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<p>Court of Appeals, State of Colorado 101 W. Colfax Avenue, Ste.800 Denver, CO 80202</p>	<p>▲ COURT USE ONLY ▲</p>
<p>Lower Court: District Court Denver County, Colorado Judge Michael A. Martinez</p>	
<p>Defendants-Appellants: COLORADO BOARD OF EDUCATION, DOUGLAS COUNTY SCHOOL DISTRICT RE-1, et al., and Intervenors-Appellants: FLORENCE AND DERRICK DOYLE, et al. v. Plaintiffs-Appellees: JAMES LARUE, TAXPAYERS FOR PUBLIC EDUCATION, et al.</p>	<p>CASE NO. 2011CA1856 2011CA1857</p>
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<p>MOTION OF ANTI-DEFAMATION LEAGUE FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF APPELLEES</p>	

Pursuant to Colorado Appellate Procedure Rule 29, *Amicus Curiae* Anti-Defamation League (“ADL”) respectfully requests this Court’s permission to file a brief as *Amicus Curiae*, attached herewith, in support of affirming the Denver District Court’s grant of Plaintiffs-Appellees’ Motion for Preliminary Injunction. As grounds for this request, ADL states as follows:

1. ADL was founded in 1913 to stop the defamation of the Jewish people and to secure justice and fair treatment for all. Today, ADL is one of the world’s leading civil rights and human relations organizations, combating anti-Semitism, all types of prejudice, discriminatory treatment, and hate. ADL is committed to protecting the civil rights of all persons and to assuring that each person receives equal treatment under the law.

2. The Mountain States Regional Office, located in Denver, Colorado, has been fulfilling ADL’s mission in Colorado and Wyoming for nearly seventy years.

3. ADL is a strong advocate of the enforcement of nondiscrimination laws, and values the role these laws have played in maintaining rights for all. ADL has filed *amicus* briefs in numerous cases urging the unconstitutionality or illegality of discriminatory practices or laws.¹ These include many of the United

¹ For example, ADL has filed *amicus* briefs in *Alexander v. Sandoval*, 532 U.S. 275 (2001); *Mitchell v. Helms*, 530

States Supreme Court's landmark cases in the area of civil rights and equal protection.

4. Another of ADL's core beliefs is strict adherence to the separation of church and state. ADL emphatically rejects the notion that the separation principle is inimical to religion, and holds, to the contrary, that a high wall of separation is essential to the continued flourishing of religious practice and beliefs in America and in Colorado, and to the protection of minority religions and their adherents. In support of this principle, ADL has participated in the major church-state cases of the last half-century.

5. This case raises the issue of whether the Choice Scholarship Pilot Program, a voucher program devised by the Douglas County Board of Education, violates Colorado's constitutional prohibition against the state government providing financial aid to privately run religious schools. As part of its mission, ADL advocates against such state and church financial entanglement. The Douglas County School Choice Program is also impermissible because it would disburse public funds to institutions that openly exclude and discriminate against certain

U.S. 793 (2000); *Rosenberger v. Rector and Visitors of Univ. of Virginia*, 515 U.S. 819 (1995); *Miller v. Johnson*, 515 U.S. 900 (1995); *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989); *Corp. of Presiding Bishop of Church of Latter-day Saints v. Amos*, 483 U.S. 327 (1987); *United Steelworkers of Am. v. Weber*, 443 U.S. 193 (1979); *Regents of Univ. of California v. Bakke*, 438 U.S. 265 (1978); *McDonald v. Santa Fe Trail Transp. Co.*, 427 U.S. 273 (1976); *Ryunon v. McCrary*, 427 U.S. 160 (1976); *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409 (1968); *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954); *Sweatt v. Painter*, 339 U.S. 629 (1950); and *Shelley v. Kraemer*, 334 U.S. 1 (1948).

students based on religious belief and other protected characteristics. This, too, touches directly upon ADL's mission to combat discrimination.

6. Moreover, in their briefs, Appellants have not only defended the Douglas County program as permissible under Colorado's Constitution, but have also challenged the legality of Colorado's prohibition against such aid in general. ADL considers the constitutional prohibitions against government entanglement with religion contained in Colorado's constitution and in state constitutions around the country to be crucial to carrying out its mission of maintaining a diverse environment in which religion can thrive.

7. In short, ADL has an interest in this lawsuit because two primary ADL goals are to combat invidious discrimination of all kinds and to ensure the separation of church and state. The proposed Douglas County School Choice Program would adversely impact both of these integral goals.

WHEREFORE, ADL respectfully moves for leave to file the concurrently filed brief as *amicus curiae*.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2012, I electronically filed the foregoing with the Clerk of the Court using Lexis/Nexis File and Serve and placed a hard copy version in the US mail, postage paid, and addressed to the following:

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