

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

DEANNA CANDLER,)
)
Plaintiff,)
)
v.) Civil Action No. _____
)
WILLIAM L. JENKINS, Interim Chancellor of) **VERIFIED COMPLAINT FOR**
Louisiana State University; ERIC N. MONDAY,) **INJUNCTIVE AND DECLARATORY**
Vice Chancellor for Finance and Administrative) **RELIEF**
Services and Chief Financial Officer; ASHLEY)
TERRITO, Assistant to the Vice Chancellor for)
Finance and Administrative Services; and LYN)
TAYLOR, Coordinator, Office of the Vice)
Chancellor for Finance and Administrative)
Services, all in their individual and official)
capacities,)
)
Defendants.)

INTRODUCTION

1. This is a civil rights action under 42 U.S.C. § 1983 to protect the First Amendment rights of students at Louisiana State University at Baton Rouge, Louisiana (“LSU”).
2. LSU’s policy and practice require students and student organizations to obtain prior permission before distributing literature anywhere on university grounds.
3. But LSU’s policy governing “Distribution of Printed Material on Campus” (“the Speech Zone Policy”) restricts distribution of printed materials to a small strip of sidewalk no larger than a studio apartment designated as a “Free Speech Alley.”
4. If Plaintiff Candler (or any other student) would like to hand out a single piece of literature at LSU, she must first register with the Office of Campus Life and is limited to distributing the literature in the Free Speech Alley.
5. Furthermore, registering to distribute a piece of literature does not guarantee Plaintiff the ability to distribute literature on campus as LSU only permits a limited number of individuals

and/or groups to distribute literature at the Free Speech Alley each day.

6. Defendants unlawfully restrict Plaintiff's First Amendment rights, as their Speech Zone Policy and practice that creates a limited Free Speech Alley on campus is overbroad, imposes a prior restraint, and places an unconstitutional time, place and manner restriction on student expression.

7. Defendants' Speech Zone Policy is further a violation of Plaintiff's right to due process of law, of free exercise of religion, and of the freedom of the press.

8. These constitutional defects give rise to both facial and as-applied constitutional violations.

9. To redress the irreparable harm that Plaintiff is suffering, and has suffered, under Defendants' Speech Zone Policy and practice, Plaintiff seeks a declaratory judgment that the Speech Zone Policy violates the First Amendment on its face and as applied to Plaintiff and other students.

10. Plaintiff also seeks preliminary and permanent injunctive relief to prevent Defendants from enforcing the challenged Speech Zone Policy, both facially and as applied to Plaintiff, in a manner inconsistent with her constitutional rights, and damages.

JURISDICTION AND VENUE

11. This action raises federal questions under the United States Constitution, particularly the First and Fourteenth Amendment and 42 U.S.C. § 1983.

12. This Court has original jurisdiction over the federal claims by operation of 28 U.S.C. §§ 1331 and 1343.

13. This Court has authority to grant injunctive relief under 28 U.S.C. § 1343; declaratory relief under 28 U.S.C. §§ 2201-02; damages under 28 U.S.C. § 1343; and costs and attorneys

fees under 42 U.S.C. § 1988(b).

14. Venue lies in the United States District Court for the Middle District of Louisiana pursuant to 28 U.S.C. § 1391(b). A substantial part of the actions or omissions giving rise to this case occurred within the District, and at least one Defendant resides in the District.

IDENTIFICATION OF PLAINTIFF

15. Plaintiff Deanna Candler is and was at all times relevant to this Complaint a resident of the City of Baton Rouge, Louisiana, and a student at the Louisiana State University Paul M. Hebert Law Center.

16. Pursuant to her sincerely held religious beliefs, Mrs. Candler desires to distribute religious, pro-life literature on the campus of LSU without facing censorship or punishment.

17. Mrs. Candler desires to distribute religious, pro-life literature for the same reasons other students at LSU desire to distribute literature: to inform their fellow students about issues and events that the students desire to support.

