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ANTHROPOSOPHICAL SOCIETY IN AMERICA

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PLANS, INC. Plaintiff, vs. SACRAMENTO CITY UNIFIED SCHOOL DISTRICT, TWIN RIDGES ELEMENTARY SCHOOL DISTRICT, DOES 1-100, Defendants.	Case No: CIV S-98-0266 FCD PAN **AMICUS CURIAE BRIEF OF THE ANTHROPOSOPHICAL SOCIETY IN AMERICA IN SUPPORT OF DEFENDANTS**

I. STATEMENT OF INTEREST

The Anthroposophical Society in America, Inc., (the "Society") is a separate legal entity from Defendant public school districts and the charter and magnet Waldorf-method public schools at issue. Moreover, it is a separate and distinct entity from the various private Waldorf schools, the Association of Waldorf Schools of North America (AWSNA) and Waldorf teacher training academies, such as Rudolf Steiner College and others in the United States. Hence, the Society has no party interest in these proceedings.

However, the Society is the legal representative of anthroposophy[1] in this country and is charged with a responsibility for the reputation of anthroposophy and its public face. The Society believes that a decision by this Court that adopts the plaintiff's position, that the use of Waldorf method educational practices in defendant public schools advance anthroposophy and that anthroposophy is a religion, would profoundly mischaracterize anthroposophy and cast the relationship of anthroposophy with Waldorf education, independent Waldorf teacher training academies, and several hundred independent entities which characterize themselves as Anthroposophical in a false light. Therefore, we request the Court's leave to put before it the character of anthroposophy as well as the salient features of the Society for consideration in this matter.

II. STATEMENT OF FACTS

The Society, which was incorporated in 1933 in the State of New York, offers this *amicus curiae* brief to the Court in its capacity as the official and legal representative of anthroposophy in the United States.

In the case at bar the Plaintiff PLANS alleges, *inter alia*, that the California charter and magnet Waldorf-method schools in question advance "the religious doctrines of anthroposophy" and that their doing so is offensive to the constitutional prohibitions against the establishment of religion. (Complaint

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[1] Anthroposophy (from the Greek "anthropos", meaning human, and "sophia", meaning wisdom) is a method of inquiry developed by Rudolf Steiner (1861-1925). Steiner demonstrated the results of his research in more than 40 books and 6,000 lectures on wide ranging subjects including the application of his research into practical, everyday life such as the education of children (Waldorf Education), agriculture (Biodynamics), medicine, therapeutics, pharmaceuticals, the fine arts, the performing arts, finance, and others. The anthroposophical movement is a confederacy of independently organized, financed and operated initiatives whose only commonality is the methodology of anthroposophy.

for Declaratory and Injunctive Relief, Paragraphs 8 and 11.) Central to the plaintiff's argument is the allegation that "anthroposophy" rises to the legal definition of a "religion" for Establishment Clause purposes. The Society disputes this characterization and offers the Court this *amicus* brief to substantiate the Defendant School Districts' position that the Court should not answer in the affirmative the question "Is Anthroposophy a religion?".

III. LEGAL ARGUMENT

A. Plaintiff Cannot Prove That Anthroposophy Is A Religion.

1. A Determination Of The Definition Of Anthroposophy, Necessary For A Judicial Determination That Anthroposophy Is A Religion, Is Not An Appropriate Undertaking For This Court.

Plaintiff is endeavoring to prove, in support of its argument that the use of certain Waldorf methods by public charter and magnet schools in the defendant school districts violates the Establishment Clause of the United States and California Constitutions, that "anthroposophy" is a "religion," and that the religion of anthroposophy is promulgated in the schools in question. In order to prove these propositions, plaintiff must prove what anthroposophy is, and must demonstrate that the methods used in the defendant Public Schools are intended to establish or advance the practice of anthroposophy. The first question to be addressed by the parties, according to this Court's directive of April 11, 2001, is "whether Anthroposophy is a system of belief and worship of a superhuman controlling power under a code of ethics and philosophy requiring obedience therefore." (April 11, 2001 Tr. 4, 5 to 7.)

Alvarado v. City of San Jose, 94 F.3d 1223 (9th Cir. 1996) sets forth the standard test for a determination of what constitutes a "religion" for Establishment Clause purposes. Alvarado relies heavily on the concurring opinion of Judge Adams in the Third Circuit decision of Malnak v. Yogi, 592 F.2d 197 (3d Cir. 1979) ("Malnak II"), which affirmed Malnak v. Yogi, 440 F. Supp. 1284 (CD N.J. 1977) ("Malnak I").

