

No. 20-1137

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IN THE  
Supreme Court of the United  
States

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CALIFORNIA PARENTS FOR THE EQUALIZATION OF EDUCATIONAL MATERIALS, ET AL.,

*Petitioners,*

*v.*

TOM TORLAKSON, IN HIS OFFICIAL CAPACITY AS STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AND DIRECTION OF EDUCATION FOR THE CALIFORNIA DEPARTMENT OF EDUCATION, ET AL.,

*Respondents.*

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On Petition for Writ of Certiorari to the  
United States Court of Appeals for the Ninth Circuit

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**MOTION FOR LEAVE TO FILE AND BRIEF OF  
SHREE SHAKTI MANDIR OF ATLANTA AND  
OTHER HINDU TEMPLES, HINDU ORGANIZATIONS,  
AND TEACHERS AS AMICUS CURIAE IN  
SUPPORT OF PETITIONER**

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

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As required by Supreme Court Rule 37.2(b), Shree Shakti Mandir of Atlanta, other Hindu temples, educational organizations, and teachers moves this Court for leave to file the attached brief as *amicus curiae* in support of the Petitioners, California Parents for the Equalization of Educational Materials (CAPEEM), et al. Amici timely notified the parties of its intent to submit an *amicus curiae* brief in this case pursuant to Rule 37.2(a). Petitioners and Respondents the California Department of Education consented to the filing of the brief, but not all the parties identified as respondents were willing to grant consent.

Amici are a collection of Hindu temples and Hindu religious educational organizations from across the country, serving over half a million Hindu adherents, three Hindu teachers in California, and a member of a California school board. All amici have an interest in the proper presentation of the Hindu faith in California educational materials as well as insuring that the State of California does not discriminate against Hinduism when selecting its teaching materials regarding the Hindu faith.

This case presents an ideal opportunity for this Court to make clear that the Free Exercise Clause prevents a state from unfairly discriminating against one religion by singling it out for negative

attention in its teaching materials. As detailed below, the lower Court has not only ignored this Court's clear teachings regarding the appropriate test for determining when the Free Exercise Clause has been violated, but due to the outsized impact California has on the national textbook market, such discrimination as occurred here will not remain confined to California, but instead will inevitably spread nationwide. As *amicus curiae*, the Hindu temples, educational associations, and teachers hope to assist the Court by highlighting the ways in which California's educational curriculum presents a distorted view of the Hindu faith as well as the impact that California's decisions have on the nationwide textbook market.

Accordingly, amici requests that this Court grant its motion to file the attached brief as *amicus curiae*.

Respectfully submitted,

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**INTEREST OF THE AMICI CURIAE<sup>1</sup>**

Amici are a collection of over one hundred and fifty Hindu Temples and Hindu religious and spiritual educational organizations. They include large groups with multiple temples, some of the largest Hindu organizations in the world which have a global presence including in the United States, a 2500 year old organization which is the oldest continuously functioning religious institution in the world and which has its presence in America, a temple that was fire-bombed, and several other prominent Hindu temples across the country which, taken together are spread across forty states and serve a combined 500,000 Hindu adherents across the United States every year. Additionally, amici consist of Hindu school teachers in California including those who have taught and must teach the topics that are part of the dispute in this lawsuit to students in California's public schools, and a member of a California school board.<sup>2</sup>

Amici strongly object to an unfairly negative depiction of the Hindu faith in official state curriculum in primary and secondary education. Additionally,

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<sup>1</sup> All the parties were notified of the intention to file this brief more than 10 days before it was filed. Petitioners and Respondent California Department of Education have granted their consent. Not all the respondents identified consented to the filing of the brief. No counsel for any party authored this brief in whole or in part, and no person or entity other than amicus or its counsel funded its preparation or submission.

<sup>2</sup> A full list of amici is contained in Appendix 1.

amici educators have an interest in not being asked to teach beliefs that conflict with their religious beliefs. Finally, amici school board member has an interest in having this question settled, as school boards are typically on the front lines of lawsuits arising over the content of curriculum.

### SUMMARY OF ARGUMENT

California has singled out Hinduism for derogatory treatment in its teaching materials for sixth and seventh graders. While teaching about various religions such as Christianity, Judaism, Islam, Buddhism, and Hinduism, California describes the virtues and contributions of all religions, save Hinduism. California also goes out of its way to minimize the negative aspects of all the religions taught, but again excepts Hinduism. This choice brings it into direct conflict with this Court's cases interpreting the Free Exercise Clause of the First Amendment, which requires states to treat religions equally.

