

# FIG LEAVES

Volume 18 Issue 1

January 2009

## January FIG Meeting:

Tuesday Jan. 27, 7:00 PM  
at the Vernon Manor

### What does the Free Inquiry Group stand for?

We gather every month for conversations about religion, science, history, or literature. But what are we working towards? Is the group happy and satisfied with monthly meetings and potluck parties, or does the Free Inquiry Group need or wish to set other goals.

For our January meeting, we will explore the mission and vision of FIG through the perspectives of different members. We shall engage in a general, structured discussion. Program chairman Shawn Jeffers, with the help of the program committee, will lead the discussion. We shall ask, "where are we going with this group?" At the least we shall explore the possibility of creating a theme for 2009 to guide our work.

## Inside

## Page

|  |   |
|--|---|
| December Meeting - Paul Edwards' <i>God and the Philosophers</i> by Tim Madigan..... | 2 |
| Science Book Club.....   | 3 |
| Things to do, Things to see.....   | 4 |
| In the News.....   | 5 |
| On the Legal Philosophy of American Atheists by Edwin Kagin.....                     | 9 |

### Can you give a lift to a new member in Fairfield?

Recently, I received a call from a charming lady in Fairfield. She lives alone, her son being in California temporarily, and is lonely. She is an atheist, living in the midst of people who talk often about their Christian faith and who want to know about her religion.

She has asked to join and have FIG Leaves sent to her. But, because our meetings are so far from where she lives, she wonders if there is a member in her general area who would be willing to bring her to our meetings. She lives in Today Homes which is on Winton Road in Fairfield. If anyone can accommodate her, call me at 513-321-4824 and I'll give you pertinent details.

Barbara Levee

### Faith

When the local church found out their small town was going to get a new tavern, they started a petition campaign and regular prayers to block the bar from opening. Construction progressed uneventfully until the night before the bar was set to open, when a huge storm blew through and a lightning bolt struck the bar and it burned to the ground.

The church folks were quite "smug" until the bar owner sued them on the grounds that they were responsible for his building's demise, either through direct or indirect actions or means. In court the church vehemently denied all responsibility or any connection to the building's demise.

As the case concluded, the judge looked over the paperwork and commented, "I'm not sure how I'm going to decide this, but it appears from the paperwork that we have a bar owner who believes in the power of prayer and an entire church congregation that doesn't!"

## Events

### January Meeting

Tuesday, January 27, 2009, 7:00 PM  
at the Vernon Manor  
400 Oak Street, Cincinnati, OH

### February Meeting

Tuesday, Feb. 24, 2009, 7:00 PM  
at the Vernon Manor  
400 Oak Street, Cincinnati, OH



## December Meeting

### PAUL EDWARDS' *GOD AND THE PHILOSOPHERS*

Discussed by Timothy J. Madigan, Ph.D.

Tim Madigan is a friend of FIG whose wit and erudition we have long counted on to explain complex topics in an entertaining and enlightening manner. His style was again helpful in bringing to us a picture of Paul Edwards the man and his work. Tim was uniquely qualified to comment on *God and the Philosophers* since he not only edited the book but had discussed various drafts with Paul Edwards over a period of years. After Edwards' death Tim compiled it for publication by Prometheus Books. Tim has written an appreciative and informative introduction to the book.



Timothy J. Madigan, Ph.D.

Tim told us that this book is a witty and learned exploration of critical views on the nature and existence of God, as expressed by major philosophers of the Western world from the medieval period to the present day. Edwards addresses how the concept of God has changed over the centuries, in large part due to the analyses of such skeptical thinkers as David Hume, Thomas Paine, Friedrich Nietzsche, and Bertrand Russell.

A longtime critic of theistic arguments, Edwards demonstrates a masterful understanding of the ways in which the scientific revolution of the 17th century, the Enlightenment of the 18th century, the evolutionary materialism of the 19th century, and the rise of analytic and existentialist philosophies in the 20th century prepared the way for the growing role of atheism in the 21st century.

Edwards wrote his drafts in longhand, which were then transcribed, often with witty handwritten comments attached. For instance, he wrote to Tim: "I am now enclosing the section on Mill. I hope you will like it. He was a bore, but it is interesting to write about him, both his gifts and his defects. Best Regards, P.E."

Paul Edwards (1923-2004) is best known for the monumental and highly acclaimed work he did as editor-in-chief of *The Encyclopedia of Philosophy*, originally published in 1967.

Tim first met Edwards during his time editing *Free Inquiry*, the secular humanist publication. After leaving *Free Inquiry* in 1998, Tim continued to stay in touch, and visited with him whenever he went to New York City. They would meet at his huge apartment on Broadway and 79<sup>th</sup>, every inch of which was filled with books, record albums, many pieces of paper on the floor, and cardboard boxes in which the chapters of the present book were kept.

