

CENTRAL PACIFIC REGION



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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 _____
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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.^[1] 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

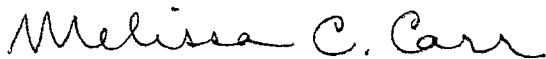
Pursuant to Rule 37.6, Amici Curiae affirm that no counsel for any party authored this brief in whole or in part, and no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than Amici Curiae, its members, or its counsel made a monetary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



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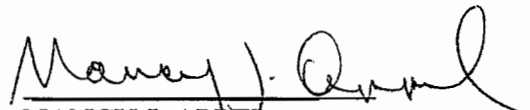
CERTIFICATE OF SERVICE

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:

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Date: July 19, 2010