> First, a religion addresses fundamental and ultimate questions having to do with deep and imponderable matters. Second, a religion is comprehensive in nature; it consists of a belief-system as opposed to an isolated teaching.

> Third, a religion often can be recognized by the presence of certain formal and external signs.

Alvarado, supra, at 1229, quoting Africa v. Pennsylvania, 662 F2d 1025, 1032 (3d Cir. 1981), *cert. denied* 456 U.S. 908, 102 S.Ct. 1756, 72 L.Ed 2d 165 (1982), quoting Malnak II at 207-210.

The Malnak cases addressed the question of whether a public high school course taught with the intent of inculcating a specific practice of transcendental meditation constituted the advancement of or establishment of a "religion". In Malnak I and Malnak II, the meaning of "transcendental meditation" for the purpose of legal analysis was not an issue for the Court. A definitive understanding of transcendental meditation as used in the school in question was unambiguously set forth in a textbook that was taught to the students in the class. The fact that the very ideas under scrutiny were laid out in a textbook which was part of a specific educational practice intended to teach a specific meditation practice relieved the Court from the burden of formulating its own definition of "transcendental meditation." The textbook further relieved the Malnak Court from making a ruling as to what beliefs, methodologies and practices ought to be considered to be a part of "transcendental meditation" and what beliefs, methodologies and practices should be considered extraneous to "transcendental meditation." The Malnak Court, in short, was not faced with the immense burden of defining "transcendental meditation."

Courts, for good reason, have been reluctant to make abstract determinations involving the legitimacy of representations made about the beliefs of private organizations. Here, the task plaintiff seeks to thrust upon the Court—to render a judgment as to whether "anthroposophy" is a religion under the Establishment Clause—is made immeasurably more difficult than the task undertaken by the New Jersey District Court and the Third Circuit because, unlike the concept of "transcendental meditation" in Malnak I and Malnak II, there is here no specific textbook of "anthroposophy" assigned to students or teachers or any definition of "anthroposophy" agreed upon by all parties.[2] But plaintiff here, as a first step in resolving its lawsuit, is demanding that this Court undertake to define what "anthroposophy" is as well as to determine whether this "anthroposophy" is a religion under the Establishment Clause.

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[2] There is no textbook of "anthroposophy" here (unlike the situation in Malnak) because "anthroposophy" is not taught in the defendant schools.

In order to do what plaintiff demands, this Court would have to first determine that there is a single, univocal set of beliefs or practices which it can confidently isolate from others and definitively label "anthroposophy." This Court would have to segregate from the thousands of writings, loosely described as "anthroposophical," those which it deems to represent "anthroposophy" and those which it deems do not.[3] Then the court would have to compare this anthroposophy with what is being presented by the plaintiff. This is precisely the sort of quixotic enterprise that a steady stream of case law for decades has warned the courts against.

Thus, the question of whether "anthroposophy is a religion" under the Establishment Clause would (1) require an ancillary ruling as to what constitutes "anthroposophy" and what does not, and (2) demand a determination of what is the proper status and interpretation of any documents that are alleged to be "anthroposophical." The procedure would constitute a colossal exercise in judicial inefficiency.

The determination of whether an entity called "anthroposophy" (whatever that is determined to be) constitutes a "religion" under the Establishment Clause would divert this case from what it should be about—a consideration of whether specific pedagogical methodologies are in fact exclusively "Waldorf", whether "Waldorf-methods" are inextricably linked with "anthroposophy", whether teachers in the defendant schools intended to use specific pedagogical devices for the students in those schools and whether those pedagogical devices violate the Establishment Clause of the Federal or State Constitutions. The determination of an abstract question about "anthroposophy", in isolation, is the functional equivalent of a complaint for a declaratory judgment seeking an advisory opinion as to whether "anthroposophy" constitutes a "religion," and is properly analogized to such a case.

