

# AOK | ATHÉE OKIE

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## OKIE ATHEISTS MARCH IN 2004 PRIDE PARADE



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Last weekend the Oklahoma Atheists marked their first ever participation in the OKC GLBT Pride Festival and Parade. Ten of our number volunteered to make a rationalist presence known to the community, first at Independence Park and then along the parade route. An estimated 25,000 visitors flocked to both the festival and the parade, and all of them had a chance to see either our booth or our float entry, or both.

We kicked things off on Friday the 25<sup>th</sup> with a non-tract folding/float building party at my house. Our own [Rance VanDucy](#) worked his tail off to make sure that we had professionally crafted signage for the float. About 15 members showed up to help out on Friday the 25<sup>th</sup>. A fantastic time was had by all; we laughed and talked and ate and worked until well after dark.

Saturday morning we hit the park bright and early. We had a 10' x 10' canopy provided by Pride Network

(included in our modest registration fee) as well as plenty of folding tables and chairs that we had brought ourselves. Hundreds of people began streaming into the park around 1 o'clock that afternoon; all anxious to see which non-profit organizations and vendors had set up to peddle their ideas and wares.

As usual, there were a number of progressive churches present, but this was the first time that a booth by and for atheists and humanists was present to promote rationalism and to show solidarity with fellow lovers of liberty from across our state, our nation, and our world.

Early on during Saturday's festivities, a contingent of fundamentalists was asked to leave the park, which had been wholly rented to the festival over the weekend. Those folks had no permit and no festival registration, and thus were no more welcome to pass out their hateful agitprop and ridiculous lies than the Oklahoma Atheists or Tulsa Humanists would have been welcome to decry religious mythology at a Billy Graham tent revival.

The indefatigable [DeKazz](#) boldly took a "triple dog dare" and confronted the poorly dressed and ill prepared preachers of superstition as they were escorted by police officers out of Independence Park. They howled and ranted and raved as she did unto them as they had done unto others – handing out literature promoting a worldview contrary to their own. One of the affronted fundies said, "I can't believe that you're out here recruiting people to believe in nothing," to which our perennially clever and famously tireless woman on the scene replied, "Isn't that exactly what you're doing?"

We handed out reams of [non-tracts](#) to eager attendees throughout Saturday, and – while some skirted our booth with a touch of unease – the overwhelming majority of Festival visitors were both gregarious and accepting.

Sunday drew even larger crowds to the Festival, not to mention more booths and even better weather. No deities were willing and able to send hurricanes and lightning to stop the festivities – the weather was lovely on both Saturday and Sunday.

We did have one particularly humorous moment at the Festival on Sunday – an incident that will forever be anthologized in the annals of the Oklahoma Atheists.

**(Continued on back page)**

# SUPREME COURT REVILES THE TOTAL SEPARATION OF CHURCH AND STATE

Part one of a three-part series by [tergiversant@OklahomaAtheists.org](mailto:tergiversant@OklahomaAtheists.org)

By now, more or less everyone in the American freethought community is well aware of the fact that the majority of the Supreme Court opted to punt on the Newdow case last month, using the issue of Michael Newdow's position as a non-custodial parent to dodge the central question of whether Congress ran afoul of the First Amendment's non-establishment clause when it [codified](#) (fifty years to the day before the high court delivered its opinion on this case) the notion that these United States are to be considered "one Nation under God."

While this widely reported and admittedly significant aspect of the case may well be common knowledge, it is lesser known that the *entire court ruled against Newdow*, with the singular exception of Justice Scalia, who doubtless would have done so had he not recused himself from the case. This article describes how the various justices ruled and why they ruled as they did; an analysis and critique of their respective rulings will be presented in the following months' issues.

The majority of the court, which denied the plaintiff standing to sue on this matter, consisted of Justices Breyer, Ginsburg, Souter, and Stephens (the so-called liberal voting bloc) along with Justice Kennedy, who voiced his reservations with respect to Mr. Newdow's standing during the oral arguments before the court. The primary justification of this decision, written by Justice Stephens, was that "Newdow's standing derives entirely from his relationship with his daughter, but he lacks the right to litigate as her next friend." The court summed up its reasoning as follows:

In our view, it is improper for the federal courts to entertain a claim by a plaintiff whose standing to sue is founded on family law rights that are in dispute when prosecution of the lawsuit may have an adverse effect on the person who is the source of the plaintiff's claimed standing. When hard questions of domestic relations are sure to affect the outcome, the prudent course is for the federal court to stay its hand rather than reach out to resolve a weighty question of federal constitutional law.

...We conclude that, having been deprived under California law of the right to sue as next friend, Newdow lacks prudential standing to bring this suit in federal court.

The remainder of the court (excepting of course Justice Scalia) dissented from this view, with Chief Justice Rehnquist accusing the majority of undertaking the erection of "a novel prudential standing principle in order to avoid reaching the merits of the constitutional claim." He characterizes the issue of standing in direct opposition to the majority, claiming that Mr. Newdow's "daughter *is not the source* of [his] standing; instead it is their relationship that provides...standing," and that therefore the "prudential prohibition on third-party standing provide no basis for denying respondent standing." Justice Rehnquist asserts that Newdow "does not seek to vindicate solely her rights" but rather his own right as a parent to "expose his daughter to those views without the State's placing its *imprimatur* on a particular religion."

Justices O'Connor and Thomas concurred with the Chief Justice's analysis of the standing issue, and all three of them wrote at length to expound their view that the judgment of the Court of Appeals ought to be reversed, not because Newdow lacked standing, but rather because the Establishment Clause has not been violated in this case.

