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Counsel for Plaintiffs Christian Legal Society  
and Christian Legal Society Chapter  
at The University of Montana School of Law

**FILED**

**DEC 14 2007**

**PATRICK E. DUFFY, CLERK**

**By** \_\_\_\_\_  
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those who affirm the basic Christian doctrine in the CLS Statement of Faith and endeavor to conduct themselves accordingly. However, CLS-UM invites and welcomes anyone, regardless of religious belief, sexual orientation or practice, or any other characteristic, to attend and participate in its meetings and events.

The Executive Board of the Student Bar Association at The University of Montana School of Law, acting under the authority of the School of Law itself, recognizes student organizations on campus. Recognized student organizations are provided certain rights and benefits, including on-campus meeting space, channels of communication for promoting and advertising their organization, and access to funding from mandatory student activities fees collected by the School of Law and disbursed under its authority by the Student Bar Association.

In June 2007 CLS-UM began seeking recognized status as a student organization. In applying for recognition and later through counsel the chapter explained that participation in any of its activities or meetings is open to all, but that voting members and officers are required to agree with the Christian Legal Society Statement of Faith, including its interpretation that Christians should not engage in sexual activity outside the context of a marriage between a man and a woman. The SBA Executive Board granted the chapter preliminary recognition, and then voted to recognize CLS-UM as a law school student organization. The Board informed CLS-UM that it was officially recognized, and included CLS-UM in the SBA budget.

Pursuant to its bylaws, the SBA Executive Board then submitted the proposed student activities fund budget to the entire law school student body for ratification. No

guidelines or instructions were provided to the student body to prevent viewpoint-based discrimination in the budget ratification vote. However, several students broadcast e-mails to the entire student body opposing recognition and SBA funding to CLS-UM, a sentiment vocally supported by some law school faculty members. In a closely divided vote the student body rejected the SBA budget. In response, the next day the SBA Executive Board derecognized the chapter stating that CLS-UM's Statement of Faith requirement and its interpretation to prohibit sexual relationships outside of marriage for its voting members and leaders, violated an SBA nondiscrimination rule. The SBA Executive Board did not specify which part or parts of this rule CLS-UM was alleged to violate.

CLS-UM appealed this decision to Law School Dean E. Edwin Eck, requesting that he reverse the derecognition. CLS-UM also requested that he specify the part of the SBA nondiscrimination rule CLS-UM allegedly violates. Dean Eck upheld the SBA Executive Board's decision and declined to explain which part or parts of the SBA nondiscrimination rule CLS-UM violates. To date, CLS-UM has still not been told how its membership and leadership policies conflict with any SBA bylaw.

The University of Montana School of Law's system and procedure for recognizing student organizations and allocating funding to them through the SBA is facially flawed in that it provides unbridled discretion to the SBA and law school student body and does not adequately ensure against viewpoint discrimination. The derecognition of CLS-UM and its exclusion from the SBA budget is an example of the viewpoint discrimination the School of Law has invited through this system.

Plaintiffs bring this Complaint through their undersigned counsel, Bridgitt B. Erickson; Gregory S. Baylor, M. Casey Mattox, and Isaac Fong of the Center for Law & Religious Freedom; and Benjamin W. Bull and Nathan W. Kellum of the Alliance Defense Fund, against the above-named Defendants in their official capacities. In support of their claims for relief, Plaintiffs allege and aver as follows:

#### JURISDICTION AND VENUE

1.1 Plaintiffs Christian Legal Society and Christian Legal Society Chapter at The University of Montana School of Law bring this civil rights action pursuant to 42 U.S.C. §§ 1983 and 1988 for deprivations of Plaintiffs' rights secured by the First and Fourteenth Amendments to the United States Constitution.

1.2 Jurisdiction is conferred on this Court by 28 U.S.C. §§ 1343(a)(3) and 1343(a)(4), which provide for original jurisdiction in this Court of all suits brought pursuant to 42 U.S.C. § 1983. Jurisdiction is also conferred on this Court by 28 U.S.C. § 1331 because the cause of action arises under the Constitution and laws of the United States.

1.3 Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because, upon information and belief, the Defendants reside in the District of Montana and may be found and served in the District of Montana, and because a substantial part of the events or omissions giving rise to these claims arose in this District.

