

## NYC ATHEISTS INC.



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AN AFFILIATE OF AMERICAN ATHEISTS

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### PRESIDENT'S "SERMON"



KENNETH BRONSTEIN

## The 'Lemon Test' Gives Us the Means To Fight Religious Infiltration

NYC Atheists is the only Atheist group in town that does street tabling currently and, let me tell you, it is an education. The whole world passes by our yellow tent on those warm Saturdays that we are tabling on Columbus Circle. Our members--and we have our street tabling "regulars," those who like to engage with the public--have met people from all over the world, from all walks of life, from all religions. I've been doing street tabling every summer now for some nine years, and over the years I've heard every question, every taunt, every justification for religion known to mankind.



NYC Atheists Street Tabling

But there is one question the public invariably asks that I still find irresistible, even after nine years. It's not really a question so much as a "Gotcha!" from a passerby who is convinced he's found a Catch-22 in our Atheist platform. "Listen," he says. "Nowhere in the U.S. Constitution does it mention separation of church and state."

"Oh?" I say, feigning surprise. "Not even in the First Amendment?"

"No," says the visitor. "The First Amendment says only that 'Congress shall make no law respecting an establishment of religion.' It's called the Establishment clause."

"You are right," I say, often to the smug satisfaction of

the person who has given this information. "That's what the First Amendment says. And it has generally been interpreted to mean that the U.S. cannot establish a national religion or show any preference for one religion over another."

"Why, yes," says our visitor, gloating that he has obviously destroyed our reason for street tabling.

"But," I say to our informant, "haven't you heard of the Lemon Test? You see, the First Amendment has been expanded by a Supreme Court decision in 1971 that elaborated on the First Amendment and established some rules and laws that erect a huge wall between our government and religion."

### Meet the Lemon Test!

Then I have the satisfaction of telling our smartass informant something that he--and a lot of other people--do not know: I tell him about the Lemon Test.



Alton Lemon

The Lemon Test is named after a plaintiff, Alton T. Lemon, an African American civil rights activist who volunteered for the American Civil Liberties Union and was the first African American president of the Ethical Humanist Society of Philadelphia. It seems that Mr. Lemon took umbrage at the state of Pennsylvania's passing a law that allowed the local government to use tax money to fund educational programs that taught religious-based lessons.

Mr. Lemon sued, and the case, *Alton T. Lemon, et al v.*

David H. Kurtzman, Superintendent of Public Instruction of Pennsylvania, et al, went, in 1971, to the Supreme Court, which ruled in favor of Lemon, saying, basically, that using tax money to finance the teaching of religion was not what our Founding Fathers had in mind.

### Three Criteria for Money Giveaway

The Supreme Court's decision also established the "Lemon Test," which detailed three requirements for any future legislation that dealt with the government's providing money to various institutions:

1. The government's action must have a **secular** legislative purpose.
2. The government's action must **not** have the primary effect of either **advancing or inhibiting religion**.
3. The government's action must **not** result in an "excessive government entanglement" with religion.



Judge John E. Jones III

If any of these three prongs are violated, the government's action is deemed unconstitutional under the Establishment Clause of the First Amendment. This "Lemon test" has been invoked in several high-profile Supreme Court cases. Most recently, and most notably, it was used by Judge John E. Jones III in his decision in the famous "intelligent design" case in Dover, Pennsylvania, in which a school's teaching of creationism was defeated in federal court.

### Plaintiff Lemon Made History

Alton Lemon died this year on May 4, at the age of 84. He had a degree in mathematics from Morehouse College and a Master's degree in social work from the University of Pennsylvania. He worked in various important government jobs, but I'm sure he never thought that he would go down in history as the person who established the pillars of separation of church and state for our country.

When I tell all this to my street tabling visitor who thought he knew more than I do, I usually find that he (or sometimes, she) generally is not aware of any legal case precedents that expand the First Amendment. Sometimes the visitor doesn't believe me, so I make sure I have some documents in our tent that back me up.



