

Exhibit E

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6 Attorney for Plaintiff PLANS, INC.

7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA

9 PLANS, Inc.,

10 Plaintiff,

11 vs.

12 SACRAMENTO CITY UNIFIED SCHOOL  
13 DISTRICT, TWIN RIDGES ELEMENTARY  
14 SCHOOL DISTRICT, DOES 1-100,  
15 Defendant

) Case No.: CIV. S-98-0266 FCD PAN

) SECOND SUPPLEMENTAL ANSWER TO  
SPECIAL INTERROGATORIES

16  
17 DEMANDING PARTY: Defendants SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

18 And TWIN RIDGES ELEMENTARY SCHOOL DISTRICT

19 RESPONDING PARTY: Plaintiff PLANS, INC.

20 SET NO.: Three

21 SPECIAL INTERROGATORY NO. 3:

22 State each and every fact which supports your claim that anthroposophy is a religion.

23 ANSWER:

24 In addition to the answers previously provided, PLANS, Inc. supplements it prior response as  
25 follows:

26 Based upon conventional understandings of the definition of religion, and under Constitutional  
27 understandings, it cannot be reasonably denied that Anthroposophy is a religion. Defendants' position  
28 that it is not a religion is in bad faith, and is evidence of excessive entanglement between the defendant

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1 districts and religion. Defendants and Anthroposophists attempt to avoid this characterization by  
2 claiming they are not religious, but rather are spiritual and/or philosophical. The United States Supreme  
3 Court, however, has stated this type of cloaking is legally meaningless. Citing *Malnak v. Yogi*, the court  
4 stated:

5 "[C]oncepts concerning God or a supreme being of some sort are manifestly religious . . .  
6 . These concepts do not shed that religiosity merely because they are presented as a  
7 philosophy or as a science." *Malnak v. Yogi*, 440 F. Supp. 1284, 1322 (NJ 1977), *aff'd*  
8 *per curiam*, 592 F.2d 197 (CA3 1979). *EDWARDS v. AGUILLARD*, 482 U.S. 578, at 599  
9 (1987)

10 Standard dictionaries define Anthroposophy as religious. (See exhibit "A.")

11 Federal courts have recognized that non-traditional religions do not necessarily have the  
12 earmarks of orthodox religion, and have defined religion for constitutional purposes. In *Malnak*, which  
13 was cited with approval by the U.S. Supreme Court as noted above, the court adopted a broad view of  
14 religion for Constitutional purposes. For reference, relevant citations from *Malnak* included herein.

- 15 • Owing to the variety of form and substance which religions may take, the courts have avoided  
16 the establishment of explicit criteria, the possession of which indelibly identifies an activity as  
17 religious for purposes of the first amendment. This court, therefore, must be guided by the type  
18 of activity that has been held to be religious under the first amendment by the courts.
- 19 • The Supreme Court in *Torcaso* and *Engel* interpreted the word "religion" in the first amendment  
20 broadly to encompass "religious concept(s)" and religions which do not propound a belief in the  
21 existence of God. In a footnote to *Torcaso*, the Court listed certain religions which do not hold a  
22 belief in the existence of a Supreme Being: "Among religions in this country which do not teach  
23 what would generally be considered a belief in the existence of God are Buddhism, Taoism,  
24 Ethical Culture, Secular Humanism and others. [*Torcaso v. Watkins*, 367 U.S. 488, at] 495 n.11.
- 25 • The court finds it unnecessary to improvise an unprecedented definition of religion under the  
26 first amendment because it appears that this case is governed by the teachings of prior Supreme  
27 Court decisions. Careful inspection of the facts in this suit reveal that the novel aspects of the  
28 case are more apparent than real.

