



Christian Law Students Prevail in Free-speech Lawsuit Against University of Idaho

When a fellow law student asked a member of the Christian Legal Society (CLS) on the campus of the University of Idaho (UI) why the group holds to the traditional belief that marriage is between a man and a woman, she was told that it was because the Bible says so.

When the CLS member offered to discuss the matter further with her, if she cared to, she got offended, felt “threatened” for her “safety” and complained to the administration.

The school’s Office of Civil Rights & Investigations issued a “no-contact” order against not only the CLS student responding, but also two others and the CLS faculty advisor.

In April, the Alliance Defending Freedom (ADF) brought a lawsuit against the university on behalf of the students, noting that “the founding fathers considered [the] irreducible minimum of free speech to be an inalienable natural right that could not be surrendered to the government ... [but UI’s no-contact orders strike] at the very foundation of this guarantee.”

The order issued by the university was no simple “stay away from her” order, either. [From the lawsuit:](#)

On April 7, [2022] Defendants issued no-contact orders to [the three students] based on their protected speech....

Each order prohibits [the students] from “contacting Ms. Doe in any way, from this point forward, until otherwise notified.”

Defendants’ orders explain that contact “can be defined as, but is not limited to”: “[w]ritten,” “[v]erbal,” “[e]lectronic,” and “[n]on-[v]erbal” communication, including mail, letters, text messages, telephone, voicemail, in person, email, social media, skype, pictures, videos, or music.

The orders also require [the students], including [one] who currently attends four courses with Ms. Doe, to “sit on opposite sides of the room” from her during class.

If [any of the CLS members] believe they have a “legitimate reason” to contact Ms. Doe, they must first obtain permission from [the school].

The orders do not have a termination date or geographic limitation.

They apply indefinitely and both on and off campus.

They also threaten [the students] with discipline.



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Defendants consider any violation of the no-contact orders to be “retaliation” that could lead to “suspension” or even “expulsion.”

Defendants issued the no-contact orders with almost no process.

They did not conduct any investigation regarding whether [the students] violated any University policy.

They did not provide [the students] with notice of the allegations against them. Nor did they allow [the students] to respond to any possible complaints against them.

Rather, Defendants issued the orders because they were “requested by [Ms. Doe]” and “deemed” — in Defendants’ own estimation — “reasonable based on the information presented.”

These “no-contact” orders against the three students “violate a host of free speech and free exercise principles.... [They] target [the students’] speech because of its content and viewpoint, impose a prior restraint [on such speech], and demonstrate hostility to their religion,” according to the lawsuit.

In May, the court ordered an expedited hearing on the matter, pushing the school toward reconciliation in advance of a full-blown jury trial. Last week the school relented and acquiesced to all demands, including rescinding the orders, terminating any investigation that the school might be doing into the matter, removing any notation of the incident from the students’ records, and agreeing to stop enforcing the school policies that “restrict or punish speech based on allegations of pure speech alone that does not rise to the level of harassment.”

The school also paid \$90,000 as part of the settlement.

The school didn’t offer an apology, however, but instead explained that

The settlement, for the U of I, is a business decision and in the best interest of our students, the university, and the state of Idaho.

Litigation costs money and time as well as creates the potential for ongoing trauma to students.

And then the school whined that it was operating at a disadvantage because all the facts of the matter weren’t allowed to be presented:

The university is often disadvantaged in such a case as laws prevent us from sharing the full story.

It added that the school wasn’t about teaching the law, but about making it a “safe place” for students to live while studying the law:

This case, for us, has always been about safe access to education, which is paramount.

No, said ADF’s senior counsel Tyson Langhofer:

Today’s university students will be tomorrow’s leaders, judges, and school administrators,



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so it's imperative that university officials model the First Amendment freedoms they are supposed to be teaching their students.

University of Idaho administrators cannot punish students because they dislike or disagree with their deeply held beliefs — that is religious discrimination and, unfortunately, necessitate[d] this lawsuit.



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