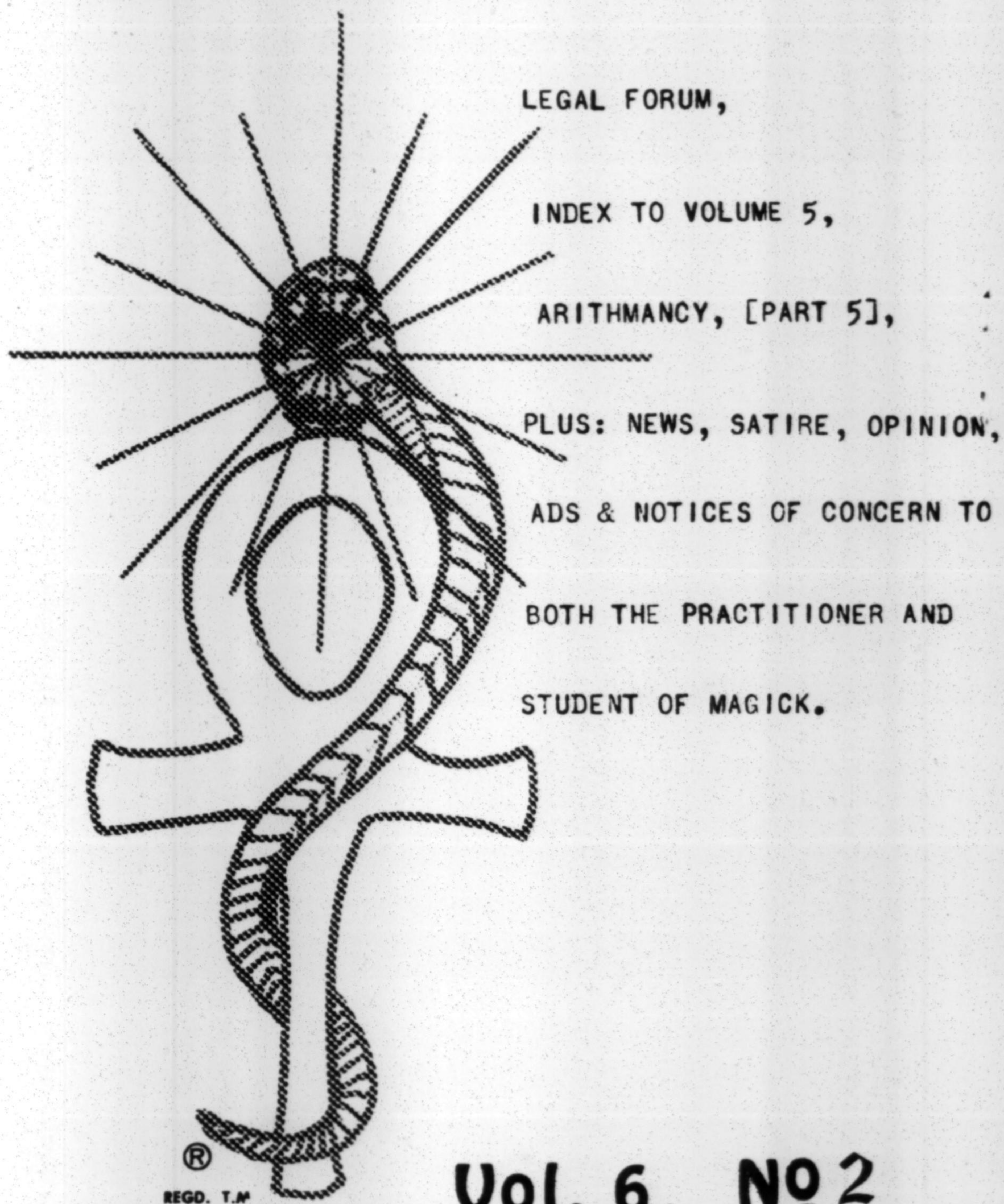


THE WHIL LIGHT

IN THIS ISSUE:



Vol. 6. No 2
Winter, 1979



the White Light

is the journal of:

The Temple of Truth

a Hermetic Magickal Order

Sponsored by

The Light of Truth Church

REV. NELSON H. WHITE, D.D., Editor

REV. ANNE WHITE, D.D., Ass't Editor

Subscriptions to non-members are \$5.00/year, please be sure to include your ZIP code when subscribing or giving a change of address.

Address all correspondence concerning this publication to: Box 3125, Pasadena, Ca. 91103

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Exchange advertisements and subscriptions are solicited, as are genuine articles on the subject of Ceremonial Magick and related areas. No payment is offered for such contributions, and preference will be given to articles from members. Manuscripts will not be returned unless sufficient postage is included.

TEMPLE OF TRUTH INFORMATION
STATEMENT ON INSIDE BACK
COVER.

