



Chairman Keith Regier & Members of the Committee
Senate Judiciary Committee
Montana State Capitol
Helena, MT 59601

Re: Christian Legal Society Supports HB 349

Dear Chairman Regier and Members of the Committee:

Christian Legal Society (“CLS”) is an association of Christian attorneys, law students, and law professors, with student chapters at approximately 90 law schools. CLS student chapters typically are small groups of students who meet for weekly prayer, Bible study, and worship at a time and place convenient for the students. All students are welcome to participate in CLS meetings. As Christian groups have done for nearly two millennia, CLS requires its leaders to agree with a statement of faith, signifying the leaders’ agreement with the traditional Christian beliefs that define CLS’s message and mission.

For several decades, like many other religious student groups, CLS student chapters have sometimes been threatened with exclusion from campus because of their religious beliefs, speech, and leadership standards. HB 349 would ensure that religious student groups of all faiths, including CLS student chapters, would be allowed to continue to serve their campuses in numerous positive ways. By protecting religious student groups, HB 349 will increase the range of religious and ideological diversity on public college campuses. For these reasons, CLS wholeheartedly supports HB 349 and encourages the Committee to approve it without changes to Section 1.

While many leading colleges and universities protect religious student groups’ right to organize and choose their leaders according to their religious beliefs,¹ other universities have threatened to exclude religious student groups because they require their leaders to agree with their religious beliefs. For example, CLS has been a recognized student group with leadership standards at the University of Iowa since the 1980s. But in 2018, CLS and 31 other religious groups were told that they would be derecognized because they required their leaders to agree

¹ Many universities have policies that protect religious groups’ religious leadership criteria. For example, the University of Florida has a model nondiscrimination policy that reads: “A student organization whose primary purpose is religious will not be denied registration as a Registered Student Organization on the ground that it limits membership or leadership positions to students who share the religious beliefs of the organization. The University has determined that this accommodation of religious belief does not violate its nondiscrimination policy.” The University of Texas provides: “[A]n organization created primarily for religious purposes may restrict the right to vote or hold office to persons who subscribe to the organization’s statement of faith.” The University of Minnesota provides: “Religious student groups may require their voting members and officers to adhere to the organization’s statement of faith and its rules of conduct.”

with their religious beliefs. The 32 religious groups included Jewish, Muslim, Catholic, Evangelical Christian, Orthodox Christian, Sikh, and other faith groups.²

In 2019, an Iowa federal district court ruled that the university had unconstitutionally excluded one of the religious groups based on its religious viewpoint.³ Six months later, the court ruled in favor of another religious student group.⁴ But this time, the district court ruled that three of the college administrators had forfeited their qualified immunity and could be held personally liable for their unconstitutional treatment of the religious student groups. The court explained that “[t]he doctrine of qualified immunity protects government officials from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.”⁵

With both cases on appeal to the Eighth Circuit, the Iowa Legislature enacted Iowa Code § 261H.3(3), to protect religious student groups on public university campuses and to prevent wasteful expenditures of taxpayer funds on litigation resulting from college administrators’ exclusion of religious student groups from campus.

In 2015, several former college students submitted written statements to the United States House of Representatives Committee on the Judiciary’s Subcommittee on the Constitution and Civil Justice. Their first-hand accounts documented the stigma students feel, and the harm their organizations experience, when their religious organizations are threatened with exclusion from campus.⁶ These letters, which are attached, describe situations at the Ohio State University, California State University System, Boise State University, Texas A&M, Vanderbilt University, and other institutions of higher education. One of the letters details a situation faced in 2007 by the CLS Chapter at the University of Montana School of Law when the student government

² The 32 religious groups that the University of Iowa intended to exclude were: Agape Chinese Student Fellowship; Athletes in Action; Bridges International; Business Leaders in Christ; Campus Bible Fellowship; Campus Christian Fellowship; Chabad Jewish Student Association; Chi Alpha Christian Fellowship; Chinese Student Christian Fellowship; Christian Legal Society; Christian Medical Association; Christian Pharmacy Fellowship; Cru; Geneva Campus Ministry; Hillel; Imam Mahdi Organization; International Neighbors at Iowa; InterVarsity Graduate Christian Fellowship; J. Reuben Clark Law Society; Latter-day Saint Student Association; Lutheran Campus Ministry; Multiethnic Undergrad Hawkeye InterVarsity; Muslim Students Association; Newman Catholic Student Center; Orthodox Christian Fellowship; Ratio Christi; The Salt Company; Sikh Awareness Club; St. Paul’s University Center; Tau Omega Catholic Service Fraternity; Twenty Four Seven; Young Life.

³ *Business Leaders in Christ v. University of Iowa*, 360 F. Supp.3d 885 (S.D. Iowa 2019), appeal docketed, No. 19-1696 (8th Cir. Apr. 3, 2019).

⁴ *InterVarsity Christian Fellowship v. University of Iowa*, 408 F. Supp.3d 960 (S.D. Iowa 2019), appeal docketed, No. 19-3389 (8th Cir. Nov. 5, 2019).

⁵ *Id.* at 990, quoting *Pearson v. Callahan*, 555 U.S. 223, 231 (2009), quoting *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982).

⁶ These letters were submitted in conjunction with CLS’s testimony before the Subcommittee. *First Amendment Protections on Public College and University Campuses: Hearing Before the Subcommittee on the Constitution and Civil Justice of the Committee on the Judiciary House of Representatives*, 114th Cong. 39-58 (June 2, 2015) (testimony of Kimberlee Wood Colby, Director, Center for Law & Religious Freedom, Christian Legal Society). The letters are found in the supplemental hearing record at <http://docs.house.gov/meetings/JU/JU10/20150602/103548/HHRG-114-JU10-20150602-SD003.pdf> (hereinafter “Supp. Hrg. Rec.”).

withheld benefits because the CLS student group required its leaders to agree with its religious beliefs.

To prevent these unnecessary problems, legislatures in fourteen states have enacted laws like HB 349 to protect religious student groups in their states, including: Arizona (2011), Ohio (2011), Idaho (2013), Tennessee (2013), Oklahoma (2014), North Carolina (2014), Virginia (2016), Kansas (2016), Kentucky (2017), Louisiana (2018), Arkansas (2019), Iowa (2019), South Dakota (2019), and Alabama (2020).⁷ Five states have protected only religious students; six have protected religious and political, or belief-based, student groups; and three have protected all student groups.

These state laws demonstrate that there is a need for protection for religious student groups on public college campuses. They validate the approach taken by HB 349. No significant subsequent problems have arisen in states that have adopted these protections; and to date, there have been no challenges to these laws.⁸ By providing clarity to college administrators, these laws have decreased the likelihood of litigation while preserving religious freedom and promoting religious diversity on their campuses. These laws allow religious student groups to continue to bring positive benefits to their campuses, such as increasing student well-being and satisfaction.

