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**Court Upholds Constitutionality of Invocations at
South Orange County Community College Events**

Mission Viejo, CA – Feb. 4, 2011 – Gary L. Poertner, Chancellor and Nancy Padberg, Board President, of the South Orange County Community College District, wish to apprise the college community of recent developments in the *Westphal v. Wagner* lawsuit as communicated by the District's counsel, John A. Vogt, from the firm Jones Day in the following summary:

Westphal v. Wagner is a federal lawsuit that was filed in United States District Court for the Central District of California in November 2009. The plaintiffs in the case are professors from Saddleback and Irvine Valley College. In the lawsuit, the plaintiffs contend that the Trustees, Chancellor, and President of Saddleback College have violated the Establishment Clause of the United States Constitution by including a non-sectarian invocation at Saddleback College graduation and scholarship ceremonies, as well as at bi-annual Chancellor's Opening Sessions.

The plaintiffs previously moved the District Court for a preliminary injunction over such speech. The Court denied that motion. The District then filed a motion for summary judgment, based upon uncontroverted evidence, to dismiss the case as a matter of law. On January 28,

2011, the District Court granted the District's motion on plaintiffs' challenge to the constitutionality of the invocations, and found that such speech, in this context, does not violate the First Amendment to the United States Constitution.

The District Court's decision is now the third federal court case upholding the constitutionality of invocations before public college and university events, falling in line with the opinion of the Sixth Circuit in Chaudhuri v. State of Tennessee, 130 F.3d 232 (6th Cir. 1997) (which upheld the constitutionality of invocations at Tennessee State) and the opinion of the Seventh Circuit in Tanford v. Brand, 104 F.3d 982 (7th Cir. 1997) (which upheld the constitutionality of invocations at Indiana University).

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The Trustees, Chancellor, and Saddleback College President are pleased with this outcome. They consistently have maintained that the practice of including a brief, non-sectarian ceremonial invocation at significant District and college events—a tradition that traces its roots to the first graduation ceremony at Saddleback College over 40 years ago—is well-grounded in Establishment Clause jurisprudence, as well as our nation's rich history and culture. Like the invocation given at the annual Army-Navy football game or our presidential inaugurations, the invocations that have been given at district and college events are not used to proselytize or advance one (or any) religion, but instead, to bring about a dignity, solemnity, and gravitas to these important ceremonial events.

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