

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA

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JOHN D. HADDEN
CLERK

GENTNER DRUMMOND, Attorney)
General for the State of Oklahoma, ex rel.)
STATE OF OKLAHOMA,)
Petitioner,)

Case No.: MA-121694

v.)

OKLAHOMA STATEWIDE VIRTUAL)
CHARTER SCHOOL BOARD; ROBERT)
FRANKLIN, Chairman of the Oklahoma)
Statewide Virtual Charter School Board for)
the First Congressional District; WILLIAM)
PEARSON, Member of the Oklahoma)
Statewide Charter School Board for the)
Second Congressional District; NELLIE)
TAYLOE SANDERS, Member of the)
Oklahoma Statewide Charter School Board)
for the Third Congressional District; BRIAN)
BOBEK, Member of the Oklahoma)
Statewide Charter School Board for the)
Fourth Congressional District; and SCOTT)
STRAWN, Member of the Oklahoma)
Statewide Charter School Board for the Fifth)
Congressional District,)

Respondents,)

and)

ST. ISIDORE OF SEVILLE CATHOLIC)
VIRTUAL SCHOOL,)

Respondent-Intervenor.

**STATEMENT OF WISCONSIN INSTITUTE FOR LAW & LIBERTY TO
PARTICIPATE AS AMICUS CURIAE**

In accordance with Rule 1.12 and Rule 1.191, the Wisconsin Institute for Law & Liberty submits its statement in support of its request for authorization of

the Chief Justice to appear in this original action as amicus curiae to file its amicus brief respectfully advising this Court to deny the Petition.

Statement of Interest

The Wisconsin Institute for Law & Liberty (WILL) is a public interest law and policy center dedicated to advancing the public interest in limited government, free markets, individual liberty, and a robust civil society. A significant focus of this mission includes advocating for educational freedom. Wisconsin has one of the oldest and largest school choice programs in the country. The research on school choice in Wisconsin establishes that empowering parents to make decisions about their children's education leads to positive outcomes for students. WILL is also part of the Wisconsin Coalition for Education Freedom¹ which successfully advocated for per-student funding increases for choice and charter students.² As such, WILL has a direct interest in advocating for successes of school choice in Wisconsin and encouraging other states, such as Oklahoma, to increase educational freedom.

Statement of Issues to be Addressed

WILL's brief will explain that the provisions of the Oklahoma Constitution on which the Attorney General relies were originally motivated by anti-Catholic bigotry. This is important because the Attorney General asks this Court to revoke a Catholic school's status as a charter school, primarily citing that constitutional provision. WILL's brief will also discuss how United States Supreme Court Justice

¹ Wisconsin Coalition for Education Freedom, <https://www.wisconsineducationfreedom.org>.

² 2023 Wisconsin Act 11, <https://docs.legis.wisconsin.gov/2023/related/acts/11>.

Samuel Alito concluded that an analogous provision of the Montana Constitution was unenforceable because of its tainted history. Last, the brief will address that the New Mexico Supreme Court has construed an analogous provision in its state's constitution exceedingly narrowly, calling it tainted by a history of anti-Catholic bigotry. WILL's position will neither unduly delay the litigation nor prejudice the rights of the parties.

WILL thus respectfully requests that it be authorized to appear and file an amicus brief in this proceeding.

Dated: November 21, 2023.

Respectfully submitted,

CHEEK LAW FIRM



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**Admission Pro Hac Vice Pending*

CERTIFICATE OF SERVICE

Pursuant to Rule 1.11(h), this is to certify that a true and correct copy of the foregoing was mailed by USPS, postage prepaid on November 21, 2023 to the following:

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Dated: November 21, 2023.

A handwritten signature in black ink, reading "Brently C. Olsson", written over a horizontal line.

Brently C. Olsson