IDENTIFICATION OF DEFENDANTS

18. Defendant William L. Jenkins is and was at all times relevant to this Complaint the Interim Chancellor of LSU. Among other things, he is responsible for enacting, enforcing, and administering LSU's policies as they relate to student speech, expressive activities, and student literature distribution.

19. Defendant Eric N. Monday is and was at all times relevant to this Complaint the Vice Chancellor for Finance and Administrative Services and Chief Financial Officer of LSU. Among other things, he is responsible for enacting, enforcing, and administering LSU's policies as they relate to student speech, expressive activities, and student literature distribution.

20. Defendant Ashley Territo is and was at all times relevant to this Complaint the Assistant

in Vice Chancellor Monday's Office for Finance and Administrative Services. Among other things, she is responsible for enforcing and administering LSU's policies as they relate to student speech, expressive activities, and student literature distribution.

21. Defendant Lyn Taylor is and was at all times relevant to this Complaint the Coordinator in Vice Chancellor Monday's Office for Finance and Administrative Services. Among other things, she is responsible for enforcing and administering LSU's policies as they relate to student speech, expressive activities, and student literature distribution.

22. Each Defendant is sued in his or her official capacity, and in his or her individual and personal capacity.

STATEMENT OF FACTS

23. Pursuant to the Bylaws of the Louisiana State University System, the Board of Supervisors shall appoint a Chancellor at each division of the system.

24. According to Article VII, Section 4(a), the Chancellor exercises complete executive authority over the LSU campus, including the authority to enact policies governing student conduct and expression. Section 4(a) states:

The Chancellor shall administer the division for which he is appointed and shall exercise complete executive authority therein, subject to the direction and control of the President and the Board.

25. Under Article VII, Section 4(f), the Chancellor is authorized to delegate authority for the implementation and enforcement of the Chancellor's policies to other officials at the LSU campus. Section 4(f) states:

Within the framework of the functions and programs assigned to each campus by the Board and the President, the Chancellor shall implement educational and administrative policies for his campus. He shall prepare an organizational chart of the major divisions of the campus and shall designate such duties and responsibilities as he deems proper.

26. Interim Chancellor Jenkins has been delegated final authority to implement and enforce policies governing student expression at LSU and to delegate authority for implementing and enforcing these policies to the other Defendants in this action.

27. As enacted and enforced by the Defendants, LSU's policies concerning student expression are comprised of the various documents and publications that govern student life at LSU, including the *Student Organization Policy Manual* ("S.O. Manual").

28. These governing documents contain policies which place restrictions on student expression at LSU.

29. These documents attach a range of sanctions for violations of those policies, as specified in the Code of Student Conduct, including: warning probation, disciplinary probation, deferred suspension, suspension, and expulsion, all of which may be imposed with or without secondary conditions and/or restrictions.

Speech Zone Policy

30. By policy and practice, LSU severely restricts the area on campus where students and student organizations are permitted to distribute literature and other written materials.

31. The policy entitled "Distribution of Printed Material on Campus" ("the Speech Zone Policy"), contained in the S.O. Policy Manual, states the following:

Distribution of Printed Material on Campus

Office of Finance and Administrative Services - (225) 578-3386

Posters and bulletins may not be placed on buildings, doors, walls, utility poles, trees, or shrubbery. Students and registered student organizations may not serve as agents of nonstudent, commercial, or other non-university affiliated groups in the distribution of materials.

The University has restricted the dissemination of materials on campus to exclude the Library quadrangle, the LSU Student Union and its environs.

Posters or bulletins must also follow the policy on Use of the University Name and LSU Indicia.

(Emphasis added).

32. Pursuant to this Speech Zone Policy and practice, LSU has closed off all 650 acres of its campus to literature distribution except a small area referred to as the Free Speech Alley.

33. As LSU recognizes on its website, “Students use Free Speech Alley to exercise their right to free speech and free expression;” LSU Media Center, Flag-Burning Did Not Take Place in LSU’s Free Speech Alley, *available at* <http://www.lsu.edu/ur/ocur/lsunews/MediaCenter/News/2011/05/item29724.html>; and “the Alley is there when the need arises for students to speak freely.” LSU Gold, Campus Tradition Holds History of Politics, Religion, *available at* <http://www.lsu.edu/departments/gold/2011/07/alley.shtml>.