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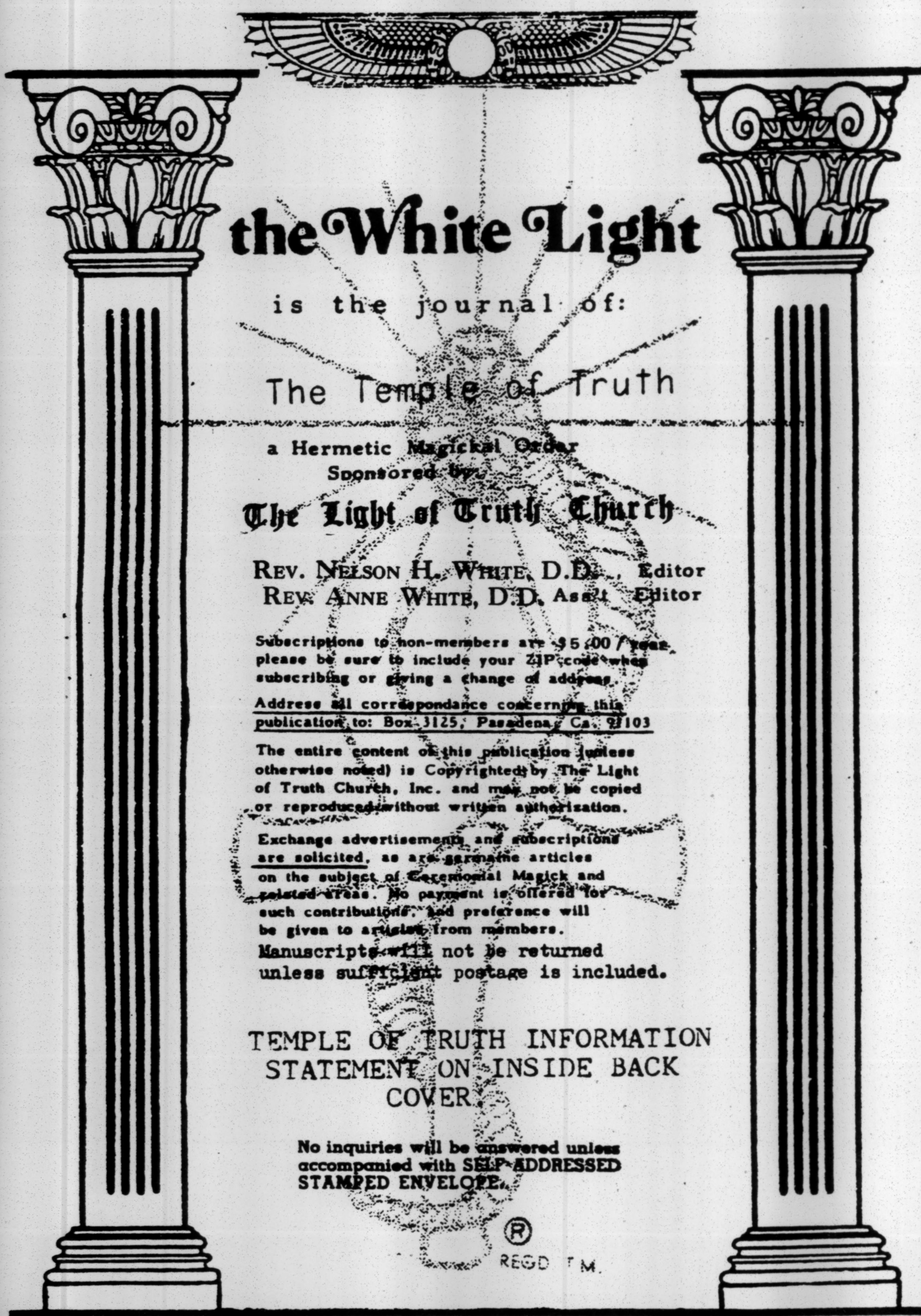
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The costs of back issues will remain at \$1.25 each, post paid in the USA. Foreign orders and subscriptions should include sufficient postage.

Again, we wish to publicly thank all those persons, both within and without the Occult Community who have stood by us and supported us, in spite of threats and intimidation on the part of those who would like to destroy us. To those who, for one reason or another, were not able to stand the heat, we pitty you. We feel sorry for you, that you have so little regard for Truth and Justice, and so little foresight, that you can not see that you are most likely next on the list. It's really too bad that you can not see that any attack on our First Amendment Rights is also an attack on yours as well.

Let's make 1980 the year of the rebirth of Occult Rights. If you won't fight for your rights, you soon won't have any to fight for.

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Arithmancy

By: Nelson H. White (T.:O.:T.:.)
Continued from previous issue.

NOTE: Table of Questions & Daily Charts are in TWL Vol.5, #2.(Winter, 1978).

ANSWER TABLE 40.

1. One that requires a knowledge of language.
2. Yes, if you don't write too many letters.
3. Slightly, through a careless action.
4. It may be near clothes, or in a basement.
5. Not unless you again go over every detail.
6. Yes, if you do not indulge in idleness.
7. Something worn, valuables, food, money, securities.
8. One in whom few people have confidence.
9. No. Seek to improve your present one.
10. Not unless you are very cautious.
11. Not if you watch your bank-account.
12. They are overinfluenced by thoughts of pleasure.
13. Not unless you frequently see the party concerned.
14. Several ventures that you will be glad to get out of.
15. On an important occasion.
16. Yes, at a masquerade.
17. Not unless you travel incognito.
18. Not unless it worries you.
19. Yes, and you will seek to go sooner than planned.
20. No, because you are apt to be too eager.
21. An unfortunate beginning but a happy future.
22. One who constantly seeks your companionship.
23. Several whom you will seek to avoid.
24. A doubtful opportunity.
25. Look before you leap.
26. When he has made a mistake.
27. In a wise marriage.
28. There is no time like the present.
29. Yes, if you start soon.
30. Do not travel unless all affairs are adjusted.
31. Once in a great while.
32. Not if your demands are ignored.
33. When your work is done.
34. Not if you work too much.
35. Twice as often as it has.
36. Vacation days.
37. A young person can tell you.
38. Where you have never looked.
39. Because you changed it.
40. A long ride.
41. Take a chance with it.
42. When you buy a dog.
43. To find a real partner.
44. Too many plans.