#### PARTIES

2.1 Plaintiff Christian Legal Society ("CLS") is an IRC 501(c)(3)-qualified religious professional membership organization. Founded in 1961, CLS is an

interdenominational association of more than three thousand Christian lawyers, law students, judges, and law professors. The members and officers of CLS-UM are each, by definition, members of CLS. CLS-UM is a local chapter of CLS. CLS is capable of suing in its own name and has standing to bring this action in its own name and on behalf of its individual members.

2.2 Plaintiff Christian Legal Society Chapter at The University of Montana School of Law (“CLS-UM”) is an unincorporated organization of students attending The University of Montana School of Law. It is a local chapter of the national organization known as the Christian Legal Society. CLS-UM is capable of suing in its own name and has standing to bring this action in its own name and on behalf of its individual members.

2.3 Defendant E. Edwin Eck is the Dean of The University of Montana School of Law. His duties include overall leadership of and responsibility for The University of Montana School of Law and the interpretation and application of its policies, including those governing the Student Bar Association, its relationship with the School of Law, and its authority delegated from the School of Law to recognize student organizations and disburse student activities fees collected by the School of Law to recognized student organizations. Defendant Eck is sued in his official capacity.

2.4 Defendant Margaret A. Tonon is the Director of Student Affairs of The University of Montana School of Law. Her duties include interpretation and application of the policies of the School of Law respecting student organizations, including the Student Bar Association. Defendant Tonon is also the faculty advisor for the Student Bar Association. Defendant Tonon is sued in her official capacity.

2.5 Defendant Members of the Executive Board of the Student Bar Association of The University of Montana School of Law are charged with the responsibility and authority to recognize student organizations and to set the budget for recognized student organizations at the School of Law. The Executive Board is also responsible for dispensing to various student organizations the student activities fund, which is comprised of monies the School of Law collects from each student. The Members of the Executive Board of the SBA made the decision to recognize CLS-UM and then to derecognize CLS-UM. The Defendant Members of the Executive Board are sued in their official capacities only. Pursuant to Fed. R. Civ. P. 25(d)(2) and because of the likelihood that substitution would be necessary for these student positions, the Members of the Executive Board are named only by their titles as such, subject to an order of this Court requiring that their names be added.

#### FACTUAL BACKGROUND

##### A. The Christian Legal Society

3.1 Christian Legal Society is a nationwide association of Christian lawyers, law students, law professors, and judges. The organization's purposes include providing a means of society, fellowship, and nurture among Christian lawyers; promoting justice, religious liberty, and Biblical conflict resolution; encouraging, discipling, and aiding Christian law students; and encouraging lawyers to furnish legal services to the poor. In furtherance of its purposes, the national Christian Legal Society organization maintains both attorney and law student chapters across the country.

3.2 All members of the national Christian Legal Society, including student members, must sign a Statement of Faith indicating that the member holds certain Christian viewpoints commonly regarded in both the Roman Catholic and Protestant evangelical traditions as orthodox. A true and correct copy of the New Member Application which includes the Statement of Faith is attached as Exhibit A.

3.3 CLS-UM is the local University of Montana School of Law chapter of the national Christian Legal Society organization.

3.4 CLS-UM is governed by a chapter constitution. A true and correct copy of the CLS-UM Constitution is attached as Exhibit B.

3.5 Any student is welcome to participate in CLS-UM meetings and other activities, regardless of religion, creed, sexual attractions or practices, or membership or non-membership in any other protected class. However, pursuant to the constitution and rules for CLS student chapters of the Christian Legal Society, CLS-UM requires its official voting members and officers to affirm the Christian Legal Society's Statement of Faith. The principal distinction between non-member participants and members of CLS-UM is that only members may vote for officers and other official chapter business or stand for election as an officer.

3.6 CLS-UM incorporates these officer and membership requirements into its Chapter Constitution. Specifically, CLS-UM's Chapter Constitution provides:

All members and officers of this Chapter must agree to and affirm the following Statement of Faith:

Trusting in Jesus Christ as my Savior, I believe in:



- One God, eternally existent in three persons, Father, Son and Holy Spirit.
- God the Father Almighty, Maker of heaven and earth.
- The Deity of our Lord, Jesus Christ, God's only Son conceived of the Holy Spirit, born of the virgin Mary; His vicarious death for our sins through which we receive eternal life; His bodily resurrection and personal return.
- The presence and power of the Holy Spirit in the work of regeneration.
- The Bible as the inspired Word of God.