34. The Free Speech Alley is a strip of sidewalk approximately 70-80 feet long and 10 feet wide located near the student union.

35. On each side of the sidewalk are concrete benches where students and student organizations can set up tables and distribute literature.

36. LSU’s Speech Zone Policy and practice provide that, before a student or student organization may distribute any literature or other written materials in the Free Speech Alley, they must first obtain permission from LSU officials by registering with the Office of Campus Life.

37. LSU has established no standards or guidelines to govern officials’ determination of whether a student or student group may speak in the Free Speech Alley.

38. Registering to distribute literature does not guarantee a student or student organization the right to distribute literature in the Free Speech Alley.

39. Because of the small size of the Free Speech Alley, only a limited number of students or student organizations are permitted to distribute literature in the Free Speech Alley on any given

day.

40. Thus, on a campus that measure over 28,000,000 square feet and that has a student population of nearly 30,000 students, students and students organizations are limited to an area of approximately 1,000 square feet, or 0.0035% of campus, where they may be permitted to distribute literature if there is sufficient space.

41. If the Free Speech Alley is fully occupied, students and student organizations outside of the Free Speech Alley are prohibited from engaging in literature distribution anywhere on campus.

42. The small area of the Free Speech Alley strictly limits the ability of students and student organizations to engage in free speech at LSU.

43. Because of the Free Speech Alley's narrow confines and the high density of speakers located within its bounds, students generally avoid walking through the Free Speech Alley; consequently, the size of the audience student speakers may reach is severely limited by LSU's Speech Zone Policy and practice.

44. Limiting literature distribution to only a certain location on campus is inherently unconstitutional because it places a prior restraint on student speech in all locations except the Free Speech Alley.

Application of the Speech Zone Policy to Plaintiff

45. Plaintiff, Mrs. Candler, desires to engage in speech with her classmates through the distribution of religious, pro-life literature on campus grounds outside of the Free Speech Alley.

46. Among other areas, Plaintiff desires to distribute religious, pro-life literature on the sidewalks and open spaces around the law school where she spends most of her time and where her peers are concentrated. She also desires to distribute such literature on the sidewalks and

open spaces in the library quadrangle where there is a high concentration of undergraduate students and in the vicinity of LSU's three on-campus worship centers, an area of campus frequented by students who share her religious beliefs as well as by other students walking to town for meals and other activities.

47. Each of these areas experience heavy student traffic and would allow Plaintiff to reach a much higher percentage of the student body than she would encounter in the Free Speech Alley.

48. In October 2012, Mrs. Candler decided that she wanted to engage in written communication on campus grounds by participating in the Pro-Life Day of Silent Solidarity.

49. The Pro-Life Day of Silent Solidarity is an opportunity for students nationwide to join together to show solidarity with the millions of babies killed by abortion each year. Participants distribute written materials to explain the meaning of the event and to educate others about the pro-life cause.

50. Mrs. Candler decided to participate in the event, which was scheduled for October 16, 2012, based upon her religious, pro-life beliefs.

51. On or about October 11, 2012, Mrs. Candler contacted the LSU Office of Finance and Administrative Services to request approval to distribute her pro-life materials on campus.

52. The Office of Finance and Administration is listed as the point of contact in the Speech Zone Policy for questions concerning the Policy.

53. Mrs. Candler spoke with Ms. Ashley Territo, Assistant to Vice Chancellor Eric Monday.

54. Mrs. Candler described the details of the Pro-Life Day of Silent Solidarity event and said that she would like to be able to distribute literature advocating for the pro-life cause on campus to her fellow students.

55. Mrs. Candler then requested clarification regarding where on campus she was permitted

to distribute literature.

56. Ms. Territo asked Mrs. Candler whether she was distributing the literature as part of a student organization.

57. Mrs. Candler responded that she was participating in the Pro-Life Day of Silent Solidarity on her own as an individual.

58. Ms. Territo told Mrs. Candler that regardless of whether she was participating in the Pro-Life Day of Silent Solidarity as an individual or as part of a group, she still had to follow the same rules as a student organization.