- 1 • The textbook clearly teaches and assumes that there exists and has existed eternally an  
2 unmanifested or uncreated field of life which is unbounded or infinite. This field of life is present  
3 everywhere, both within and without everything in the universe; it permeates everything and  
4 every being and is the ultimate reality of everything in the universe. This field of life is active in  
5 the form of "creative intelligence," is the source of all power in the universe, has "unlimited  
6 power," and encompasses all knowledge. This field of life is pure and perfect and contains all  
7 qualities of the universe in their pure, perfect, and infinite form. This field of life is alternately  
8 termed perfection of existence, bliss, and intelligence. This field of being contains love, justice,  
9 and truth in their pure and infinite forms. Contact with this field of being bestows upon  
10 individuals the ability to choose between right and wrong spontaneously, without regard to moral  
11 codes and laws. Manifestly, the textbook describes some sort of ultimate reality which in its  
12 various forms is given the name "god" in common usage. Over a dozen years ago, a unanimous  
13 Supreme Court took judicial cognizance of "the ever-broadening understanding of the modern  
14 religious community" concerning the concept of God. *United States v. Seeger* . . .
- 15 • These concepts concerning God or a supreme being of some sort are manifestly religious when  
16 they appear as tenets of Christianity or Buddhism or Hinduism. These concepts do not shed that  
17 religiosity merely because they are presented as a philosophy or as a science.
- 18 • The approach to defining religion offered by defendants' experts is directly contrary to holdings  
19 of both the Supreme Court and lower federal courts. E. g., *Engel v. Vitale*, supra; *Torcaso v.*  
20 *Watkins*, supra; *DeSpain v. DeKalb County Community School District 428*, supra. The courts  
21 never have excluded certain beliefs or practices from the application of the religion clauses on  
22 the ground that the beliefs or practices lacked this or that type of teaching or practice which is  
23 connected to conventionally recognized religions. In addition, the courts have deemed activities  
24 and teachings religious even though the activities did not derive from a particular religious sect.  
25 E. g., *Engel v. Vitale*, supra; *Torcaso v. Watkins*, supra. An expert's definition of religion never  
26 can be determinative and can be of only tangential relevance to the meaning of constitutional  
27 terms. The court is interested in the term religion as it is used in the Constitution and has no  
28 interest in attempting to decide an academic dispute among theologians as to the best approach to

1 defining religion for their professional purposes. For example, defendants' experts assert that  
2 "(e)lements commonly associated with religion," such as, clergy, places of worship, explicit  
3 moral codes, are not part of SCI/TM. See Harned Affidavit P 24; Rao Affidavit P 23. None of  
4 these elements need be present, however, for a court to determine that a practice or belief is  
5 religious within the meaning of the first amendment. [FN29] See, e. g., Torcaso v. Watkins,  
6 supra.

- 7 • In light of the prior judicial recognition of teachings such as those of defendants as religious, no  
8 inference is possible except that the teaching of SCI/TM and the puja are religious in nature; no  
9 other inference is "permissible" or reasonable, especially because the court is dealing with the  
10 meaning of a constitutional term and not with a factual dispute such as was involved in Adickes,  
11 supra, Diebold, supra, and Goodman, supra.
- 12 • Although defendants have submitted well over 1500 pages of briefs, affidavits, and deposition  
13 testimony in opposing plaintiffs' motion for summary judgment, defendants have failed to raise  
14 the slightest doubt as to the facts or as to the religious nature of the teachings of the Science of  
15 Creative Intelligence and the puja. The teaching of the SCI/TM course in New Jersey public high  
16 schools violates the establishment clause of the first amendment, and its teaching must be  
17 enjoined.

18 According to Anthroposophical sources, Anthroposophy comprehensively deals with the  
19 relationship between "Divine Beings," like Michael, Ahriman, Lucifer, and Christ. It includes a system  
20 of hierarchies of beings, including Archangels, Principalities, and a series of other lower beings. Lucifer  
21 and Ahriman are higher order Diving Beings.

22 According to Anthroposophy, Michael has taken over human affairs from Ahriman and Lucifer.  
23 Anthroposophy is the message of the mission of Michael.

24 According to Anthroposophy, Anthroposophist, through spiritual science, develop "occult  
25 vision."

26 According to Anthroposophy, Lucifer is the opponent of Jehovah.

27 According to Anthroposophy, these Diving Beings have specific relationships with Astrology.

28 For example, Christ has a special relationship with the Sun.

1 Nearly all Anthroposophical books and sources are fundamentally religious in nature. Attached  
2 as exhibit "B" are examples of such doctrines and teaching that are described above, and are  
3 incorporated herein by reference.

4 SPECIAL INTERROGATORY NO. 4:

5 State the name, address, and telephone number of each and every witness having knowledge of  
6 the facts contained in your response to Interrogatory No. 3.

