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For Immediate Release: April 12, 2012

Opening Brief Filed in the Sixth Circuit Court of Appeals in Defense of Christian Fired by University for Speaking Out Against Homosexuality

Ann Arbor, Michigan (April 12, 2012) – Today, the American Freedom Law Center filed its opening brief 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 in Ohio, who was fired in 2008 by the University 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. AFLC Co-Founder and Senior Counsel Robert Muise is lead counsel for Dixon on the appeal.

Muise commented, “This case is an egregious example of the anti-Christian bias and bigotry that is being promoted in our universities and other public institutions in the name of ‘diversity.’ This one-way diversity, however, is contrary to our constitutional guaranteed freedoms protected by the First Amendment.”

On April 3, 2008, Dixon read an opinion piece published in the *Toledo Free Press* which equated the homosexual lifestyle with the struggles of African-American civil rights victims. 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 Miller [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 because, on balance, the University’s diversity interests outweighed Dixon’s First Amendment right to freedom of speech.

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 fact, the Vice Provost of the University, Carol Bresnahan, who was identified by her official University position, 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.” 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.”

As Muise wrote in AFLC’s brief, 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 University will have 30 days to respond.

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

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