Courts have consistently dismissed actions filed as declaratory judgment suits on the grounds that the question sought to be determined is not a "case or controversy" under Article III of the United States Constitution, which limits the jurisdiction of the federal courts by requiring that such

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[3] The Court would also have to interpret and paraphrase a vast set of writings which have been characterized by their authors as esoteric and nondogmatic, the contents of which have been emphatically represented by those authors not to constitute ordinary, exoteric "information." In order to characterize such fundamental writings of "spiritual research" as "beliefs," the Court would have to make a determination that those authors were either misrepresenting their own work or that they were in error about the belief content of their own work.

courts only address matters of actual cases or controversies. Actual cases or controversies on matters presenting a real, not a hypothetical controversy, involve concrete and current, not uncertain or contingent, events. Nashville, Chattanguan St. Louis Railway v. V. Wallis, 288 U.S. 249, 77 L.Ed. 730, 53 S.Ct. 345 (1933); LaAbva Silver Min. Co. v. United States, 175 U.S. 423, 44 L.Ed.223, 20 S.Ct. 168 (1899). It is well settled that the Court "is without power to grant declaratory relief unless [an actual controversy] exists." Maryland Casualty Co. v. Pacific & Oil Co., 312 U.S. 270, 272, 85 L.Ed. 826, 61 S.Ct. 510 (1941). The plaintiff must prove the current existence of the dispute that justifies an adjudication of the parties' rights based on current pertinent facts in order to establish a case or controversy warranting declaratory judgment. Ashcroft v. Mattis, 431 U.S. 171, 52 L.Ed. 2d 219, 97 S.Ct. 1739 (1977). Absent such proof, any judgment rendered by the Court would be an advisory opinion, which federal courts are constitutionally forbidden to issue. United States Bank of Oregon v. Independent Insurance Agents of America, 508 U.S. 439, 446, 124 L.E. 2d 402, 113 S.Ct. 2173 (1993); Sierra Club v. Morton, 405 U.S. 727, 31 L.Ed. 2d 636, 92 S.Ct. 1361 (1972); Hall v. Beals, 396 U.S. 45, 48, 24 L.Ed. 2d 214, 90 S.Ct. 200 (1969). The enormously broad question of what anthroposophy "is"—whether it is a method or a system of beliefs and worship—is simply not necessary for a judicial determination of whether there has been a violation of the Establishment Clause in the schools here. Whether the character of what was imparted was religion or not may be relevant; but the definition and ontological status of something as diverse, difficult and removed from any school setting as is the entire subject of "anthroposophy," is simply beyond the proper scope of inquiry.

Anthroposophy is not on trial here. The only question arguably at issue in this litigation is the constitutional status of what is being taught in the defendant school districts. Any pronouncements by this Court on the definition of anthroposophy, the proper interpretation of anthroposophy, whether particular anthroposophical writings constitute methodologies or "teachings or beliefs of any kind"—without specific reference to specific practices shown to have been conducted at specific schools—would be hypothetical, advisory and beyond the proper interest of the Court.

Civil courts traditionally have been held to lack jurisdiction to determine the issue of compliance by a religious group with the rules, philosophies and precepts of larger religious groups with

which they are affiliated. Resolution of the "is anthroposophy a religion" question would entail precisely this sort of determination. It would force the Court to choose among competing definitions and varieties of anthroposophy, i.e., differences between casual readers of anthroposophical publications, longtime students and others.

If the Court chooses to treat anthroposophy as a religion, then anthroposophy is entitled to the protections of the First Amendment, which prohibits the exercise of jurisdiction by the civil courts to decide which are in fact the true "rules," "philosophy" and "precepts" of the given "religion." Simple judicial efficiency dictates that the question of whether anthroposophy is a religion must be determined—if at all—only after the question of what (if any) purported "anthroposophical" tenets are allegedly being practiced in the schools in question.

Plaintiff's representatives, have stated their intention to introduce more than 100 "documents" into evidence to which they hope to define or reinvent "anthroposophy" for the Court. While the Society has no wish for the Court to engage in the kind of circus of hypotheses, interpretations and innuendoes that plaintiff is apparently eager to stage, it is profoundly interested that such "evidence" be seen in light of the views of the entity best situated to put it in accurate perspective.

It is respectfully submitted that the kind of philosophical farrago that plaintiff seeks to perpetrate on the participants is not the kind of business that the Court should be about. Determination of the essential issue in this case—whether Waldorf methods intentionally advance religion in the defendant school districts and by what means the plaintiff measures that advance—would lead to the clear, precise and mercifully efficient procedure proper for a determination of the case.

2. Assuming, Arguendo, That The Court Were To Undertake To Posit A Definition Of "Anthroposophy", The Court Should Not Make The Determination That "Anthroposophy" Is A Religion For Purposes Of The Establishment Clause.

