



*What is equal access?*

*Equal access means that religious individuals and organizations have the same access to public facilities and funding as all other groups. If the government confers benefits or use of a forum to a broad group of people, it cannot discriminate on the basis of religious beliefs and content of speech.*



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*The Truth About*  
**EQUAL ACCESS**





### What are the legal foundations for equal access?

There are three main sources that serve as the legal foundation for equal access:

1. The United States Constitution specifically provides protection for equal access in the Free Speech and Free Exercise of Religion clauses of the First Amendment, as well as the Equal Protection clause found in the Fourteenth Amendment.
2. The “Equal Access Act,” passed in 1984 by the U.S. Congress, states that when a public school district allows secondary students to form extracurricular clubs, it cannot deny Bible or Christian clubs the same opportunity or access to facilities.
3. U.S. Supreme Court legal precedents, funded or assisted by the Alliance Defense Fund (ADF), have not only clarified equal access, but reinforced prior decisions as well. In the ADF-assisted case of *Good News Club v. Milford Central School*, the court ruled that a “Good News” Bible club had the same access to school facilities for after-school programs as all other groups. This victory built on prior years of Supreme Court decisions that affirmed equal access.

### If this is true, then why are religious organizations still being denied their right to equal access?

Advocacy groups, such as the American Civil Liberties Union (ACLU) and its allies, have waged a war of misunderstanding and confusion to deny religious organizations their constitutional right to equal access. They argue that if the government does not deny religious organizations access to governmental benefits, such as use of facilities or public funds, then the government is showing preference for, or establishing a particular religion. This argument has been rejected several times by the U.S. Supreme Court.

Unconstitutional policies are still in place that exclude religious organizations and individuals from public funding and facilities. There are still hundreds of laws of school districts and city and county governments that prohibit religious organizations the same access to government buildings that are open to all other groups.

### Where should equal access be allowed?

Religious organizations and individuals generally have the constitutional right to access any public facility or forum that is traditionally made open to the public (such as parks, sidewalks, etc.), or facilities that have been established by the government for use by organizations (such as community center rooms, public schools, etc.). Religious organizations and individuals normally should receive the same terms of use as all other groups.

### What topics of discussion are protected under equal access?

Almost every Christian message is protected. In the case of *Lamb’s Chapel v. Center Moriches School District* (1993), the issue was a Focus on the Family film series that addressed parenting issues from a Christian perspective. The U.S. Supreme Court ruled that the church had the right to rent a school facility, on the same terms as other groups, to show the film.

In addition, public facilities should be open for baccalaureate services, worship services, evangelistic events, and Christian music concerts.

### CONCLUSION

*Religious individuals and organizations continue to be denied their constitutional right to equal access. However, because of ADF’s strategy of training, coordination, funding and litigation—the power of an alliance—the tide is turning, and those who have sought to deny access now find themselves on the defensive.*

*The battle for equal access is just a snapshot of ADF’s greater strategy to confront those who seek to deny religious freedom, surpass them in terms of resources, and fulfill our dream of a legal system that has returned to the original intent of our Founding Fathers.*

*ADF, a legal alliance defending the right to hear and speak the Truth.*

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