Petitioners sought in vain for relief from the federal courts for this unconstitutional discrimination. Instead, the lower court distinguished and limited this Court's most recent cases about the meaning of the Free Exercise Clause, ignoring the clear teaching of *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Comm'n*, 138 S. Ct. 1719 (2018). In doing so, the lower court made two errors. First, it failed to analyze the disparate treatment to which California subjected Hinduism. Second, it ignored evidence of

actual hostility to Hinduism by members of the California Department of Education.

This case is of critical national importance for two reasons: first, California is home to over eight percent of the nation's 76.4 million school children. These 6.1 million children will be taught a derogatory view of Hinduism and will carry it with them into the world as they grow and move to other states. Second, this case is vitally important because of the outsized effect California has on the national textbook market. For nearly half a century, studies have noted that because of California's size, it plays a disproportionate role in dictating the content of elementary and secondary school textbooks. Because of the costs of producing such texts, publishers typically repackage the California edition as a national edition, with all the same content. Thus, California's discriminatory treatment of Hinduism has and will continue to spread far beyond its borders, tarnishing the views of Hinduism of a whole generation of school children.

### **REASONS FOR GRANTING THE WRIT**

This is a case about religious equality. Hinduism is a dharmic tradition originating in India and practiced by 1.2 billion people around the globe. In the Hindu tradition, dharma is the religious and moral law governing individual conduct. Dharma commands its adherents to be truthful, generous, and to do no harm. It is the fourth most practiced religion in the United States behind Christianity, Judaism,

and Islam. Many Hindu concepts and practices, such as karma, reincarnation, meditation, and yoga have entered cultural consciousness and become a regular part of American's daily lives. But California has decided that, as part of its official curriculum, students of all faiths, including Hindus themselves, will be taught that Hinduism has not made positive contributions to thought or society. While the State Framework for History-Social Science mentions some of these concepts, it does so in a single sentence and strips them of their connection to Hindu beliefs. They are described as having "developed over time," which further reinforces the idea that Hinduism was developed by humans, rather than divinely inspired. Instead of teaching students the positive aspects of Hinduism, California focuses heavily on one negative social system—caste—which is not intrinsic to the Hindu tradition.

In dismissing the challenge to California's official policy discriminating against Hinduism, the lower court has ignored this Court's holdings about the meaning of the Free Exercise Clause. Because of California's outsized role in the national market for educational textbooks, the decision has also ensured that California's biased views will inevitably spread to other states and cause the denigration of a religion practiced by nearly 1 in 6 people worldwide.

## I. THE NINTH CIRCUIT'S DECISION CONFLICTS WITH THIS COURT'S FREE EXERCISE CASES

One watchword describes the Free Exercise Clause's approach to religion: neutrality. Under this Court's cases interpreting the Free Exercise Clause, no state may single out a religion for special disfavor. Yet that is what California does in its teaching materials and that is what the Ninth Circuit's precedent allows. Only correction by this Court can remedy this discrimination.

### A. The Ninth Circuit Failed to Address this Court's long-standing requirement that the state must treat religion neutrally

A long line of decisions from this Court has instructed that in Free Exercise cases, the key inquiry is neutrality. *See Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 534 (1993) (“The [Free Exercise] Clause ‘forbids subtle departures from neutrality’” (quoting *Gillette v. United States*, 401 U.S. 437, 452 (1971))). Just last term, Justice Thomas reminded us that “the government must treat all religions equally....” *Espinoza v. Mont. Dep’t of Revenue*, 140 S. Ct. 2246 (2020), slip op. at 26 (Thomas, J., concurring). *See also Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012, 2019 (2017) (“The Free Exercise Clause ‘protect[s] religious observers against unequal treatment....’” (quoting *Lukumi*, 508 U.S. at 533)).

But the panel below failed to examine California’s History-Social Science Content Standards for sixth and seventh grades and the accompanying Framework to determine whether they are neutral in their discussion of Hinduism. Indeed, the word “neutral” appears only once in the decision, in describing Petitioner’s claims. *Pet. App. 7a*.

Rather than subject California’s discrimination against Hinduism to the exacting standard of the “strictest scrutiny,” *Trinity Lutheran*, 147 S. Ct. at 2019, the court below required Petitioners to establish that California’s curricular requirements placed a “burden on their religious exercise or practice.” *Pet. App. 15a*. While this may be a requirement within the Ninth Circuit, it is not what the First Amendment demands.

