

Missoulian

Christian law students sue UM over funding denial

By **BETSY COHEN** of the Missoulian | Posted: Tuesday, December 18, 2007 12:00 am

The student chapter of the Christian Legal Society at the University of Montana is suing UM's Law School because it was denied funding by the Student Bar Association.

Filed in U.S. District Court in Missoula last Friday, the lawsuit names UM Law Dean Edwin Eck, student affairs director Margaret Tonon and the executive board of UM's Student Bar Association as defendants.

According to the suit, the Christian Legal Society encourages Christian law students to "grow in their faith as they learn the law, integrating their faith into their chosen profession" and seeks "to encourage all students to investigate the claims of Christ for themselves and to be a Christian voice on the School of Law campus."

To "protect" the Christian message, the organization says it requires all voting members and leaders to agree with a "statement of faith," including its interpretations that Christians should not engage in sexual activity outside the context of marriage between a man and a woman.

The students allege that UM's Student Bar Association granted their organization preliminary approval for both recognition and funding, but when the matter was up for final ratification, funding was denied because of e-mail objections by other students.

"In response, the next day the Student Bar Association Executive Board derecognized the chapter, stating the Christian Legal Society-University of Montana's Statement of Faith requirement and its interpretation to prohibit sexual relationships outside of marriage for its voting members and leaders violated the Student Bar Association nondiscrimination rule," the lawsuit states.

The group also contends that when asked to reverse the decision, Eck upheld the Student Bar Association's decision.

"To date, CLS-UM has still not been told how its membership and leadership policies conflict with any SBA bylaw," the group states in its complaint, adding: "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."

When contacted about the matter, Eck deferred all comments to UM's chief legal adviser, David Aronofsky. Luke Berger, president of UM's Student Bar Association, could not be reached for comment.

Aronofsky said he was still familiarizing himself with all the details of the court documents.

"I don't have an official position on it yet," he said.

Speaking as a member of the teaching staff at the law school, however, Aronofsky said the law surrounding religious group activity at a state university falls into the notorious realm of "gray area."

When it comes to separation of church and state, he said, "the law is unsettled in this regard and ultimately it will take a Supreme Court case to determine what the law is."

"The University of Montana has a nondiscriminatory policy," Aronofsky said. "And in the case of the Student Bar Association, they will not allow funding to a group that is not open to all students, and you can't be a member

or an officer of the Christian Legal Society unless you sign an expression of faith."

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