Exhibit B, at p. 1.

3.7 CLS-UM interprets its Statement of Faith to require that voting members and officers adhere to orthodox Christian beliefs, including the belief that sexual conduct outside of marriage between a man and a woman, including adultery, promiscuity, and the sexual conduct between persons of the same sex, is sinful. A person who engages in extramarital sexual conduct or adheres to the viewpoint that such conduct is not sinful is not eligible to become a voting member or serve as an officer of CLS-UM. A person who engaged in such conduct in the past but has repented of that conduct, or who acknowledges his or her orientation toward such conduct but does not engage in or affirm extramarital sexual conduct, may become a member or serve as an officer. CLS-UM's interpretation of its Statement of Faith is consistent with that of the Executive Committee of the Board of Directors of the Christian Legal Society as stated in a resolution of that body adopted on March 25, 2004, entitled "Membership Statement of Faith and Sexual Morality Standards," a true and correct copy of which is attached as Exhibit C.

3.8 The mission of CLS-UM 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. Exhibit B, at p. 1.

3.9 CLS-UM believes that in order to achieve its mission, it must require its members and officers to sign and affirm its Statement of Faith, and endeavor to live their lives in a manner consistent with its principles.

3.10 Individuals who do not agree with CLS-UM's Statement of Faith are not eligible to be official members or officers. However, such persons are free to attend CLS-UM meetings and events.

**B. Student Organization Recognition at The University of Montana School of Law**

3.11 The University of Montana School of Law is a public law school located in Missoula, Montana, and is a school of The University of Montana.

3.12 The University of Montana School of Law permits students to form and register student organizations through authority delegated to the SBA Executive Board. A true and correct copy of the bylaws of the Student Bar Association of the University of Montana School of Law is attached as Exhibit D.

3.13 A true and correct copy of "The University of Montana School of Law Students—Organizations" as of December 13, 2007, is attached as Exhibit E.

3.14 Recognition as a University of Montana School of Law registered student organization conveys numerous substantial benefits and privileges including access to channels of communication, use of physical facilities, and participation with other recognized student organizations in coordinating activities and events. Further, a critical benefit of recognition is the eligibility to apply for and receive funding through the SBA from funds generated from mandatory student activity fees by the University of Montana School of Law.

3.15 Recognition as a student organization at The University of Montana School of Law does not confer upon the organization, its policies, practices or views, the sponsorship or endorsement of the School of Law itself or of the SBA.

3.16 The University of Montana School of Law generally permits student organizations to require that their members and/or leaders agree with the organization's beliefs and purposes. The University of Montana Student Chapter of the American Association for Justice requires members to be "in good standing" in the American Association for Justice (AAJ) and "to adhere to the objectives of the Student Chapter as well as the Mission of AAJ." A true and correct copy of the Constitution of the University of Montana School of Law Student Chapter of The American Association for Justice, is attached as part of Exhibit N. The Environmental Law Group ("ELG") may limit membership to "person[s] who ha[ve] an interest in furthering the purpose" of ELG, namely, "to promote environmental awareness and provide a forum for student participation in projects and action concerning current environmental issues." A true and correct copy of the Bylaws of the Environmental Law Group, are attached as Exhibit F. ELG is permitted to obtain this result by requiring members to attend meetings and forbidding persons who disagree with ELG's purpose from attending meetings. Bylaws of ELG, 1. Religious student organizations, however, may not limit their voting membership or leadership to those who agree with the organizations' religious beliefs.

#### RECENT DEVELOPMENTS

4.1 On or about June 21, 2007, CLS-UM began seeking recognition as a student organization by the SBA.

4.2 After questions were raised within SBA concerning CLS-UM's membership and leadership policies, on August 25, 2007, University of Montana Legal Counsel David Aronofsky informed Professor Kristen Juras, the faculty advisor for CLS-UM, by e-mail that "[his] university colleagues and [he] conclude that free exercise and freedom of association considerations override any contrary antidiscrimination [sic] considerations [sic] in this area and UM intends to follow" the Seventh Circuit's decision in *Christian Legal Society v. Walker*, 453 F.3d 853 (7th Cir. 2006). A true and correct copy of David Aronofsky's e-mail to Kristen Juras dated August 25, 2007, is attached as Exhibit G.