59. Ms. Territo's statement is consistent with the Speech Zone Policy, which by its terms applies to "[s]tudents and registered student organizations."

60. Ms. Territo then informed Mrs. Candler that she could only pass out her pro-life written materials in the Free Speech Alley.

61. Ms. Territo also stated that Mrs. Candler must register with the Office of Campus Life because the Free Speech Alley has limited space available each day for students and student organizations to distribute literature.

62. Later that day, Mrs. Candler spoke with Ms. Lyn Taylor, Coordinator for the Office of Finance and Administrative Services.

63. Ms. Taylor confirmed that the Speech Zone Policy limited Mrs. Candler to distributing her pro-life materials in the Free Speech Alley provided that Mrs. Candler first registered with the Office of Campus Life and that there was sufficient space on the given day in the Free Speech Alley.

64. Defendants Jenkins and Monday are responsible for enacting, enforcing, and administering LSU's policies as they relate to student speech, expressive activities, and student

literature distribution and is responsible for supervising Defendants Territo and Taylor.

65. Defendants Territo and Taylor restrict student expression and literature distribution to the Free Speech Alley pursuant to LSU's Speech Zone Policy and practice as established and enforced by Defendants Jenkins and Monday and with their full knowledge and approval.

66. Defendants Territo and Taylor denied Plaintiff the ability to express her religious, pro-life views or distribute religious pro-life literature on any campus location outside of the Free Speech Alley pursuant to LSU's Speech Zone Policy and practice as established and enforced by Defendants Jenkins and Monday and with their full knowledge and approval.

67. Mrs. Candler is a Bible-believing Christian who desires to share her faith, beliefs, and pro-life viewpoint with other students at LSU and to invite them to participate in pro-life causes and events.

68. Mrs. Candler's sincerely held religious and pro-life beliefs compel her to share her faith, beliefs, and pro-life viewpoint with other students at LSU.

69. One way Mrs. Candler accomplishes this goal is through inviting other students to participate in pro-life causes and events, including the Pro-Life Day of Silent Solidarity, and advocating on behalf of the pro-life movement.

70. Mrs. Candler desires to engage in religious, pro-life speech through the display and distribution of pro-life literature absent fear of reprisal and without being prohibited from doing so or facing the punishments outlined previously for violation of the University's policies.

71. Defendants have censored, and continue to censor, Mrs. Candler's distribution of religious, pro-life materials on campus grounds outside of the Free Speech Alley because such distribution is prohibited pursuant to LSU's Speech Zone Policy and practice.

72. Mrs. Candler is suffering irreparable harm from the challenged Speech Zone Policy and

practice of Defendants.

73. Unless and until the conduct and challenged Speech Zone Policy of Defendants is enjoined, Mrs. Candler will continue to suffer irreparable harm.

STATEMENT OF LAW

74. At all times relevant to this Complaint, each and all of the acts alleged herein were attributable to the Defendants while they were acting under the color, authority and pretense of state law, statutes, ordinances, regulations, customs, usages, and policies of LSU and the State of Louisiana.

75. Speech, including written expression, is entitled to comprehensive protection under the First Amendment.

76. Religious speech is also fully protected by the First Amendment.

77. The First Amendment rights of free speech and press extend to campuses of state universities.

78. The sidewalks and open spaces of LSU are designated public fora—if not traditional public fora—for speech and expressive activities by students enrolled at LSU.

79. Defendants' Speech Zone Policy and practice of designating a small Free Speech Alley for literature distribution is unconstitutional on its face and as applied because it grants LSU officials unbridled discretion, fails to protect against content- or viewpoint-based discrimination, is overbroad and serves as a prior restraint, substantially burdens Plaintiff's free exercise of religion, and is unconstitutionally vague.

80. Time, place, and manner restrictions on speech must be content-neutral, narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication; Defendants' Speech Zone Policy and practice fail all three requirements.

81. Plaintiff is suffering irreparable injury from the challenged Speech Zone Policy of Defendants which cannot be fully compensated by an award of money damages.

