

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The “Contemplation of Justice” *Welsh v. United States, 398 U.S. 333 (1970)*



The reference to the registrant's **"own scheme of things"** was intended to indicate that the central consideration in determining whether the registrant's beliefs are religious is whether these beliefs play the role of a religion and function as a religion in the registrant's life.

"The test might be stated in these words: *A sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God of those admittedly qualifying for the exemption comes within the statutory definition.*" 380 U.S., at 176 .

The substitution in 6 (j) of "Supreme Being" instead of "God" as used in *Macintosh* does not, in my view, carry the burden, placed on it in the *Seeger* opinion, of demonstrating that Congress "deliberately broadened" Chief Justice Hughes' definition. "God" and "Supreme Being" are generally taken as synonymous terms meaning Deity. It is common practice to use various synonyms for the Deity. The Declaration of Independence refers to "Nature's God," "Creator," "Supreme Judge of the world," and "divine Providence." References to the Deity in preambles to the state constitutions include, for example, and use interchangeably "God," "Almighty God," "Supreme Being." A. Stokes & L. Pfeffer, *Church and State in the United States* 561 (1964). In *Davis v. Beason*, 133 U.S. 333, 342 (1890), the Court spoke of man's relations to his "Creator" and to his "Maker"; in *Zorach v. Clauson*, 343 U.S. 306, 313 (1952), and *Engel v. Vitale*, 370 U.S. 421, 424 (1962), to the "Almighty."

[Footnote 6]

This Court has taken notice of the fact that recognized "religions" exist that "do not teach what would generally be considered a belief in the existence of God," *Torcaso v. Watkins*, 367 U.S. 488, 495 n. 11, e. g., "Buddhism, Taoism, Ethical Culture, Secular Humanism and others." *Ibid.* See also *Washington Ethical Society v. District of Columbia*, 101 U.S. App. D.C. 371, 249 F.2d 127 (1957); 2 *Encyclopaedia of the Social Sciences* 293; J. Archer, *Faiths Men Live By* 120-138, 254-313 (2d ed. revised by Purinton 1958); Stokes & Pfeffer, *supra*, n. 3, at 560. [Footnote 10]