HB 349 reinforces the holdings of the United States Supreme Court in *Widmar v. Vincent*⁹ and *Rosenberger v. University of Virginia*¹⁰ that the Establishment Clause is not violated when religious student groups are officially recognized, meet on campus, and receive student activity fee funding. Indeed, HB 349 respects the Court's warnings in *Widmar* and *Rosenberger* that there is a greater risk of violating the Establishment Clause when college administrators interfere with religious groups than when they leave the groups alone.¹¹

It should be common ground with even the most ardent proponents of strict separation of church and state that government officials, including college administrators, should not penalize a religious group because of its religious beliefs and speech. Nor should government officials be interfering in religious groups' internal governance, particularly their choice of their leaders. As the Supreme Court has cautioned, "According to the state the power to determine which individuals will minister to the faithful also violates the Establishment Clause, which prohibits government involvement in such ecclesiastical decisions."¹²

⁷ Ala. Code 1975 § 1-68-3(a)(8) (all student groups); Ariz. Rev. Stat. § 15-1863 (religious and political student groups); Ark. Code Ann. § 6-60-1006 (all student groups); Idaho Code § 33-107D (religious student groups); Iowa Code § 261H.3(3) (all student groups); Kan. Stat. Ann. §§ 60-5311-5313 (religious student groups); Ky. Rev. Stat. Ann. § 164.348(2)(h) (religious and political student groups); La. Stat. Ann.-Rev. Stat. § 17.:3399.33 (belief-based student groups); N.C. Gen. Stat. Ann. § 116-40.12 (religious and political student groups); Ohio Rev. Code § 3345.023 (religious student groups); Okla. St. Ann. § 70-2119.1 (religious student groups); S.D. Ch. § 13-53-52 (ideological, political, and religious student groups); Tenn. Code Ann. § 49-7-156 (religious student groups); Va. Code Ann. § 23.1-400 (religious and political student groups).

⁸ The Iowa litigation, however, is ongoing.

⁹ 454 U.S. 263 (1981).

¹⁰ 515 U.S. 819 (1995).

¹¹ *Widmar*, 454 U.S. at 270 n.6, 272 n.11; *Rosenberger*, 515 U.S. at 845-46.

¹² *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.*, 565 U.S. 171, 188-89 (2012).

Letter to Chairman Regier and Members of the Judiciary Committee

March 16, 2021

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But perhaps most importantly, HB 349 will increase ideological diversity on college campuses at a time when there is rising concern that our society as a whole is becoming increasingly intolerant of other Americans' differing viewpoints. Colleges must be places where students learn to listen to others' ideas, beliefs, and values if we hope to preserve a civil society that cherishes all Americans' freedoms of speech and religion.

Respectfully submitted,

/s/ Kim Colby

Kim Colby

Director, Center for Law & Religious Freedom

Christian Legal Society

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ATTACHMENT

June 10, 2015

The Honorable Trent Franks, Chair
Subcommittee on the Constitution and Civil Justice,
The Judiciary Committee of the
United States House of Representatives
2141 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Franks,

My name is Cinnamon McCellen. I was the student president of the ReJOYce in Jesus Campus Fellowship ("RJCF") at California State University Northridge ("CSUN") from 2013-15. RJCF has been a recognized student group at CSUN for over 40 years and always required that its leaders believe in Jesus Christ as their Lord and Savior. In January 2015, we were told that RJCF would "no longer be recognized given failure to submit an organizational constitution that is in compliance with nondiscrimination and open membership requirements as outlined in California State University Executive Order 1068." As students of faith, we feel our constitutional rights are being violated and we are no longer welcome at CSU.

As a group whose membership draws many students from the African American community, RJCF understands the critical importance of nondiscrimination policies and discrimination is not something we take lightly. We have painfully come to learn that nondiscrimination policies can be misused, as CSU is doing by recently reinterpreting and misinterpreting its nondiscrimination policy to exclude religious student organizations from campus for being religious.

RJCF meets weekly for Bible study, prayer, and mutual encouragement. We help one another, pray for one another, and encourage one another. Many RJCF members are away from home for the first time. RJCF's meetings provide a spiritual home during the challenging adjustment to college life. Because Christian views are not always welcome in the classroom or dormitories, it is refreshing to have a place where we can be open about our faith and learn what the Bible says about specific problems we face or contrary views we hear from professors and other students.

On February 20, 2013, we received an email stating that RJCF's ability to remain a recognized student organization was in jeopardy as a result of Executive Order 1068. Many other religious groups at CSU received similar notices. In the summer of 2013, the religious groups petitioned the new chancellor for a moratorium on implementation of Executive Order 1068. We were grateful when the CSU chancellor announced a one-year moratorium for the 2013-14 academic year. The fact that the moratorium was sought by, and applied solely to, religious student groups showed that Executive Order 1068 really affected only the religious groups that could not in good conscience renounce their religious requirements for leadership. As a result of the moratorium, RJCF remained a recognized student group at CSUN for the 2013-2014 academic year.

Despite RJCF's and other religious groups' requests that the moratorium be extended, CSU refused to extend it for the 2014-15 academic year. After making all the changes that we could in good conscience make, RJCF submitted its constitution and the required recognition forms with a statement that it signed the forms based on RJCF's belief that it is not religious discrimination for a religious group to have religious leadership requirements, as it has had for the 41 years that it has been a recognized student organization at CSU, and as it will continue to have.

On January 22, 2015, I received a letter from the CSUN administration stating that RJCF "will no longer be recognized." RJCF could not pay the weekly rental fee of \$200 that CSU said we would have to pay to keep meeting in the room that we had held our weekly meetings in for free. We reluctantly moved our meetings off-campus.

Because we are no longer a recognized student group, we've lost numerous benefits. The most damaging consequences of CSU's discrimination are the inability to meet on campus, to advertise on campus and to participate in student organizational fairs. These are critical avenues for student groups to be accessible to new students and continue to grow and serve the campus community. Student groups that can't grow eventually can't function as members graduate.

Leaders are the life and future of any organization. Ask any corporation looking for a new CEO. To suggest that this is not the case seems extremely ignorant at best. How can someone lead you effectively in something which they do not believe? Just as it is understood that a fraternity by nature would be led by a male person and a sorority by a female person because of the nature and purpose of the organization, it should also be understood that a religious organization would best be led by a person of that religion. We are not asking a math club to require their leaders to be religious. The nature and purpose of our organization is religious and our leaders must be able to demonstrate and promote our beliefs in order to be effective. To call this discrimination is ridiculous.

We feel that CSU is engaging in religious discrimination by excluding religious student groups from campus solely because they exercise their basic religious liberty to choose their leaders according to their religious beliefs. But we see additional discrimination in the fact that CSU continues to allow fraternities and sororities to choose their leaders and members on the basis of sex, even though Executive Order 1068 prohibits sex discrimination. We deeply appreciate anything that you can do to restore our constitutional freedoms on CSU's campuses.

Sincerely,



Cinnamon McCellen

The Honorable Trent Franks, Chair
Subcommittee on the Constitution and Civil Justice,
The Judiciary Committee of the
United States House of Representatives
2141 Rayburn House Office Building
Washington, D.C. 20515

June 9, 2015

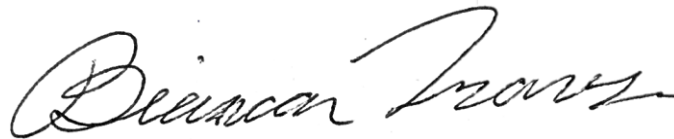
Dear Chairman Franks,

Thank you for the opportunity to submit my story for the record.

I am the student president of a Christian student group at a California public university. This year, for the first time in almost 40 years, our student group was kicked off campus by the university's administrators, all because of our religious identity. So instead of enjoying my senior year as the president of a long-standing service-oriented group, I was forced to spend dozens of hours trying to get us treated fairly again. I have attached a letter that provides a detailed description of the situation.

Unfortunately, the school continues to discriminate against us. That continued discrimination makes the opportunity you are providing all the more important to us: it helps ensure we won't be forgotten.

Thank you very much,

A handwritten signature in black ink that reads "Bianca Travis". The signature is written in a cursive, flowing style.

