

Case No. 08-56320

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**In the United States Court of Appeals  
For the Ninth Circuit**

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**ASSOCIATION OF CHRISTIAN SCHOOLS INTERNATIONAL, *et al.*,  
Plaintiffs-Appellants,**

**v.**

**ROMAN STEARNS, *et al.*,  
Defendants-Appellees.**

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On Appeal from the United States District Court  
for the Central District of California

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**Motion for Leave to File *Amici Curiae* Brief of the American  
Center for Law and Justice, Catholic League for Religious and  
Civil Rights, Common Good Foundation, and Seventh-day  
Adventist Church State Council in Support of Plaintiffs-Appellants**

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The American Center for Law and Justice, Catholic League for Religious and Civil Rights, Common Good Foundation, and Seventh-day Adventist Church State Council respectfully move this Court for leave to file an *amici curiae* brief in Support of Plaintiffs-Appellants.

## POINTS AND AUTHORITIES SUPPORTING THE MOTION

1. Pursuant to Fed. R. App. P. 29(a), all parties have consented to the filing of this brief.
2. *Amicus*, American Center for Law and Justice (ACLJ), is an organization dedicated to the defense of constitutional liberties secured by law. ACLJ attorneys have presented arguments in numerous cases before the Supreme Court of the United States and other federal and state courts involving the First Amendment. *See, e.g., Pleasant Grove City v. Summum*, Case No. 07-665 (U.S. argued Nov. 12, 2008); *McConnell v. FEC*, 540 U.S. 93 (2003); *Lamb's Chapel v. Center Moriches Sch. Dist.*, 508 U.S. 384 (1993); *Bd. of Educ. v. Mergens*, 496 U.S. 226 (1990); *Bd. of Comm'rs v. Jews for Jesus*, 482 U.S. 569 (1987).
3. *Amicus*, Catholic League for Religious and Civil Rights, is the nation's largest Catholic civil rights organization. The Catholic League defends the right of Catholics—lay and clergy alike—to participate in American public life without defamation or discrimination. Motivated by the letter and the spirit of the First Amendment, the Catholic League works to safeguard the religious freedom and free speech rights of Catholics whenever and wherever they are threatened.
4. *Amicus*, Common Good Foundation, is an ecumenical Christian organization committed to education, inspiration, motivation and missionary activity. The

Foundation supports parental authority in education and views public, private, parochial, and charter schools as an extension of parental educational choice.

5. *Amicus*, Church State Council of Seventh-day Adventists, is the oldest public policy organization in the southwestern United States devoted exclusively to liberty of conscience and the separation of church and state. The Council serves the Seventh-day Adventist Church, which operates one of the largest Protestant school systems nationally and internationally, including an extensive network of elementary, secondary and postsecondary schools in California. The Council is concerned that the University of California's policy and practice imposes a profound secularizing influence on private religious schools which undermines public policy that respects the autonomy of private schools.

6. The proper resolution of this case is a matter of substantial concern to *amici* due to the impact it will likely have on religious education in California and across the country. *Amici* urge this Court to rule in Plaintiffs-Appellants' favor because the First Amendment prohibits the religious discrimination that is pervasive in the University of California's selective scrutiny of the curriculum of religiously affiliated private schools. California students should be considered for admission to a state university without regard to their religious worldviews.

## CONCLUSION

For the foregoing reasons, the movants respectfully request leave to file an *amici curiae* brief in support of Plaintiffs-Appellants.

Dated February 2, 2009

/s/ Jay Alan Sekulow

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## CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2009, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have sent the foregoing document by Federal Express, overnight delivery, to the following non-CM/ECF participants:

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Dated February 2, 2009

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