82. Plaintiff has no adequate or speedy remedy at law to correct or redress the deprivation of her rights by the Defendants.

83. Unless the Defendants' Speech Zone Policy is enjoined, Plaintiff will continue to suffer irreparable injury.

84. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiff is entitled to appropriate relief invalidating the unconstitutional Speech Zone Policy and practice.

FIRST CAUSE OF ACTION: VIOLATION OF THE FREE SPEECH CLAUSE OF THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION

85. Plaintiff re-alleges and incorporates herein, as though fully set forth, Paragraphs 1-84 of this Complaint.

86. The First Amendment's Freedom of Speech Clause, incorporated and made applicable to the states by the Fourteenth Amendment to the United States Constitution, prohibits censorship of religious, pro-life expression.

87. Defendants' Speech Zone Policy and practice violate the First Amendment by restricting all literature distribution to the small "Free Speech Alley" and closing off nearly all of LSU's 28,000,000 square foot campus to literature distribution by students and student organizations.

88. The Speech Zone Policy and practice are not permissible time, place, and manner restrictions on expression because they are not narrowly tailored, do not serve significant government interests, and do not leave open ample alternative channels of communication as the Constitution requires.

89. Defendants' Speech Zone Policy and practice also establish prior restraints on speech in campus areas that are traditional and/or designated public fora as to LSU students and student

groups.

90. By delegating authority to the Defendants to prohibit all student literature distribution outside of Free Speech Alley, the Speech Zone Policy grants discretionary power to the Defendants to limit student speech in advance of such expression occurring on campus.

91. Defendants' Speech Zone Policy and practice provide no guidelines or standards to limit the discretion of LSU officials in granting or denying requests by students and student organizations to engage in expressive activity, including literature distribution.

92. This grant of unbridled discretion to LSU officials violates the First Amendment because it creates a system in which speech is reviewed without standards, thus giving speakers no way to prove that a denial of their speech application was unconstitutionally motivated.

93. The First Amendment's prohibition against content- and viewpoint-based discrimination requires Defendants to provide adequate safeguards to protect against the improper exclusion of speech based upon its content or viewpoint.

94. Because Defendants have failed to establish neutral criteria governing the grant or denial of student speech applications, there is a substantial risk that LSU officials will engage in content- or viewpoint-based discrimination in granting or denying students' request to distribute literature.

95. Unbridled discretion to discriminate against speech based on its content or viewpoint violates the First Amendment regardless of whether that discretion has ever been unconstitutionally applied in practice.

96. Defendants' Speech Zone Policy and practice thus unconstitutionally grants LSU officials unbridled discretion to discriminate against student expression based on its content or viewpoint.

97. Defendants have also failed to establish any definite time period in which LSU officials

must grant or deny student speech applications or to designate the degree of advance notice of the intent to engage in protected expression they require.

98. In addition, Defendants' Speech Zone Policy and practice are overbroad because they prohibit protected First Amendment expression.

99. Defendants' Speech Zone Policy and practice, for example, unconstitutionally censor all private literature distribution by students and student organizations outside of the designated Free Speech Alley.

100. The overbreadth of Defendants' Speech Zone Policy and practice chills the speech of students and student organizations not before the Court who seek to engage in private expression—including religious, pro-life expression—through the distribution of literature in the open areas of campus.

101. Defendants' Speech Zone Policy and practice also chills, deters, and restricts Plaintiff from freely expressing her religious, pro-life beliefs.

102. The Speech Zone Policy's restrictions on students' freedom of speech and are not supported by a compelling state interest and are not narrowly tailored to meet such a concern.

103. Defendants Speech Zone Policy, both facially and as applied, accordingly violate Plaintiff's right to Free Speech as guaranteed by the First Amendment to the United States Constitution.

WHEREFORE Plaintiff respectfully prays that the Court grant the relief set forth hereinafter in the prayer for relief.