Bianca Travis
Chi Alpha
California State University-Stanislaus



February 6, 2015

Zollie **Smith**
Executive Director
U.S. Missions

E. Scott **Martin**
National Director
Chi Alpha

Curtis **Cole**
Administrative Director

Nathan **Cole**
Communications Director

Harvey **Herman**
Program Development Director

Bob **Marks**
Missionary Personnel Director

Crystal **Martin**
XA Internationals Director

President Joseph F. Sheley
California State University, Stanislaus
One University Circle
Turlock, CA 95382

Dear President Sheley,

I am writing to inform you about a serious problem and ask for your assistance in solving it. As you may know, the Chi Alpha student chapter at CSU Stanislaus—which has been a part of the student body for almost 40 years—has been kicked off campus for expressing its sincere religious beliefs. As the National Director of Chi Alpha, an international Christian student ministry organization, the exclusion of our chapter at CSU Stanislaus represents a significant problem. Below, I set out the background of Chi Alpha and the dispute, why I think the University's actions raise a number of legal issues, and how we can move forward together.

Background on Chi Alpha. Chi Alpha Campus Ministries is the college outreach ministry of the General Council of the Assemblies of God. Based in Springfield, Missouri, Chi Alpha has more than 300 student groups on campuses in the U.S. and around the world. The Assemblies of God is a Christian denomination that traces its roots back to 1906 Los Angeles and the sermons of William J. Seymour, an African-American minister who was one of the founders of the Pentecostal movement. The denomination has grown to become one of the most robust, diverse religious communities in the world, with much of its growth in the U.S. driven by young people and immigrants, and most of its growth internationally in the Global South. Forty percent of U.S. members of the Assemblies of God are already from minority groups, and we expect to reach majority-minority status in about five years.



The Chi Alpha CSU Stanislaus chapter already reflects this remarkable diversity: the chapter is led by an African-American woman, Bianca Travis, and the majority of our 45-plus Stanislaus members are African-American or Latino. This diversity is no accident—it's one of Chi Alpha's Core Values. That's because we believe a diverse community reflects the love of Jesus for *everyone* on campus. And the key to our unity in diversity—what draws our different Chi Alpha communities together—is a deep, authentic love for Jesus and a desire to show His love to fellow students. That is, what makes each student chapter not just overlook, but rejoice in, our differences is our *shared faith*.

Chi Alpha has been a chartered student organization at the University for almost 40 years. Our members meet together weekly to help support and encourage each other, and the national Chi Alpha organization provides resources to strengthen those efforts. And, like Chi Alpha chapters worldwide, our Stanislaus group has been active in the student community. For instance:

- We've raised thousands of dollars annually to provide financial assistance, education, school supplies, and clothing for children in India and Philippines rescued out of human trafficking.
- We've worked closely with the International Student Office to welcome international students and help them both find housing and feel at home.
- For the past ten years, we have helped CSU Stanislaus's housing office on dorm move-in days.
- For five years, we worked with the CSU Stanislaus police department to hand out free food and water at the annual Warrior Day celebrations.
- For four years, we worked with the CSU Stanislaus police department to serve students and their families during commencement.
- For the past eleven years, we've regularly given out free espresso to students on campus.

Chi Alpha has also been active in the local community. For the past six years, we served in local election booths twice a year. We also ran all of the ticketing booths for the Stanislaus County Fair for three years.

Despite this lengthy history of positive engagement in student and community life, CSU Stanislaus has recently begun treating Chi Alpha unfairly.

Background of the dispute. Since at least 2001, the Chi Alpha chapter at CSU Stanislaus has had a copy of its constitution on file with the University and needed only to turn in the names of new officers and members to receive its charter each year. The deadline for this information has generally been about a month from the start of the Fall semester. In 2014, the deadline was October 17.

On September 11 of this year, Bianca Travis received a letter from Alissa Aragon, the Student Organization Advisor of the Office of Student Leadership & Development. The letter said that Chi Alpha was not permitted to hold events on campus until it changed its constitution. This, she said, was because Chi Alpha's constitution was not in compliance with the University's new interpretation of Executive Order 1068 (which was released in 2011). When asked why this was taking place before the October 17 deadline, Ms. Aragon told Ms. Travis that Chi Alpha had been "randomly" selected for immediate compliance.

The University's new interpretation of EO 1068 required Chi Alpha to change its constitution to state "that membership is open to all CSU students" and that Chi Alpha "leaders cannot be selected on the basis of faith[.]" Ms. Aragon's letter was on University letterhead and copied the Director of Student Leadership & Development, Clarissa Lonn-Nichols, and the Dean of Students, Ronald Noble.

On October 10, 2014, Chi Alpha submitted an updated constitution that had adopted all of the requests made in the September 11 letter. This constitution included the following language to comply with the University's new interpretation of EO 1068:

"Eligibility for membership or appointed or elected student officer positions may not be limited on the basis of race, religion, national origin, ethnicity, color, age, gender, gender identity, marital status, citizenship, sexual orientation, or disability. The organization shall have no rules or policies that discriminate on the basis of race, religion, national origin, ethnicity, color, age, gender, gender identity, marital status, citizenship, sexual orientation or disability."

Chi Alpha included a statement after this language explaining that (a) it believed that the University's new interpretation violated its religious beliefs and (b) that it was complying under duress.

Chi Alpha understands that, as of September 2014, the University interprets its anti-discrimination policy to prohibit religious student organizations from requiring their members or officers to share the religious beliefs that the organizations exist to further. Chi Alpha believes that the University's post-September 2014 interpretation of its anti-discrimination policy burdens Chi Alpha's sincere religious exercise, improperly interferes with the internal affairs of a religious organization, and violates the law, including but not limited to the First Amendment of the U.S. Constitution and Article I Sections 1, 2, and 4 of the California Constitution. Chi Alpha agrees to comply with the University's post-September 2014 interpretation of its anti-discrimination policy only under duress and only to the extent that Chi

Alpha retains the ability to select leaders that fully support Chi Alpha's mission and are capable of carrying out that mission.

On October 18, Ms. Aragon refused to reinstate Chi Alpha's charter but said she would do so if the final sentence—which stated that Chi Alpha was complying under duress—was removed. Ms. Travis twice asked if Chi Alpha had to remove the entire statement or just the last sentence; Ms. Aragon twice confirmed the latter.

On November 11, Chi Alpha resubmitted an updated constitution that removed the last sentence. The next day, Ms. Aragon deviated from her previously-stated position and said she would not reinstate Chi Alpha's charter unless the rest of the statement—which stated that Chi Alpha believed it had a legal right to require its leaders to share its religious beliefs—was removed.

On November 18, Ms. Aragon and her supervisor, Ms. Lonn-Nichols, held a meeting with Ms. Travis, B.J. Miller (Chi Alpha's student vice-president), Dr. Richard Weikart (Chi Alpha's faculty advisor), and Jeremy Anderson (the regional Chi Alpha director of student ministries). Ms. Lonn-Nichols opened the meeting by expressly conditioning reinstatement of Chi Alpha's charter on removing the rest of the statement. All Chi Alpha representatives in the room confirmed their intent to comply with the University's EO 1068 interpretation and said that they just needed, as a matter of conscience, to express their disagreement with being forced to give up selecting student leaders who shared their faith. Even with these assurances and the presence of the required non-discrimination language in the constitution, both Ms. Lonn-Nichols and Ms. Aragon said that Chi Alpha must remove the rest of the statement or it would not have its charter reinstated. When Chi Alpha asked Ms. Lonn-Nichols to put this requirement and her rationale in writing, she ended the meeting and said, "I'm done playing games with you."