One of NYC Atheists Street Tabling Banners

What I don't necessarily tell strangers who are new to the legal precedents for separation of church and state but what I want to tell you as a fellow Atheist is that this extremely important 1971 decision establishing that our government is not allowed to financially support religion, may be in danger. Ultra conservative Supreme Court justices, such as Justice Antonin Scalia and Justice Clarence Thomas, are trying to rollback this decision or reduce its effectiveness in any way they can. It is important that we Atheists support this 1971 decision, and that means backing the appointment of open-minded, nonreligious, politically moderate Justices for any future openings in the Supreme Court.



### **Renew your NYC Atheists Inc. Membership!**

**Your dues and contributions to NYCA (educational 501- C3) are 100% tax deductible.**

If you are a basic member now, consider increasing to a higher category: Basic \$ 25.

Basic Plus, \$50, Friend, \$100, Sustainer, \$250, Patron, \$500, Benefactor \$1000, Life \$5000.

You can donate via check or web site. Make checks payable to NYC Atheists Inc. and send to: NYC Atheists Inc. (Membership), P.O. Box 6060, New York, NY 10150-6060.

Or there is a donation form on our website: **[www.nyc-atheists.org](http://www.nyc-atheists.org)**

And remember NYCA in your estate planning! Why leave your money to a religious person?

Our civil rights efforts for Atheist goals can move ahead faster if you make NYCA the beneficiary of an insurance policy, bank account, IRA or property. Let your money work for YOUR cause when you no longer need it.

## Why Should Atheists Sweat the Small Stuff?

### *Because the Injustices to Atheism Are Cumulative*



By Jane Everhart

Dear Editor,

Should Atheists fight against the longtime American practice of placing free Bibles in hotel rooms? I just read that Dr. Ed Buckner, the past president of American Atheists and present chairman of the Atlanta Freethought Society, recently complained that he found nine (9) Bibles in a vacation cabin he rented in a Georgia state park and insisted that the park remove all Bibles from the state-owned property. The Parks Department started to do that but Georgia governor Nathan Deal interfered and ruled that the the Bibles be returned to the cabins and lodge rooms.

While this may seem like a fun controversy, isn't it really a waste of Atheist time and effort? I mean, Bibles in hotel rooms have been *de rigeur* as long as I can remember. You aren't forced to read them. You can just leave them alone. Why do we Atheists have to quibble over the small stuff? Aren't there more important things for us to fight, like the federally funded Faith-Based Initiatives?

--Walter from White Plains

Dear Walter,

You have hit upon an insider controversy that has been rocking the Atheist boat for some time now. You hear it everywhere, from Atheist conventions to discussion groups at the Stone Creek bar. I am talking about *Atheist priorities*. Why should we worry about "under god" in our pledge of allegiance or "In god we trust" on our money when there are "more important fights?" Who cares about the "Miracle Cross" in the 9/11 Museum or "Seven in Heaven" on a street sign in Brooklyn? Why do we waste our time fretting about these small things?

I regret to inform you that I have encountered a kind of saboteur within the Atheist movement: the sometimes well-meaning advisory poseurs who tell us we can't win in these small cases--in order, I suspect, to discourage us from even trying. They are the secularists who tell us that we will only "reinforce the image of Atheists as cranky, unpatriotic, thin-skinned and openly antagonistic," as one of them put it, if we tackle these small, unpopular issues. They are the ones who whisper into our ears, "you can't win, so why try?"

They tell us we are powerless, that we should not offend the religionists, that we should be "nicer," that we should "respect" religious people, that we should "let them have this one" (this, especially in the case of the Miracle cross), exhorting us: "You don't want to be bothered with this unimportant stuff."

#### **Yet, Religion Fights Small Battles**

They are often echoing the words we heard from the Religious Right just before Congress last year hurriedly passed into law the U.S. motto "In god we trust." Yet, when we Atheists have tried to sue to get these words out of the legislative agenda, suddenly these "unimportant" words become vital and the Religious Right fights mightily to keep their "god" words in our nation's lexicon! What the Right tells us is "unimportant" has suddenly become important to them. The Right will fight tooth-and-nail to keep "In god we trust" the national motto--but when we fight against it, they, and their Atheist accommodationists, whisper to us that we are "wasting our time on unimportant things."