45. One to which you can devote all your time.
46. A daffodil.
47. By choosing new associates.
48. When nobody expects it.
49. A reckless person.
50. High shoes and high heels.
51. A woman can tell you.
52. Those who are too satisfied with life.
53. Not unless love is concerned.
54. A year that ends in five.
55. They think that you are an easy mark.
56. Dark nights.
57. Not if that person intends to leave you.
58. Because your ambitions conflict.
59. By demanding certain things of them.
60. Yes, but not seriously unless they act together.

ANSWER TABLE 41.

1. One that requires punctuality.
2. In all ways but one.
3. Only while you are idle.
4. It may be in a house. Look among shoes.
5. Yes, if you give it more time than you now plan.
6. Not unless you already consider it a certainty.
7. Occupation, credit, dining, yourself, beauty.
8. One who leads a retired life.
9. Only if your present position is a source of much worry.
10. Yes, but you both fear to express your love.
11. Rarely, if ever.
12. They need a thorough revision.
13. Only by bold demand.
14. An unexpected but deserved advance.
15. Probably. On your birthday.
16. No news will be good news.
17. Not unless you frequently appear in public.
18. It may be published.
19. Yes. After you have decided not to go.
20. No, but you will help others to gain theirs.
21. A loss of desire for new scenes.
22. One who will make you satisfied with present conditions.
23. One in every port.
24. A strange meeting in a strange place.
25. The longest way round is the shortest way home.
26. When the bells are ringing.
27. You have it now.
28. The month of March.

29. Not unless you find a gold mine.
30. Travel northward.
31. Once in a lifetime.
32. Not until you investigate.
33. Any time.
34. You will be lucky if you reach sixty-five.
35. It is virtually impossible.
36. Days that have passed.
37. Not until you expect more.
38. In a high place.
39. Because it caused complications.
40. A difficult choice.
41. Consult an old friend about it.
42. Gradually.
43. To understand other people.
44. Mixing in other people's affairs.
45. One that seems reliable.
46. A broken bottle.
47. By consulting a lawyer.
48. When it is really important.
49. Someone who is fair-minded.
50. Other peoples' opinions.
51. You will be if you seek certain friends.
52. Those who are partial.
53. Yes, if you rely upon the right person.
54. A year when you are out-of-doors.
55. They are undecided in their opinions.
56. Organizations.
57. Not unless you can watch that person.
58. Because of an accusation.
59. By trying to influence them.
60. Not unless they doubt you.

ANSWER TABLE 42.

1. Something to do with printing.
2. If it leads toward ambition.
3. Sometimes, while you are at work.
4. In a large receptacle.
5. If it is given publicity.
6. Not until it has become generally known.
7. A friend, a woman, an important person, a large crowd.
8. One who has been a soldier or a sailor.
9. Not without a struggle.
10. Not at present; but will when your condition has changed.
11. Yes, but you should not institute them.
12. Not if your interests conflict.
13. When you need it very badly.
14. Troublesome experiences that will turn out well.
15. Before very long.
16. During cold weather.
17. Not unless you indulge in quarrels.
18. Yes, and it will be exaggerated.
19. Probably not. Someone may go instead.

20. Not quite; but you should be satisfied.
21. Fame and fortune.
22. One who believes you are clever.
23. A score or more.
24. A stroke of genius.
25. Every cloud has a silver lining.
26. When it is time for him to be back.
27. In many places.
28. A fortnight in August.
29. It is very unlikely.
30. Those who travel do not always return.
31. Not when you are hard pressed.
32. Yes, it will help you very much.
33. The forenoon.
34. Only time can tell.
35. Not unless many unexpected losses occur.
36. Election days.
37. Yes, but other people will be affected by them.
38. When you cannot believe it.
39. Because two persons quarreled.
40. A chance for some easy money.
41. Keep it out of sight in your pocket.
42. When you carry an umbrella.
43. To play the bagpipes.
44. Excitability and inquisitiveness.
45. One that satisfies your conscience.
46. A red playing card.
47. By wasting less time.
48. When it is best for all concerned.
49. Someone who will tell your future.
50. High bridges.
51. Yes, if you are in a good environment.
52. Grafters.
53. No, but you will not suffer thereby.
54. The year your dreams come true.
55. They plan to give you a surprise.
56. Foreigners or foreign interests.
57. Not if that person tells you things about others.
58. Because you did not lend something to a certain person.
59. By telling them facts they do not know about you.
60. They may work against you anonymously.

ANSWER TABLE 43.

1. Where wisdom is invaluable.
2. Permanently.
3. Very seldom; guard against jealousy.
4. It is near metal. You may have it hidden.
5. Not unless it is an unusual one.
6. You yourself prevent its realization.
7. Property, ancestors, age, mines or metals.
8. One whom you greatly admire.
9. Not if too much activity is required.
10. Yes, if you have high ideals.
11. It is highly improbable.
12. They are wise, but do not make proper allowances.

