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14 **UNITED STATES DISTRICT COURT**
 15 **EASTERN DISTRICT OF CALIFORNIA**

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 STATE OF CALIFORNIA, *et al.*,

20 Defendants.

Case No. 2:18-cv-00490-JAM-KJN

The Honorable John A. Mendez

**ANTI-DEFAMATION LEAGUE'S
 MOTION TO FILE *AMICUS CURIAE*
 BRIEF**

Date: June 20, 2018

Time: 10:00 a.m.

Dept.: Courtroom 6, 14th Floor

Complaint Filed: March 6, 2018

Trial Date: Not yet set

United States of America v. State of California et al

Doc: 112

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1 **INTRODUCTION**

2 Pursuant to Federal Rule of Civil Procedure 7, and this Court’s Orders of March 27, 2018
3 and April 11, 2018, the Anti-Defamation League (“ADL”) respectfully moves for leave to file
4 the concurrently-lodged brief as *amicus curiae* in support of Defendants’ Opposition to
5 Plaintiff’s Motion for Preliminary Injunction (Case No. 2:18-cv-00490).

6 **IDENTITY AND INTEREST OF AMICUS CURIAE**

7 ADL is a non-profit organization that fights anti-Semitism and all forms of bigotry,
8 defends democratic ideals, and protects civil rights. ADL was founded in 1913 with a mission to
9 stop the defamation of the Jewish people and to secure justice and fair treatment to all. ADL has
10 26 regional offices across the country, including five offices in California.

11 ADL has unmatched expertise concerning the development of federal and state hate
12 crimes legislation. In 1981, ADL drafted the nation’s first model hate crime law which provided
13 for increased penalties for people who target their victims because of race, religion, national
14 origin, gender, or sexual orientation. *Hate Crimes*, ADL, [https://www.adl.org/what-we-](https://www.adl.org/what-we-do/combat-hate/hate-crimes)
15 [do/combat-hate/hate-crimes](https://www.adl.org/what-we-do/combat-hate/hate-crimes) (last visited May 14, 2018). The District of Columbia and 45 states
16 – including California – have enacted statutes based on, or similar to, ADL’s model. *Id.* ADL
17 also led a large coalition advocating for the passage of the federal Matthew Shepard and James
18 Byrd, Jr. Hate Crimes Prevention Act (“HCPA”), signed into law by President Obama on
19 October 28, 2009 (codified at 18 U.S.C. § 249). *Id.* HCPA is a comprehensive federal hate
20 crimes statute that gives the United States Department of Justice the power to investigate and
21 prosecute violent crimes where the perpetrator chooses the victim because of the person’s actual
22 or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or
23 disability. 18 U.S.C. § 249.

24 ADL also works closely with federal, state, and local law enforcement agencies on issues
25 involving extremist and hate groups in the United States, and on the investigation and
26 prosecution of hate crimes. Each year, it trains more than 14,000 officers on hate crimes, bias,
27 and extremism. *Law Enforcement Partnerships*, ADL, [https://www.adl.org/what-we-do/combat-](https://www.adl.org/what-we-do/combat-hate/law-enforcement-partnerships)
28 [hate/law-enforcement-partnerships](https://www.adl.org/what-we-do/combat-hate/law-enforcement-partnerships) (last visited May 14, 2018). It provides training through a

1 national network of regional offices that help law enforcement officers recognize and identify
2 hate crimes and investigate them thoroughly and with the appropriate sensitivity. *Id.* In
3 partnership with the United States Holocaust Memorial Museum, ADL also has trained more
4 than 130,000 law enforcement professionals through its program *Law Enforcement and Society:
5 Lessons of the Holocaust*, which examines how police build trust with community members.
6 *Law Enforcement & Society: Lessons of the Holocaust*, ADL, [https://www.adl.org/who-we-
7 are/our-organization/signature-programs/law-enforcement-training/law-enforcement-society](https://www.adl.org/who-we-are/our-organization/signature-programs/law-enforcement-training/law-enforcement-society) (last
8 visited May 14, 2018).

9 **DESIRABILITY OF AMICUS BRIEF**

10 Through its extensive work with law enforcement and its specialized expertise in hate
11 crimes, ADL is uniquely situated to assist the Court in evaluating the impact of enjoining
12 enforcement of provisions of California’s duly enacted Values Act (Senate Bill 54), Assembly
13 Bill 450, and Assembly Bill 103. Specifically, ADL can provide perspective on the likely
14 suppressive effect that enjoining California’s laws will have on trust between law enforcement
15 and communities, and thus the reporting and prevention of crimes, including hate crimes. ADL’s
16 input and perspective into relationships between law enforcement and communities and crime
17 reporting is broader than that of the parties. ADL’s arguments thus further demonstrate, beyond
18 the parties’ briefing, why the United States’ requested preliminary injunction should be denied.

19 **CONCLUSION**

20 For the foregoing reasons, the Motion for Leave to File Brief of *Amicus Curiae* Anti-
21 Defamation League should be granted.
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1 DATED: May 18, 2018

Respectfully submitted,

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 18th day of May, 2018, I electronically filed the foregoing
3 motion for leave to file together with the accompanying *amici curiae* brief, with the Clerk of the
4 Court for the United States District Court for the Eastern District of California by using the
5 CM/ECF system. Participants in the case who are registered CM/ECF users will be served by
6 the CM/ECF system. Notice of this filing will be sent by mail to anyone unable to accept
7 electronic filing as indicated on the Notice of Electronic filing. Parties may access this filing
8 through the Court's CM/ECF System.

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