We in NYCA have long contended that there are enough of us Atheists now to fight battles on many different fronts. Ideally, the bigger organizations can handle the bigger battles--for example, American Atheists is currently suing the Internal Revenue Service on the issue of tax exemption for churches. Smaller organizations can try to get Bibles out of government-owned vacation cabins.

#### **Win by Losing?**

We must not be afraid of losing a legal battle. We in NYCA are of the opinion that even if we lose a battle, we win: We go down in history as having fought that battle. We hold a press conference and tell the world why we fought this particular battle. It's an opportunity to get into the public eye and the public mind.

The court system is there to be used by ordinary citizens. To be afraid to use it, or to wait until we can be sure we will win, defeats the democratic system for ordinary people. For example, let me tell you the story of how NYCA President Ken Bronstein and I sued and lost--but really won:

Bronstein and I decided to sue the Catholic Diocese of Brooklyn because Bishop DiMarzio made robocalls during the 2009 election, urging voters in his district to vote for State Assemblyman Vito Lopez. Lopez, who was chairman of the Brooklyn Democratic party, had done a big favor for the Catholic church: He vetoed a bill that would have extended the statute of limitations so that child victims of priestly child abuse in New York state could sue the church even years after the abuse. Thus, Lopez saved the church millions of dollars in reparations to child victims of rape by priests.

Bronstein and I sued without a lawyer, (though we had some voluntary free legal advice) charging that Bishop DiMarzio was violating Internal Revenue Service laws by advocating a candidate to voters in his Parish. The only cost for us in suing the Bishop was the filing charge at the Brooklyn State Court House, which was, I think, under \$250.

### **Deceitful Duo Is Exposed**

After we filed the suit, we held a press conference in front of the State Court House. Quite a few Brooklyn newspapers and TV channels showed up, as did the Catholic press, which arrived with its huge sound truck. That evening, all of Brooklyn knew about Bishop DiMarzio's robocalls and his entanglement with Vito Lopez.

Our suit was thrown out of court, of course, as we expected. No one can expect to succeed in suing a Catholic Bishop in Brooklyn. But you can bet the Bishop did not make robocalls in the next election. I'll warrant that he will never again violate IRS rules about clergy

influencing elections. And the entire borough of Brooklyn is now on to the Bishop's underhanded tactics, as is the church itself. Suddenly, because we sued, we Atheists became a group to contend with.

But for us in NYCA, the upshot came months later, when Assemblyman Lopez was exposed in the State Assembly for sexual harassment of his female staff members. He was forced to step down as chairman of the Brooklyn Democratic party and eventually was ousted from the State Assembly. While the harassment charge was unrelated to our issue, I can't help but think that our courage in exposing Lopez's collusion with the Bishop had encouraged the staffers to expose him.

### **Accomplished Our Goals**

So for the relatively small cost of \$250, we NYC Atheists achieved: 1) Good publicity for us as whistleblowers, 2) We ended political robocalls by the Catholic Bishop, 3) We put the Brooklyn diocese on notice that we are watching; 4) We exposed a shady legislator who was later ousted from his post. I'd say that was a lot of accomplishment for our \$250 investment, wouldn't you?

NYCA counted that "lost" legal suit as a win. We achieved everything we set out to do for an investment of \$250 and a little legwork.

So, Walter, what were you saying about those Bibles in a state park in Georgia? How much did you say it costs to file a lawsuit in Georgia? ☐

**YOU HAVE ONLY ONE LIFE TO LIVE  
THIS IS THE ONE**

**ATHEISM  
IS A  
NON-PROPHET  
ORGANIZATION**

**JOIN  
NYC ATHEISTS – FACEBOOK  
<http://www.facebook.com/pages/New-York-City-Atheists/187304681037>**

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Editor – Jane Everhart  
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# How to Argue With a Believer (If You Must)

## A Few Pointers from an Ex-Pastor



By David Madison, Ph.D in Biblical Studies

When we argue with believers, inevitably the moment arrives when they scold us, as if we are daft: “But god must exist,” they say. “How else did we get here! Planets, stars and people just don’t happen by accident. There had to be a creator.”