4.3 On or about August 29, 2007, University of Montana Legal Counsel David Aronofsky held a meeting with the SBA Executive Board to explain to the Board the case law relevant to the recognition of CLS-UM.

4.4 On information and belief, on or about August 29, 2007, the SBA Executive Board decided to grant temporary recognition to CLS-UM pending a decision to grant or deny recognition on a permanent basis.

4.5 On August 30, 2007, Litigation Counsel Casey Mattox of the CLS Center for Law & Religious Freedom sent a letter to Aronofsky explaining CLRF's view of some relevant case law and attaching the University of Idaho College of Law SBA Judiciary's decision that CLS does not "discriminate" on the basis of religion as that term is understood by the bylaws of the Idaho SBA. A true and correct copy of Casey Mattox's letter to David Aronofsky dated August 30, 2007, is attached as Exhibit H. In this letter, Mattox requested confirmation by September 6, 2007, of the University's

recognition of CLS-UM.

4.6 Aronofsky responded to this email on August 30, 2007 stating that “In my capacity as UM General Counsel I have no legal objection to CLS recognition here and I think that decision has already been made positively.” A true and correct copy of this email is included in the email exchange between Casey Mattox and David Aronofsky from August 30-August 31, 2007 as Exhibit I.

4.7 In light of the SBA Executive Board’s temporary recognition of CLS-UM, Mattox e-mailed Aronofsky on August 31, 2007, retracting the request for a response by September 6, 2007, and requesting instead a response by September 30, 2007, confirming SBA’s permanent recognition of CLS-UM. Exhibit I.

4.8 In an e-mail reply dated August 31, 2007, Aronofsky refused to provide the requested confirmation, stating the University would stand by SBA’s decision whether or not it granted recognition to CLS-UM, “unless (and only unless) [CLS] wins the [*CLS-Hastings v. Kane*] case.” Exhibit I.

4.9 The appeal of the unpublished district court decision in *CLS v. Kane* has been fully briefed in the Ninth Circuit since February 2007. However, oral argument has not yet been scheduled in the case as of December 13, 2007.

4.10 On September 19, 2007, the SBA Executive Board held a budget hearing, discussing, among other things, funding allocations for student organizations during the 2007-2008 academic year. At this meeting, the SBA Executive Board voted to recognize CLS-UM and included it in the proposed SBA budget for student organization funding through student activity fees.

4.11 On September 20, 2007, the SBA President orally informed Prof. Juras that the SBA Executive Board voted to grant recognition to CLS-UM on September 19, 2007.

4.12 On September 20, 2007, the SBA Executive Board presented its proposed fall semester budget to the student body for a ratification vote. A true and correct copy of the SBA Business Manager e-mail on behalf of the SBA Executive Board and the attached 2007-2008 Student Bar Association Budget Proposal to all law students, dated September 20, 2007, is attached as Exhibit J. The proposed budget included funding for recognized student organizations derived from mandatory student activity fees. CLS-UM was to receive \$200, the smallest allocation in the budget.

4.13 Neither the SBA e-mail dated September 20, 2007, nor the proposed budget itself, included any guidelines to govern the student body's ratification of the budget nor stated any requirement or instruction that the student body refrain from taking into account the viewpoints of the registered student organizations scheduled to receive SBA funds when it voted to approve or disapprove the budget.

4.14 Between September 20, 2007, and September 21, 2007, some students circulated school-wide e-mails opposing the proposed budget expressly because it allocated funds to CLS-UM. Faculty members also objected to CLS-UM recognition. These students and faculty argued against the recognition and inclusion of CLS-UM in the SBA Executive Board budget because CLS-UM is a religious organization and because of CLS-UM's leadership and voting membership requirements. Students and faculty members objecting to CLS-UM's membership and leadership policies have argued that the chapter discriminates on the basis of "sexual orientation" and not that the

religion portion or any other portion of the SBA nondiscrimination bylaw prohibits CLS-UM recognition.

4.15 On September 21, 2007, the proposed budget was rejected by a divided vote of the student body. Sixty-five students rejected the budget, forty students approved the budget, and three others voted for “Chuck Norris.” A true and correct copy of the SBA Business Manager’s e-mail on behalf of the SBA Executive Board to all law students dated September 21, 2007, is attached as Exhibit K.

