

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

DOCKET NO. 05-10341-I

JEFFREY MICHAEL SELMAN;
DEBRA ANN POWER; KATHLEEN
CHAPMAN; JEFF SILVER; PAUL
MASON; and TERRY JACKSON,

Plaintiffs-Respondents,

v.

COBB COUNTY SCHOOL
DISTRICT; COBB COUNTY BOARD
OF EDUCATION; JOSEPH
REDDEN, SUPERINTENDENT,

Defendants-Appellants.

Appeal From Judgment of the
United States District Court for the
Northern District of Georgia, Hon.
Clarence Cooper, Civil Action File
No.: 1 02-CV-2325-CC

**UNOPPOSED MOTION OF ISKCON OF ATLANTA, INC., TO FILE
BRIEF *AMICUS CURIAE* IN SUPPORT OF APPELLANTS AND
SUPPORTING REVERSAL**

Of Counsel:

ADAM R. BERNSTEIN
Law Offices of Adam R. Bernstein
25221 Terrace Grove Road
Los Gatos, California 95033
(408) 353-5085

EDWARD H. SISSON
ARNOLD & PORTER LLP
555 Twelfth Street, NW
Washington, D.C. 20004

DAVID M. LIBERMAN
Law Office of David Liberman
1875 Century Park E, Suite 2130
Los Angeles, California 90067
(310) 277-9288
Counsel of Record for Amicus

April 20, 2005

Certificate of Interested Persons and Corporate Disclosure Statement

Corporate Disclosure Statement:

ISKCON of Atlanta, Inc. is a nonprofit corporation. It has no parent corporation, has not issued stock, and no publicly-held corporation owns 10% or more of its stock.

Certificate of Interested Persons:

Trial Judge, attorneys, and other persons, associations of persons, firms, partnerships, and corporations interested in outcome of case and appeal:

Alliance Defense Fund, counsel to proposed intervenors

American Civil Liberties Union Foundation of Georgia, counsel to plaintiffs-respondents

American Civil Liberties Union Foundation, counsel to plaintiffs-respondents

Arnold & Porter LLP, counsel to *amicus curiae*

Bernstein, Adam R., counsel to *amicus curiae*

Biologists and Georgia Scientists, *amicus curiae*

Brackett, David G. H., counsel to plaintiffs-respondents

Bramlett, Jeffrey O., counsel to plaintiffs-respondents

Brock, Clay & Calhoun, P.C., counsel to plaintiffs-respondents

Callaway, Carole, counsel to appellants-defendants

Chapman, Kathleen, plaintiff-respondent

Selman v. Cobb County School District, No. 05-10341-I

Cobb County Board of Education, defendant-appellant

Cobb County School District, defendant-appellant

Colorado Citizens for Science, *amicus curiae*

Cooper, Hon. Clarence, trial judge

DeWolf, David, counsel for *amicus curiae*

Fant, Lynn Gitlin, counsel for *amicus curiae*

Garrett, Margaret F., counsel to plaintiffs-respondents

Guin, Hon. J. Foy, Jr., *amicus curiae*

Gunn, E. Linwood IV, counsel to appellants-defendants

Hardage, Allen, proposed intervenor

Hollberg & Weaver, counsel for *amicus curiae* and counsel to proposed intervenors

International Society for Krishna Consciousness of Atlanta, Inc., *amicus curiae*

Jackson, Terry, plaintiff-respondent

Johnson, William, counsel for *amicus curiae*

Kansas Citizens for Science, *amicus curiae*

Lieberman, David M., counsel to *amicus curiae*

Mason, Paul, plaintiff-respondent

McMurry, Kevin Thomas, counsel to proposed intervenors

Mezell, Emily Hammond, counsel to plaintiffs-respondents

Michigan Citizens for Science, *amicus curiae*

Selman v. Cobb County School District, No. 05-10341-I

Nebraska Religious Coalition for Science Education, *amicus curiae*

New Mexicans for Science and Reason, *amicus curiae*

New Mexico Academy of Science, *amicus curiae*

New Mexico Coalition for Excellence in Science and Math Education, *amicus curiae*

