



February 9, 2026

Via U.S. Mail & Electronic Mail

Dr. Barbara Gaba
President, Atlantic Cape Community College
5100 Black Horse Pike
Mays Landing, NJ 08330
president@atlanticcape.edu

Re: Unconstitutional Policy Discriminating Against Religious Student Groups

Dear Dr. Gaba,

As you may be aware, Atlantic Cape Community College (“Atlantic Cape”) Policy No. 206 provides that “[r]eligious and political [student] groups ... will not receive funds to run their clubs.”¹ We write to insist that Atlantic Cape immediately strike this policy language and restore funding to the Atlantic Cape Christian Club at the Mays Landing Campus. The policy unconstitutionally discriminates based on religion, a clear violation of the Christian Club’s First Amendment rights.

As introduction, Alliance Defending Freedom is an alliance-building, nonprofit legal organization that advocates for the right of people to live out their faith and speak freely. Since 2011, we have represented parties in 16 victories at the Supreme Court.² In 2018, *Empirical SCOTUS* ranked us first among “the top performing firms” litigating First Amendment cases.³ ADF’s Center for Academic Freedom is committed to protecting freedom of speech and association for students and faculty so that everyone can freely participate in the marketplace of ideas without fear of censorship. Since 2006, the Center has represented clients in

¹ Atlantic Cape Policy Manual, College Policy No. 206, <https://atlanticcape.edu/about/policy/departments/student-affairs/206.php>.

² See, e.g., *Medina v. Planned Parenthood S. Atl.*, 606 U.S. 357 (2025); *303 Creative, LLC v. Elenis*, 143 S. Ct. 2298 (2023); *Ams. for Prosperity Found. v. Bonta*, 141 S. Ct. 2373 (2021); *Uzuegbunam v. Preczewski*, 141 S. Ct. 792 (2021); *March for Life Educ. & Def. Fund v. California*, 141 S. Ct. 192 (2020); *Thompson v. Hebdon*, 140 S. Ct. 348 (2019); *Nat’l Inst. of Family & Life Advocates v. Becerra*, 138 S. Ct. 2361 (2018); *Masterpiece Cakeshop, Ltd. v. Colo. Civil Rights Comm’n*, 138 S. Ct. 1719 (2018); *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012 (2017); *Zubik v. Burwell*, 136 S. Ct. 1557 (2016) (victories for S. Nazarene Univ. and Geneva Coll.); *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015); *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014); *Town of Greece v. Galloway*, 572 U.S. 565 (2014); *Ariz. Christian Sch. Tuition Org. v. Winn*, 563 U.S. 125 (2011).

³ Adam Feldman, *Supreme Court All-Stars 2013–2017*, EMPIRICAL SCOTUS (Sept. 13, 2018), <https://bit.ly/2pm2NXn> (last visited February 4, 2026).

over 400 victories for First Amendment freedoms on public university campuses nationwide.⁴ But today, we write in the hopes that this matter can be resolved quickly and amicably.

FACTUAL BACKGROUND

The Christian Club is a recognized student organization at Atlantic Cape. The Club's mission is to empower its members to share the love of Jesus Christ, to encourage all people to form a relationship with God, and to connect with their fellow students. Its members regularly meet to fellowship, pray, sing Christian songs, and run Bible studies. The Club also supports the community each school year through, among other things, food, clothing, and baby supplies drives. These efforts and aspirations make the Christian Club a light for the Atlantic Cape community.

As you are aware, each semester, Atlantic Cape's Student Government Association (SGA) allocates funds to certain student-run organizations on campus. These funds are supported by the collection of mandatory student activity fees from each student each semester.⁵ According to Policy 206, however, "[r]eligious and political groups ... will not receive funds to run their clubs."⁶ Indeed, just last semester, Atlantic Cape officials informed leaders of the Christian Club that, while the college provides funds for most clubs, the Christian Club cannot receive funds because it is Christian. Thus, Christian Club members must pay student activity fees to support other student groups but are prohibited from receiving funding themselves. Upon information and belief, one of these groups is Atlantic Cape's Pride Club, a group that clearly promotes a political ideology.⁷

Thus, the Christian Club faces a clear double standard. Its members desire equal treatment and access to the same resources that their fellow students have so that they may host more events, increase their charitable efforts, and expand their membership.

LEGAL ANALYSIS

Atlantic Cape's Policy violates the First Amendment.

The Supreme Court has made clear, "[t]he vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools."⁸ Indeed, "the core principles of the First Amendment 'acquire a special significance ... where the free and unfettered

⁴ Alliance Defending Freedom, *About Us*, <https://bit.ly/3JbKFbb> (last visited February 4, 2026).

⁵ Atlantic Cape Policy Manual, College Policy No. 603, <https://atlanticcape.edu/about/policy/departments/finance/603.php>; ACCC Costs and Payments, <https://atlanticcape.edu/one-stop/costs-payments.php>

⁶ Atlantic Cape Policy Manual, College Policy No. 206, <https://atlanticcape.edu/about/policy/departments/student-affairs/206.php>.

⁷ ACCC Pride Election Awareness Event, ACCC Pride Club (@accc_prideclub), INSTAGRAM (Oct. 23, 2025), <https://perma.cc/U22T-KC84>.