SECOND CAUSE OF ACTION: VIOLATION OF THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT

104. Plaintiff re-alleges and incorporates herein, as though fully set forth, Paragraphs 1-84 of this Complaint.

105. The Fourteenth Amendment's due process clause requires that government regulations that prohibit expressive activity be clearly defined and not contain vague or overbroad standards that grant unbridled discretion.

106. Defendants' Speech Zone Policy is unconstitutionally vague in that it fails to inform ordinary students and student organizations of what expressive conduct is prohibited and thus encourages arbitrary and discriminatory enforcement by LSU officials.

107. For example, Defendants' Speech Zone Policy fails to explain what types of literature distribution would lead LSU officials to deem them "agents of nonstudent, commercial, or other non-university affiliated groups."

108. Students of common intelligence must guess and will differ upon whether they will be deemed "agents of nonstudent, commercial, or other non-university affiliated groups" and thus prohibited under the Speech Zone Policy.

109. In addition, the majority of Defendants' prerequisites for students desiring to engage in protected expression are unwritten and not contained in the formal Speech Zone Policy; nonetheless, students and student groups are subject to serious penalties for failing to follow Defendants' unwritten rules.

110. The locations at which students are permitted to engage in literature distribution are not described in the Speech Zone Policy, allowing LSU officials to act with unbridled discretion when deciding when and where students will be permitted to engage in literature distribution on campus.

111. Government regulations that implicate protected expression must be framed with narrow specificity.

112. Defendants' maintenance of a Speech Zone Policy that not only fails to describe

restrictions on speech with narrow specificity, but requires students of ordinary intelligence to guess at its meaning violates the Fourteenth Amendment's due process clause.

113. Defendants' Speech Zone Policy, both facially and as applied, accordingly violate Plaintiff's rights under the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

WHEREFORE Plaintiff respectfully prays that the Court grant the relief set forth hereinafter in the prayer for relief.

THIRD CAUSE OF ACTION: VIOLATION OF THE FREE EXERCISE CLAUSE OF THE FIRST AMENDMENT

114. Plaintiff re-alleges and incorporates herein, as though fully set forth, Paragraphs 1-84 of this Complaint.

115. The First Amendment's Free Exercise Clause, applicable to the states through the Fourteenth Amendment to the United States Constitution, requires a neutral law of general applicability to pass strict scrutiny if that law implicates a plaintiff's free exercise of religion, as well as an additional constitutional right.

116. For the reasons stated above in the First and Second Causes of Action, Defendants' Speech Zone Policy and practice violate Plaintiff's First Amendment Free Speech and Fourteenth Amendment Due Process rights.

117. In addition, a policy that grants LSU officials unbridled discretion to grant or deny student speech applications cannot be deemed neutral and generally applicable.

118. Defendants' Speech Zone Policy and practice must accordingly satisfy strict scrutiny because they substantially burden Plaintiff's free exercise of her religious beliefs.

119. Plaintiff's religious beliefs compel her to share her religious, pro-life viewpoint with other students at LSU.

120. Limiting Plaintiff's right to distribute literature communicating her beliefs to the Free Speech Alley severely restricts Plaintiff's ability to exercise her religious faith.

121. As a practical matter, Plaintiff cannot remove herself to the Free Speech Alley every time she wishes to distribute literature or communicate her religious, pro-life views.

122. Even if Plaintiff attempted to do so, the number of speakers on campus, the small size of the Free Speech Alley, and Defendants' numerical limits on speakers in the Free Speech Alley would often leave Plaintiff with no room to communicate her religious, pro-life views at all.

123. Plaintiff's free exercise of religion is also severely burdened by the threat of punishment up to and including expulsion if she communicates her religious, pro-life beliefs in a manner Defendants' deem impermissible.

124. For example, if Plaintiff attempts to comply with her religious convictions by sharing her religious, pro-life beliefs with other students on the sidewalks and open spaces around the law school, in the library quadrangle, or in the vicinity of LSU's worship centers, Defendants' policies subject her to the threat of disciplinary probation, deferred suspension, suspension, or expulsion, all of which may be imposed with or without secondary conditions and/or restrictions.