In *Trinity Lutheran*, this Court struck down a state program which excluded religious organizations from participating, even though the Court acknowledged that the greatest likelihood of harm was “a few extra scraped knees.” 137 S. Ct. at 2025. Here, on the other hand, the harm is that young Hindu children will be taught that their religion was not divine in origin but is instead the result of Aryan invaders, *Pet. App. at 104a*; that their exalted books are merely examples of “Sanskrit literature,” *Pet. App. at 105a*; that the most identifiable aspect of their sacred beliefs is the discriminatory caste system, *Pet. App. at 104a*; and that deviating from this prescribed thought will result in a lower grade.

**B. California’s Standards and Framework violate the Free Exercise Clause’s neutrality requirement**

One of the most pernicious claims in the Standards and Framework is the claim that Hinduism originated with the Aryans. This sends a message to students that Hinduism is a false religion and, by itself, violates the Free Exercise Clause. Along with their reliance on discredited theories about the origins of Hinduism, disparaging sacred texts as mere literature, using the insulting term “Brahmanism” as a descriptor of Hinduism, and denying the divine nature of Hindu traditions, the Standards and Framework single out Hinduism alone for negative treatment. They both deny any positive impact that Hinduism has had and exacerbate its negative traits.

1. *California identifies positive contributions for all the religions studied, except Hinduism*

The *History-Social Science Content Standards for California Public Schools, Kindergarten Through Grade Twelve* take up ten pages and lay out, in broad strokes, the lessons that students are expected to learn. It identifies five religious groups studied in sixth and seventh grades: Ancient Hebrews, Christians, Muslims, Hindus, and Buddhists.

Standard 6.3 deals with the Ancient Hebrews and states that students should learn “how the ideas of the Hebrew traditions are reflected in the moral and ethical traditions of Western Civilization.” *Pet. App. F, 102a*. Standard 6.5 covers Ancient India. It states in Standard 6.5(5) that students will learn

about the “life and moral teachings of Buddha and how Buddhism spread in India, Ceylon, and Central Asia.” *Id. at 104a*. There is no similar requirement in the Standards that the students learn about Hinduism’s contributions, other than to describe the *Bhagavad Gita*, a holy book, as an example of “Sanskrit literature.” *Id. at 105a*.

The Framework likewise emphasizes the contributions of other religions. Again, Judaism is called out for making “an enduring contribution of morality and ethics to Western Civilization.” ER 1294.<sup>3</sup> When discussing the lessons of Christianity, the Framework directs that through biblical readings, “students will learn about those teachings of Jesus that advocate compassion, justice, and love for others.” *Id. at 125a*. In describing Islam, the Framework states that two core tenets are that people must “treat one another with equality and justice.” ER 1335.

By contrast, the Framework spends four pages discussing the purported origins, history, and key beliefs of Hinduism. At no point does the Framework highlight positive contributions of Hindu beliefs to modern society, nor the dharmic virtues of truthfulness, non-injury, and generosity. While it recognizes that Hinduism is itself a Vedic tradition, none of the Vedic virtues of suffering, compassion

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<sup>3</sup> “ER” citations refer to the Appellants’ Excerpts of Record, *CAPEEM v. Torlakson*, No. 19-15607 (9th Cir. Aug. 8, 2019), ECF No. 11.

and mindfulness are mentioned until the Framework switches to its discussion of Buddhism.

Instead, the Framework attributes the Vedic tradition itself to Aryan origins (using the synonym “Indic speakers” in place of “Aryan”) sending the message that Hinduism is a social construct. It also notes another Indian religion—Jainism—and its focus on nonviolence, which “notably” contributed to the ideas of Mohandas Gandhi. ER 1304-1305. Thus, even when naming a Hindu who was famous for espousing non-violence, the Standards and Framework do not identify Hinduism with positive traits and do not identify Gandhi as a Hindu. Rather, they credit his ideas and contributions to Jainism.