After prayerfully considering Ms. Lonn-Nichols' ultimatum, Chi Alpha decided that it could not remove the rest of the statement. On December 1, Ms. Aragon sent Ms. Travis an email stating that Chi Alpha was not chartered at the University and instructing her to remove Chi Alpha's booth from the Campus Quad by December 5. Because of the University's actions, Chi Alpha was forced to cancel 15 previously-approved events in the fall semester and is being denied equal access to campus for the spring semester.

Legal Issues. Through its policies and actions, the University has conditioned Chi Alpha's chartered status on the removal of a purely expressive religious statement from its constitution. It is my understanding that this violates the First Amendment's guarantees of free speech, free exercise of religion, and free association, equal protection, as well as several other federal and California laws. I

describe the legal issues concerning freedom of speech and the free exercise of religion below.

Freedom of Speech. The University is restricting Chi Alpha's speech because of its content, even though that content has no operative effect on the University's interests and that the speech serves only to express Chi Alpha's internal religious beliefs.

The First Amendment protects Chi Alpha's rights to be free from governmentally compelled speech or silence. See *Riley v. Nat'l Fed'n of the Blind*, 487 U.S. 781, 796-97 (1988) ("[T]he First Amendment guarantees 'freedom of speech,' a term necessarily comprising the decision of both what to say and what not to say."). Since the University is banning Chi Alpha's "expression because of its message, its ideas, its subject matter, or its content," the University's actions are subject to "the most exacting scrutiny." *Doe v. Harris*, 772 F.3d 563, 574 (9th Cir. 2014) (striking down California law that regulated the speech of sex offenders).

To pass this scrutiny, the University must have a compelling interest in restricting Chi Alpha's religious expression, and be doing so in the least restrictive way possible. *TBS, Inc. v. FCC*, 512 U.S. 622, 642 (1994). But here, the University has no interest at all. Chi Alpha has already promised, both in writing and in person, to abide by the University's non-discrimination policy. And its mild expression of religious disagreement is far less likely to cause a prominent public dispute than is controversial anti-war attire that is broadly protected as "pure speech." *Tinker v. Des Moines Indep. Comm. Sch. Dist.*, 393 U.S. 503, 508 (1969). Indeed, with the exception of Chi Alpha members and University administrators, few would have even known of Chi Alpha's verbal expression of dissent because it was made in the context of the constitution. The University cannot have an interest in censoring dissenting ideas, particularly where those ideas are important solely to the members of a voluntary religious association. *West Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943) ("If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion"). This is doubly true given the "essentiality of freedom in the community of American universities," where the First Amendment rejects "any strait jacket" that "cast[s] a pall of orthodoxy' over the free exchange of ideas in the classroom." *Dube v. State University of New York*, 900 F.2d 587, 597-98 (2d Cir. 1990) (quoting *Sweezy v. New Hampshire*, 354 U.S. 237, 250 (1957), and *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967), and finding that university officials could be personally liable for damages for censoring free speech).

The University's actions here go well beyond this standard and unreasonably violate clearly established constitutional rights. A comparison to other cases is

instructive: government defendants often try to excuse compelled speech by noting that the speakers could still *express disagreement* with a governmentally compelled message. *Frudden v. Pilling*, 742 F.3d 1199, 1205 (9th Cir. 2014) (banning a school from forcing students to wear its message of “Tomorrow’s Leaders”). Courts uniformly reject those arguments, *id.* at 1205-06, and would look even more dimly on the University’s attempt here to both compel speech *and* censor disagreement with that speech.

In Chi Alpha’s view, since the University is “not free to interfere with speech for no better reason than promoting an approved message or discouraging a disfavored one, however enlightened either purpose may strike [it],” *Boy Scouts of Am. v. Dale*, 530 U.S. 640, 661 (2000), it certainly may not censor speech for no reason at all.

Free Exercise of Religion. The University gives its administrators unbridled discretion to control Chi Alpha’s access to charter reinstatement. And its administrators have exercised that discretion to arbitrarily restrict the kind of religious speech that Chi Alpha may engage in. Under the Free Exercise Clause a law burdening religious exercise is generally permissible only if it is “neutral” and “generally applicable.” *Employment Division v. Smith*, 494 U.S. 872, 880 (1990). Laws cannot meet this standard where they allow the government discretion to create “individualized exemptions” on a case-by-case basis or where they are enforced unevenly. *Id.* at 884 (citing *Sherbert v. Verner*, 374 U.S. 398, 401 (1963)); accord *Tenafly Eruv Ass’n, Inc. v. The Borough of Tenafly*, 309 F.3d 144, 166-67 (3d Cir. 2002) (striking down law that was not enforced uniformly). That is just as true in the university context as any other. See, e.g., *Rader v. Johnston*, 924 F. Supp. 1540 (D. Neb. 1996) (striking down college actions both because the policy in question had several exemptions and because of administrative insensitivity toward religious conduct).

Because the University permits such broad discretion over granting student group charters and because University administrators have exercised that discretion to single out and arbitrarily target Chi Alpha’s religious speech for censorship, the University’s actions would have to stand up under strict scrutiny in court. And those actions fail that scrutiny for the reasons outlined above. Indeed, since the University can’t have an interest in banning the wholly expressive religious dissent of a voluntary association, even if the University’s actions *were* the result of a neutral and generally applicable law, they would fail simply because they are an irrational restriction on religious expression. *In re Levenson*, 587 F.3d 925, 931 (9th Cir. 2009) (under even rational-basis review, “[t]he State may not rely on a classification whose relationship to an asserted goal is so attenuated as to render the distinction arbitrary or irrational.”).

Moving forward. On behalf of Chi Alpha and of the Assemblies of God, I am writing this letter in the hope that we can resolve this dispute together. Chi Alpha

has been a part of the University's student body for almost 40 years and is filled with students who want to resume building unified diversity on campus as soon as possible. I am sure you agree with me that CSU Stanislaus should not discriminate against Chi Alpha or treat students like Bianca Travis as second-class citizens simply for their expression of religious dissent. If anything, CSU Stanislaus should be *encouraging* active, community-serving student groups like Chi Alpha, not excluding them. Therefore I would request that we meet to discuss this issue and how CSU Stanislaus and Chi Alpha can work together going forward. Please let me know when we might have such a meeting.

Sincerely,

A handwritten signature in black ink that reads "E. Scott Martin". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

E. Scott Martin
National Director
Chi Alpha, U.S.A.

cc: Richard Weikart, Organization Faculty Advisor, rweikart@csustan.edu

June 10, 2015

The Honorable Trent Franks,
Chair Subcommittee on the Constitution and Civil Justice,
The Judiciary Committee of the United States House of Representatives
2141 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Franks:

My name is Dr. Ra'sheedah Richardson, and it is an honor to submit this letter for your review on the behalf of ReJOYce in JESUS Campus Fellowship (RJCF) at Texas A&M University (TAMU). I was a member of RJCF at TAMU during graduate school from 2003-2012. RJCF has been a recognized student organization on the campus of TAMU since 1996. RJCF enjoyed this status uninterrupted for well over a decade, until the 2011-2012 school year when TAMU restricted our status as a campus group.

RJCF hosts a number of activities and services open to the Texas A&M community, such as a weekly Bible study, weekend fellowship events and prayer. RJCF typically has from 20-30 students who participate. Personally, RJCF not only supported me through spiritual development and in my relationship with the Lord Jesus, but the fellowship encouraged me to pursue academic excellence and to develop character traits like integrity, wisdom, composure and faithfulness that have been essential for a successful professional career. RJCF has helped me as well as countless other students make the adjustments needed to stand through the pressures and challenges faced in college life and beyond.

