

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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FREEDOM FROM RELIGION  
FOUNDATION, INC.; BRUCE AND  
JEAN CHRISTENSEN, TOM STAVROS,  
SYBILLE REDMOND, WILLIAM  
VAN DRUTEN, ROBERT AND LAGRETTA  
DEAN,

Plaintiffs,

v.

Case No.

DR. ROBERT H. BRUININKS, DR. FRANK  
B. CERRA, DR. MARY JO KREITZER, and  
MINNESOTA FAITH/HEALTH CONSORTIUM,

Defendants.

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**COMPLAINT**

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1. This is an action by the plaintiffs brought against the defendants alleging violations of the Establishment Clause of the First Amendment to the United States Constitution and 42 U.S.C. § 1983.

2. The Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331.

3. Venue is appropriate in the District Court for the District of Minnesota pursuant to 28 U.S.C. § 1391 because one or more of the defendants resides within this judicial district and because the actions giving rise to the claims occurred within the district.

4. The plaintiff, Freedom From Religion Foundation, Inc., is a Wisconsin non-stock corporation with its principal office in Madison, Wisconsin.

5. The plaintiff, Freedom From Religion Foundation, has more than 5,500 members, who are opposed to government endorsement of religion in violation of the Establishment Clause of the First Amendment of the United States Constitution.

6. Plaintiff Freedom From Religion Foundation's membership includes Minnesota residents who pay taxes to the State of Minnesota.

7. Plaintiff Freedom From Religion Foundation's organizational purpose is to protect the fundamental constitutional principle prohibiting government endorsement of religion by representing and advocating on behalf of its members.

8. The plaintiff Freedom From Religion Foundation, in its representational capacity, and including its resident Minnesota taxpayers, are opposed to the use of state taxpayer appropriations to advance and promote religion.

9. The plaintiffs, Bruce and Jean Christensen, are adult individuals residing in Litchfield, Minnesota, who are Minnesota state taxpayers and who are opposed to the use of state taxpayer appropriations to advance, endorse and/or promote religion.

10. The plaintiff, Tom Stavros, is an adult individual residing in St. Cloud, Minnesota, who is a Minnesota state taxpayer and who is opposed to the use of state taxpayer appropriations to advance, endorse and/or promote religion.

11. The plaintiff, Sybille Redmond, is an adult individual residing in Plymouth, Minnesota, who is a Minnesota state taxpayer and who is opposed to the use of state taxpayer appropriations to advance, endorse and/or promote religion.

12. The plaintiff, William van Druten, is an adult individual residing in Duluth, Minnesota, who is a Minnesota state taxpayer and who is opposed to the use of state taxpayer appropriations to advance, endorse and/or promote religion.

13. The plaintiffs, Robert and LaGretta Dean, are adult individuals residing in Bloomington, Minnesota, who are Minnesota state taxpayers who are opposed to the use of state taxpayer appropriations to advance, endorse and/or promote religion.

14. The defendant, Robert H. Bruininks, is the President of the University of Minnesota, with an office located at 420 Delaware Street, S.E., Mayo Memorial Building, Minneapolis, Minnesota 55455.

15. The defendant, Dr. Bruininks, is sued in his official capacity as the President of the University of Minnesota.

16. The defendant, Frank B. Cerra, is Senior Vice President for Health Sciences (Academic Health Center) at the University of Minnesota, with an office located at 420 Delaware Street, S.E., Mayo Memorial Building, Minneapolis, Minnesota 55455.

17. The defendant, Dr. Cerra, is sued in his official capacity.

18. The defendant, Mary Jo Kreitzer, is the Director of the Center for Spirituality and Healing, which is part of the Academic Health Center of the University of

Minnesota, with an office located at 420 Delaware Street, S.E., Mayo Memorial Building, Minneapolis, Minnesota 55455.

19. The defendant, Dr. Kreitzer, is sued in her official capacity.

20. The University of Minnesota, including the Academic Health Center and the Center for Spirituality and Healing, are duly organized Minnesota state public entities that are funded from Minnesota state taxpayer appropriations.

21. The defendants, Dr. Bruininks, Dr. Cerra and Dr. Kreitzer, who are sued in their official capacities, are state actors whose actions are taken under color of state law and they are ultimately responsible for disbursing Minnesota state taxpayer appropriations as alleged herein.

22. The defendant, Minnesota Faith Health Consortium is an unincorporated association consisting of Fairview Health Services, Luther Seminary and the University of Minnesota Academic Health Center.

23. The defendant, Minnesota Faith Health Consortium, has a place of business located at 2450 Riverside Avenue, Minneapolis, Minnesota 55454, which location is part of the University of Minnesota's Riverside Campus.

24. The Minnesota Faith Health Consortium engages in activities to promote personal faith and/or faith communities within the context of health care.

25. The mission of the Minnesota Faith Health Consortium is to the alleged relevance of faith as an integral part of health care services.

