of WWII Heroes Memorial Jesus Statue*, AM. CTR. FOR LAW & JUST. (Sept. 1, 2015), <http://aclj.org/religious-liberty/freedom-from-religion-foundation-loses-again-appeals-court-upholds-display-of-wwii-heroes-memorial-jesus-statue>.

⁶ *FFRF Tells Tennessee Police Department to End 'Adopt a Cop' Program*, FREEDOM FROM RELIGION FOUND. (Dec. 9, 2015), <http://ffrf.org/news/news-releases/item/24961-ffrf-tells-tennessee-police-department-to-end-adopt-a-cop-program#sthash.Zewu5MM5.dpuf>.

⁷ *FFRF Tells Texas Sheriff to Keep it Secular*, FREEDOM FROM RELIGION FOUND. (Dec. 21, 2015), <http://ffrf.org/news/news-releases/item/25118-ffrf-tells-texas-sheriff-to-keep-it-secular>.

⁸ Joseph Williams, *Atheists Attack Top College Football Teams' Chaplains*, AM. CTR. FOR LAW & JUST. (Aug. 27, 2015), <http://aclj.org/religious-liberty/atheists-attack-top-college-football-teams-chaplains->.

⁹ Nathanael Bennett, *In God We Trust – A Powerful National Motto*, AM. CTR. FOR LAW & JUST. (Nov. 1, 2011), <http://aclj.org/in-god-we-trust/in-god-we-trust-a-powerful-national-motto>.

¹⁰ Matthew Clark, *Angry Atheist Attack on Star of David in Holocaust Memorial is Reprehensible*, AM. CTR. FOR LAW & JUST. (July 25, 2013), <http://aclj.org/us-constitution/angry-atheist-attack-star-of-david-holocaust-memorial-reprehensible>.

¹¹ Jay Sekulow, *Celebrating National Day of Prayer*, AM. CTR. FOR LAW & JUST. (June 8, 2011), www.aclj.org/national-day-of-prayer/celebrating-national-day-of-prayer.

¹² *FFRF Seeks Plaintiffs to Challenge Ruling, Texas Judge Overrules School on Bible Banners*, FREETHOUGHT TODAY (Oct. 2012), <http://ffrf.org/outreach/item/16456-texas-judge-overrules-school-on-bible-banners>.

¹³ See *FFRF stills Wisconsin student bell-ringers*, FREETHOUGHT TODAY (JAN/FEB 2013), <http://ffrf.org/outreach/item/17009-ffrf-legal-victories>; *No more Salvation Army bell ringers on postal grounds*, FREEDOM FROM RELIGION FOUND., <https://ffrf.org/legal/other-legal-successes/item/12479-no-more-salvation-army-bell-ringers-on-postal-grounds> (last visited Dec. 28, 2015).

Now, FFRF turns its anti-tradition crusade against privately owned hotel chains. We appreciate the diverse nature of clientele to whom hotels cater, but FFRF does not speak for the average guest visiting your establishment, and its letter provides no valid or meaningful basis upon which hotels should sever the traditional courtesy of allowing the Gideons to place Bibles in guests' rooms.

In its letter, FFRF asserts: "It's time that the lodging industry just says NO to the Gideons. The Gideon Society is exploiting hotels and motels to proselytize a captive audience." But to proselytize is to "induce someone to convert to one's faith" or "to recruit someone to join one's party, institution, or cause."¹⁴ Hence, proselytization connotes action. It's hard to imagine how placing a book inside a closed drawer could amount to proselytization. Indeed, a FFRF co-president recently described how she searched through her hotel room and was shocked to discover a Bible in the *fourth* drawer she opened.

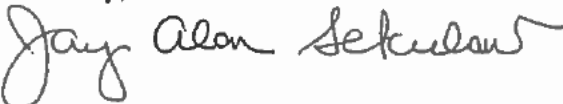
According to FFRF: "Many of your guests are freethinkers — atheists, agnostics, skeptics or Nones — who are offended to be charged high fees only to be proselytized in the privacy of their own bedrooms," and, "It's simply bad business to promote divisive religious teachings to a diverse clientele." Again, making a book available in a closed drawer is no more akin to promotion or proselytization than making a religious channel available on a hotel television. There is no captive audience in a hotel room. Nothing in FFRF's letter indicates that hotels' participation in a historic and honorable American tradition has negatively impacted the bottom line.

FFRF asserts that "many of us object to renting a hotel room only to be greeted by a bible," as if the Bible jumps from the drawer and greets them. But a reasonable person, finding offense at the existence of a Bible in a nightstand drawer on the premises of a private business, may simply *not open the book*, just as one offended by what is available on a hotel television may choose to change the channel or not turn on the television at all.

We hope that this letter will be helpful to you and that you continue to allow the Gideons to place Bibles in your hotel rooms. We appreciate the time-honored courtesy recognized by your hotel, and we assure you that no reasonable-minded guest perceives the Gideon's Bible as an act of coercion or proselytization by your company. *Please understand that this letter is for informational purposes only and does not constitute legal advice.*

Should you have any questions, please feel free to contact us.

Sincerely,



Jay Alan Sekulow
Chief Counsel

¹⁴ *Proselytize*, MERRIAM-WEBSTER, <http://www.merriam-webster.com/dictionary/proselytize> (last visited Dec. 28, 2015).