In October 2011, the TAMU Office of Student Organization Development and Administration (OSODA) within the Department of Student Activities sent us an email taking exception to RJCF's criteria for voting membership and/or leadership. RJCF seeks to preserve the intent of our organization through our voting member/leadership requirements. OSODA cited the University's statement on harassment and discrimination which states, "Texas A&M University, in accordance with applicable federal and state law, prohibits discrimination, including harassment, on the basis of race, color, national or ethnic origin, religion, sex, disability, age, sexual orientation, or veteran status." The email went on to state that, "This statement extends to student organization membership and leadership, and since ReJOYce in Jesus has a religious component outlined for its voting membership and leadership eligibility, your criteria warrants further review."

Following a review process which included a face-to-face meeting with Office of Student Organization Development and Administration personnel, RJCF was asked to change its constitution in order to remain a recognized student organization at TAMU. I and others in our group were greatly troubled by what we felt was an attack on our rights as students of faith on campus and a misuse of TAMU's non-discrimination policy. We were informed that many other religious student groups at Texas A&M received similar notices and were forced to review and/or revise their constitutions.

For a Christian student organization, having leadership that holds to the same beliefs and values is essential. Without it, we would not be able to preserve the integrity of our values, beliefs and purposes as a faith-based group. I would have personally felt very uncomfortable if the leadership of our organization had been someone who did not subscribe to the tenets of the Christian faith as it would have changed the direction of RJCF monumentally. RJCF would have ceased to have the same

meaning and purpose as a Christian organization if a non-Christian was an officer. This would have subsequently caused me to withdraw my membership. As a result, I would not have received the support offered by RJCF through college.

Without student group recognition, we would not have been able to continue to meet freely on campus to encourage each other in our growth both spiritually and academically. According to TAMU policy, non-recognized student groups are required to pay \$100 per instance for each room reservation. It would have cost our group up to \$7,600 per academic year to continue to operate on campus. This is far too great a hardship for a small student group like RJCF to maintain.

Additionally, non-recognized student groups have a much more difficult time advertising for the group on campus. Specifically, they are unable to post fliers, reserve other advertising media or reserve campus outdoor space. Non-recognized student groups are also not allowed to participate in the MSC Open House – the most significant campus-wide event that allows students to connect with and learn about organizations consistent with their interests, needs or beliefs and what they have to offer.

I have no doubt that had not we sought legal assistance clarifying the interpretation of federal law, RJCF would have ceased to exist on Texas A&M University's campus. After reviewing a letter received from our legal counsel, the University changed its position and acknowledged that RJCF "meets the criteria necessary for an exemption to the open membership requirement outlined in Texas A&M Student Rule 41.1.5 which states that student organizations should 'be open in its membership unless otherwise permitted under applicable federal law.'" RJCF's recognized status was subsequently restored.

Sincerely,

A handwritten signature in cursive script that reads "Ra'sheedah Richardson".

Ra'sheedah Richardson, Ph.D.

Justin P. Gunter

660 Ralph McGill Blvd. NE, Apt. 2509, Atlanta, GA 30312

The Honorable Trent Franks, Chair
Subcommittee on the Constitution and Civil Justice,
The Judiciary Committee of the
United States House of Representatives
2141 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Franks,

Thank you for the opportunity to provide this letter for the record in the Subcommittee's hearing "First Amendment Protections on Public College and University Campuses." Thank you also for your, and the Subcommittee's, attention to the threats to the First Amendment taking place on college and university campuses across our nation.

As a brief introduction, from 2011–2012 I served as President of the Vanderbilt Student Chapter of the Christian Legal Society while studying at the Vanderbilt University Law School. This letter briefly summarizes my experiences during this time. The Christian Legal Society is a national organization that facilitates student chapters at law schools across our nation. Our particular chapter at Vanderbilt focused primarily on promoting student spiritual well-being and encouraging the discussion of diverse viewpoints. For many students, law school is an intense and stressful experience. In this environment, our Christian Legal Society Chapter promoted student's spiritual well-being by providing group prayer meetings, Bible studies, and a safe-place for students to discuss the difficulties of law school with their peers. Additionally, the law school education is designed not only to teach students legal principles, but also to expose them to a diverse group of people and ideas—exposure which serves future lawyers well when they must represent diverse clients or create policies that take into account the needs of diverse communities. At Vanderbilt, this task was filled in large part by student groups, whether they be groups dedicated to environmental concerns, business policy, animal rights, or political views (both Republican and Democrat). In this eclectic mix, our Christian Legal Society Chapter sought to encourage discussion of Christian viewpoints. To do so, we regularly invited speakers to come to Vanderbilt and speak on topics of special important to Christians in our nation.

For years the our chapter of the Christian Legal Society was recognized as a student group at Vanderbilt—all the while supporting student's spiritual needs and promoting discussions of diverse viewpoints on campus. However, in summer 2012, the leadership of our chapter was informed that we would not be allowed to continue in the following school year. After engaging Vanderbilt administrators to ascertain the rationale for this sudden change, we were told by Vanderbilt administrators that Vanderbilt had instituted a new policy that did not allow religious groups to ask their leaders to agree with the group's basic beliefs and did not

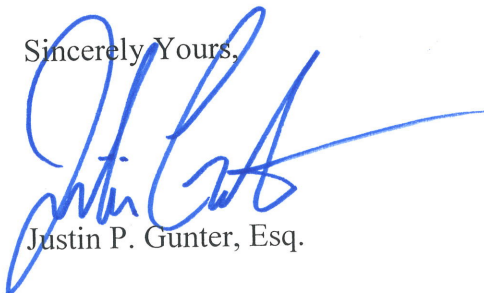
allow requirements that leaders should hold prayer meetings or Bible studies. In short, Vanderbilt's policy stated that a Christian group could not ask that its leader believe in Christianity—even if the group (like the Christian Legal Society) welcomed all students to be members and attend its events regardless of their religious beliefs.

The leadership of our Christian Legal Society Chapter, and many other religious groups on campus tried to no avail to reason and work with the Vanderbilt administrators. In spring 2012, our chapter, along with thirteen other religious groups, were removed from Vanderbilt. Through this process, Vanderbilt once again redefined its policy as an “all-comers” policy—a policy purporting to require that any student group must allow anyone to be a leader regardless of whether they support (or are even hostile to) the group's basic beliefs. Despite this sweeping policy, Vanderbilt only removed Christian student groups. In fact, Vanderbilt specifically exempted groups that discriminate on the basis of sex from its policy.

For many college students, the activities and time they spend on their college or university campus constitutes the vast majority of their college experience. A student group that is removed from campus loses many abilities to support and engage students. At Vanderbilt specifically, our removal meant that we could no longer promote our events on campus except by word of mouth, were not allowed to participate in Vanderbilt events (such as student organizational fairs), were deprived of funding to sponsor speakers, and were allowed space to meet at Vanderbilt only at the lowest priority. Similarly situated groups at public universities face even more severe sanctions—including being banned altogether.

The idea that a group could be banned at colleges and universities in the United States of America for nothing more than seeking to express a specific viewpoint is contrary to both the text and the principles enshrined in the First Amendment to our Constitution. Policies, like those implemented by Vanderbilt, contradict the American ideal of a pluralistic society—where individuals and associations may express their opinions and beliefs freely without being censored by a university administrator or government executive. As the drafters of the First Amendment recognized, this basic freedom is essential to a free society. I thank the subcommittee for its attention to this important issue and once again thank the subcommittee for allowing me to submit this letter.

Sincerely Yours,

A handwritten signature in blue ink, appearing to read "Justin P. Gunter", with a long horizontal flourish extending to the right.