26. It is also a goal of the Minnesota Faith Health Consortium to promote leadership capacity to integrate faith into the delivery of health care services, as well as to emphasize the purported link between faith and health.

27. The Minnesota Faith Health Consortium engages in activities to develop the connection between faith and health in the delivery of health care services.

28. The Minnesota Faith Health Consortium functions as a seed bed for faith and health initiatives that promote the integration of faith and health.

29. The Minnesota Faith Health Consortium is held in common by its partner institutions, including Fairview Health Services, Luther Seminary and the University of Minnesota Academic Health Center.

30. The Minnesota Faith Health Consortium is managed and controlled jointly by representatives from its partner institutions, including Fairview Health Services, Luther Seminary and the University of Minnesota Academic Health Center.

31. The leadership of the Minnesota Faith Health Consortium is responsible for setting the agenda and activities of the Consortium.

32. Funding for the Minnesota Faith Health Consortium is provided by its participating organizations, including Fairview Health Services, Luther Seminary and the University of Minnesota Academic Health Center.

33. The participation of the University of Minnesota Academic Health Center, and its representatives, as part of the Minnesota Faith Health Consortium, is funded with Minnesota state taxpayer appropriations.

34. Planning, development and implementation of activities by the Minnesota Faith Health Consortium are accomplished by an administration that includes the University of Minnesota Academic Health Center, for whose activities the defendants are responsible.

35. The activities of the Minnesota Faith Health Consortium are subsidized through state taxpayer supported efforts, undertaken at the direction of the defendants.

36. The University of Minnesota Academic Health Center, under the direction of the defendants, is integrated into the organization and activities of the Minnesota Faith Health Consortium.

37. The Minnesota Faith Health Consortium promotes the alleged importance and power of faith as part of public health care initiatives.

38. The actions of the defendants are integral to the organization and operations of the Minnesota Faith Health Consortium, including its mission of religious indoctrination.

39. The defendant, Minnesota Faith Health Consortium, engages in activities that promote religious spirituality and faith.

40. The defendants, through their actions as part of the Minnesota Faith Health Consortium, promote the integration of religious spirituality and faith as inherent components of public health delivery systems.

41. In addition to coordinating the University of Minnesota Academic Health Center's involvement in the Minnesota Faith Health Consortium, the defendants have also engaged in activities leading to the development and offering of a Faith/Health Clinical Leadership Program through the University of Minnesota Center for Spirituality and Healing.

42. The University of Minnesota's Faith/Health Clinical Leadership Program prepares individuals for leadership roles in the area of integrating faith into health care delivery systems.

43. The University of Minnesota's Faith/Health Clinical Leadership Program teaches individuals how to integrate religious values into the substance of their medical practices.

44. The University of Minnesota's Faith/Health Clinical Leadership Program brings together health care professionals, clergy, University of Minnesota graduate students, and seminarians in a "transformative educational process" that includes exploration of the theological perspectives of healing and provides training in Clinical Pastoral Education.

45. The University of Minnesota's Faith/Health Clinical Leadership Program is offered to University of Minnesota graduate students and Luther Seminary students.

46. The University of Minnesota's Faith/Health Clinical Leadership Program offered by the University of Minnesota was developed in collaboration with the Fairview Clinical Pastoral Education Center and the Minnesota Faith Health Consortium.

47. Barbara Leonard, Director of Graduate Studies at the University of Minnesota, on information and belief, is the contact person for application to the Faith/Health Clinical Leadership Program offered by the University of Minnesota.

48. The activities and philosophy of the Minnesota Faith Health Consortium inspired the development of the Faith/Health Clinical Leadership Program offered by the University of Minnesota as a means to integrate spiritual and health concepts and clinical learning experiences into health care delivery disciplines.

49. The curriculum of the Faith/Health Clinical Leadership Program offered by the University of Minnesota incorporates and expands upon the model of parish nursing, including by educating health providers and seminarians together.

50. The purpose of the University of Minnesota's Faith/Health Clinical Leadership Program is to prepare students to be leaders in the integration of faith into health care delivery systems.

51. The goal of the University of Minnesota's Faith/Health Clinical Leadership Program is to change the current health care systems, which are considered by the

defendants to be in need of transformation and reform, by training individuals for leadership roles to integrate religion as part of health care delivery services.

52. The purpose of the University of Minnesota's Faith/Health Clinical Leadership Program is to change health care delivery systems through the integration of faith as a substantive integral component.

53. The Faith/Health Clinical Leadership Program, offered by the University of Minnesota, considers that patient values, resulting in life style choices, must be changed through the integration of faith, religion and spirituality resources into health care delivery.

54. The Faith/Health Clinical Leadership Program offered by the University of Minnesota is based on and uses the clinical model of education that is called Clinical Pastoral Education, which integrates medicine and theology.

55. The Faith/Health Clinical Leadership Program offered by the University of Minnesota requires student registration at the University of Minnesota, including acceptance into the program by the University of Minnesota.