Edwards (whose original name was "Eisenstein") was born to Jewish parents in Vienna, Austria on September 2, 1923. A gifted student, during his teenage years he was admitted to the prestigious *Akademische Gymnasium*. Austria was in a state of turmoil during this time, and there was great unrest among the citizenry, particularly regarding the intentions of Germany. Shortly after the *Anschluss* in 1938 his family wisely sent him to stay with friends in Scotland. He later went to Melbourne, Australia, where



**FIG Leaves** - Thoughtful articles, letters, reviews, reports, anecdotes, and cartoons are very welcome. Submit in Electronic format via the internet to:

fignotes at(@) gofigger.org;  
or on disk or typewritten via mail to Editor, FIG Leaves, P.O. Box 53174, Cincinnati, OH 45253. Contributions received before the first Friday of the month will be considered for publication that month.

All material printed in FIG Leaves may be reproduced in similar publications of non-profit groups which grant FIG Leaves reciprocal reprinting rights as long as proper credit is clearly attributed to FIG Leaves and the authors and do not necessarily reflect opinions of the editor or the Free Inquiry Group, Inc., its board, or officers.

#### FIG Board of Directors:

- President: John Welte
- Vice President: Donna Loughry
- Secretary: George Maurer,
- Treasurer: Bryan Sellers,
- Program Chair: Shawn Jeffers,
- Members: Michele Grinoch,  
Helen Kagin,  
Margaret O'Kain,  
Philip Ferguson,  
Joe Levee,  
Jessica Foote
- FIG Leaves Editor: Wolf Roder.



#### Memberships run from:

- 1 January to 31 December.
- One year: \$25
- Family: \$35

If you join during the year, you receive a \$2 discount for each month that has passed.

We request contributions above membership dues. Contributions are tax deductible.



he studied philosophy at the University of Melbourne and was influenced by the analytic tradition that held sway there. After the war he came to Columbia University, where he completed a doctorate in philosophy. He was to spend the rest of his life in New York City, teaching at such institutions as New York University, the New School for Social Research, and Brooklyn College.

While working on *The Encyclopedia of Philosophy* Edwards used his editorial prerogative to make sure that there were plentiful entries on atheism, materialism, and critiques of God's existence, and he himself wrote the entry on "atheism." He was also one of three co-authors on the long entry on his philosophical hero, Bertrand Russell. In 1957, Edwards had edited a collection of Russell's previously-scattered writings dealing with religion, titled *Why I Am Not a Christian and Other Essays*, which became a seminal work in the promotion of unbelief.

Those who knew Edwards will always remember his erudition and his wicked sense of humor. An admirer of Voltaire and Russell for their great wit, Edwards had a special fondness for the life and works of David Hume, the man he considered to be the best exemplar of a learned individual who lived life to the fullest and who remained to the day of his death a cheerful nonbeliever. He once told Tim that Hume was the historical personage for whom he had the most fondness. Tim sees both Hume and Edwards as truly Enlightenment figures of the highest caliber.

While his admiration for Wilhelm Reich, the much-reviled psychoanalyst, was one of Edwards' quirks, he always made it clear that he considered him to be one of the world's foremost critics of organized religion. He shared Reich's view that religion had caused much more harm than good by alienating people from the natural world and from understanding their own natural selves. For all their philosophical differences, this was a point-of-view shared by Nietzsche, Russell and Edwards. Edwards always made it clear that he was not only a nonbeliever, but someone with a visceral disliking of religion.

A great admirer of Daniel Dennett, Richard Dawkins and Christopher Hitchens, Edwards would have been delighted to know that all three would write best-selling books defending atheism shortly after his death. No doubt he would also have hoped that *God and the Philosophers* would serve a similar purpose - to promote the cause of disbelief in a culture of religiosity.

Tim commented: "I am happy to have been able to help make this last book by Paul Edwards finally available. I miss having him as part of 'my world' but I am delighted that his final reflections on God and the philosophers can now become part of the world at large."

Timothy J. Madigan is an assistant professor of philosophy at St. John Fisher College in Rochester, NY and a member of the editorial board of *Philosophy Now* magazine. For many years he was editor of *Free Inquiry* magazine.

- Joe Levee ☘

## 2009 SCIENCE BOOK CLUB Schedule

- All meetings will be on the 3rd Sunday every month at the downtown Cincinnati Public Library except June 21 (Father's Day). Room 3A at 2:30 pm.