13. Yes, but it will be begrudged you.
14. Conditions that will require immediate action.
15. It will come in instalments.
16. Yes, but you will not immediately recognize the person.
17. No, only in imagination.
18. No, but you will often think it has been.
19. Probably, but do not be too sure.
20. Yes, if it fits in with your present work.
21. Deep love and great understanding.
22. One who will be interested in your work.
23. Very few.
24. Something that will interest and please you.
25. Still water runs deep.
26. Everyone knows but you.
27. In love.
28. The time of the harvest moon.
29. Not unless you live a long, long time.
30. Do not travel too often.
31. Not where slot machines are concerned.
32. Not until you have received a definite answer to a question.
33. When the telephone is ringing.
34. You will live to be older than you expect.
35. Not while you manage your own affairs.
36. College days.
37. You are due for a big surprise.
38. That person will find you.
39. Because of an unexpected protest.
40. Something unusual.
41. Be careful that certain people do not know you have it.
42. When you attain distinction.
43. To be young and gay.
44. Useless discussions and conferences.
45. The one that you are expected to take.
46. A sprig of mistletoe.
47. By bringing them to a climax.
48. In a time of sorrow.
49. A business associate.
50. Lengthy meetings.
51. Not if you are trusting to luck.
52. Those who blame other people.
53. Yes, but you will wonder where they come from.
54. A year that will be chiefly a vacation.
55. Only a few of them really think of you.
56. Two persons who are bitter opponents.
57. Not until you have seen some of that person's plans work out.
58. Because you have something that that person wants.
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60. Yes, and the more you resist the stronger they will be.

ANSWER TABLE 44.

1. One that is of general utility.
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3. Only through negligence.
4. You may have found it; but may not want or need it when you find it.
5. Not unless it is along familiar lines.
6. Long after you have become doubtful.
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8. One whose advice you have often sought.
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15. Only in another town or city.
16. Yes, when the person has a new position.
17. Not unless you have already.
18. A little bird may tell it.
19. Yes, and it will be a pleasant one.
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26. He is now planning to come back.
27. Not in this world.
28. All periods that were favorable last year.
29. No; but you will not be poor.
30. If you travel, start early.
31. Yes—if you use your own money.
32. It may prove dangerous: so be wary.
33. Half-past seven.
34. You will live to see many changes.
35. Not if you can get ahead of your expenses.
36. The fifteenth of each month.
37. There is a slight chance that they will.
38. At an important meeting.
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57. Not if that person is a stranger.
58. Because you did the right thing.
59. By calling upon them as witnesses.
60. Not if you act promptly.

ANSWER TABLE 45.

1. Where wealth may be found.
2. Often, under sunny skies.
3. Not if you have amiable neighbors.
4. Somewhere out of sight but where you can reach it.
5. Not unless it is of an artistic nature.
6. Three times.
7. Fraud, delusion, something of little value; inequality.
8. One who apparently knows but little.
9. You won't want to when you might.
10. Not if that person says so.
11. Possibly, regarding property.
12. You will find out through an anonymous message.
13. Yes, but you will have to give it back.
14. The giving of many presents.
15. Only when you feel you should not accept it.
16. Yes, shortly after dreaming about the person.
17. Not unless you travel alone.
18. Many people will laugh over it.
19. Not unless it concerns important business.
20. Yes, by strange means.
21. A large and happy family.
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45. One where you can have a good time.
46. A strange dream.
47. By proving an alibi.
48. When trouble is brewing.
49. One who knows little about you.
50. Steep stairways.
51. Yes, if you increase your training.
52. Those who make threats.
53. Not unless you make a discovery.
54. The forty-fifth year.
55. They think that you owe them more than you do.
56. Inventors.
57. Not unless you can do so willingly.
58. Because you avoided someone.
59. By holding them to their promises.
60. Not if you wait until they are away.

ARITHMANCY WILL CONTINUE
IN THE NEXT ISSUE, STARTING
WITH ANSWER TABLE # 46.

Note to our readers:

The entire ARITHMANCY series will be available in book form after the conclusion of the series in TWL. Price to be announced.

Work is still progressing on the sequel to "Magick & The Law" and we expect to have it out in a few months. Several other projects are under way, so keep watching TWL for announcements.

CLIPPINGS WANTED!

Stories and clippings are wanted for inclusion in future issues of TWL, in the fields of Church/State relationships; Occult Rights; Religious Persecution, etc.

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54. The forty-fifth year.
55. They think that you owe them more than you do.
56. Inventors.
57. Not unless you can do so willingly.
58. Because you avoided someone.
59. By holding them to their promises.
60. Not if you wait until they are away.

ARITHMANCY WILL CONTINUE
IN THE NEXT ISSUE, STARTING
WITH ANSWER TABLE # 46.

Note to our readers:

The entire ARITHMANCY series will be available in book form after the conclusion of the series in TWL. Price to be announced.

Work is still progressing on the sequel to "Magick & The Law" and we expect to have it out in a few months. Several other projects are under way, so keep watching TWL for announcements.

CLIPPINGS WANTED!

Stories and clippings are wanted for inclusion in future issues of TWL, in the fields of Church/State relationships; Occult Rights; Religious Persecution, etc.

The Editors.

All the Dirt
that's fit to
Print !!

THE YELLOW RAG

Contributions
Gleefully
Accepted.

*** TOTALLY IRRESPONSIBLE JOURNALISM ***

Some Say That They Believe In God

Some say that they believe in God
Perhaps they really do
You'd think they'd live a different life
If that were really true

Take Salesman Sam th' used car man
Who's born again on Sunday
Still cheating blind his fellow man
And here it's only Monday

I guess th' worst's our minister
Th' Reverend Bigmouth Bass
Who claims despite th' hungry poor
God wants him kept first-class

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Perhaps they really do
You'd think they'd live a different life
If that were true....

Rev. John B. Denson DD

I AM YOUR SLAVE!