7 ANSWER:

8 Each person identified by defendants in answers to interrogatories set nos. 1-3. In addition, Dr.  
9 Chrystal Olsen, defendants' expert or prior expert; Robert L. Anderson, defendants' expert or prior  
10 expert; Betty Staley, defendants' expert or prior expert; Kathleen Sutphen, officer of PLANS, Inc. and  
11 percipient expert, Terry Pequette, employee or former employee of defendant Twin Ridges, address  
12 unknown; Eugene Schwarz, author of *The Waldorf Teacher's Survival Guide*, a document identified by  
13 defendants, address unknown.

14 In addition, plaintiff is informed and believes that each employee that works at each of the  
15 schools identified by defendants as Waldorf schools also has such knowledge, specifically including all  
16 teachers and administrators.

17 In addition, each employee, specifically including all teachers and administrators at Rudolf  
18 Steiner College has such knowledge.

19 SPECIAL INTERROGATORY NO.5:

20 State each and every fact which supports your claim that John Morse Waldorf Methods Magnet  
21 School is religious in nature.

22 ANSWER:

23 This school identifies itself as Waldorf.

24 This school is administered by committed Anthroposophists, who are in their position for that  
25 reason.

26 This school hires teachers because of their Anthroposophical training.

27 This school provides teacher training from Anthroposophical institutions, such as Rudolf Steiner  
28 College.

1 This school hires teachers who are committed Anthroposophists.

2 This school provides books for its teachers that are filled with Anthroposophical doctrine.

3 This school teaches eurhythmly.

4 It is the stated goal of this school to effect the "spirit" of the child.

5 Plaintiff further notes that discovery continues, and depositions of John Morse employees are  
6 pending.

7 SPECIAL INTERROGATORY NO. 6:

8 State the name, address, and telephone number of each and every witness having  
9 knowledge of the facts contained in your response to Interrogatory No. 5. In addition, each employee,  
10 specifically including all teachers and administrators at Rudolf Steiner College has such knowledge.

11 ANSWER:

12 Each person who is a present or past employee of John Morse Elementary, including its teachers  
13 and administrators. . In addition, Dr. Chrystal Olsen, defendants' expert or prior expert; Robert L.  
14 Anderson, defendants' expert or prior expert; Betty Staley, defendants' expert or prior expert; Eugene  
15 Schwarz, author of *The Waldorf Teacher's Survival Guide*, a document identified by defendants, address  
16 unknown.

17 SPECIAL INTERROGATORY NO. 7:

18 State each and every fact which supports your claim that Yuba River Charter School is religious  
19 in nature.

20 ANSWER:

21 This school identifies itself as Waldorf.

22 This school is administered by committed Anthroposophists, who are in their position for that  
23 reason.

24 This school hires teachers because of their Anthroposophical training.

25 This school teaches eurhythmly.

26 This school provides teacher training from Anthroposophical institutions, such as Rudolf Steiner  
27 College.

28 This school hires teachers who are committed Anthroposophists.

1 This school provides books for its teachers that are filled with Anthroposophical doctrine.

2 The teachers at this school are committed to the proposition that Anthroposophy and Waldorf  
3 education are directly related and separable.

4 Teachers at this school engage in Anthroposophical ceremonies and initiations with their  
5 students.

6 Teachers and administrators at this school make decisions on pedagogy for exclusively  
7 Anthroposophical reasons, such as timing for teaching courses based upon the spiritual model of child  
8 development adhered to by Anthroposophy, specifically including timing of teaching reading and  
9 mechanical science. In addition, teachers do not teach that the heart pumps because it contradicts  
10 Anthroposophy, and decisions relating to handling children that are left handed are based upon the  
11 perceived spiritual consequences to the child.

12 Teachers teach what would commonly be known as fairy tales and myths as fact for the express  
13 purpose of effecting the spiritual growth of the children.

14 Teachers teach history based upon Anthroposophical understandings, rather than traditional  
15 understandings. The same is true for physiology,

16 Plaintiff further notes that discovery continues, and depositions of Yuba River employees are  
17 pending.

18 See answer to Interrogatory No. 3, herein. In addition, even after litigation was in progress, this  
19 school conducted secret "Advent Spiral" ceremonies off campus.

20 SPECIAL INTERROGATORY NO. 8:

21 State the name, address, and telephone number of each and every witness having knowledge of  
22 the facts contained in your response to Interrogatory No. 7.