Assuming the Court were to formulate a definition of anthroposophy, plaintiff by summary judgment and/or summary adjudication motion has asked the Court to determine it is a religion under the Establishment Clause. Such a determination would have staggering practical implications for

the federal courts. If the Court in this case were to make a determination as to whether "anthroposophy" constitutes a religion for the Establishment Clause, would it not also be necessary for a similarly situated court to undertake to determine the religious status of Montessori education, given the existence of a lawsuit alleging that the operation of Montessori pedagogical methods in a school violated the Establishment Clause? The mere showing that an educator's (such as Maria Montessori, John Dewey or Rudolf Steiner) pedagogical views have been influential in the curriculum of a given school and that those educators (Montessori, Dewey or Steiner) elsewhere expressed spiritual or philosophical views cannot be grounds for examining the "religious" status of the educator's views under the Establishment Clause. This issue is already settled concerning John Dewey, one of the most influential pedagogical pioneers of public education and one of the signers of the founding document for the so-called "religion" of Secular Humanism, *The Humanist Manifesto I* in 1933.

In Torasco v. Watkins, 367 U.S. 488, 6 L.Ed. 2d 982, 81 S.Ct. 1680 (1961), the U.S. Supreme Court considered the constitutionality of a required oath under the First Amendment. Without focusing upon the Free Exercise or Establishment Clauses, the Court in footnote included "secular humanism" as a non-theistic "religion." Id. at 495, n. 11.

In Peloza v. Capistrano Unified School Dist., 37 F.3d 517 (9th Cir. 1994), a high school biology teacher tried to balance the teaching of evolutionism with creationism based on the claim that Secular Humanism (and its core belief, evolutionism) is a religion. The Ninth Circuit emphatically rejected the claim that secular humanism (and evolutionism) may be considered to be a "religion" under the Establishment Clause:

We reject this claim because neither the Supreme Court, nor this circuit, has ever held that evolutionism or secular humanism are "religions" for Establishment Clause purposes. Indeed, both the dictionary definition of religion and the clear weight of caselaw are to the contrary. The Supreme Court has held unequivocally that while the belief in a divine creator of the universe is a religious belief, the scientific theory that higher forms of life evolved from lower forms is not. Edwards v. Aguillard, 482 U.S. 578, 107 S.Ct. 2573, 96 L.Ed.2d 510 (1987).

In the Supreme Court decision Abington School District v. Schempp, 374 US 203, 83 S.Ct. 1560, 10 L.Ed.2d 844 (1963); Justice Clark stated:

> [T]he State may not establish a 'religion of secularism' in the sense of affirmatively opposing or showing hostility to religion, thus "preferring those who believe in no religion over those who do believe."

It may well be that an educational pioneer's personal beliefs, such as John Dewey's in "Secular Humanism" is potentially protected for Free Exercise, but not prohibited, under Establishment Clause principles. The Second Circuit has held that while evolutionism or secular humanism may be "religions" for purposes of the Free Exercise Clause, "anything 'arguably non-religious' should not be considered religious in applying the establishment clause." United States v. Allen, 760 F.2d 447, 450-51 (2d Cir. 1985), quoting Tribe, American Constitutional Law 827-28 (1978).

Thus, the personal spiritual, moral or religious belief of a pedagogical innovator does not "infuse" that person's pedagogical methodology with religion simply because of the fact that that innovator had personal spiritual, moral or religious beliefs. One must look to the specific practices in order to determine the issue.

3. The Anthroposophical Movement And The Anthropo-Sophical Society Are Not "Religious" Within The Meaning Of Alvarado.

The Society has contended from its inception that anthroposophy is not a univocal system of dogmas or beliefs, but a language of inquiry, a scientific method that embraces the sometimes diverse insights of its participants. A court must be precluded from choosing among such diverse insights and defining, categorizing or interpreting anthroposophy in any one way. See Oklahoma District Council of Assemblies of God v. New Hope Assembly of God Church, Inc., 548 P. 2d 1029, 1976 Okla. 46 (1979).

The Statutes of the Society[4] state emphatically that anthroposophy is not a religion. It has no dogma. The Statutes of the Society state: "A dogmatic stand in any field whatsoever is to be excluded from the Anthroposophical Society." Statutes of the Anthroposophical Society, #9.

