



These issue summaries provide an overview of the law as of the date they were written and are for educational purposes only. These summaries may become outdated and may not represent the current state of the law. Reading this material DOES NOT create an attorney-client relationship between you and the American Center for Law and Justice, and this material should NOT be taken as legal advice. You should not take any action based on the educational materials provided on this site, but should consult with an attorney if you have a legal question.

Is it unconstitutional for hotels to place Bibles in their rooms?

Some matters of First Amendment law are understandably difficult and controversial. This one is not: nothing in the Constitution prohibits hotels from allowing Bibles to be placed in hotel rooms. Hotels are free to do so.

The Gideon group is famous for donating Bibles to hotel rooms throughout the country. Some atheists have attacked hotels for allowing Bibles in the rooms, and have gone so far as to argue this is unconstitutional if the hotel is associated with a state-funded University.¹ These atheists have argued that Bibles provided in hotel rooms violate the First Amendment, which forbids the government from “establishing a religion” or “prohibiting the free exercise thereof.”

In reality, privately run hotels are allowed to let groups place literature in hotel rooms because the First Amendment only applies to government actors. Still, even state-owned hotels may permit groups like the Gideons to place literature in their hotel rooms. The Supreme Court has already recognized that the government does not “endorse” every message that it “fail[s] to censor.” *Bd. of Educ. v. Mergens*, 496 U.S. 226, 250 (1990) (opinion of O’Connor, J.). The First Amendment certainly does not require public institutions to censor all religious speech from their premises. In fact, doing so would be a violation of the First Amendment by showing hostility to religion or specific religious viewpoints. Instead, even actors more directly associated with the government than hotels (such as public schools or universities) may permit groups to pass out literature on government-owned property as long as the policy regarding what literature is allowed is consistent, not disruptive of the institution’s purpose, and does not discriminate according to the content or viewpoint of the group’s message. These Bibles may be helpful for some people and ignored by others; but there is nothing disruptive or violent about a Bible in a hotel bedside drawer. It is no more Constitutionally suspect for the hotel to allow the Bible than for it to allow a phone book or coupons to a local restaurant.

¹ Jay Sekulow, *Angry Atheists Try to Ban Gideon Bibles*, (Nov. 12, 2015), <https://aclj.org/free-speech/angry-atheists-try-to-ban-gideon-bibles-in-public-hotel-rooms>.