

IN THE
SUPREME COURT OF FLORIDA

Case Nos. SC04-2323/2324/2325

JOHN ELLIS “JEB” BUSH, *et al.*,
CHARLES J. CRIST, JR., and
BRENDA McSHANE, *et al.*,

Appellants,

v.

RUTH D. HOLMES, *et al.*,

Appellees.

**MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE
IN SUPPORT OF APPELLEES**

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**pro hac vice* admission pending

COME NOW prospective amici, the Baptist Joint Committee, the Union for Reform Judaism, Americans for Religious Liberty, the National Council for Jewish Women, and the Jewish Labor Committee, pursuant to Fla. R. App. P. 9.370, and move for leave to file the attached brief amicus curiae on behalf of Appellees Ruth D. Holmes, et al., in the above captioned cases. Prospective amici would show the Court as follows:

1. Prospective amici are national religious liberty and civil rights organizations with members residing in Florida. All prospective amici are committed to advancing principles of religious liberty, separation of church and state, and support for public education through education and advocacy.

The Baptist Joint Committee (“BJC”) is a religious liberty organization, serving fourteen cooperating Baptist conventions and conferences in the United States, with supporting congregations throughout the nation, including in Florida. BJC deals exclusively with religious liberty and church-state separation issues and believes that vigorous enforcement of both the Establishment and Free Exercise Clauses is essential to religious liberty for all Americans. BJC also supports religious liberty protections in state constitutions, such as Article I, § 3 of the Florida Constitution, which provide an additional safeguard against government sponsorship of and interference in religion.

The Union for Reform Judaism (“URJ”) is the central body of the Reform Movement in North America including 900 congregations encompassing 1.5 million Reform Jews. The Reform Jewish Movement comes to this case out of two overlapping concerns: strengthening public schools and defending the separation of church and state. The URJ maintain that using taxpayer money to fund private, religious schools through student vouches not only divests much-needed resources from our public schools system but undermines the concept that government and religion should each be free to flourish in their separate spheres.

Americans for Religious Liberty (“ARL”) is a national nonprofit public interest educational organization, with members in Florida, dedicated to defending religious liberty, freedom of conscience, and the constitutional principle of separation of church and state. ARL has participated as an amicus in a number of other cases in this Court that have implicated these concerns.

The National Council of Jewish Women (“NCJW”), Inc., is a volunteer organization, inspired by Jewish values, that works through a program of research, education, advocacy and community service to improve the quality of life for women, children and families and strives to ensure individual rights and freedoms for all. Founded in 1893, NCJW has 90,000 members and supporters nationwide, including members living in Florida. NCJW interest in these cases is based on its

Resolution, which states support for “Quality public education for all, utilizing public funds for public schools only,” and its *Principle*, which states, “Religious liberty and the separation of religion and state are constitutional principles which must be protected and preserved in order to maintain our democratic society.”

The Jewish Labor Committee (“JLC”) serves as a bridge linking the organized Jewish community and organized labor. Founded 70 years ago the JLC was the only national Jewish organization to be involved in the rescue of Jewish leaders and labor leaders during the Holocaust. JLC has a long history of involvement in education issues including vouchers, Holocaust education, civil rights, and human rights. JLC has chapters throughout the United States, including Miami, Florida.

2. The attached prospective amicus brief addresses the historical basis for the no-funding principle represented in Article I, § 3 of the Florida Constitution and the background of the so-called “Blaine Amendment,” upon which section 3 is reputedly based. In their briefs filed with this Court, the State, Governor, intervenors and their supporting amici impugn the legitimacy of the no-funding principle contained in section 3, arguing that it is little more than a mask for religious bigotry. The attached prospective brief argues to the contrary: that the no-funding principle, as represented in the Blaine Amendment, arose

independently of Catholic parochial schooling or anti-religious animus and is based on important constitutional values. These values include concern for religious liberty, rights of conscience and the avoidance of religious strife.

3. Prospective amici believe that their amicus brief would be of assistance to this Court in the disposition of this case. In its decision, the First District Court of Appeal referred extensively to the historical basis of Florida's no-aid provision and to the relevance of the Blaine Amendment. As mentioned, the State, the intervenors and their amici – in particular the amicus briefs of the Florida Catholic Conference, et al. and the Becket Fund – have made extensive arguments on this issue. Prospective amici believe their attached brief, which provides an alternative perspective to that of the State, intervenors and their amici, would assist the Court in the disposition of this case.

4. Counsel for prospective amici have conferred with counsel for Appellees to ensure that the content of their proposed amicus brief is not duplicative or would burden the Court with repetitive and unnecessary arguments.

5. Counsel for prospective amici have received verbal consent from all of the parties to file their prospective amicus brief.

THEREFORE, prospective amici request that the Court grant them leave to file the attached brief amicus curiae on behalf of Appellees.

RESPECTIVELY SUBMITTED,

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CERTIFICATE OF SERVICE

On March —, 2005, I served the attached Motion for Leave to File a Brief Amicus Curiae on the counsel for the parties listed below by depositing a true copy in the U.S. Postal Service, postage paid.

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