2. California avoids focus on the negative aspects of all the religions studied, except Hinduism

By contrast, in accordance with the California Education Code and policy, the Standards and Framework avoid focusing on negative aspects of all the religions studied, apart from Hinduism. Of the four pages devoted to the purported origins and key beliefs of Hinduism, fully one-quarter focuses on the role of the caste system in India and explicitly links it to Hinduism. *Pet. App. G, 122a-23a*. What makes this particularly jarring is that the discussion begins with a recognition that all early societies developed a system of social classes. The Framework notes that many Hindus in both the United States and India reject the caste system but reinforces that this cul-

tural and social construct is a religious belief. *Id.* Thus, because the Standards and Framework wrongfully attribute caste to Hinduism, children can be led to believe that a majority of Hindus reject a core tenet of their faith.

In no other instance does the Framework go into such detail, and in no other cases are social inequalities attributed to religious beliefs. But caste is explicitly tied to Hinduism. In fact, it goes in the opposite direction and notes how other religions broke down these social barriers.

For example, when discussing the role of women in Hindu rituals, the Framework states that women “participated in religious ceremonies and festival celebrations, though not as equals.” *Pet. App. at 124a*. In contrast, the Framework recognizes Judaism as a patriarchal society, but “Jewish law offered women some important rights and protections...They read selected excerpts from the Torah, the first five books of the Hebrew Bible (*Tanakh*), which Christians refer to as the Old Testament.” ER 1294.

In discussing Mesopotamia, the Framework states that “Mesopotamia was a patriarchy, and men had more power than women. However, priestesses and noblewomen did have some access to power.” ER 1289. In Christianity, the Framework notes “Until modern times, Christian women had few property rights and were subordinate to men. Upper-class and influential Romans who converted to Christianity appear to have been predominantly

women, and some of them assumed leadership positions.” *Pet. App. at 125a*. Thus, even as the Framework notes the patriarchal nature of Christianity until the modern era, it immediately notes that Roman women assumed leadership positions within the Church. Not mentioned anywhere in the Framework is the fact that, to this day, women may not serve as clergy in the Roman Catholic Church.<sup>4</sup>

Islam, too, is taught as a means for women to rise in society. According to the Framework, unlike the older Arabian view of women as “family property,” Islam declared that “all women and men are entitled to respect and moral self-governance....” ER 1336. The Framework does recognize that Muslim society was patriarchal, but notes that was true of all agrarian societies of that era. *Id.*

While acknowledging that all societies of the ancient world were patriarchal, California teaches that only Hinduism fails to raise women to be the equals of men.

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<sup>4</sup> The closest the Framework comes to acknowledging this reality is when it states that while in a few “radical Protestant sects” women became leaders, “male clergy, both Catholic and Protestant, generally agreed that even though men and women were equal in the sight of God, women should bow to the will of their fathers and husbands in religious and intellectual matters.” ER 1371. This is yet another example in which the Framework attributes the negative aspects of a religion other than Hinduism to human failings, while the religion itself is described in a positive manner noting that “men and women were equal in the sight of God.”

Throughout the Framework, the authors have carefully worded the text to avoid laying the blame for any aspect of society or history that could be perceived negatively on religion, other than for Hinduism. Thus, while dealing with topics such as forced conversion in Islam and the Christian Crusades, the Framework takes great care to describe them as the actions of humans rather than as a failing of their respective religions. Hinduism is the only instance for which the negative aspects of society and history have been attributed to the religion itself. The Free Exercise Clause forbids this lack of neutrality.

**C. The Ninth Circuit reads *Masterpiece Cakeshop* too narrowly**

The lower court reviewed Petitioners' claims in light of three recent decisions of this Court: *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Comm'n*, 138 S. Ct. 1719 (2018); *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012 (2017); and *Espinoza v. Mont. Dep't of Revenue*, 140 S. Ct. 2246 (2020). Each time, it cabins the holdings of the cases to their specific facts, but none more nonsensically than in *Masterpiece Cakeshop*.

*Masterpiece Cakeshop* considered a claim by a baker that the Colorado Civil Rights Commission expressed hostility toward his religious beliefs when it upheld a finding that he discriminated against a gay couple when he refused to make them a custom wedding cake. *Id.* at 1723. In making its decision, this Court relied, in part, on hostile statements

made by two members of the Colorado Civil Rights Commission about the Free Exercise claim. *Id.* at 1729-30.

Here, the lower court found that because there were “no expressions of hostility” made by members of the Curriculum Committee,<sup>5</sup> the reasoning of *Masterpiece Cakeshop* does not apply. *Pet. App. at 17a*. But *Masterpiece Cakeshop* cannot be read so narrowly. It is simply nonsensical to hold that hostile statements by individual lawmakers are unacceptable, but ignore hostility embodied in official state policy adopted by those same lawmakers. Such a rule privileges bad actors who have the good sense to keep their mouths shut. This Court’s precedents require a more pragmatic approach.