Parents for Truth in Education, *amicus curiae*

Power, Debra Ann, plaintiff-respondent

Redden, Joseph, Superintendent, Cobb County School District, defendant-appellant

Rogers & Watkins, counsel for *amicus curiae*

Rogers, Marjorie, counsel for *amicus curiae*

Selman, Jeffrey Michael, plaintiff-respondent

Silver, Jeff, plaintiff-respondent

Sisson, Edward H., counsel to *amicus curiae*

Taylor, Larry, proposed intervenor

Texas Citizens for Science, *amicus curiae*

Therriott, Kevin H., counsel to proposed intervenors

Weaver, George M., counsel for *amicus curiae* and counsel to proposed intervenors

Weber, Gerald, counsel to plaintiffs-respondents

I. Statement of Interest of *Amicus Curiae* ISKCON of Atlanta.

Amicus Curiae the International Society for Krishna Consciousness of Atlanta, Inc. (“ISKCON of Atlanta”), is the Atlanta, Georgia branch of the International Society for Krishna Consciousness (“ISKCON”), an international religious movement popularly known in the United States as the Hare Krishna movement. *See International Society for Krishna Consciousness, Inc. v. Barber*, 650 F.2d 430, 433 (2nd Cir. 1981) (Krishna Consciousness falls under the broad theological umbrella of the Vaishnava Tradition of Bhakti Hinduism). ISKCON of Atlanta operates a Hare Krishna temple located at 1287 S. Ponce de Leon Avenue, N.E., Atlanta, Georgia 30306, where it conducts regular classes in ancient Sanskrit scriptures known as Bhagavad Gita and Srimad Bhagavatam and observes regular religious worship of Lord Krishna, and from which it conducts missionary activities throughout the greater Atlanta area. There has been a Hare Krishna temple in Atlanta for over 30 years. On an average Sunday more than 150 members of the congregation attend services, about 70% of whom are Hindu immigrants of Indian heritage. On certain festival days over 2,000 members may visit the temple.

ISKCON of Atlanta has an interest in the outcome of this appeal because members of the ISKCON of Atlanta congregation reside in Cobb County and have children who attend Cobb County public schools.

ISKCON of Atlanta also has an interest in the outcome of this appeal because it has a general interest in matters concerning religion and religious freedom in Cobb County, in the portions of Georgia under the jurisdiction of

the District Court for the Northern District of Georgia, and in the states under the jurisdiction of the 11th Circuit.

II. Positions of the Parties with Respect to ISKCON of Atlanta's Brief *Amicus Curiae*.

Counsel for plaintiffs-respondents has advised counsel for *amicus* that plaintiffs-respondents consent to the filing by ISKCON of Atlanta of an *amicus curiae* brief. Counsel for defendants-appellants has advised counsel for *amicus* that defendants-appellants neither consent to nor oppose the filing of this brief (consistent with their policy neither to consent to nor oppose any *amicus* filing in this case). Accordingly, this motion is unopposed.

III. ISKCON of Atlanta's *Amicus Curiae* Brief is Desirable and the Matters Asserted are Relevant to the Disposition of the Case.

As a non-Christian religious denomination in the Atlanta area, and as a minority religious denomination, ISKCON of Atlanta offers the Court a brief *amicus curiae* that will aid the Court in reaching a just and better-informed disposition of this appeal, by providing the Court with ISKCON of Atlanta's unique perspectives both on the specific Cobb County School Board textbook Sticker dispute at issue in this appeal, and on the broader evolution education controversy in general.