125. The threat posed by these sanctions severely burdens Plaintiff's free exercise of religion.

126. Defendants cannot constitutionally require Plaintiff to only live out her faith in a broom closet, *i.e.*, the Free Speech Alley, let alone relegate the expression of her religious beliefs to a part of campus that students regularly seek to avoid.

127. Defendants' Speech Zone Policy and practice are not supported by a compelling state interest and are not narrowly tailored to meet such a concern.

128. Defendants' Speech Zone Policy and practice chill Plaintiff's freedom of religious expression and exercise, both of which are fundamental rights guaranteed to Plaintiff by the First

Amendment.

129. Consequently, Defendants' Speech Zone Policy, both facially and as applied, violate Plaintiff's right to freedom of exercise of her religion and have violated the Free Exercise Clause of the First Amendment to the United States Constitution.

WHEREFORE Plaintiff respectfully prays that the Court grant the relief set forth hereinafter in the prayer for relief.

FOURTH CAUSE OF ACTION: VIOLATION OF THE RIGHT TO FREEDOM OF THE PRESS UNDER THE UNITED STATES CONSTITUTION

130. Plaintiff re-alleges and incorporates herein, as though fully set forth, Paragraphs 1-84 of this Complaint.

131. The distribution of written expression is a classic example of the exercise of the right to freedom of the press.

132. No compelling government interest exists to justify the restrictions imposed on such an exercise of the freedom of the press by the Defendants' Speech Zone Policy and practice, nor is the restriction the least restrictive means available to serve any permissible government purpose intended to be served by Defendants' Speech Zone Policy dealing with literature distribution.

133. Defendants' Speech Zone Policy on its face and as applied imposes a system of prior restraints on the publication and/or circulation of Plaintiff's printed expression. This system of prior restraints is unconstitutional under the First and Fourteenth Amendments.

134. By their actions, Defendants have violated Plaintiff's right to distribute literature expressing her religious, pro-life views.

135. Defendants' Speech Zone Policy, both facially and as applied, violate Plaintiff's right to freedom of the press as guaranteed by the First Amendment to the United States Constitution.

WHEREFORE, Plaintiff respectfully prays that the Court grant the relief set forth

hereinafter in the prayer for relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that the Court:

- a. Declare that Defendants' Speech Zone Policy and practice, which limits the distribution of literature by students and student organizations to the designed Free Speech Alley, is unconstitutional on its face because it violates the rights to freedom of speech, due process of law, free exercise of religion and freedom of the press, all guaranteed to Plaintiff and other students under the Constitution of the United States and by operation of federal law;
- b. Declare that Defendants' Speech Zone Policy and practice, which limits the distribution of literature by students and student organizations to the designed Free Speech Alley, is unconstitutional as applied to the activities of Plaintiff, described in this Complaint, because they violate Plaintiff's rights to freedom of speech, due process of law, free exercise of religion and freedom of the press, all guaranteed to Plaintiff and other students under the Constitution of the United States and by operation of federal law;
- c. Issue a preliminary and permanent injunction against the Defendants, their agents, officials, servants, employees, and any other persons acting in their behalf, from enforcing said Speech Zone Policy as applied against Plaintiff and facially;
- d. Adjudge, decree, and declare the rights and other legal relations of the parties to the subject matter here in controversy, in order that such declarations shall have the force and effect of final judgment;
- e. Retain jurisdiction of this matter for the purpose of enforcing any orders;
- f. Grant to Plaintiff an award of nominal damages in an amount deemed appropriate by this Court;

- g. Grant to Plaintiff an award of her costs of litigation, including reasonable attorneys' fees and expenses, in accordance with 42 U.S.C. § 1988;
- h. Issue the requested injunctive relief without a condition of bond or other security being required of Plaintiff; and
- i. Grant such other and further relief as this Court deems just and proper in the circumstances.

Respectfully submitted this 29th day of October, 2012.

s/ Larry S. Bossier

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Forthcoming*

VERIFICATION

I, Deanna Candler, a citizen of the United States and a resident of the State of Louisiana, have read the foregoing Verified Complaint for Declaratory and Injunctive Relief and declare under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed this 28 day of October, 2012.


Deanna Candler