In fact, the Court went beyond looking at the mere existence of hostile statements, but also relied on the disparate treatment suffered by Mr. Phillips, the owner of *Masterpiece Cakeshop*, compared to other bakers who had refused to provide custom cakes. *Masterpiece Cakeshop*, 138 S. Ct. at 1730-31. The Court below did not engage in this second level of analysis to determine whether other religions

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<sup>5</sup> Emails obtained during discovery show that officials involved in drafting the Framework embraced the negative statements made to them about the Petitioners and other Hindus, joined those who made such negative statements, and worked together with them under the banner of the South Asia Faculty Group.

were treated differently than Hinduism. Indeed, it did not even mention it.

**D. Respondents subjected Petitioners to disparate treatment in violation of *Masterpiece Cakeshop***

Because the lower court did not acknowledge *Masterpiece Cakeshop's* alternative rationale of disparate treatment, it did not analyze the treatment of Petitioners and other groups. Had it done so, it would have determined that Petitioners were not treated equally.

There are many examples of the State relying on disparate processes for determining the content of the Framework for Hinduism compared to other religions. The first, and most obvious, was the use of the South Asia Faculty Group. Respondent Adams, who himself has a history of anti-Hindu bias as detailed below, recruited this group of outside experts through a private telephone call. No similar group was consulted in relation to Christianity, Judaism, Islam, or any other religion covered in grades six and seven. Emails obtained during discovery revealed hostile statements against Hindus made by the South Asia Faculty Group. The emails also revealed that two co-authors of the Framework were members of the group. Thus, these hostile statements are directly attributable to the State.

Even assuming it was appropriate to rely on the work of the South Asia Faculty Group, the State evinced disparate treatment in the timing of public

comments it received and considered. The deadline for receiving public comments for consideration at the History-Social Science Subcommittee's March 24, 2016 meeting was February 29. ER 1020. Even so, Nancy McTygue, the Executive Director of the California History-Social Science Project<sup>6</sup>—which was tasked with drafting the Framework—stated at the March 24 meeting that she was making edits to the Framework based on a letter she received just that morning from the South Asia Faculty Group. *Id.*<sup>7</sup> No other public comments provided after February 29, 2016 were considered at the March 24 meeting.

This is not the first time Respondents subjected Petitioners to unequal treatment. In an earlier lawsuit, *CAPEEM v. Noonan*, 600 F. Supp. 2d 1088 (E.D. Cal. 2009), the District Court found that the State of California's Curriculum Committee subjected Petitioners and allied groups to disparate treatment.

Examples found by the District Court in that case included subjecting Petitioner's proposed edits to formatting requirements not imposed on other groups, subjecting comments by Hindu groups to arbitrary deadlines not required of other groups, and fully vetting the one Hindu expert who supported

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<sup>6</sup> Ms. McTygue was also a member of the Instructional Quality Commission until the end of 2015.

<sup>7</sup> It was the recommendation from the South Asia Faculty Group in this March 24 letter that led McTygue to recommend re-linking Hinduism and the caste system. ER 1015.

Petitioner's edits while not providing similar vetting to experts hired to oppose those edits. *Id.* at 1112.

**E. Respondents have previously made hostile statements about Hinduism and the Petitioners in violation of *Masterpiece Cakeshop***

Moreover, the lower court's holding that the record lacked hostile statements by the Respondents about the Petitioners and their beliefs was simply incorrect.

Petitioners previously sued the State of California and its employees over the Standards and a predecessor Framework. In 2006, Petitioners filed a lawsuit claiming that the State's discussion of Hinduism denied them equal protection by disparaging Hinduism and alleging that their public comments faced standards not required for other experts. *CAPEEM v. Noonan*, 600 F. Supp. 2d 1088 (E.D. Cal. 2009).