4.16 On September 26, 2007, University of Montana Legal Counsel David Aronofsky made a presentation to the students of the School of Law to explain case law relevant to the recognition of CLS-UM. At this meeting, in response to student questions, he expressed doubt that the school-wide budget ratification vote was constitutionally permissible.

4.17 On September 27, 2007, the SBA Executive Board held a second budget hearing, in which it posed questions to the CLS-UM chapter president regarding the chapter’s membership and leadership requirements and at which the president affirmed that CLS-UM would not rescind its affiliation with national CLS or divert from the membership and leadership policies explained in its chapter constitution.

4.18 Following this hearing, the SBA Executive Board rescinded its decision from the prior week, asserting that CLS violated SBA Bylaw art. X, § 2, which requires a registered student organization to be “open to all members of the School of Law,” which the SBA explained must be read in light of SBA Bylaw art. IV, § 10, providing that “[s]tudents have the right to be free from discrimination, harassment, or intimidation

based upon actual or perceived: age, sex, nationality, creed, religion, color, race, sexual orientation, gender identity and expression, disability, familial status, military service, or other purely arbitrary criteria.” A true and correct copy of the SBA Vice President’s e-mail on behalf of the SBA Executive Board to all law students, dated September 28, 2007, is attached as Exhibit L. The SBA did not explain which part or parts of the SBA Bylaws it had concluded CLS-UM violated. Nevertheless, based on this determination, the SBA Executive Board revoked CLS-UM’s status as a recognized student organization. Attached to this email informing students of CLS-UM’s derecognition was a new budget to the student body, excluding CLS-UM. Exhibit L.

4.19 This second budget was ratified by the law school student body on September 28, 2007. A true and correct copy of the SBA President’s e-mail on behalf of the SBA Executive Board to all law students, dated September 28, 2007, is attached as Exhibit M.

4.20 Student organizations at the School of Law may apply for recognition both by the Associated Students of The University of Montana (ASUM), the university-wide student association, and the SBA at the School of Law. CLS-UM applied for recognition by ASUM. ASUM granted CLS-UM’s application, determining that CLS-UM’s membership and leadership policies do not violate any applicable nondiscrimination rules for ASUM recognized student organizations. Hence, CLS-UM is eligible for all benefits of ASUM recognition, including funding through student activities fees appropriated to ASUM by the University of Montana. While law student organizations recognized by both ASUM and the SBA may apply for and receive allocations of student activity fees



from both sources, CLS-UM remains excluded from SBA funding.

4.21 On October 12, 2007, Casey Mattox, on behalf of the CLS Center for Law & Religious Freedom, sent a letter to Dean E. Edwin Eck, with a courtesy copy sent to the SBA Executive Board, explaining relevant case law and requesting that Dean Eck reverse the decision of the SBA Executive Board and grant recognition to CLS-UM. Alternatively, the letter requested that Dean Eck explain what part or parts of the SBA Bylaws CLS-UM's voting membership and leadership policies was alleged to violate. A true and correct copy of said letter is attached as Exhibit N.

4.22 On November 13, 2007, Eck responded to Mattox's letter, upholding the decision of the SBA Executive Board. Dean Eck did not respond to the request to explain which parts of the SBA Bylaws CLS-UM violated. A true and correct copy of Dean E. Edwin Eck's letter to Casey Mattox dated November 13, 2007 and his email to the law school community of the same date is attached as Exhibit O.

4.23 As a result of the decisions of the SBA Executive Board and Dean Eck, CLS-UM is denied recognized status by the University of Montana School of Law and the rights and benefits thereof, including access to funding available to other recognized law school student organizations through the SBA.