Chief Justice Rehnquist devotes the better part of his Establishment Clause analysis to historical expressions of piety by our nation's leaders, including George Washington, Abraham Lincoln, Woodrow Wilson, Franklin Roosevelt, and Dwight Eisenhower, as well as Congressional enactments such as the 1956 Act which established "In God We Trust" as our national motto and the 1954 act which inserted "under God" into the Pledge of Allegiance. He does this in order to support the idea "that our national culture allows public recognition of our Nation's religious history and character," concluding that "[t]he phrase 'under God' is in no sense...an endorsement of any religion, but a simple recognition of the fact...that our Nation was founded on a fundamental belief in God." The chief justice contends that the recognition of this fact "cannot possibly lead to the establishment of a religion, or anything like it."

Justice O'Connor joined the chief justice in full, but wrote separately in order to clarify what appears to be an unexpected departure from her reasoning in previous cases, upon which the federal circuit court had based much of its ruling that the interpolation of "under God" into the pledge by Congress was impermissible under the First Amendment. She does this by carefully and deliberately carving out "a discrete category of cases" of "ceremonial deism," in which "the government can...acknowledge or refer to the divine without offending the Constitution." This category is based on an evaluation of four factors which may be considered with respect to traditional expressions of public piety:

1. History and Ubiquity
2. Absence of worship or prayer
3. Absence of reference to particular religion
4. Minimal religious content

According to Justice O'Connor, our national motto "In God We Trust" and the phrase "under God" in the Pledge of Allegiance constitute instances of ceremonial deism, such that their "history, character, and context prevent them from being constitutional violations at all."

Finally, Justice Thomas made the case for a radical reinterpretation of the Establishment Clause, claiming that it "does not purport to protect individual rights" but rather "precludes the Federal Government from establishing a national religion." He disagrees with O'Connor's attempts at distinguishing this case from previous ones, arguing that "as a matter of [Supreme Court] precedent, the Pledge policy is unconstitutional," but goes on to claim that such precedents ought to be rescinded in favor of the view that the establishment clause should be limited strictly to those cases in which the government is engaged in "actual legal coercion," in order to create a religious establishment, or else granted government authority to a particular religion.

## **Atheist March in Pride Parade (Continued)**

An extremely homely middle aged man, none-too-smartly dressed in a black leather mini-skirt, walked by our booth with his young son at his side. Upon seeing our message, the fellow quickly turned his child's head away from the sight of several rationalists sitting in a booth and handing out freethought literature critical of fairy tales and wishful thinking. At this point, one of our number called [Leonids](#) remarked wryly, "I guess he didn't want his son to see any weirdos."

We began to break down the booth and get ready for the parade at about 4 o'clock on Sunday afternoon. The parade began on schedule at 5 o'clock; we were #53 out of a total of 65 parade entries.

Now, some of the floats were exponentially grander, true. Some even bordered on the baroque in terms of artful design and clever construction. Others were "Plain Jane" affairs rigged up with nothing more than vehicles and homemade signage. Ours was serious but colorful, simple but handsome, streamlined but non-spartan.

The parade route stretched north on Classen to a median at about 40<sup>th</sup> St., then curved around the median to the south and proceeded on from there until 39<sup>th</sup> St., at which point it curved to the right and proceeded straight down 39<sup>th</sup> until just past Pennsylvania at Barnes. The grandstand itself was at 39<sup>th</sup> and Barnes, or thereabouts.

We were marching directly west into hot Oklahoma afternoon sunlight, but the streams of sweat and the pervasive humidity were well worth the excited crowds and the opportunity to hand out even more non-tracts to Americans hungry for common sense and scientific fact in a state so often filled with mystical folderol and sugar-coated lies.

We handed out each set of Mardi Gras beads with a non-tract, and the crowds seemed eminently pleased to get such shiny baubles and sensible literature. As we marched westward down 39<sup>th</sup> to our final destination, the crowds grew ever larger and more encouraging.

We heard whistles, cheers, applause, and shouts of encouragement as we tirelessly handed out our pamphlets and *tchotchkes* to the sweaty, happy masses of people.

Only once did any of us see anything remotely negative during our march. "Lady Liberty" DeKazz says that she saw one spectator give a thumbs-down gesture. Our gracious Lady Liberty responded in

kind with naught save a smile and a thumbs-up of her own.

While Leonids recounted that a couple spectators did not accept his offer of beads, I saw a great many people who wanted no beads at all. Presumably, they already had enough shiny little play-pretties of their own back at home without taking more mass-produced baubles.

We were entirely out of steam and Mardi Gras beads by the time we reached our final resting spot just west of 39<sup>th</sup> and Barnes. Afterwards, four of us retired to Paco's – a little Tex-Mex diner on the strip – for some post-parade dinner and *kibitzing* afterward.

Although Oklahoma Atheists' membership is overwhelmingly heterosexual, we spoke volumes about open-mindedness and even-handed treatment of our fellow citizens this past weekend. By keeping a booth and marching in the parade, we showed that rationalists could not care less about something as inconsequential as sexual orientation. In a world filled with scientific illiteracy, hopelessly dated superstition, religiously based animus, and willful ignorance of all stripes, you can count on rational minds to stand up for what is right in the world – and we did just that.

Our participation in this event was cheap publicity if ever I saw it. Our name (along with that of the Humanist Association of Tulsa) is clearly emblazoned on the back of the official event t-shirt, right there with all the other sponsors of the whole *megillah*. Thousands of both Oklahomans and out-of-state visitors saw us at both the Festival and the Parade, and we were also on all official literature.

To wrap up, it suffices to say that this resounding success of a weekend calls for an even greater turnout next year. We should endeavor to at least triple our contingent next year. Hopefully, our Tulsa cousins will join forces with us, along with all central Oklahoma rationalists who want to stand up for liberty, denounce the lies of the American Taliban, and have tons of fun in the sun to boot.

### **Oklahoma Atheists Contact Info**

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