In response to Defendant's motion for summary judgment, the district court denied judgment on the Equal Protection Claim precisely because Petitioners provided "evidence of certain statements" that "evidence hostility toward the Hindu groups." *Id.* at 1113. The court noted that Tom Adams, one of the Respondents here, referred to comments proffered by Petitioner's experts as "a nationalist interpretation of Indian history" even though the expert was from the United States and Adams testified he did not think she was of Indian descent. *Id.* Additionally,

another member of the Curriculum Commission, Charles Munger, called Petitioner’s proposed edits “foolish” and the Commission referred to Petitioner’s proposed edits as “theological tweaking.” *Id.* Finally, an outside expert hired by the Curriculum Committee, Dr. Michael Witzel, made derogatory statements about the Plaintiffs. *Id.*

When discrimination infects the history of a state law or policy it is appropriate to account for it in the present. *Espinoza*, 140 S. Ct. at 2267 (Alito, J., *concurring*) (“Nevertheless, the provision’s origin is relevant....”).

In sum, the State of California, in creating its 2016 History-Social Science Framework for sixth and seventh grade used a process that treated the discussion of Hinduism differently than any other religion under consideration and relied on individuals with a history of anti-Hindu bias. In doing so, it violated this Court’s holdings in *Masterpiece Cakeshop* and should be reversed.

## II. THE STATE’S FIRST AMENDMENT VIOLATION WILL HAVE FAR-REACHING IMPLICATIONS

California’s discriminatory treatment of Hinduism is of obvious concern to the state’s nearly 800,000 adherents. But it also concerns Hindus across the United States because of California’s impact on the national textbook market.

According to the California Department of Education, there are currently 6,163,001 students in California’s 10,588 public and charter schools.<sup>8</sup> According to the Census Bureau, as of 2017, there were around 76.4 million elementary and secondary school students in the United States.<sup>9</sup> Thus, California educates over 8% of the school-age population. This large mass of students, with their incorrect and derogatory view of Hinduism, cannot help but diffuse it into the wider world as they grow, travel, and move about the country. And the sheer size of this student population warps the content of textbooks used outside the state.

According to California’s Education Code, textbooks that the state adopts must conform with the Standards and Framework. Calif. Ed. Code § 60200(c)(4) (all instructional materials must be “aligned to the content standards adopted by the state board...”); *Id.*, § 60119(a)(1)(a) (to receive state funds, a school district’s instructional materials must be “consistent with the content and cycles of

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<sup>8</sup> *Fingertip Facts on Education in California*, California Department of Education, available at <https://www.cde.ca.gov/ds/sd/cb/ceffingertipfacts.asp> (last accessed 2/12/2021)

<sup>9</sup> *More Than 76 Million Students Enrolled in U.S. Schools*, Census Bureau Reports, United States Census Bureau, available at <https://www.census.gov/newsroom/press-releases/2018/school-enrollment.html#:~:text=More%20Than%2076%20Million%20Students%20Enrolled%20in%20U.S.%20Schools> (last accessed 2/12/2021)

the curriculum framework adopted by the state board.”). To win California’s substantial—and lucrative—business, textbook publishers have a powerful incentive to conform their offerings to California’s Standards and Framework. Due to the costs of textbook creation and production, it is easier to market the California editions nationwide than provide various editions.

Educational researchers have noted the “California Effect” on textbook content for nearly 50 years. See, e.g., Barbara Crane, *The ‘California Effect’ on Textbook Adoptions*, EDUCATIONAL LEADERSHIP, 283-285 (January 1975); Harriet Tyson, *Three Portraits: Text Book Adoption Policy Changes in North Carolina, Texas, California*, INSTITUTE FOR EDUCATIONAL LEADERSHIP (July 1990); Marcy Stein, Carol Stuen, Douglas Carmine & Roger M. Long, *Textbook Evaluation and Adoption*, 17 READING & WRITING QUARTERLY 5 (2001); Julie A. Bianchini & Gregory J. Kelly, *Challenges of Standards-Based Reform: The Example of California’s Science Content Standards and Textbook Adoption Process*, SCIENCE EDUCATION, 378-89 (2003); Beverlee Jobrack, TYRANNY OF THE TEXTBOOK: AN INSIDER EXPOSES HOW EDUCATIONAL MATERIALS UNDERMINE REFORMS (2012).

