

Held for
119

OT 1962

No. 142

SCHOOL DISTRICT OF ABINGTON, PA. V. SCHEMPP et al.
Appeal from USD Ct ED Pa.

Timely (No motion to dismiss or affirm)

This is another school prayer case.

§15-1516 of the Pennsylvania Public School Code, which provides for Bible reading without comment at the opening of each school day and allows students to be excused upon request, is being attacked as violative of the 1st amend.

The 3-J Ct perpetually enjoined Appellants from reading or causing to be read or permitting anyone subject to their control and direction to read to the students of Abington High School the Holy Bible as directed by § 1516. This order included the recitation or reading of the Lord's Prayer in its prohibitions.

This case is very similar to Murray, et al. v. Curlett, et al., #119 on the Appellate docket, except that 119 held that a similar regulation was not violative of the 1st amend.

On the basis of Engle v. Vitale and my interpretation that it goes beyond prohibiting officially composed prayers, I would

AFFIRM

9/7/62

RLB