



## ***FACT SHEET*** ***Lopez v. Candaele***

### ***ABOUT Lopez v. Candaele***

Several weeks after the presidential election in November 2008, a Los Angeles City College professor, John Matteson, censored and threatened to expel student Jonathan Lopez following a speech he gave about his Christian faith during an open-ended assignment in a public speaking class. After Lopez gave the dictionary definition of marriage and recited two Bible verses, Matteson interrupted and ended Lopez's presentation mid-speech, calling him and anyone who voted yes on Proposition 8—the California marriage amendment—a “fascist bastard” in front of the class. Refusing to grade the assigned speech, the professor wrote on Lopez's speech evaluation form, “Ask God what your grade is,” and later threatened to expel the student. On behalf of Lopez, attorneys with the Alliance Defense Fund filed a lawsuit against the LACC District, contending that its speech code under its “sexual harassment” policy is unconstitutional and empowered the very kind of censorship Lopez suffered. One section of the problematic code states that if students think that they are doing or saying anything that might be “perceived as offensive, pervasive, or unwelcome,” they must stop such unlawful behavior.

### ***CURRENT STATUS OF Lopez v. Candaele AS OF 3/2/10***

ADF attorneys filed suit against LACCD in February 2009. The U.S. District Court for the Central District of California issued an injunction in July, prohibiting the district from enforcing its speech code as the case moves forward. In September, the court denied LACCD's motion to reconsider the order, noting that “the Policy undeniably targets the content of expression” and is “unconstitutionally overbroad by sweeping within its reach a substantial amount of protected speech.” In the preliminary injunction order, the federal court noted that the policy is problematic because it “reaches constitutionally protected speech that is merely offensive to some listeners....” The court also stated that, “Supreme Court precedents ‘leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.’” The court order enjoined the district policy that would have empowered administrators to punish Lopez for his speech. ADF Litigation Staff Counsel David J. Hacker is scheduled to present oral argument before the U.S. Court of Appeals for the 9th Circuit on March 3 in defense of the federal court order prohibiting LACCD's enforcement of the policy.

### ***FOCUS OF HEARING – WHAT IS AT STAKE?***

The hearing will determine whether LACCD will be allowed to enforce a speech code—found unconstitutional by a federal court—while the lawsuit moves forward. If the policy is allowed, the college will be allowed to trump student free speech rights protected by the First Amendment while the case is being litigated. A public college shouldn't penalize Christian students for expressing their beliefs, let alone seek to enforce policies that have already been found unconstitutional.

### ***CONTACT***

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### ***ABOUT ADF***

ADF is a legal alliance of Christian attorneys and like-minded organizations defending the right of people to freely live out their faith. Launched in 1994, ADF employs a unique combination of strategy, training, funding, and litigation to protect and preserve religious liberty, the sanctity of life, marriage, and the family.

### ***ABOUT David J. Hacker***

David J. Hacker serves as litigation staff counsel with the Alliance Defense Fund at its Sacramento Regional Service Center in California, where he litigates cases for the ADF Center for Academic Freedom to protect the rights of Christian students, faculty, and staff at public colleges and universities across the nation. Joining ADF in 2005, he is admitted to the bar in Illinois and California. Hacker has been in practice since 2004 and earned his J.D. from Washington University in St. Louis, Missouri. He served as an ADF Blackstone intern at the Pacific Justice Institute and is a 2002 ADF Blackstone Fellow. Hacker practiced in a private Chicago firm before joining ADF.

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