4.24 All acts of the Defendants, their officers, agents, servants, employees, or persons acting at their behest or direction herein alleged, were done and are continuing to be done under the color of state law, including the statutes, regulations, customs, policies and usages of the State of Montana, and pursuant to policies and/or customs established by the University of Montana or the University of Montana School of Law, through

**Defendants.**

**4.25 Unless and until the Defendants are enjoined from denying recognized student organization status and its attendant benefits and privileges to CLS-UM on the basis of its religious viewpoints and religious membership and leadership policies, CLS-UM and its members will suffer and continue to suffer irreparable harm to their First Amendment rights.**

**4.26 Unless and until the Defendants are enjoined from employing a system of SBA recognition and student activities fee budget allocation devoid of adequate protections against viewpoint discrimination, including the student body ratification vote, CLS-UM and other similarly situated student groups at the University of Montana School of Law will suffer and continue to suffer irreparable harm to their First Amendment rights.**

### COUNT I

#### **FREEDOM OF EXPRESSIVE ASSOCIATION UNITED STATES CONST. AMEND. I**

**5.1 Plaintiffs restate and reallege each allegation set forth in paragraphs 1.1 through 4.26 as if set forth verbatim herein.**

**5.2 By revoking CLS-UM's status as a registered student organization and the rights, benefits and privileges attendant thereto, on the basis of CLS-UM's membership and leadership policies, Defendants have violated and will continue to violate the right to freedom of expressive association guaranteed to CLS, CLS-UM and its members by the First Amendment to the United States Constitution and made applicable to the**

Defendants by the Fourteenth Amendment.

COUNT II

FREE SPEECH  
UNITED STATES CONST. AMEND. I

6.1 Plaintiffs restate and reallege each allegation set forth in paragraphs 1.1 through 5.2 as if set forth verbatim herein.

6.2 By revoking CLS-UM's status as a recognized student organization and the rights, benefits and privileges attendant thereto on the basis of CLS-UM's membership and leadership policies, Defendants have violated and will continue to violate the right to free speech guaranteed to CLS, CLS-UM and its members by the First Amendment to the United States Constitution and made applicable to the Defendants by the Fourteenth Amendment.

6.3 By employing a system to recognize and distribute student activities fees to student organizations without sufficient safeguards to prevent viewpoint discrimination against student groups and by providing unbridled discretion to the SBA and the student body to approve or deny budget allocations to student groups, Defendants have violated and will continue to violate the right to free speech guaranteed to CLS, CLS-UM and its members and other similarly situated student groups by the First Amendment to the United States Constitution and made applicable to the Defendants by the Fourteenth Amendment.

COUNT III

FREE EXERCISE CLAUSE  
UNITED STATES CONST. AMEND I

7.1 Plaintiffs restate and reallege each allegation set forth in paragraphs 1.1 through 6.3 as if set forth verbatim herein.

7.2 By revoking CLS-UM's status as a registered student organization and the rights, benefits and privileges attendant thereto, on the basis of CLS-UM's membership and leadership policies, Defendants have violated and will continue to violate the right to free exercise of religion guaranteed to CLS, CLS-UM and its members by the First Amendment to the United States Constitution and made applicable to the states and their political subdivisions by the Fourteenth Amendment.

PRAYER FOR RELIEF

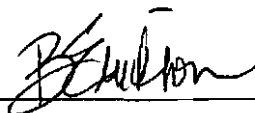
WHEREFORE, Plaintiffs respectfully request that this Court order the following relief:

- (1) A declaration that Defendants' revocation and denial of CLS-UM's registered student organization status and its attendant rights, benefits and privileges on the basis of CLS-UM's policies requiring that its members, leaders and officers affirm and endeavor to live in accordance with its Statement of Faith violates the United States Constitution;
- (2) A permanent injunction enjoining Defendants from denying to CLS-UM recognized student organization status on the basis of CLS-UM's policies requiring that its members, leaders and officers affirm and endeavor to live in accordance with its Statement of Faith; and prohibiting Defendants, their employees, officers, employees and agents, and all persons acting by and through them, from withholding the rights, privileges, benefits, or incidents

of registered status from CLS-UM and similarly situated organizations and from retaliating against CLS-UM and its members directly or indirectly for exercising their constitutional rights;

- (3) A permanent injunction enjoining Defendants from determining recognition of student organizations and allocating funding through student activities fees to student organizations without providing adequate measures to prevent viewpoint discrimination, including specifically enjoining the procedure of a student body referendum on the allocation of student activities fees;
- (4) An award of reasonable costs and attorneys' fees incurred by Plaintiffs in prosecuting this action pursuant to 42 U.S.C. § 1988;
- (5) That this Court retain jurisdiction over this case for the purposes of enforcement of any order; and
- (6) Such other and further relief as the Court deems just and proper under the circumstances.

Respectfully submitted this 14<sup>th</sup> day of December, 2007.



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