I usually reply, “If you want to argue that god exists, that would be your weakest point. You don’t want to go there.”

But why is that a weak argument? Isn’t it logical that everything has a cause? Indeed, one of the classic arguments for god in Western thought has been the necessity of a First Cause. We humans evolved to detect patterns and causes; that’s how we survived, and it’s hard to abandon this frame of mind when we think about the Universe.

There are three points to keep in mind when your religious opponent tells you that god was required to kick things off:

- For an Atheist, the perfect come-back is, “Well then, where did god come from?” Believers often retort, “god *always* existed.” An eternal god is part of the Sunday school baggage they were taught as kids, but we Atheists need evidence, not guesses and surmises rooted in dogmas we don’t believe. (Bertrand Russell made the point that it’s just as easy to believe in an eternal universe as it is to believe in an eternal god.)
- Cosmologists--scientists who study the structure and dynamics of the universe--are not in the god-created-it camp. The brilliant cosmologist Sean Carroll (Department of Physics at Caltech) wrote recently: “...scholars who are experts in the fundamental nature of reality have concluded that god does not exist. We have better explanations for how things work.” (from his article, “Science and Religion Cannot Be Reconciled: Why I Won’t Take Money from the Templeton Foundation”).
- But then we come to a question that is the major stumbling block in our debate with the believer: How would we know what the creator god was like? Believers rush in with an easy answer, “The god of

the Bible!” But how does that follow, unless we accept revelation? Without revelation, the Bible’s ideas about god are useless.

So, according to believers, there was a human-like creator god? Wait, you may say, how can believers rule out any of these possible explanations of our origins:

- Maybe a blind force, with little or no awareness of results, blasted the Cosmos into being.
- If there was a creator god, the possibility exists, you might remind the believer, that this god was in no way personal, i.e., interested in personal relationships with humans. Using ‘he’ about this god would not be appropriate. The creator god might be an ‘it,’ and could have ignited lots of universes—ours is only one of many.
- Another possibility, you might remind the believer, is that the god who created our universe could be a lesser god who was created by another, more remote, god. How far back do we have to go with this theological mind game?
- This idea should rattle your opponent: Perhaps a wicked deity concocted the Universe. Is Joseph Daleiden right? “...Looking at the mess the world is in, it might seem easier to prove a Devil than a god” (*The Final Superstition: A Critical Evaluation of the Judeo-Christian Legacy*, p. 136).
- Or, there’s the possibility that the believer’s creator god doesn’t notice much below the level of black holes, stars and planets—certainly not seven billion humanoid mammals. I can bake a loaf of bread—I’m the creator of that—but I am not aware of the molecules in the flour. Maybe humans are molecules in the Cosmos dough? This possibility baffles believers who long for a personal god to pray to.
- If your believer friend isn’t befuddled yet, you can throw some more facts at him or her: We know that the universe is 13.82 billion years old; that’s the current dating for the Big Bang. Believers can claim that a god did it, but how do you get from an Igniter god 13.82 billion years ago to the god who loves

and who can be channeled through prayer? That takes a heck of a lot of theological wishful thinking, none of which is testable and verifiable.

