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SUNY college: Christian's expression not a "cultural, educational, social, or recreational" activity

ADF attorneys file suit to defend First Amendment rights of Christian man prohibited from speaking to students on campus of community college

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ADF Media Relations | 480-444-0020

ALBANY, N.Y. - Attorneys with the Alliance Defense Fund filed a federal civil rights lawsuit today against officials with Ulster County Community College for violating the free speech rights of a man who wanted to speak about his faith and hand out religious literature to students on campus in a non-disruptive manner.

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"This is simply another example of overzealous school officials attempting to marginalize people of faith," said ADF Senior Legal Counsel Nate Kellum. "This lawsuit is necessary to protect this man's constitutional rights and ensure that the school does not wrongly discriminate against speakers with a religious perspective."

School officials told Greg Davis, a resident of Indian Lake, that he needed to file a facilities use permit application in order to speak about his faith with students in a public, grassy area on campus in October 2003. When he did so, the application was denied because the school claimed that his desired religious expression does not constitute a "cultural," "educational," "social," or "recreational" activity.

"The Constitution does not say that speech is only free if it meets certain arbitrary categories developed by public officials," said Kellum. "But it's ridiculous nonetheless to say that religious expression does not fall into one of those categories."

Davis was at first told by a school official that he could speak about his faith on campus. He was told later the same day that he would need to submit a facilities use permit application even though he did not intend to make use of any school buildings. Eventually, Davis left campus when a different school official informed him that his religious expression was prohibited altogether. Davis then filed the permit application that was later denied.

The lawsuit, *Davis v. Katt*, was filed in the U.S. District Court for the Northern District of New York, Albany Division. The full text of the complaint can be read at www.telladf.org/UserDocs/DavisvKattComplaint.pdf.

ADF is America's largest legal alliance defending religious liberty through strategy, training, funding, and litigation.

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Note: Facts in ADF news releases are verified prior to publication but may change over time. Members of the media are encouraged to contact ADF for the latest information on this matter.

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