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[4] The statutes are the founding principles and organizational document of the worldwide Society (Swiss equivalent to by-laws) and are specifically incorporated into the By-laws of the Anthroposophical Society in America, Inc.

The Society does not propound a system of beliefs. It views anthroposophy as a cognitive methodology, a path to knowledge:

> The findings made in spiritual science arise from thought processes that have been enlivened and re-formed and because of this also have an enlivening effect on human souls when taken in to those souls and tested for their truth… [T]he essential aim of spiritual science … is to enter with one's mind into the sphere of free thought activity.

Rudolf Steiner, Fruits of Anthroposophy 64, 72-73 (Rudolf Steiner Press 1986).

The Society does not engage in religion, insist upon religion or interfere with religious practice. It consciously and emphatically stands apart from religion. Many members of the Society engage in traditional religions; many do not. Some practice non-theistic spirituality; many other members are connected to no religious practice. The Society honors each member's own religion and the moral injunctions of that religion. The Statutes of the Society state that "Anyone can become a member, without regard to nationality, social standing, religion or scientific or artistic conviction… The Anthroposophical Society rejects any kind of sectarian activity." The Statutes of the Anthroposophical Society, #4.

Nor is anthroposophy a religion for Establishment Clause purposes. As stated in Section A above, Alvarado v. City of San Jose, 94 F. 3d 123, relies heavily upon the detailed concurring opinion of Judge Adams Malnak v. Yogi, 592 F. 2d 197 (3rd Cir. 1979) ("Malnak II"). There Judge Adams articulated a test incorporating "indicia" or "factors," to consider in determining whether a group could be considered a religion for Establishment Cause purposes. Those indicia are:

> First, a religion addresses fundamental and ultimate questions having to do with deep and imponderable matters. Second, a religion is comprehensive in nature; it consists of a belief-system as opposed to an isolated teaching. Third, a religion often can be recognized by the presence of certain formal and external signs.

Alvarado v. City of San Jose, at 1229, quoting Africa v. Pennsylvania, 662 F2d 1025, 1032 (3d Cir. 1981), *cert. denied* 456 U.S. 908, 102 S.Ct. 1756, 72 L.Ed 2d 165 (1982).[5]

[5] See also Friedman v. Southern California Permanente Medical Group, 102 Cal App. 4th 39 (2002), which similarly relies on Africa, and Malnak II.

The "formal and external signs" listed by the court include: "formal services, ceremonial functions, the existence of clergy, structure and organization, efforts at propagation, observance of holidays and other similar manifestations associated with a traditional religion." Africa, 662 F. 2d at 1035-36.

Addressing the first factor outlined in Malnak II, many anthroposophical publications discuss "fundamental and ultimate questions having to do with deep and imponderable matters." However, Anthroposophy discusses findings based on philosophical questioning and research. The Anthroposophical Society in America, Inc., does not propound specific beliefs or dogma about these ultimate questions nor are there "sacred" texts. Rather, the Society encourages personal inquiry or research. The scientific methodology—the mode of inquiry—which characterizes anthroposophy should not be confused with the published results of Rudolf Steiner's personal research which, while arguably embracing "ultimate" questions, were never intended to be anything but a presentation of his findings for anyone interested in testing them.[6] They are certainly not "binding" for members of the Anthroposophical Society. Anthroposophy does not authoritatively address the fundamental questions comprising the first test of Malnak II.

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[6] "It is easy to understand Steiner's extreme reluctance to have his lectures recorded; and it is easier still to realise why, in his lectures and books, he kept on repeating, almost to exasperation, such phrases as "what is contained in", "what is reflected by", and so forth -- if we only recollect that, of all men, he spoke from the Consciousness Soul to the Consciousness Soul. 'Think these thoughts without believing them", he once said; and in nearly all his utterances he employed the mode, not of discursive argument, but of pure assertion -- though he could syllogise as well as anyone if he chose to, as he showed in *The Philosophy of Freedom*. And this reluctance, and these phrases and habits of his, and the essential nature of anthroposophy, place -- so it seems to me -- rather a heavy responsibility upon its adherents. I cannot think it is unduly paradoxical to say that it is really a kind of betrayal of the founder of anthroposophy to believe what he said. He poured out his assertions because he trusted his hearers *not* to believe. Belief is something which can only be applied to systems of abstract ideas. To become an anthroposophist is not to believe, it is to decide to use the words of Rudolf Steiner (and any others which may become available) for the purpose of raising oneself, if possible, to a kind of thinking which is itself beyond words, which *precedes* them, in the sense that ideas, words, sentences, propositions, are only subsequently *drawn out of it*. This is that concrete* thinking which is the *source* of all such ideas and propositions, the source of all meaning whatsoever. And it can only take the form of logical ideas and propositions and grammatical sentences, at the expense of much of its original truth. For to be logical is to make one little part of your meaning precise by excluding all the other parts. To be an anthroposophist, then, is to seek to unite oneself, not with any groups of words, but with this concrete thinking, whose existence can only be finally *proved* by experience."