Pretending to possess the grand answers, theology falls far short of delivering the goods. Author Sam Harris tells the truth: "...theology is now little more than a branch of

human ignorance..." (*The End of Faith: Religion, Terror and the Future of Reason*, p. 173.) □

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*Dr. David Madison is a former pastor who earned his Ph.D. in Biblical Studies from Boston University. A nonbeliever today, he is a frequent contributor to this publication.*



## NYCA SUMMER SOLSTICE COMEDY FEST



June 21, 2013 (FRIDAY)

4 - Fabulously Funny Comics - 4



SCOTT BLAKEMAN



ROSS BENNETT



MICK DIFLO



CARMEN LYNCH

### The Stand Restaurant and Comedy Club

239 3rd Ave (20th) New York, NY

6:00 PM - Doors Open / 6:30 PM Show Starts

**COST: WITH RESERVATION – Members \$15 / Non members \$20 (PAY AT DOOR)**

**AT THE DOOR WITH NO RESERVATIONS: Members - \$20 / Non- members: \$25**

CALL: 212-842-0516 or EMAIL: [EHERZICH@RCN.COM](mailto:EHERZICH@RCN.COM)

**Leave Member / Non-member name/email/phone/# of guests**

**RESERVATIONS ARE ADVISED TO GUARANTEE A SEAT**

### **CASH BAR AND FOOD**

<http://www.thestandnyc.com/>

**UPCOMING JUNE EVENTS**  
**CALL: 212-330-6794 FOR LAST MINUTE CHANGES**

**JUNE 9, 2013 (SUN.) 12 NOON**  
**NYC ATHEISTS BRUNCH**  
**SPEAKER: Dr. MATTHEW STANLEY – Ph.D**



Associate Professor - New York University  
Ph.D. in History of Science, Harvard University. He holds degrees in astronomy, religion, physics and the history of science.

**SUBJECT: ISACC NEWTON: Was He a Heretic?**

Newton, who is widely regarded as one of the most influential scientists of all time, was a devout but unorthodox Christian. He refused to take Holy orders, rejected the doctrines of Trinity, Immortality of the soul, a personal Devil and a literal Demon. Also, he predicted that the world could end by 2060.

**LOCATION:** The Press Box Restaurant, 932 Second Avenue (bet. 49<sup>th</sup> & 50<sup>th</sup> Sts.) -2nd Floor.  
**COST:** BRUNCH is \$20, which includes a selection of Buffet Entrees, salad, one soft drink, coffee, tax and tip.

**JUNE 12, 2013 (WED.) 7:00 PM**  
**NYC ATHEISTS LIVING W/ ATHEISM**  
**GROUP LEADER: LINDA BLAIKIE, L.C.S.W.**



**SUBJECT: INNER PEACE. What is it? How do we get it?** All religions claim to offer inner peace, but at what price? Can we achieve inner peace without religion?

**LOCATION:** Moonstruck Diner - 449 Third Ave. / 31<sup>st</sup>-2nd Floor  
**COST:** Free to members (can join at meeting if desired), but participants are expected to purchase a drink or food to compensate Moonstruck for use of their space.

**JUNE 18, 2013 (TUE.) 7:00PM**  
**NYC ATHEISTS DISCUSSION MEETUP**  
**GROUP LEADER: MICHAEL DORIAN**



**SUBJECT: SHOULD WE HAVE A SUNDAY ASSEMBLY FOR ATHEISTS?** British Atheists, claiming even nonbelievers crave rites and rituals, have been organizing Sunday services for Atheists. Is this a good idea? Should we do it too?

**LOCATION:** Stone Creek -140 East 27th St. (3rd/Lex)  
**COST:** Free, but participants are expected to purchase drink or food to compensate Stone Creek for their space.

**JUNE 21, 2013 (FRI.)**  
**6:00 PM: DOORS OPEN**  
**6:30 PM: NYCA SUMMER SOLSTICE COMEDY FEST**

*CALL: 212-842-0516 / EMAIL: EHERZICH@RCN.COM*  
*Name / # of members&non-members / email / phone*

RESERVATIONS ARE ADVISED TO GUARANTEE A SEAT

**CASH BAR AND FOOD**

**LOCATION: The Stand Restaurant/Comedy Club**  
**239 3rd Ave (20th) - Manhattan**

**COST: (PAY AT DOOR)**  
**WITH RESERVATION:**  
**Members \$15 / Non Members \$20**  
**NO RESERVATIONS:**  
**Members \$20 / Non- Members: \$25**

**JUNE 27, 2013 (THUR.) 6:30PM**  
**NYC ATHEISTS MONTHLY MEETING**

**SPEAKER: SHEILA REYNERTSON - Advocacy Coordinator**



**SUBJECT: MERGER WATCH! WILL RELIGION CONTROL OUR HEALTH CARE?**

Across the United States, community hospitals are merging with other hospitals or health systems to relieve financial stress. When the merger is with a religiously-sponsored health system that uses doctrine to restrict care, the consequences can be serious for patients. Patient's rights must come first. How do we fight religious control of our health care system?