⁸ *Healy v. James*, 408 U.S. 169, 180 (1972) (quoting *Shelton v. Tucker*, 364 U.S. 479, 487 (1960)).

interplay of competing views is essential to [an] institution's educational mission.”⁹ But here, Atlantic Cape has violated the Christian Club's First Amendment rights by excluding it from SGA funding based solely on its religion.

Atlantic Cape's Policy 206 expressly and unconstitutionally targets the Christian Club's religion. The text is clear that “religious” student groups will not receive funding. Atlantic Cape officials made their intent clear when they informed Club leadership that the Christian Club cannot receive SGA funding *because* it is Christian. The Free Exercise Clause “protect[s] religious observers against unequal treatment’ and subjects to the strictest scrutiny laws that target the religious for ‘special disabilities’ based on their ‘religious status.’”¹⁰ Indeed, the U.S. Supreme Court has “repeatedly held that a State violates the Free Exercise Clause when it excludes religious observers from otherwise available public benefits” and programs.¹¹ Three times in the last nine years, the Court has applied that principle to stop state efforts to exclude religious entities and individuals, including students, from generally available funding programs based solely on their religion.¹²

Similarly, Atlantic Cape's targeting of religious and political speech flunks the Free Speech Clause's “requirement of viewpoint neutrality in the allocation of funding support” for student organizations.¹³ “A pool of student activity fees to fund private speech is a limited public forum in which forum principles apply.”¹⁴ Restrictions on speech in a limited public forum must be “viewpoint-neutral and reasonable in light of the forum's purpose,” and “not serve as a facade for viewpoint discrimination[.]”¹⁵ “[T]he denial of [student group] funding in a viewpoint-discriminatory manner is as impermissible as the denial of access to a physical forum in a viewpoint-discriminatory manner.”¹⁶ That's exactly what Atlantic Cape has done here: deny funding based on religious or political viewpoint.

It should be clear by now that laws that facially target religious groups for disfavored treatment are always unconstitutional.¹⁷ Government action “targeting religious beliefs as such is *never permissible*.”¹⁸ Atlantic Cape's policy cannot survive strict scrutiny. Indeed, Atlantic Cape has no compelling interest in discriminating based on the Christian Club's—or

⁹ *Coll. Republicans at S.F. State Univ. v. Reed*, 523 F. Supp. 2d 1005, 1016 (N.D. Cal. 2007) (quoting *Doe v. Univ. of Mich.*, 721 F. Supp. 852, 863 (E.D. Mich. 1989)).

¹⁰ *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 582 U.S. 449, 458 (2017) (quoting *Lukumi*, 508 U.S. at 533).

¹¹ *Carson v. Makin*, 596 U.S. 767, 778 (2022).

¹² *Id.* at 778–79 (citing *Trinity Lutheran*, 582 U.S. 449 (2017); *Espinoza v. Montana Dep't of Revenue*, 591 U.S. 464 (2020)).

¹³ *Bd. of Regents of Univ. of Wisconsin Sys. v. Southworth*, 529 U.S. 217, 233 (2000); *see also Husain v. Springer*, 494 F.3d 108, 130 (2d Cir. 2007) (“[W]hen a state college implements a mandatory student activity fee, its procedure for allocating the funds that fee generates must be viewpoint neutral.”).

¹⁴ *Amidon v. Student Ass'n of State Univ. of New York at Albany*, 508 F.3d 94, 100–01 (2d Cir. 2007) (citing *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 830 (1995)).

¹⁵ *Id.*

¹⁶ *Id.* (citing *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 110 (2001); *Rosenberger*, 515 U.S. at 830–31.).

¹⁷ *See Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 526 (2022) (Government actions “specifically directed at ... religious practice” are not neutral).

¹⁸ *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 533 (1993) (emphasis added).

any club's— religious status. And barring the Christian Club from receiving student group funding cannot be the least restrictive means to achieving any interest. The Christian Club's members "are members of the community too," and their exclusion from receiving SGA funding is "odious to our Constitution and cannot stand."¹⁹

DEMAND

In light of these constitutional violations, we ask that Atlantic Cape immediately strike Policy 206's prohibition on funding religious or political student groups and restore funding to the Christian Club. Meanwhile, we ask that the college take immediate steps to preserve any and all documents connected with, discussing, or relevant to Policy 206, funding of student groups, and the denial of funding to the Christian Club or any club based on religion or political affiliation (including, but not limited to, any emails, guidance, notes, etc., relating to Policy 206, student group funding, or the denial of funding to any club, in the last five years).

Our client seeks to resolve this matter quickly and amicably so that its members can receive funding, enjoy the same status as other student groups on campus, and continue to serve the Atlantic Cape community. But it also insists that Atlantic Cape respects its members' constitutional rights. We hope you share this desire and will quickly respect the rights of Atlantic Cape's students by revising Policy 206 and allowing religious student groups to receive funding. We request to hear from you by the close of business on February 13, 2025. Otherwise, we will advise our client of other ways to vindicate its members' constitutional rights.

Respectfully Submitted,
s/Matthew C. Ray
Matthew C. Ray
Legal Counsel
ALLIANCE DEFENDING FREEDOM
Counsel for ACCC Christian Club

cc (via electronic mail):

- Mr. Tyson C. Langhofer, Director, ADF Center for Academic Freedom, tlanghofer@ADFlegal.org.
- Ms. Rosemary Reidy, Executive Assistant, Office of the President, rreidy@atlantic-cape.edu

¹⁹ *Espinoza*, 591 U.S. at 488–89 (citation modified).