ISKCON of Atlanta's brief will also aid the Court by bringing to the attention of the Court the decision of the Supreme Court of the Union of India (the nation of origin of ISKCON) in the case *Aruna Roy, et al., v. Union of*

India, in which the Indian Supreme Court concluded that the teaching of certain government-proposed curricula seen by some as promoting religion was consistent with a provision of the Indian constitution that was alleged to bar that teaching on grounds that the curricula would unconstitutionally introduce religious instruction into the state-funded Indian public schools. That Indian constitutional provision bears a similarity to the First Amendment of the Constitution of the United States.

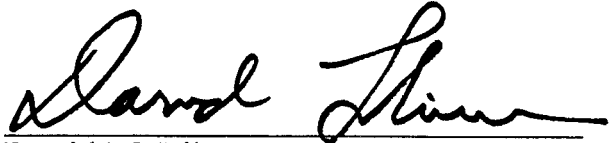
Here, plaintiffs-respondents allege, and the trial court agreed, that the Sticker tends to promote religion and thus infringes the First Amendment. While ISKCON of Atlanta respectfully disagrees with the conclusion of the trial court, and urges this Court to find that the Sticker has no religious content, to the extent that this Court may disagree with ISKCON of Atlanta and find that the Sticker presents some religious content, it will be informative to this Court to consider the reasoning of the Indian Supreme Court that the public-school curricula challenged there as being unconstitutional was in fact permissible under the provision of the Indian Constitution that is analogous to the First Amendment.

CONCLUSION

For the foregoing reasons, this Court should grant the motion to file the brief *amicus curiae* of ISKCON of Atlanta.

Dated: April 20, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Liberman", written over a horizontal line.

David M. Liberman, Esq.
LAW OFFICE OF DAVID LIBERMAN
1875 Century Park E, Suite 2130
Los Angeles, California 90067
(310) 277-9288
Counsel for *Amicus Curiae*
ISKCON of Atlanta, Inc.

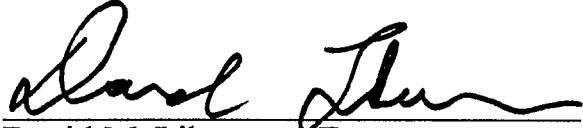
CERTIFICATE OF COMPLIANCE

I hereby certify that the attached

AMICUS CURIAE BRIEF OF ISKCON OF ATLANTA, INC., IN SUPPORT OF APPELLANTS AND SUPPORTING REVERSAL

in *Selman v. Cobb County School District*, No. 05-10341, United States Court of Appeals for the Eleventh Circuit, complies with the type-volume limitations set forth in FRAP 32(a)(7)(B). The *amicus* brief contains 6,849 words.

This motion for leave to file the *amicus* brief also complies with the rules. The motion contains 733 words.



David M. Liberman, Esq.
LAW OFFICE OF DAVID LIBERMAN
1875 Century Park E, Suite 2130
Los Angeles, California 90067
(310) 277-9288
Counsel for *Amicus Curiae*
ISKCON of Atlanta, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing

UNOPPOSED MOTION OF ISKCON OF ATLANTA, INC., TO FILE
BRIEF *AMICUS CURIAE* IN SUPPORT OF APPELLANTS AND
SUPPORTING REVERSAL


and a true and correct copy of

AMICUS CURIAE BRIEF OF ISKCON OF ATLANTA, INC., IN SUPPORT
OF APPELLANTS AND SUPPORTING REVERSAL

in *Selman v. Cobb County School District*, No. 05-10341, United States Court
of Appeals for the Eleventh Circuit, was duly served on each of the following
persons by first-class mail, postage pre-paid, this 20th day of April, 2005:

E. Linwood Gunn, IV
Brock, Clay & Calhoun, P.C.
49 Atlanta Street
Marietta, GA 30060
Counsel of record for defendants-appellants

Gerald Weber
American Civil Liberties Union
70 Fairlie Street, Suite 340
Atlanta, GA 30303
Counsel of record for plaintiffs-respondents



Edward Sisson