Justin P. Gunter, Esq.

The Honorable Trent Franks, Chair
Subcommittee on the Constitution and Civil Justice,
The Judiciary Committee of the
United States House of Representatives
2141 Rayburn House Office Building
Washington, D.C. 20515

June 5, 2015

Dear Chairman Franks,

I write to you as the former President of the Christian Legal Society (CLS), The Ohio State University Moritz College of Law student chapter. Founded in 1961 CLS is a non-profit organization that exists to educate, train, and equip Christian legal professionals and law students to practice Christian principles in the legal profession. Student chapters are part of CLS' Law Student Ministries. I was privileged to serve as the chapter President during the 2003-2004 academic year, which was my second year of law school. We were a chapter of modest size, with a membership of approximately ten law students, and one faculty sponsor. Membership in CLS required affirmation of a Statement of Faith, and adherence to a code of conduct that follows a biblical approach to inter- and intrapersonal conduct. Membership in CLS conferred several privileges, including the right to vote for the chapter's officers. In order to maintain good standing with CLS' national organization, student chapters had to adopt a constitution, bylaws, and codes of conduct that are consistent with those of the national organization.

Of the literally hundreds of student organizations available at a large, public university such as Ohio State, I chose to devote my time and energy to serving with CLS. CLS' stated mission is to "inspire, encourage, and equip Christian lawyers and law students both individually and in community to proclaim, love and serve Jesus Christ through the study and practice of law, the provision of legal assistance to the poor and needy, and the defense of the inalienable rights to life and religious freedom." Upon learning of CLS, I instantly knew I had found an organization with whom I would find purpose and meaning during my law school tenure. Little did I know that groups who sought to impose their notions of "liberty" upon us would challenge CLS' continued existence.

In the fall of 2003—only weeks into my tenure as chapter President—some fellow students approached me and asked whether non-CLS members could attend CLS chapter meetings. I responded that non-members were not only permitted, but were welcomed and encouraged to attend our meetings. Several days later, those same students asked whether non-members could become voting members or officers. I responded that I would need to review the chapter constitution and bylaws. After review and consultation with other chapter officers, we determined that only those who were able to affirm CLS' Statement of Faith, and adhere to our bylaws and code of conduct, were eligible for voting membership and officership.

As a result of our candid response, the students filed a formal complaint with the law school administration. The Law School Dean requested a meeting with me, whereupon she explained the nature of the complaint and asked for my response. I explained that, as a student chapter, we had no choice but to maintain consistency with CLS' national organization, or we would no longer be permitted to affiliate ourselves with them. In essence, to change our constitution and bylaws would be to change the very nature of our organization. We would cease to be a Christian Legal Society.

Several days later, The Ohio State University initiated an investigation into our chapter for allegedly violating the University's non-discrimination policy. The University threatened to void our status as a recognized group, thereby rescinding our ability to use University facilities, receive funding from our student fees, and possibly requiring repayment of past funds received. The consequences of such action would have been devastating. Without the ability to meet on campus, to receive financial assistance, or to even exist as a recognized organization, I am certain CLS would have ceased to continue its ministry at The Ohio State University. Those of us for whom CLS provided a meaningful and important vehicle through which we could use our legal education for the greater good would be relegated to second-class citizens simply because of our sincerely held beliefs.

Unfortunately, I also experienced personal consequences. I was often the subject of name-calling, gossip, and rumor-mongering. The Law School "advised" that I undergo mediation with those whom I had "offended." In short, the law school—*my* law school—created a hostile environment for me. I was warned by upperclassmen not to take courses by certain professors who were not likely to give me fair evaluations. Some of my classmates verbally admonished me for my sincerely held religious beliefs. And I was only in my second year of law school. I would have to endure this treatment and hostility for another year.

I agreed to undergo mediation with a leader from the complaining organization, in the hopes that we could achieve reconciliation. I also hoped to demonstrate that our organization was open and welcoming to all, but that we simply could not compromise our core principles and beliefs. At the next chapter meeting—we met weekly—I apprised the attendees of the situation, and asked that we all make every effort to maintain a friendly and welcoming environment. I recall specifically inviting the very students who complained to CLS meetings, so they could observe for themselves our desire for friendship and collegiality. Unfortunately, our attempts were to no avail.

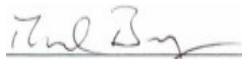
Once informed of the University's decision to investigate us, I convened an emergency session with our chapter's members and officers. We decided that the appropriate action was to contact the CLS national organization to inform them of the situation. I soon learned that CLS sued The Ohio State University in federal court for religious discrimination. After doing so, my involvement and role diminished significantly, so that I could maintain my focus on my legal studies. I provided some assistance with the preparation of legal documents on our student chapter's behalf, but my involvement primarily consisted of signing documents and providing statements. It also helped to

receive affirmation and encouragement that we had not violated the law, and that we did the right thing.

Several acrimonious months later, we were informed that the University reached a settlement with CLS, and agreed to amend its non-discrimination policy with an exception for student organizations that hold “sincerely held beliefs.” My understanding is that the exception was a stop-gap measure, and I do not know if the University continues to provide such an exception today. My hope is that it does; there are many faith-based organizations with sincerely held religious beliefs who would be unfairly and unlawfully penalized were the University to rescind this hard-won exception.

Mr. Chairman, thank you for the opportunity to share my experience. I am happy to provide additional details if necessary.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Berry", written in dark ink.

Michael Berry

The Honorable Trent Franks, Chair
Subcommittee on the Constitution and Civil Justice
The Judiciary Committee of
the United States House of Representatives
2141 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Franks:

My name is Ryan Finigan, I am a 3rd year medical student at Temple School of Medicine and a 2nd Lt in the United States Air Force, and I am deeply concerned about recent events that have taken place on my medical school campus. I am writing to inform you of the situation happening on our campus, and also to appeal for your help in protecting religious freedom at our school and many others across the country. I do not want to waste your valuable time so I will detail the events succinctly as follows.

During my second year I was asked to be a leader in the Christian Medical and Dental Association at my campus chapter. As part of that process I was required to sign a contract which stated that I conduct my life according to biblical morality and that I would be held accountable by my peers to do so. This combination of morality and accountability, as the Bible details, has been a cornerstone of the Christian faith centuries before this nation even began.

Shortly after beginning my role as a leader we were confronted by the Student Affairs Office concerning the contract we had signed. The Temple staff informed us that our group would very likely have its official status revoked because they claimed that we were discriminating in our selection of leader by having our leader contract to lead a life according to biblical morality.

Biblical morality also encompasses caring for the poor, integrity, humility, and purity in our relationships; and all of these aspects of morality are inseparable within our faith. If we were to throw out even one aspect of biblical morality then the validity and authority of our faith would be gone. Therefore we were faced with the choice of surrendering our beliefs or surrendering CMDA's presence at Temple School of Medicine.

This is a clear case of restricted religious freedom. Holding each other accountable to a biblically moral life is at the core of training the next generation of physicians, and I need not remind you how dire a need there is for physicians who value integrity, humility, and love. Thousands of America's finest physicians who benefited from their campus CMDA would agree with me in saying that we need CMDA to maintain its presence in our schools.

Therefore, I implore you to intercede on our behalf and defend our religious freedom. This is not only because we should be allowed to practice our faith on our school campus, but also because the CMDA has played a critical role in the training of American physicians.

Thank you for your time,

Ryan Finigan

Dear Chairman Franks,

My name is Emily Abraham and I was a freshman this year at Minnesota State University, Mankato.