You are closer to me than any living creature. You repose in my pocket just over my heart. With my lips I caress you more than I do all the members of my family. When I awake I turn to you and follow you all day long. I worship at your shrine with burnt offerings at constant intervals. On my desk the fires seldom go out on your altar. I call on you for help more than I call on my Creator. I pay more money for you than I give the church and all charities. I mix your nicotine incense with the mucus of my throat, lungs, and nostrils and blow this mixture in the faces of my family and friends. Normal breath goes downward, but your smoke floats in the air; so I force all in the room to breathe this stifling refuse. I risk my life for you. By heavy smoking I take one chance in ten of having lung cancer because of you; I take no such risks for my religion or my Christ. I bear in my body the marks of my devotion to you. You see this in the color of my fingers, teeth, and skin. I just suck one end of the cigarette while you smoke the other end. A new light is dawning on me—I am your slave!

—E. L. Murphy

Prescription for Lawmakers

"Were the government to prescribe to us our medicine and diet, our bodies would be in such keeping as our souls are now. . . .

"It is error alone which needs support of government. Truth can stand by itself."

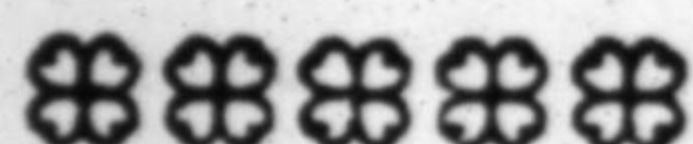
— Thomas Jefferson

GUESS WHO IS BEING CALLED "THE AYATOLLAH OF THE OCCULT COMMUNITY"?

The cheapest and easiest thing in the world is to show your authority. You can show your authority till doomsday, and make people fear it, too; but you will never make them respect it. — Henry Ford



An old Yankee saying has it that if there is one lawyer in town, he's poor; if there are two lawyers in town, both are rich.



Abraham Lincoln: Our people are fast approaching the point where it can be said that seven-eighths of them are trying to find out how to live at the expense of the other one-eighth.

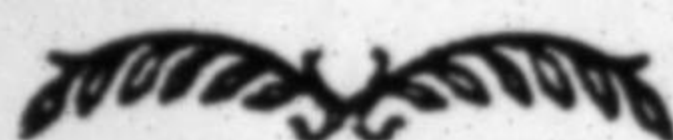


The right to be let alone is the most comprehensive of rights and the right most valued in civilized man.

— Louis D. Brandeis



If a society is to preserve stability and a degree of continuity, it must know how to keep its adolescents from imposing their tastes, attitudes, values and fantasies on everyday life. — Eric Hoffer



Government regulators are a lot like brand new Boy Scouts — they help you across the street even if you don't want to go.

Guess what slippery person uses a bogus San Fernando address for Driver's License, etc., etc, etc, and why? Perhaps this person suffers from Terminal Perjury.

NOTICE: DISCLAIMER:

ITEMS APPEARING IN "THE YELLOW RAG" DO NOT NECESSARILY REFLECT THE ATTITUDES, OPINIONS OR POSITION OF THE LIGHT OF TRUTH CHURCH, THE TEMPLE OF TRUTH, THE WHITE LIGHT OR THE STAFF & MANAGEMENT THEREOF!!



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Comments

AN OCCASIONAL FEATURE OF
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to permit its 'unhallowed perversion' by
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The case, *Florey v. Sioux Falls School District 49-5*,¹ could affect school programs across the nation, according to constitutional experts. At stake are not only Christmas programs but holidays such as Easter, Passover, Hanuka, St. Valentine's Day, St. Patrick's Day, Thanksgiving, and even Halloween.

The issue began with a parent's complaint about the religious content of a 1977 Christmas program put on by two Sioux Falls kindergarten classes. Now grown into a full-fledged First Amendment case, the complaint challenges concessions to "religious beliefs and customs" as stated in the school board's "rules for observance of religious holidays," "religion in the curriculum," and "dedications and commencements."

On February 13, 1979, Judge Andrew W. Bogue, of the United States District Court for the District of South Dakota, held that the board's policy and rules did not violate the Establishment Clause of the First Amendment. Plaintiffs have appealed Judge Bogue's decision to the United States Court of Appeals for the Eighth Circuit.

The Sioux Falls policy² has as its goal the advancement of the "students' knowledge and appreciation of the role that our religious heritage has played in the social, cultural and historical development of civilization." It states that "no religious belief or non-belief should be promoted . . . and none . . . disparaged." Students and staff are "excused from participating in practices contrary to their religious beliefs unless there are clear issues of overriding concern that would prevent it."

Rules 1 and 4 allow observance of holidays that "have a religious and secular basis" for celebration. Rule 2 permits explanation of the "historical and contemporary values and the origin of religious holidays . . . in an unbiased and objective manner without sectarian indoctrination."

Rule 3 permits "music, art, literature and drama having religious themes or basis . . . as part of the curriculum for school-sponsored activities and programs if presented in a prudent and objective manner and as a traditional part of the cultural and religious heritage of the particular holiday."

In addition, Rule 4 allows use of "religious symbols such as the cross, menorah, crescent, Star of David, crèche, symbols of Native American religions or others that are a part of a religious holiday," as teaching aids or resource materials, "provided such symbols are displayed as an example of the cultural and religious heritage of the holiday and are temporary in nature."

Paraphrasing key Supreme Court decisions involving religion in public schools, the policy calls religious institutions and orientations central to human experience, past and present. It continues: "An education excluding such a significant aspect would be incomplete. It is essential that the teaching *about*—and not *of*—religion be conducted in a factual, objective, and respectful manner."