These authors conclude that, because of its size and the number of school children, California (along with Texas) has an outsized effect on textbook content. California’s standards necessarily trickle into other states. Bianchini & Kelly found that “California represents a major percentage of the US textbook market and is disproportionately influential in

defining the curricular content of texts.” *Challenges to Standards-Based Reform* at 380 (footnote omitted). Stein, Stuen, Carmine, and Long have also noted that based on the size of the California and Texas markets, textbook publishers have been known to “design their instructional programs to align with the curriculum objectives or standards identified in those states.” *Textbook Evaluation and Adoption* at 7. Finally, Jobrack traced the standard evolution of an elementary and secondary textbook, noting that publishers strategize based on state adoption schedules. TYRANNY OF THE TEXTBOOK, at 13. First, they will schedule a new edition to coincide with Texas’s adoption schedule. The year after, they will “Californiaorize” the text and submit it to California. They will then roll it out nationwide. “[E]ach state may have a state-specific cover and other elements, but the program is basically the same as that created for Texas or California. Publishers cannot afford to create individual programs for each state.” *Id.*

As a result, any state which adopts its history and social science textbooks after California will likely receive editions which contain the discriminatory and false information about Hinduism. When educating our children, California has its thumb firmly on the scale. That makes this case more than just a California problem and justifies this Court’s intervention.

**CONCLUSION**

For these reasons, amici respectfully request the Court grant the petition for certiorari.

Respectfully submitted,

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## **Appendix – List of Amici**

### **Hindu Temples and Hindu Religious Educational Institutions**

*Shree Shakti Mandir of Atlanta* is a Hindu temple in Atlanta, Georgia, founded in 1990. Over 1,000,000 Hindu devotees from across the globe have visited the Temple.

*Chinmaya Mission West* is a nonprofit worldwide organization with centers in most major cities in India and 45 centers devoted to spiritual and cultural teaching in the United States. They currently offer educational programs to over 20,000 children across the United States.

*Sri Ramanuja Thondarkulam* of Allen, Texas, is a non-profit organization dedicated to promoting Hindu religious education through the support of schools of scriptural learning.

*The International Society for Krishna Consciousness* (ISKCON). The International Society for Krishna Consciousness (ISKCON) is a global Vaishnava Hindu organization with fifty affiliated temples in the United States. ISKCON is a strong advocate of religious freedom and regularly submits amicus briefs to defend the rights of Hindus and others in US Courts.

***Sringeri Vidya Bharati Foundation*** (SVBF) is an extension of the 2,500 year old Sri Sharada Peetham at Sringeri, India, which is the world's oldest continuously functioning religious institution in existence today. SVBF has four branches in the United States.

***Sri Venkateswara Temple***, located in Pittsburgh, PA is the oldest Hindu place of worship in the United States. It has devotees in all fifty states as well as Canada and serves nearly 40,000 devotees a year.

***The Hindu Association of Northwest Arkansas***, (HANWA), located in Bentonville, AR, runs a temple and serves over 5,000 members from Northwest Arkansas and parts of Missouri, Texas, and Oklahoma.

***The Hindu Society of Minnesota***, is one of the largest temples in North America, serves approximately 15,000 members in Minnesota, western Wisconsin, northern Iowa, and portions of North and South Dakota and provides religious, spiritual, educational, social and cultural activities for the Hindu community.

***Sri Satyanarayana Swamy Devasthanam Vedic Education and Devotional Academy*** (VEDA) in Milpitas, California, one of the largest temples in Silicon Valley;

***South Florida Hindu Temple*** located in Southwest Ranches, FL, offers education and religious services to Miami's Hindu population.

***The Murugan Temple of North America***, is the first Tamil Murugan temple in North America. It serves over 10,000 members nationwide.

***The Durga Temple of Virginia***, located in Fairfax Station, Virginia serves around 10,000 Hindus in the Capitol region.

***Sanatan Shiv Shakti Mandir***, located in Houston, Texas, serves 50,000 devotees a year.

***The Hindu Temple Society of North America***, located in Flushing, New York, serves over 50,000 devotees every year.

***India Cultural Center and Temple***, located in Eads, Tennessee, serves 10,000 Hindu families in the Midsouth region.

***Saiva Siddhanta Church***, located in Kapaa, Hawaii, serves Hindu families in the State of Hawaii and publishes HINDUISM TODAY magazine.

***The Hindu Society of Central Florida***, located in Casselberry, FL which serves approximately 3,000 devotees.

***Arsha Vidya Pitham*** of Saylorsburg, PA, which serves approximately 1,000 devotees.

***Austin Hindu Temple & Community Center***, located in Austin, TX, which serves approximately 10,000 devotees a year.

***Hindu Temple of St. Louis***, located in St. Louis, MO. The temple was firebombed in 2003 and as a result is particularly interested in ensuring that only correct information about Hinduism is taught in public schools.

