



Clerk of the Court  
United States Court of Appeals for the Ninth Circuit  
95 Seventh Street  
P.O. Box 193939  
San Francisco, CA 94119-3939

Chair  
BEVERLY RIPPS

Executive Committee Chair  
BOB ZEIDMAN

Vice Chairs  
ADAM ELEGANT  
JASON GELLER  
ERIC HORODAS  
WENDY TONKIN

Secretary  
ADAM COLE

Civil Rights Committee Chair  
MARC FEDER

Donor Relations Committee  
Co-Chairs  
GILBERT R. SEROTA  
ERIC HORODAS

Leadership Council  
Co-Chairs  
ROCHELLE PLESKOW  
JEREMY KAMRAS

Nominating Committee Chair  
NAOMI GREENSTONE

STAFF  
Interim Regional Director  
NINA SIMONE GROTCHE

Associate Directors  
NANCY J. APPEL  
NINA SIMONE GROTCHE

Assistant Director  
JOSH ROSENBERG

NATIONAL  
National Chair  
Robert G. Sugarman

National Director  
ABRAHAM H. FOXMAN

Re: CA No. 10-55781  
DC No. CV 09-08528 RGK (ANx)

KARLA WESTPHAL, *et al.*, Plaintiffs-Appellants,

v.

DONALD WAGNER, *et al.*, Defendants-Appellees.

**AMICUS CURIAE LETTER OF THE ANTI-DEFAMATION LEAGUE  
IN SUPPORT OF PLAINTIFFS/APPELLANTS**

RECEIVED  
MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JUL 19 2010

FILED \_\_\_\_\_  
DOCKETED \_\_\_\_\_  
DATE \_\_\_\_\_ INITIAL \_\_\_\_\_

Dear Clerk of the Court:

In accordance with Rule 29 of the Federal Rules of Appellate Procedure and the Circuit Advisory Committee Note to Rule 29-1 of the Rules of this Court, which provides that "*Amici who wish to join in the arguments or factual statements of a party ... are encouraged to file and serve on all parties a short letter so stating in lieu of a brief,*" the Anti-Defamation League ("ADL") submits this letter *amicus curiae* supporting the Plaintiffs/Appellants in the above-captioned matter.<sup>[1]</sup> The parties have given consent for this letter to be filed.

ADL was founded in 1913 to "secure justice and fair treatment to all citizens alike." To do this, ADL works to advance good will and mutual understanding among Americans of all creeds and races, and to secure justice for, and fair treatment of, all citizens. Today, ADL is one of the world's leading civil and human rights organizations fighting hatred, bigotry, and discrimination.

ADL believes that the vigorous defense of our Nation's rights of religious liberty and freedom of conscience are critical in achieving this mission, and ADL is deeply committed to preserving and promoting religious rights and liberties for all Americans. ADL believes that the constitutionally-mandated separation of church and State, as

Pursuant to Rule 37.6, Amici Curiae affirm that no counsel for any party authored this brief in whole or in part, and no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than Amici Curiae, its members, or its counsel made a monetary contribution to its preparation or submission.

embodied in the Constitution's First Amendment, safeguards religious liberty because it enables Americans to practice their various religions freely and boldly, without government interference, endorsement or support.

As explained by Plaintiffs/Appellants, the use of prayer at public colleges and universities violates the Establishment Clause of the First Amendment and contravenes Supreme Court precedent. See Engel v. Vitale, 370 U.S. 421, 431, 82 S. Ct. 1261 (1962) (“[A] union of government and religion tends to destroy government and to degrade religion.”). Prayers conducted at public school events, including graduations and scholarship ceremonies, show government endorsement of religion and are, thus, prohibited. As the Supreme Court explained in Santa Fe Indep. Sch. Dist. V. Doe, 530 U.S. 290, 120 S. Ct. 2266 (2000) “[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents ‘that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.’” Id. at 309 (citation and internal quotation marks omitted).

ADL, thus, agrees with the Plaintiffs/Appellants that Saddleback College violated the Establishment Clause of the United States Constitution and respectfully urges this Court to direct that a preliminary injunction be entered as requested by the Plaintiffs/Appellants.

Sincerely,



MELISSA C. CARR, ESQ.

CA Bar No. 130493

Anti-Defamation League

Orange County/Long Beach Region

959 South Coast Drive, Suite 210

Costa Mesa, CA 92626

(714) 979-4733

FAX: (714) 979-4138

EMAIL: [mcarr@adl.org](mailto:mcarr@adl.org)

STEVEN M. FREEMAN, ESQ

STEVEN C. SHEINBERG, ESQ

DEBORAH BENSINGER, ESQ

Anti-Defamation League

605 Third Avenue

New York, NY 10158

(212) 885-7743

FAX: (212) 885-5885

EMAIL: [ssheinberg@adl.org](mailto:ssheinberg@adl.org)

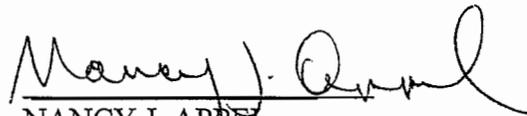
**CERTIFICATE OF SERVICE**

I hereby certify that I filed the foregoing with the Clerk of the Court of the United States Court of Appeals for the Ninth Circuit on July 19, 2010.

I have caused the foregoing to be sent by First Class Mail, postage prepaid, to the following:

Craig E. Stewart, ESQ.  
JONES DAY  
555 California Street  
26th Floor  
San Francisco, CA 94104

James J. Poth, ESQ.  
John A. Vogt, ESQ.  
JONES DAY  
3161 Michelson Drive, Suite 800  
Irvine, CA 92612



NANCY J. APPEL  
Anti-Defamation League  
Central Pacific Region  
720 Market Street, Suite 800  
San Francisco, CA 94102  
(415) 981-3500  
FAX: (415) 981-8933  
EMAIL: [nappel@adl.org](mailto:nappel@adl.org)

Date: July 19, 2010