In the District Court decision, Judge Bogue pointed out that the First and Fourteenth Amendments prohibit state laws respecting an establishment of religion. He referred to the Supreme Court's three-pronged test³ to evaluate cases arising under the Establishment Clause: (1) the law must have a secular legislative purpose; (2) its primary effect must be one that neither advances nor inhibits religion; and (3) it must not foster an excessive government entanglement with religion.

As for legislative purpose, Judge Bogue found the school board's policy was "to expose and involve the student in the full spectrum of our Western musical tradition. Music is selected for its inherent musical value. Performance is an intrinsic part of musical education." He added that another purpose "was to guide school personnel in chartering a constitutionally valid course in this sensitive area."⁴ Judge Bogue noted:

Religious texts are frequently used in Christmas music. Much of this art, while religious in origin, has acquired a significance which is no longer confined to the religious sphere of life. It has become integrated into our national culture and heritage. To allow students *only* to study and *not* to perform such works when they have developed an independent secular and artistic significance would give students a truncated view of our culture.⁵

Judge Bogue said he could not begin to gauge the effect that assemblies containing some material with religious content would have on various persons. However it was his "firm belief that if materials with religious content were presented to these same individuals in the classroom in a totally secular manner, they would still attach a similar religious meaning to them."⁶ He concluded that the primary effect of performing such materials at a Christmas assembly does not promote religion.⁷

On the issue of excessive entanglement, the judge concluded that the school board's policy and rules "do not result in *any* particular relationship between the school and any religious authority."⁸

In their briefs to the Court of Appeals for the Eighth Circuit, both sides of the Sioux Falls case continue their focus on two key Supreme Court cases: (1) *Engel v. Vitale*,⁹ in which the Court found that a prayer composed by governmental officials for use in public schools violated the Establishment Clause of the First Amendment, and (2) *School District of Abington Township v. Schempp*,¹⁰ in which the Court, again citing the Establishment Clause, struck down the devotional use of the Lord's Prayer and daily Bible readings in public schools.

In *Engel*, Justice Black, writing for the majority, held that under the First Amendment's prohibition against governmental establishment of religion, government "is without power to prescribe by law any particular form of prayer which is to be used as an official prayer in carrying on any program of governmentally sponsored religious activity."¹¹

Justice Black explained the Court's concerns about sectarian strife,¹² indirect coercion of religious minorities,¹³ and the tendency of church-state unions to destroy government and degrade religion.¹⁴ Citing James Madison's "Memorial and Remonstrance Against Religious Assessments," Justice Black explained: "Religion is too personal, too sacred, too holy, to permit its 'unhallowed perversion' by a civil magistrate."¹⁵

The *Engel* decision, however, did not rule out use of all public school manifestations of belief in God. In a footnote, the Court added:

There is of course nothing in the decision reached here that is inconsistent with the fact that school children and others are officially encouraged to express love for our country by reciting historical documents such as the Declaration of Independence which contain references to the Deity or by singing officially espoused anthems which include the composer's profession of faith in a Supreme Being, or with the fact that there are many manifestations in our public life of belief in God. Such patriotic or ceremonial occasions bear no true resemblance to the unquestioned religious exercise that the State . . . has sponsored in this instance.¹⁶

And in a footnote in his concurring opinion, Justice Douglas commented: "Christmas, I suppose, is still a religious celebration, not merely a day put on the calendar for the benefit of merchants."¹⁷

In the lengthy *Schempp* decision, the Supreme Court held that public school opening exercises using the Lord's Prayer and Bible readings were intended as religious ceremonies and thus prohibited by the Establishment Clause.¹⁸ For the eight-man majority, Justice Clark wrote:

Nor are these required exercises mitigated by the fact that individual students may absent themselves upon parental request, for that fact furnishes no defense to a claim of unconstitutionality under the Establishment Clause. . . . Further, it is no defense to urge that the religious practices here may be relatively minor encroachments on the First Amendment. The breach of neutrality that is today a trickling stream may all too soon become a raging torrent and, in the words of Madison, "it is proper to take alarm at the first experiment of our liberties."¹⁹

As for the argument that prohibition of religious exercises from public schools would establish a "religion of secularism," Justice Clark agreed that a state may not establish such a religion "in the sense of affirmatively opposing or showing hostility to religion, thus 'preferring those who believe in no religion over those who do believe.'"²⁰ Justice Clark said the *Schempp* decision in no way established secularism as the public school religion. He continued:

One's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment. But the exercises here do not fall into those categories. They are religious exercises, required by the States in violation of the command of the First Amendment that the Government maintain strict neutrality, neither aiding nor opposing religion.²¹

Concurring, Justice Brennan summarized that the prohibition of the Establishment Clause "was designed comprehensively to prevent those official involvements of religion which would tend to foster or discourage religious worship or belief."²² He said a "fruitful inquiry" would be whether the challenged practices "tend to promote that type of interdependence between religion and state which the First Amendment was designed to prevent."²³

Justice Brennan discussed the character of the public schools:

It is implicit in the history and character of American public education that the public schools serve a uniquely public function: the training of American citizens in an atmosphere free of parochial, divisive, or separatist influences of any sort—an atmosphere in which children may assimilate a heritage neither theistic nor atheistic, but simply civic and patriotic.²⁴

He added that "parents are free to choose the academic environment in which they wish their children to be educated."²⁵ He said the Establishment Clause preserves the parental choice "between a public secular education with its uniquely democratic values, and some form of private or sectarian education, which offers values of its own."²⁶