23 ANSWER:

24 Each person who is a present or past employee of Yuba River, including its teachers and  
25 administrators. . In addition, Dr. Chrystal Olsen, defendants' expert or prior expert; Robert L.  
26 Anderson, defendants' expert or prior expert; Betty Staley, defendants' expert or prior expert; Eugene  
27 Schwarz, author of *The Waldorf Teacher's Survival Guide*, a document identified by defendants, address  
28 unknown.

1 In addition, George Hoffacher, who is a former employee of Twin Ridges, and plaintiff is  
2 informed and believes he is a current employee of Rudolf Steiner College. In addition, Jill Messier, Ann  
3 Matthews, and Else Gottgens, who were identified as a key mentoring teachers by at least one employee  
4 of Yuba River Charter.

5 SPECIAL INTERROGATORY NO. 9:

6 Do you contend that the entire curriculum of John Morse Waldorf Methods Magnet School is  
7 religious in nature?

8 ANSWER:

9 Not specifically. Plaintiff contends, however, that the foundation of the entire curriculum is  
10 religious in nature, and is inseparable from Anthroposophy. Moreover, the additional processes of  
11 teaching teachers Anthroposophical doctrine, and providing Anthroposophical source materials infuses  
12 the purpose of the curriculum inseparably with Anthroposophy. In addition, providing teachers because  
13 of their Anthroposophical instruction infuses the entire curriculum inseparably with Anthroposophy.

14 SPECIAL INTERROGATORY NO. 10:

15 If the answer to Interrogatory No. 9 is affirmative, state each and every fact which supports your  
16 contention that the entire curriculum of John Morse Waldorf Methods Magnet School is religious in  
17 nature.

18 ANSWER:

19 Not applicable. Plaintiff's contention is stated in Response to No. 9

20 SPECIAL INTERROGATORY NO. 11:

21 State the name, address, and telephone number of each and every witness having knowledge of  
22 the facts contained in your response to Interrogatory No. 9.

23 ANSWER:

24 Each person who is a present or past employee of John Morse Elementary, including its teachers  
25 and administrators. . In addition, Dr. Chrystal Olsen, defendants' expert or prior expert; Robert L.  
26 Anderson, defendants' expert or prior expert; Betty Staley, defendants' expert or prior expert; Eugene  
27 Schwarz, author of *The Waldorf Teacher's Survival Guide*, a document identified by defendants, address  
28 unknown.

1 SPECIAL INTERROGATORY NO. 12:

2 Do you contend that the entire curriculum of Yuba River Charter School is religious in nature?

3 ANSWER:

4 Not specifically. Plaintiff contends, however, that the foundation of the entire curriculum is  
5 religious in nature, and is inseparable from Anthroposophy. Moreover, the additional processes of  
6 teaching teachers Anthroposophical doctrine, and providing Anthroposophical source materials infuses  
7 the purpose of the curriculum inseparably with Anthroposophy. In addition, providing teachers because  
8 of their Anthroposophical instruction infuses the entire curriculum inseparably with Anthroposophy.

9 SPECIAL INTERROGATORY NO. 13:

10 If the answer to Interrogatory No. 12 is affirmative, state each and every fact which supports  
11 your contention that the entire curriculum of Yuba River Charter School is religious in nature.

12 ANSWER:

13 Not applicable. Plaintiff's contention is stated in Response to No. 12

14 SPECIAL INTERROGATORY NO. 14:

15 State the name, address, and telephone number of each and every witness having knowledge of  
16 the facts contained in your response to Interrogatory no. 12.

17 ANSWER:

18 Each person who is a present or past employee of Yuba River, including its teachers and  
19 administrators. . In addition, Dr. Chrystal Olsen, defendants' expert or prior expert; Robert L.  
20 Anderson, defendants' expert or prior expert; Betty Staley, defendants' expert or prior expert; Eugene  
21 Schwarz, author of *The Waldorf Teacher's Survival Guide*, a document identified by defendants, address  
22 unknown.

23 In addition, George Hoffacher, who is a former employee of Twin Ridges, and plaintiff is  
24 informed and believes he is a current employee of Rudolf Steiner College. In addition, Jill Messier, Ann  
25 Matthews, and Else Gottgens, who were identified as a key mentoring teachers by at least one employee  
26 of Yuba River Charter.

27 SPECIAL INTERROGATORY NO. 23:

28