

INTERNET ARCHIVE
WayBackMachine
BETA

http://www.skepticfiles.org/atheist/godlyvid.htm Go

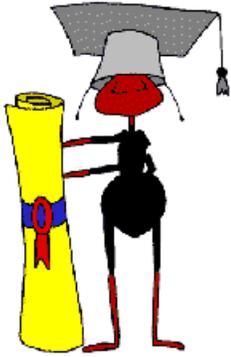
15 captures
12 Jul 02 - 7 Aug 07

JUN AUG SEP
2005 2007 2008

Close
Help

Scorecard for America's Godly Heritage video Claim 1: 'The Supreme Court ruled that Secu

[master index](#) | [current index](#) | [skeptictank](#) | [human rights](#) | [criminal cult](#)



Scorecard for America's Godly Heritage video

Claim 1: "The Supreme Court ruled that Secular Humanism is a viable First Amendment Religion.

Cases cited: *Torcaso v. Watkins* (367 U.S. 488), 1961, and an unnamed 1985 decision.

Torcaso v. Watkins ruled nothing of the sort; a footnote mentioned "Secular Humanism" as a "Among religions in this country which do not teach what would generally be considered a belief in the existence

of God [sic]." This did not refer to what "secular humanism" generally refers to today, but to a church in California, the Fellowship of Humanity. The footnote cited *Fellowship of Humanity v. County of Alameda*, 153 Cal. App. 2d 673, 315 P. 2d 394. I checked the second cite, which is the Pacific Reporter, and found that the Fellowship of Humanity formed in 1952 and was suing the County of Alameda to recover property taxes and penalties paid under protest. The California Appeals Court ruled that this was a legitimate religion and therefore tax exempt (2-1 decision). (This case was filed September 11, 1957.) The members of the Fellowship of Humanity referred to themselves simply as "humanists," not as "secular humanists."

I earlier suspected that the unnamed 1985 decision referred to Brevard Hand's decision involving Arkansas' Act 590 creationism law, but that case was resolved in 1982. I then suggested that maybe it was the Louisiana creationism case, *Edwards v. Aguillard*. That appears to be mistaken. (The Supreme Court ruled in favor of Aguillard, against Louisiana Gov. Edwards, in 1986. I found the Circuit court decision, which also went against Edwards. Perhaps Hand was involved at a lower level, but I don't know.) So this is inconclusive--the video doesn't say what the case is.

Claim 2: "The Supreme Court ruled that atheism is a religion."

Cases cited: *Theriault v. Silber* and *Malnak v. Yogi*.

The Supreme Court has never had anything to do with a case named *Malnak v. Yogi*. There was a *Malnik v. United States* appealed to the Supreme Court, but that was a tax case that apparently had nothing to do with religion. (The Supreme Court did not hear that case.)

Theriault v. Silber (453 FSupp 254) was also never heard by the Supreme Court. It had to do with religion and the First Amendment, but nothing to do with atheism. Harry Theriault, a/k/a Shilo, a/k/a Bishop of Tellus, was a highly litigious federal prison inmate with

INTERNET ARCHIVE
Wayback Machine BETA

15 captures
 12 Jul 02 - 7 Aug 07

Go

JUN AUG SEP
 2005 2007 2008

Close
 Help

should be allowed to grow a beard because of his status as a bishop (and the second Messiah). He tried to get appointed as the prison chaplain for the Church of the New Song. Various aspects of the "church" involved threats of violence and bloodshed. The U.S. District Court ruled that this was not a genuine religion, and that its activities were not protected by the First Amendment. (Therault had numerous other lawsuits, several of which were appealed all the way up to the Supreme Court, which did not hear any of them.)

Score for this video (4 claimed Supreme Court cases):

- 1 of undetermined status,
- 1 undiscovered (but definitely not a Supreme Court case),
- 1 genuine Supreme Court case grossly misrepresented,
- 1 genuine case not heard by the Supreme Court grossly misrepresented.

I'd suggest that either dishonesty or incompetence is involved--probably both.

Jim Lippard Lippard@CCIT.ARIZONA.EDU
 Dept. of Philosophy Lippard@ARIZVMS.BITNET
 University of Arizona
 Tucson, AZ 85721



[E-Mail Fredric L. Rice / The Skeptic Tank](#)