But Justice Brennan said that laws—even though originally having a religious purpose—evolve into laws "for the permissible purpose of furthering overwhelming ends," though they still "retain certain religious vestiges."²⁷ He then gave his view of the role that teaching about religion could play in public schools:

The holding of the Court today plainly does not foreclose teaching about the Holy Scriptures or about the differences between religious sects in classes in literature or history. Indeed, whether or not the Bible is involved, it would be impossible to teach meaningfully many subjects in the social sciences or the humanities without some mention of religion. To what extent, and at what points in the curriculum, religious materials should be cited are matters which the courts ought to entrust very largely to the experienced officials who superintend our Nation's public schools. They are experts in such matters, and we are not.²⁸

And Justice Goldberg, in his concurring opinion, appealed for a realistic approach to Establishment problems:

The First Amendment does not prohibit practices which by any realistic measure create none of the dangers which it is designed to prevent and which do not so directly or substantially involve the state in religious exercises or in the favoring of religion as to have meaningful and practical impact. It is of course true that great consequences can grow from small beginnings, but the measure of constitutional adjudication is the ability and willingness to distinguish between real threat and mere shadow.²⁹

How will the Eighth Circuit apply *Engel* and *Schempp* to the facts of the *Florey* case?

The key will be how the court applies the three-pronged Establishment Clause test, how it evaluates the Sioux Falls School Board's purpose, the primary effect of the policy and rules, and church-state entanglement. And undergirding that application will be how the judges perceive and characterize the facts.

Is singing "Silent Night" at a Christmas assembly in a public school a religious activity, a prayer, as appellants contend?³⁰ Or is it a secular activity, a mere relating of portions of a "legend" associated with a widely recognized holiday, as appellees contend?³¹ Do the policy and rules allow teaching about religion, or is this a case of teaching religion? Is there a difference between singing such songs in a music class and in a Christmas assembly?³²

And does it make a difference that the program participants are elementary students—perhaps more impressionable than secondary or college and university students? Will the religious makeup of the community be a factor?

And do the Sioux Falls policy and rules tend to debase and secularize religion, as a Presbyterian friend-of-the-court brief contends?³³ How much weight will the court give to a friend-of-the-court brief filed by two Jewish groups that "there is no role for the public schools to serve in the observance" of such days as Passover and Hanukkah?³⁴

Will the court focus on words and phrases in the policy and rules, such as "recognition" and "observance of religious holidays"? How will it interpret the Supreme Court's concept of governmental neutrality in this case—as strict neutrality or as benevolent neutrality?³⁵

Will the court differentiate between various Christmas songs? Will it object to the use of religious symbols as teaching aids?

As Judge Bogue said in his decision, the *Florey* case "presents an extremely close question of law," and "one of first impression."³⁶ As Justice Brennan said in his concurring opinion in *Schempp*, "If it should sometime hereafter be shown that in fact religion can play no part in the teaching of a given subject without resurrecting the ghost of the practices we strike down today, it will be time enough to consider questions we must now defer."³⁷

One of the ghosts of *Schempp*—and *Engel*—has arisen and now haunts the offices of the Eighth Circuit. And chances appear good that eventually the ghost will stalk its way toward the chambers of the building at One First Street Northeast, Washington, D.C.—the Supreme Court of the United States.

Florey surely will be a case of continuing interest to millions of students, teachers, principals, school boards, parents, and other interested groups and associations. For ultimately a decision will determine whether public school students at Christmas assemblies will be singing "Silent Night"—or just plain "Jingle Bells." □

References

¹ *Florey v. Sioux Falls School District* 49-5, 464, F. Supp. 911 (D.S.DAK. 1979).

² The policy and rules are reproduced in full as Appendix A to *Florey*, at 918, 919.

³ *Lemon v. Kurtzman*, 403 U.S. 602, 612, 613 (1971).

⁴ *Florey*, *supra*, note 1, at 916.

⁵ *Florey*, at 915, 916.

⁶ *Florey*, at 916.

⁷ *Ibid.*

⁸ *Florey*, at 918.

⁹ *Engel v. Vitale*, 370 U.S. 421 (1962).

¹⁰ *School District of Abington Township v. Schempp*, 374 U.S. 203 (1963).

¹¹ *Engel*, *supra*, note 9, at 430.

¹² *Engel*, at 429.

¹³ *Engel*, at 431.

¹⁴ *Ibid.*

¹⁵ *Engel*, at 432.

¹⁶ *Engel*, at 436, note 21.

¹⁷ *Engel*, at 443, note 8.

¹⁸ *Schempp*, *supra*, note 10, at 223.

¹⁹ *Schempp*, at 225.

²⁰ *Schempp*, quoting *Zorach v. Clauson*, 343 U.S. 306, 314 (1952).

²¹ *Ibid.*

²² *Schempp*, at 234.

²³ *Schempp*, at 236.

²⁴ *Schempp*, at 241, 242.

²⁵ *Schempp*, at 242.

²⁶ *Ibid.*

²⁷ *Schempp*, at 264, 265.

²⁸ *Schempp*, at 300.

²⁹ *Schempp*, at 308.

³⁰ Appellants' Brief, at 34.

³¹ Appellees' Brief, at 28.

³² Appellants' Brief, at 29, 30.

³³ Amicus Curiae Brief of William P. Thompson, Stated Clerk of the General Assembly of the United Presbyterian Church in the United States of America, at 8.