56. The Faith/Health Clinical Leadership Program offered by the University of Minnesota constitutes a collaboration of the Center for Spirituality and Healing of the University of Minnesota, the Fairview Clinical Pastoral Education Center and the Minnesota Faith Health Consortium.

57. The defendants, through their actions, promote the integration of religious spirituality and faith as inherent components of public health care delivery models.

58. The actions of the defendants violate the Establishment Clause of the First Amendment to the United States Constitution and § 1983 of Title 42 of the United States Code and Article I, §§ 16 and 8, of the Minnesota Constitution.

59. The defendants' actions have violated the fundamental principle prohibiting government endorsement of religion by using state taxpayer funds for the operation of a faith-based organization whose religious objective is indivisible from any secular objective.

60. The activities of the defendants, by authorizing the University of Minnesota Academic Health Center's participation as part of the Minnesota Faith Health Consortium, impermissibly advance, endorse and promote the establishment of religion in violation of the Establishment Clause of the First Amendment to the United States Constitution and Article I, § 16, of the Minnesota Constitution.

61. The use of Minnesota taxpayer funds to operate, manage, direct and participate in the Minnesota Faith Health Consortium, as well as the offering of the Faith/Health Clinical Leadership Program through the Center for Spirituality and Healing of the University of Minnesota, violate the Establishment Clause of the First Amendment to the United States Constitution and Article I, § 16 of the Minnesota Constitution, because taxpayer funds are used to support the operations of a faith-based organization

whose mission is to integrate religious indoctrination as an indivisible component of public health delivery models, as well as to support a graduate program offered by the University of Minnesota that also integrates religious indoctrination as an indivisible component.

62. Religious indoctrination is an integral component of the programs advanced by the Minnesota Faith Health Consortium, and through the graduate programming of the University of Minnesota via the Faith/Health Clinical Leadership Program, which indoctrination is supported by taxpayer appropriations from the State of Minnesota, through the actions of the defendants.

63. Minnesota state taxpayer appropriations are disbursed to fund the activities of the Minnesota Faith Health Consortium, as well as the graduate programming of the Faith/Health Clinical Leadership Program offered by the University of Minnesota, as a result of decisions made by state actors, including the defendants herein.

64. Patently religious principles dominate the approach to public health advocated by the defendants, which approach includes explicitly religious content designed to be integrated into public health delivery models.

65. The involvement of the defendants, on behalf of the University of Minnesota, in the organization and operation of the Minnesota Faith Health Consortium, as well as via the graduate programming described herein, constitute governmental approval of the religious content integrated into the activities of the Minnesota Faith

Health Consortium and the Faith/Health Clinical Leadership Program offered by the University of Minnesota.

66. The actions of the defendants have occurred under color of state law.

67. The defendants' actions give the public appearance to reasonable observers of state endorsement of religion.

68. The defendants' actions convey a message that religion is favored, preferred and promoted, in contrast to non-belief, and the activities of the Minnesota Faith Health Consortium and the graduate programming offered by the University of Minnesota are clothed in traditional indicia of government endorsement.

69. The actions of the defendants violate 42 U.S.C. § 1983 because the defendants are violating the United States Constitution while acting under color of state law.

70. The funds and tangible benefits appropriated by the defendants for participation in and operation of the Minnesota Faith Health Consortium, and which funds also are used in the graduate programming described herein, are derived from taxes paid by residents of the State of Minnesota, including resident Minnesota taxpayers, who are members of the plaintiff organization, Freedom From Religion Foundation.

71. The actions of the defendants in violating the Establishment Clause of the First Amendment to the United States Constitution, and § 1983 of Title 42 of the United States Code, and Article I, §§ 16 and 8, of the Minnesota Constitution, are injurious to the

interests of the plaintiffs because the defendants' actions compel the plaintiffs to support the establishment, endorsement and advancement of religion through state taxpayer funding of programmatic religious indoctrination, to which the plaintiffs object.

WHEREFORE, the plaintiffs demand judgment as follows:

- A. For a declaration that the actions of the defendants violate the Establishment Clause of the First Amendment to the United States Constitution and 42 U.S.C. § 1983 and Article I, §§ 16 and 8, of the Minnesota Constitution.
- B. For an order enjoining the defendants from continuing to operate, manage, fund, direct and participate in the Minnesota Faith Health Consortium.
- C. For an order enjoining the defendants from continuing to provide graduate programming that endorses and promotes religion, including through the Faith/Health Clinical Leadership Program offered by the University of Minnesota through the Center for Spirituality and Healing.
- D. For an order enjoining the defendants from using state funds to promote, advance or endorse the establishment of religion, including as members and participants in the Minnesota Faith Health Consortium.
- E. For judgment awarding such further relief as the court deems just and equitable.
- F. For judgment awarding the plaintiffs their reasonable costs, disbursements and attorneys' fees, as allowed by law, including pursuant to 42 U.S.C. § 1988.

Dated this \_\_\_\_\_ day of March, 2005.

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