Until just two months ago, Mankato had a residential life policy that said, "During community standards discussions at floor and building meetings, each area votes to determine if religious solicitation is allowed." I still remember our first floor meeting when we had to vote about this. I was so mad and had a bunch of thoughts going through my mind. Something about this vote we had didn't seem right.

In January of this year, I wanted to invite some neighbors in my dorm to eat pizza and discuss theirs and my opinions about the Bible. My CA told me that to do so was a direct violation of the campus religious solicitation policy. I was then reminded of the vote we had taken at the beginning of the year prohibiting any "religious solicitation" on the floor. I thought this policy was dumb and I still didn't understand. What was so wrong with me wanting to share about Jesus on the floor? In the Bible we are told to make disciples... that's hard to do when we are prohibited to talk about religion on the floors. Though I couldn't talk about religion it was 100% okay to invite someone to a fraternity party, a concert, a non-religious movie, or most anything else. Just not to a religious event. It didn't make sense.

When some others and I asked a residential life administrator about the policy, we were told that the policy had been applied by the university for at least as long as he had been at the campus (which is well over ten years), and that, in his eyes, the policy didn't have any negative ramifications or opposition. The message to me was clear: the policy is

not the problem; you are the problem.

This policy had made me angry throughout the whole year and I finally built up enough courage to meet with some of the faculty members. I refused to allow my free speech to be quieted, and after persisting with my questions through a number of discussions, Minnesota State University, Mankato wisely agreed to repeal their policy. Many others and I trust that they will remove this policy from next year's handbook as they have promised.

But who knows how many other campuses implement this type of speech policing, and how many students have opted, and continue to opt, for quiet obedience rather than standing up to intimidation and even ridicule from various administrators?

Thank you,

Emily Abraham

Emily Jones

533 Yellowstone Avenue
Billings, MT 59101

June 10, 2015

The Honorable Trent Franks, Chair
Subcommittee on the Constitution and Civil Justice
The Judiciary Committee of the United States
House of Representatives
2141 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Franks:

I am writing to you out of concern for the protection of religious freedom on public college and university campuses. I attended the University of Montana (“UM”) School of Law from 2005 through 2008. During my law school tenure, I and several other students attempted to form a local chapter of the Christian Legal Society (“CLS”), a national organization of Christian lawyers, judges, law students and others that seeks to “proclaim, love and serve Jesus Christ through all we do and say in the practice of law, advocating biblical conflict resolution, legal assistance for the poor and needy, religious freedom and the sanctity of human life.” The aspiration of the local UM chapter of CLS is to “maintain a vibrant Christian Law fellowship on The University of Montana campus which enables its members, individually and as a group, to fulfill the Christian mandate to love God and to love their neighbors as themselves.” During my time at the law school, our group was denied status as a recognized student group at UM by the student body and by its governing Board.

In 2007 CLS-UM sought recognition and an allocation of student activity fees from the Student Bar Association (“SBA”) Executive Board. The Board determines whether a student organization at UM School of Law is eligible for recognition and student activity fee funding and then allocates student activity fees to these recognized student groups. This budget is then submitted to the general student body for a vote. No guidance is given to the students in determining which student groups may receive funding, and no instruction is given regarding maintaining a viewpoint-neutral vote. Thus, the student body can decide to fund or de-fund groups based on those they like or agree with, and those they do not.

In order to ensure that it maintains its distinctive Christian voice – a right conferred on its members by the Constitution’s canons regarding freedom of association and freedom of religious expression – CLS-UM limits those who control that voice, the voting members and officers, to those who affirm its Christian views and endeavor to live a life of integrity conforming to those beliefs. CLS-UM invites anyone, however, to attend and participate in its meetings and events. With full knowledge of CLS-UM’s voting membership and leadership policies, the SBA Board voted to recognize CLS-UM and allocate student activity

funds to it in the SBA budget. However, when the Board submitted these allocations to the student body for a vote, they were narrowly rejected amid opposition to CLS-UM.

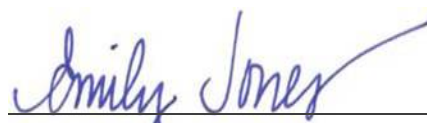
Following the rejection of the proposed budget, which included funding for CLS-UM, the SBA Board revoked CLS-UM's recognition. The Board then re-submitted the budget to the student body with the funding allocation for CLS-UM excluded. The student body approved this budget. No other student group included in the first budget was excluded from the second budget. As a result, CLS-UM was substantially hindered in its ability to carry out its activities and advocate for its views during the 2007-2008 academic year.

Eventually, the CLS-UM students decided they would, reluctantly and unfortunately, have to go to court to protect their First Amendment rights. They primarily challenged the SBA's method of allocating student activity fees as viewpoint discriminatory and, therefore, a violation of students' freedom of speech. They also challenged the denial of recognition to CLS-UM because of its leadership and voting membership requirements. After the district court ruled against them, they appealed to the Ninth Circuit. *CLS v. Eck*, 625 F. Supp.2d 1026 (D. Mont. 2009), *appeal voluntarily dismissed*, No. 09-35581 (9th Cir. Aug. 10, 2011). The appeal was stayed pending the Supreme Court's decision in *CLS v. Martinez*.

Eventually, UM and CLS reached a settlement agreement by which officials of the UM School of Law agreed to impose new rules upon the SBA student activity fee funding system in order to ensure that student fees were allocated among student groups in a viewpoint-neutral manner. In total, officials at the UM School of Law agreed to approximately 23 new rules for the allocation of student activity fee funding. Law school officials also agreed to recognize CLS as an independent student organization with the same access to law school facilities and channels of communication as enjoyed by other recognized student groups. In return, CLS acknowledged that it was ineligible for SBA funding under the SBA's current interpretation of its bylaws, but law school officials agreed that CLS was eligible to apply for funding through the community grants program administered by the law school.

Please take immediate action to ensure that others do not experience the same disparate treatment that the members of CLS-UM experienced. Religious liberty is the foundation for freedom in America, and sets us apart from much of the rest of world. Please protect our longstanding heritage and constitutional rights of college and university students to express their religious beliefs, to associate with others who share those beliefs, and to receive the same treatment as other student groups receive. Thank you very much for your consideration.

Sincerely,



EMILY JONES

June 11, 2015

The Honorable Trent Franks, Chair
Subcommittee on the Constitution and Civil Justice
The Judiciary Committee of the United States
House of Representatives
2141 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Franks:

My name is Justin Ranger. I have lived in Idaho since 2001. I graduated from Boise State University in the Spring of 2009 with a major in Philosophy and a minor in Mathematics. While I was a student, I was the President of the student club, Cornerstone Ministry.

During my involvement with Cornerstone Ministry, I desired to create an environment that would engage students, and would contribute to campus life in general. The purpose of Cornerstone Ministry was to hold Bible studies, book discussions, prayer meetings, and to distribute free literature to students on campus. The focus of the club was to engage students academically and intellectually on matters that related to our religious views. This we believed added to diversity and contributed to campus life.

At the end of my sophomore year at Boise State, some other students and myself began the process of starting a new religious club on campus, The Veritas Forum. We used as a template the constitution of Cornerstone Ministry which was a fully recognized student club. The new constitution was rejected based on BSU's interpretation of the non-discrimination clause. In our dialogue with BSU staff and student Judiciary members we pointed out that the new constitution was modeled on a constitution of a club which had already received full recognition. The constitution for Cornerstone Ministry was reviewed by BSU and declared to be discriminatory as well. After submitting several revisions of our constitution in an attempt to be fully compliant with BSU's non-discrimination clause, it became apparent that the club would not be recognized simply because we required its officers to agree to the beliefs and purpose of the club. Eventually the Cornerstone Ministry club was de-recognized as an official club on campus.