Owen Barfield, Romanticism Comes of Age, 76-77 (Wesleyan University Press, 1967)

*The word 'concrete' may here be taken as meaning 'neither objective nor subjective'.

Without question, Anthroposophy does not meet the second Malnak test for religion under the Establishment Clause. It is manifestly not a "belief-system" of any kind. Rudolf Steiner could not have said so more emphatically. The Statutes of the Society make it crystal clear. The Society admits members of totally different religions and belief-systems. On January 11, 1916 in Liesal, near Basel in Switzerland, Rudolf Steiner said the following:

> Now it is often asked how spiritual science or anthroposophy stands in relation to the religious life of man. By reason of the whole character of anthroposophy, it will not intervene in any religious creed, in the sphere of any sort of religious life. Spiritual Science never can entertain the wish to create a religion... One cannot, therefore, call spiritual science, as such, a religious faith. It neither aims at creating a religious faith nor in any way at changing a person in relation to his religious beliefs. In spite of this, it seems as if people were worrying themselves about the religion of the Anthroposophists. In truth, however, it is not possible to speak in this way, because, within the Anthroposophical Society, every kind of religion is represented, and there is nothing to prevent anyone from practicing his religious faith as fully, comprehensively, and intensively as he wishes.

Rudolf Steiner, "The Mission of Spiritual Science and of Its Building at Dornach," Approaches to Anthroposophy (lecture of 11 January 1916) , pp. 18-19 (Rudolf Steiner Press, 1992). Also quoted in: Günther Wachsmuth, The Life and Work of Rudolf Steiner, pp. 100-101 (Whittier Books, Inc., 1955).

Still later, Steiner was emphatic that anthroposophy was not only not a religion, but that it should have no sectarian tendencies whatsoever. He stated:

> It is a perversion of the truth to ascribe sectarian tendencies to Anthroposophy, for it certainly has no such intentions. It is a perversion of the truth to believe that it wants to be a new religious foundation. It does not want to do any such thing.

Steiner, The Fruits of Anthroposophy, 70 (Anthroposophic Press, 1986).

> [Anthroposophy] does not consider itself a new religious confession; it is as far away as possible from the founding of a religion or the development of a sect of any kind. It wishes to be a true and proper continuation of the natural scientific way of thinking…

Rudolf Steiner, p. 7, Spiritual Science: A Brief Review of Its Aims and of the Attacks of Its Opponents (London: John M. Watkins, 1914).

Nor does the third Malnak factor apply to anthroposophy. The Society is not characterized by the formal and external signs of religion. The Society has no priests. It has no formal services. It offers no sacraments. It prescribes no practices. Anthroposophy does not claim to lead to

"salvation." The Anthroposophical Society is not organized as a church and it accepts and honors the most wholly diverse faiths of its members, as is outlined in the Statutes:

> Anyone can become a member, without regard to nationality, social standing, religion, or scientific or artistic conviction…

The Statutes of the Anthroposophical Society #4 (emphasis added).

For the preceding reasons, anthroposophy, even if it were subject to judicial definition, is not a "religion" under the operative Establishment Clause tests.

IV. CONCLUSION

As early as April 11, 2001, the Court asked "[w]hether Anthroposophy is a system of belief and worship of a superhuman controlling power under a code of ethics and philosophy requiring obedience thereto." (April 11, 2001 Tr. 4, 5 to 7.) Based upon the above facts and arguments, it is respectfully submitted that the question should be answered in the negative.

Dated: July ____, 2004

Respectfully submitted,

By: _____
KATHERINE L. THIVIERGE, ESQ.

WILENTZ, GOLDMAN & SPITZER

Dated: July ____, 2004

By: _____
FREDERICK J. DENNEHY, ESQ.

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