**LOCATION:** SLC Conference Center– 15 West 39th St.(3rd Floor)

**COST:** We ask for a donation of \$10 to help cover the cost of room rental.

**TWO HANDS WORKING  
CAN DO MORE THAN A THOUSAND CLASPED  
IN PRAYER**

**UPCOMING EVENTS AND MEETINGS**  
CALL: 212-330-6794 FOR LAST MINUTE CHANGES

**JUNE 2013**

<b>June</b>	<b>9*</b>	<b>Sun.</b>	<b>12:00 PM</b>	<b>NYCA Brunch / Speaker</b>
<b>June</b>	<b>12**</b>	<b>Wed.</b>	<b>7:00 PM</b>	<b>NYCA Living With Atheism Group</b>
<b>June</b>	<b>18***</b>	<b>Tue,</b>	<b>7:00 PM</b>	<b>NYCA Meet-Up Discussion Group</b>
<b>June</b>	<b>21****</b>	<b>Fri.</b>	<b>6:00 PM</b>	<b>NYCA Summer Solstice Comedy Show</b>
<b>June</b>	<b>27*****</b>	<b>Thur.</b>	<b>6:30 PM</b>	<b>NYCA Monthly Meeting</b>

**JULY 2013**

<b>July</b>	<b>10**</b>	<b>Wed.</b>	<b>7:00 PM</b>	<b>NYCA Living With Atheism Group</b>
<b>July</b>	<b>14*</b>	<b>Sun.</b>	<b>12:00 PM</b>	<b>NYCA Brunch / Speaker</b>
<b>July</b>	<b>16***</b>	<b>Tue.</b>	<b>7:00 PM</b>	<b>NYCA Meet-Up Discussion Group</b>
<b>July</b>	<b>19***</b>	<b>Fri.</b>	<b>6:00 / 6:30 PM</b>	<b>NYCA Happy Hour / Book &amp; Film Club</b>
<b>July</b>	<b>25*****</b>	<b>Thur.</b>	<b>6:30 PM</b>	<b>NYCA Monthly Meeting</b>

- \* Press Box Restaurant & Pub – 932 Second Ave. (49/50th St.) – 2nd Floor  
 \*\* Moonstruck Diner – 449 Third Ave. (31st) – 2nd Floor – Manhattan  
 \*\*\* Stone Creek Bar and Lounge – 140 East 27th St. (3rd/Lex) – REAR ROOM  
 \*\*\*\* The Stand Restaurant and Comedy Club – 239 Third Ave. (20th)  
 \*\*\*\*\* SLC Conference Center – 15 WEST 39TH STREET – 3RD FLOOR

**NYCA CABLE SHOWS**

			<u>TWC</u>	<u>RCN</u>	<u>FIOS</u>
<b>Wednesdays:</b>	<b>5:30 PM</b>	<b>Atheism in History</b>	<b>57</b>	<b>84</b>	<b>35</b>
	<b>6:30 PM</b>	<b>This Week in Atheism</b>	<b>57</b>	<b>84</b>	<b>35</b>
<b>Thursdays:</b>	<b>5:00 PM</b>	<b>NYC Atheists</b>	<b>67</b>	<b>85</b>	<b>36</b>
	<b>5:30 PM</b>	<b>Atheists Book Club</b>	<b>67</b>	<b>85</b>	<b>36</b>

**NYC Atheists**  
**P.O. Box 6060**  
**NY, NY 10150-6060**

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