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Sixth Circuit to Hear Oral Argument in Case of Christian Woman Fired by University for Speaking Out against Homosexuality

Cincinnati, Ohio (December 4, 2012) – Tomorrow, Robert Muise, Co-Founder and Senior Counsel of the American Freedom Law Center (AFLC), a national nonprofit Judeo-Christian law firm, is presenting oral argument in the U.S. Court of Appeals for the Sixth Circuit in defense of Crystal Dixon, a former human resources administrator at the University of Toledo who was fired in 2008 for expressing her personal, Christian viewpoint on homosexuality in an op-ed published in the local newspaper. Dixon is appealing a lower court’s dismissal of her case, which ruled that the University’s “diversity” interests outweighed her First Amendment rights.

Muise, who is lead counsel on the appeal, commented, “Anti-Christian bias and bigotry is a hallmark of the ‘diversity’ crusade that is promoted in our universities and other public institutions – and this case is an egregious example of this one-way diversity and its pernicious impact on our fundamental rights. Here, officials from the University of Toledo violated the Constitution by firing Ms. Dixon for exercising her First Amendment right to freedom of speech.”

On April 3, 2008, Dixon read an opinion piece published in the *Toledo Free Press* that equated the homosexual lifestyle with the civil rights struggles of African-Americans. Dixon, an African-American and practicing Christian, disagreed with this comparison and subsequently submitted her own opinion piece to express her personal viewpoint. Dixon’s opinion piece, published on April 18, 2008 in the newspaper’s online edition, stated, in relevant part, “I respectfully submit a different perspective for [the author of the original op-ed] and *Toledo Free Press* readers to consider I take great umbrage at the notion that those choosing the homosexual lifestyle are civil rights victims.” Dixon signed her opinion piece as “Crystal Dixon.”

On May 12, 2008, Dixon received a letter from University President Dr. Lloyd Jacobs, which stated that effective immediately her employment at the University was terminated because of “the public position you have taken in the *Toledo Free Press*.” As a result, Dixon filed a federal lawsuit, alleging violations of her First and Fourteenth Amendment rights.

On February 6, 2012, a federal judge presiding in the U.S. District Court for the Northern District of Ohio ruled that the University’s firing of Dixon was justified and did not violate her constitutional rights.

Surprisingly, on other occasions, University employees, including its President, Dr. Lloyd Jacobs, have publicly expressed personal opinions and viewpoints about various political and social issues in the local newspapers without any adverse consequences. In fact, the Vice Provost of the University, Carol Bresnahan, was quoted in the *Toledo Blade* in December 2007 as stating, “[B]igotry is to blame for those who oppose the [domestic-partner registry] law. It’s their religious beliefs, and bigotry in the name of religion is still bigotry.” Bresnahan was identified by her official University position. Despite the alleged emphasis on tolerance, equality, and diversity at the University, Jacobs did not reprimand Bresnahan for her bigoted, anti-religious comments, let alone terminate her employment. And in explaining the inconsistency, Jacobs testified that “if you make a statement contrary to the university’s value system, that’s not fine.”

AFLC Co-Founder and Senior Counsel David Yerushalmi commented: “It should be concerning to all Americans that officials at a public institution such as the University of Toledo believe they can fire someone for violating the university’s ‘value system,’ even though such actions clearly violate the Constitution. This case only reinforces the fact that the liberal idea of ‘diversity’ is code for the tyranny of political correctness.”

As Muise wrote in AFLC’s opening brief filed with the Sixth Circuit in April 2012, the U.S. Supreme Court has long recognized that, “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.” Muise continued:

In direct contravention, Defendants seek to prescribe what “shall be orthodox” in matters of opinion by permitting University of Toledo employees to express personal messages that promote certain favored viewpoints on controversial political and social issues, while censoring certain disfavored viewpoints, such as

Plaintiff's Christian viewpoint on the issue of homosexuality. As a result of Defendants' speech restriction, which resulted in the firing of Plaintiff Crystal Dixon from her employment with the University because she expressed her personal views as a private citizen in an opinion piece published in the *Toledo Free Press*, that "fixed star" in our constitutional constellation has been obscured and an official orthodoxy prescribed in direct violation of the First Amendment.

The oral argument will take place at 8:30 a.m. ET before a three-judge panel in the 6th Floor West Courtroom (Room 607) at the Potter Stewart United States Courthouse in Cincinnati, Ohio. The hearing is open to the media and public.

MEDIA NOTICE: Robert Muise will be taking interview requests following oral argument: he may be reached by mobile phone at (734) 635-3756 or by email at rmuise@americanfreedomlawcenter.org.

The *American Freedom Law Center* is a Judeo-Christian law firm that fights for faith and freedom. It accomplishes its mission through litigation, public policy initiatives, and related activities. It does not charge for its services. The Law Center is supported by contributions from individuals, corporations, and foundations, and is recognized by the IRS as a section 501(c)(3) organization. Visit us at www.americanfreedomlawcenter.org.

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