After Cornerstone Ministry was de-recognized we lost all of the rights and benefits of being an officially recognized club, e.g., reserving meeting rooms on campus for free, submitting flyers to be posted on bulletin boards, receiving discounts on catered food for events, being able to recruit students at orientations, etc. Furthermore, while our constitution was under review, the time of the few students that were still involved with the club was consumed in dealing with this issue, rather than fulfilling the purpose of the club. Not only did the size and vitality of the club diminish, but the club's ability to benefit student life was severely limited during this time.

Cornerstone Ministry could not withhold the statement of belief from our constitution since it is what determines our identity and the purpose of the club. Although, we were assured that it was unlikely that anyone who did not agree with our beliefs or the purposes of the club would attempt to run for an office in our club, it was a matter of honesty, integrity, and transparency to

be upfront with the criteria by which officers would be considered. Since BSU would not accept our criteria for officers before the settlement agreement, we were forced to be de-recognized.

Thank you for caring about this issue, and hearing about the plight of the club that I served.

June 11, 2015

The Honorable Trent Franks, Chair
Subcommittee on the Constitution and Civil Justice
The Judiciary Committee of the United States
House of Representatives
2141 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Franks:

My name is Jesse Barnum, and I graduated from Boise State University in 2009 with a B.A. in Philosophy and minors in German, Latin, and History. I was a member of the Cornerstone, a religious student organization, from 2006 until I graduated in 2009. I was also one of the organizing members of the Veritas Forum from 2007 through 2009. The Veritas Forum was a religious student organization who applied for official recognition as a student organization, but was denied that status.

As a student, religious organizations helped meet my need for community, and they provided me encouragement and support. They were an integral part of my success as a student, and without them I would not have engaged in the broader campus community to the extent that I did.

Religious student organizations have a vital role in university life. Not only do they support those students who are part of a particular religion, they increase the cross-section of ideas present on campus. Without the presence and articulate expression of these ideas on campus, the quality and success of a university education diminishes. The story of the Veritas Forum at Boise State University illustrates this well.

In 2007, I and a group of students began the process of organizing The Veritas Forum at Boise State University. Our goal was to create university events that explored life's hardest questions; questions like what is morality, and why is there suffering and pain in our lives and in the world. We wanted our own professors and other leading minds around the world come to Boise State to discuss these issues with us, the students, without the constraints of the classroom, and to engage in these issues in a way that was relevant to us in our everyday lives. In this way, the ideas and purpose of The Veritas Forum fit perfectly with the purposes of the university and organized student groups.

However, The Veritas Forum was also a religious student organization and we believed that Jesus, who he was and what he did, was important to any discussion and understanding of these questions. And in spite of Jesus' undeniable prominence and significance in the history of the world, He was conspicuously lacking from most campus dialogue on these issues. Given our stated goal and belief, it was necessary that to be successful and preserve the integrity of our

organization we needed to establish qualifications for leadership that were consistent both with that goal and our religious beliefs. These two elements were inextricably linked.

We submitted our application for recognition as a student group in the Fall of 2007. It was rejected because of the qualifications we required to hold office. In spite of the setback, we continued to organize an event under another recognized student organization, The Cornerstone. Our first event discussed suffering and pain: its meaning, why does it exist, and is there an answer to it. Professor Scott Yenor of Boise State University, whose own daughter had recently undergone treatment for cancer, was the presenter. We advertised the event on campus and scheduled it for a Friday night during the spring semester of 2008. Given the day and time of year, our expectations were that maybe 40 people would attend. Instead of 40 people, about 240 students and faculty attended. The 200 person capacity room was filled well past its limitations. The event was a huge success, and was well received by numerous campus organizations and departments, many of them regardless of their own opinions and beliefs.

But the university continued to pursue its policy of not allowing student religious organizations to identify qualifications for leadership, and Cornerstone was derecognized as a club for the same reasons The Veritas Forum was denied recognition.

Again, in spite of this additional setback, we began work on hosting another event because the desire and interest in what we were doing was so clearly demonstrated by the success of the first event. In order to hold the event, we worked with another student religious organization that had yet to be derecognized. The second event was held in the spring of 2009 and was attended by more than 100 students and faculty. The topic discussed this time was the trend of removing "faith" and "religion" from public dialogue and discourse.

I and some other key students in the Veritas forum graduated in the spring of 2009. We were very proud of the work that had been accomplished and we were excited about the interest that was shown by the campus community in what we were doing. We were also disappointed that we had been unable to organize The Veritas Forum in such a way that it would have enabled it to continue past our graduation. The interest and the need for open and honest dialogue were clearly demonstrated, but the legal and institutional obstacles we faced prevented us from ever having The Veritas Forum formally recognized. There is no Veritas Forum at Boise State today.

Religious student organizations like the Veritas Forum benefit the university, but their inability to maintain officer qualifications will mean that they can no longer fully participate in the university community. Not only will individual students suffer, but the quality of our state universities will suffer as well.

June 11, 2015

The Honorable Trent Franks, Chair
Subcommittee on the Constitution and Civil Justice,
The Judiciary Committee of the
United States House of Representatives
2141 Rayburn House Office Building
Washington, D.C. 20515

Re: "First Amendment Protections on Public College and University Campuses"
Hearing Date: June 2, 2015

Dear Chairman Franks:

Thank you for considering this letter in connection with the above-referenced Congressional hearing. I served as the President of the local chapter of the Christian Legal Society at the University Of South Carolina School Of Law during the 2007-08 academic school year, during which time our local chapter filed a First Amendment lawsuit challenging the University's discriminatory policies against student organizations that were religious in nature.

While I was a law student, the University had a policy of assessing and collecting a "student activity fee" from all students and allocating those monies collected into "general funds" and "special funds" available to certain student organizations. Under the USC Student Government Finance Codes (§390.05), "Religious Organizations" were ineligible for general funding. Although religious organizations like CLS were technically eligible for the special funding, those resources were more limited in their use (funds could only be applied to "content neutral" programs) and the entire fund itself was often depleted during the Fall semester.

The result of these policies left the CLS chapter with limited to no access to funds in the Fall semester and without any funds at all during the Spring semesters. This despite the fact that all of the CLS student members were assessed/charged the student activity fees and non-religious organizations had substantial budgets for their use from both the general and special funding.

As President of the CLS chapter, I approached school officials and elected student government members seeking redress for these policies to no avail. Ultimately, I was faced with the decision to keep quiet in the face of the deprivation of my First Amendment rights or to sign my name verifying a Complaint against the University in the federal courts. Still to this day I can recall the weight of the pen as I inscribed my signature on the Verification.

June 11, 2015

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Thankfully for me and the CLS chapter and its members, the University quickly cooperated after reading the Complaint and once counsel explained to the University the First Amendment rights of its “religious” students. The University admitted its policies were discriminatory in that they treated religious organizations differently from every other type of student organization on campus. The University issued a moratorium on disbursement of student activities fees to student organizations until their policies were revised to treat students equally.

I am very thankful to CLS for their assistance to the local chapter during this trying and difficult time and also to the University officials for their acknowledgement of our disparate treatment and their willingness to redress the situation. Nevertheless, I wish that it did not have to come to filing a federal action to get the attention of the University to the constitutional violations they endorsed and I am confident that there were many other student “religious” organizations that simply accepted inequality or were without the help necessary to seek justice.

I would be very glad to speak further with anyone about this matter and, again, I thank you for your consideration.

Sincerely,

/s/Robert S. “Trey” Ingram III