³⁴ Quoted in Appellants' Reply Brief, at 22.

³⁵ *Waltz v. Tax Commission of the City of New York*, 397 U.S. 664, 669 (1970).

³⁶ *Florey*, *supra*, note 1, at 914.

³⁷ *Schempp*, *supra*, note 10, at 301.

Our thanks to the reader who sent in this article.





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Will the court focus on words and phrases in the policy and rules, such as "recognition" and "observance of religious holidays"? How will it interpret the Supreme Court's concept of governmental neutrality in this case—as strict neutrality or as benevolent neutrality?³⁵

Will the court differentiate between various Christmas songs? Will it object to the use of religious symbols as teaching aids?

As Judge Bogue said in his decision, the *Florey* case "presents an extremely close question of law," and "one of first impression."³⁶ As Justice Brennan said in his concurring opinion in *Schempp*, "If it should sometime hereafter be shown that in fact religion can play no part in the teaching of a given subject without resurrecting the ghost of the practices we strike down today, it will be time enough to consider questions we must now defer."³⁷

One of the ghosts of *Schempp*—and *Engel*—has arisen and now haunts the offices of the Eighth Circuit. And chances appear good that eventually the ghost will stalk its way toward the chambers of the building at One First Street Northeast, Washington, D.C.—the Supreme Court of the United States.

Florey surely will be a case of continuing interest to millions of students, teachers, principals, school boards, parents, and other interested groups and associations. For ultimately a decision will determine whether public school students at Christmas assemblies will be singing "Silent Night"—or just plain "Jingle Bells." □

References

¹ *Florey v. Sioux Falls School District* 49-5, 464, F. Supp. 911 (D.S.DAK. 1979).

² The policy and rules are reproduced in full as Appendix A to *Florey*, at 918, 919.

³ *Lemon v. Kurtzman*, 403 U.S. 602, 612, 613 (1971).

⁴ *Florey*, *supra*, note 1, at 916.

⁵ *Florey*, at 915, 916.

⁶ *Florey*, at 916.

⁷ *Ibid.*

⁸ *Florey*, at 918.

⁹ *Engel v. Vitale*, 370 U.S. 421 (1962).

¹⁰ *School District of Abington Township v. Schempp*, 374 U.S. 203 (1963).

¹¹ *Engel*, *supra*, note 9, at 430.

¹² *Engel*, at 429.

¹³ *Engel*, at 431.

¹⁴ *Ibid.*

¹⁵ *Engel*, at 432.

¹⁶ *Engel*, at 436, note 21.

¹⁷ *Engel*, at 443, note 8.

¹⁸ *Schempp*, *supra*, note 10, at 223.

¹⁹ *Schempp*, at 225.

²⁰ *Schempp*, quoting *Zorach v. Clauson*, 343 U.S. 306, 314 (1952).

²¹ *Ibid.*

²² *Schempp*, at 234.

²³ *Schempp*, at 236.

²⁴ *Schempp*, at 241, 242.

²⁵ *Schempp*, at 242.

²⁶ *Ibid.*

²⁷ *Schempp*, at 264, 265.

²⁸ *Schempp*, at 300.

²⁹ *Schempp*, at 308.

³⁰ Appellants' Brief, at 34.

³¹ Appellees' Brief, at 28.

³² Appellants' Brief, at 29, 30.

³³ Amicus Curiae Brief of William P. Thompson, Stated Clerk of the General Assembly of the United Presbyterian Church in the United States of America, at 8.

³⁴ Quoted in Appellants' Reply Brief, at 22.

³⁵ *Waltz v. Tax Commission of the City of New York*, 397 U.S. 664, 669 (1970).

³⁶ *Florey*, *supra*, note 1, at 914.

³⁷ *Schempp*, *supra*, note 10, at 301.

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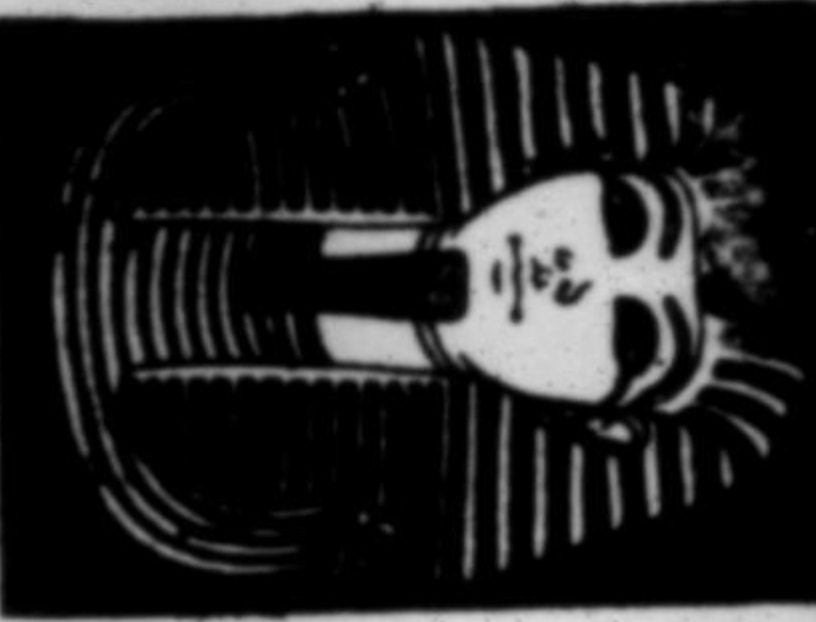
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