***Sri Siva Vishnu Temple***, located in Lanham, MD, serves over 10,000 devotees in the DC, Maryland, and Virginia area.

***Sri Venkateswara Swamy Temple of Colorado***, located in Castle Rock, CO, serves approximately 7,000 devotees per year.

***Jain Society of Tampa Bay***, in Tampa Bay, FL, serves between 300-400 devotees.

***West Michigan Hindu Temple***, in Ada, MI, serves between 3,000 and 4,000 members annually.

***Greater Atlanta Vedic Temple Society, Inc.***, in Atlanta, GA, serves 5,000 devotees per year.

***Hindu Temple and Culture Society of the USA, Inc.***, in Bridgewater, NJ, runs the Sri Venkateswara Temple (Balaji Mandir), one of the most visited temples serving residents in NJ, NY, CT, and PA.

***Gayatri Chetna Center***, in Piscataway, NJ, serves thousands of community members in NJ and the tri-state area.

***Hindu Cultural Center of Tennessee***, in Nashville, TN, serves more than 10,000 devotees in Tennessee and surrounding states at the Sri Ganesha Temple.

***Sanatan Dharma Temple and Cultural Center***, in Kent, WA, which serves 1,200 members throughout the year.

***Shri Navagraha Devasthanam of North America, Inc.***, in Hyde Park, NY, which runs Sarvaman-gala Shri Saneeswara Temple, the first Hindu Temple outside of India dedicated to the Lord Shani Dev, the God of Justice and Celestial Planets God of the Vedic Pantheon, which serves over 11,000 members.

***India Cultural Association***, of Grayslake, IL, runs a Hindu temple known as the Hindu Mandir of Lake County.

***Hindu Temple of North Texas***, in Plano, TX, runs the Sri Ganesha Temple and serves more than 25,000 families in the North Texas region.

***Hindu Temple of Kentucky, Inc.***, located in Louisville, KY, serves approximately 5,000 individuals.

***Bharatiya Temple and Cultural Center***, located in Lexington, KY.

***Arya Pratinidhi Sabha America***, the Congress of Arya Samajs in North America, located in Detroit, MI and serves over 10,000 devotees a year. Arya Samaj is a Hindu religious group that is active in multiple countries.

***Sri Venkateswara Temple of North Carolina***, located in Cary, NC performs and upholds Hindu religious activities as defined in Vedas and Upanishads, provide humanitarian and compassionate services to the entire community in the region through cross-cultural activities, provides facilities to members of the Hindu community for celebration of festivals and other religious ceremonies, and promotes Hindu religion and its distinct philosophy.

***Hindu Temple of Central Indiana***, located in Indianapolis, IN, serves approximately 7,000 members in central Indiana.

***Sree Venkateswara Temple of Cleveland***, in Richfield, OH, serves approximately 9,000 devotees annually.

***Hindu Temple of Greater Springfield***, in Springfield, IL, serves approximately 2,000 devotees annually.

***Sri Meenakshi Temple Society of Houston***, located in Houston, TX, serves 30,000 devotees annually.

***Hindu Center of Atlanta***, in Cumming, GA, serves 10,000 devotees annually.

*SV Lotus Temple*, in Fairfax, VA, serves 15,000 devotees annually.

*Siddhi Vinayak Mandir*, located in Atlanta, GA.

*Greater Baltimore Hindu-Jain Temple*, in Baltimore, MD which serves 1,500 devotees each year.

#### **School Teachers and School Board Members**

*Dr. Gayathri Lakshmipathy* is a teacher in the Fremont Unified School District in California. She is among a pool of teachers who may be assigned to teach History-Social Science to sixth grade students, and has taught the subject since adoption of the 2016 Framework at issue. She holds a Ph.D. in public administration.

**Lakshmi Aradhya** is a middle school teacher in Davis, California. She has taught History-Social Science for many years in numerous schools in Davis, including sixth and seventh grades.

**Christopher Clark** is a Board Member and former President of the Folsom Cordova Unified School District in Folsom, CA, which includes 24 schools. He has an interest in ensuring that California instructional materials do not violate the Free Exercise Clause, as school districts are often at the forefront of litigation.

**Heera Kulkarni**, founder and Director of the VI-SH Koranne Foundation, a 501(c)(3) corporation dedicated to educate, encourage, and empower youth by working to bridge the gaps between Hindu and non-Hindu cultures; she is also a retired fifth grade teacher in the Elk Grove Unified School District, in Elk Grove, CA.