**Jan 18** - *The Feeling of What Happens-Body and Emotion in the Making of Consciousness* by Damasio, Antonio

**Feb 15** - *Emotions Revealed, Second Edition: Recognizing Faces and Feelings to Improve Communication and Emotional Life* by Paul Ekman

**March 15** - *The Drunkard's Walk: How Randomness Rules Our Lives* by Leonard Mlodinow

**April 19 - in Room 3B** *Alex & Me: How a Scientist and a Parrot Discovered a Hidden World of Animal Intelligence--and Formed a Deep Bond in the Process* by Irene Pepperberg

**May 17 -in Room 3B** *The Unnatural History of the Sea* by Callum Roberts

**June 14 -in Room 3B or 28** - *Commonsense Rebellion: Taking Back Your Life from Drugs, Shrinks, Corporations, and a World Gone Crazy* by Bruce E. Levine

**July 19** - *Why Science* by James S. Trefil

**Aug 16** - *Death by Black Hole : and Other Cosmic Quandaries* by Neil deGrasse Tyson

**Sept 20** - one of a number of books on complexity theory and applications

**Oct. 18** - *Are Universes Thicker Than Blackberries?: Discourses on Godel, Magic Hexagrams, Little Red Riding Hood, and Other Mathematical and Pseudoscientific Topics* by Martin Gardner

**Nov 15** - book not yet selected

**Dec 20** - one of a number of books on the relation/conflict between science and religion





**THINGS TO DO....**

**THINGS TO SEE...**



**O.F.A.**

## **It's The Holiday Season & Operation Foxhole Atheists Needs Our Help!**

Created by Blair Scott of the North Alabama Freethought Association (NAFA), OFA sends packages to troops in Afghanistan and Iraq who have identified themselves as atheists or humanists. You may not agree with the war but the soldiers aren't responsible for starting it and they need our support. I'm asking you all to **bring some of these goods to any meeting** and I will see that they get to OFA and from there to the troops.

The soldiers have requested: **Beef Jerky, Poptarts, Granola Bars, Breakfast Bars, Pringles, Cookies, Cheetos, Canned soup with poptop lids, Crystal Light on-the-go drink mix, Powdered Gatorade drink mix, Travel pillows (U-shaped).**

**Any magazines or books** (atheist or humanist materials can be sent but some of the soldiers choose to remain unknown as such in their companies). **DVD's,**

Any kind of snack food or reading material would be appreciated. If you would prefer, their website takes PayPal donations. <http://thenafa.org/ofa/>

Let's rally behind our fellows in uniform and show them some support!

*Blair Scott recently thanked me for the donations from FIG members to Operation Foxhole Atheist and I am pleased to pass that thanks on to all who donated. OFA has gotten a good response from all over the country. Lots of goods have been donated but now they are having trouble mailing them to the soldiers for lack of monetary donations.*

*If you can donate please do so on their website;*

*<<http://www.thenafa.org/ofa/Donate.html>>.*

*You can use paypal or a credit card to make a secure donation. Just click on the "donate" button on their home page. Any amount will be greatly appreciated.*

*Thank you, John Welte*

## **Media Events/Programs**

### **The Humanist Perspective**

Show times on Time-Warner Cable:

Channel 15: Tuesday 3:30 am and Saturday 7:30 pm

Channel 24: Friday 12:30 pm.

### **Programs:**

**13-16 Jan:** *Evolution Education,*  
with Euginie Scott.

**20-23 Jan:** *Naturalism through Narrative,* Part 1,  
with Judy Walker.

**27-30 Jan:** *Naturalism through Narrative,* Part 2,  
with Judy Walker.

**3-6 Feb:** *Naturalism through Narrative,* Part 3,  
with Judy Walker.

## **Hear! Hear! *Answers in Atheism* at**

[<www.answersinatheism.net>](http://www.answersinatheism.net)

**JOIN US!** - We are live on the internet Thursday evenings from 7 pm to 8 pm EST. Our shows are also available as archived audio files, so you can listen later at any time. Please tune in at [www.answersinatheism.net](http://www.answersinatheism.net).

The Answers in Atheism crew

### **The Cincinnati Atheists Meetup**

**When:** Monday, Jan 19 at 7:00PM - 10:00 PM

**Where:** Joseph-Beth Booksellers  
2692 Madison Rd. Rookwood Pavillion  
Cincinnati OH 45207; 513-396-8966

### **Meetup Description**

Regular monthly gatherings are held on the 3rd Mondays from 7:00 - 10:00 PM. New people join every month, and we all wear name tags (no quizzes). Check the Message Board for current hot topics.

To find us: Go in the front doors of the bookstore and turn left. Enter the Bistro and walk straight back as far as you can go. We're all freethinkers, so we'll look just like you.

The Bistro has a full menu, including vegetarian options. If you like, enjoy dinner, dessert, tea, or a brewski. Restaurant direct line: 513-396-8970

The Bookstore / Bistro is not associated with this meetup group, and will not be able to answer questions. Do please use our Message Board feature to connect with fellow group members.

To contact us:

[http://atheists.meetup.com/90/calendar/9182020/?a=cv1c\\_grp](http://atheists.meetup.com/90/calendar/9182020/?a=cv1c_grp)



## Center for Inquiry Calls Vatican's Position on Biomedical Technology Deplorable and Scientifically Insupportable

Amherst, New York (December 12, 2008)—In a move designed to firm up faith-based opposition to embryonic stem cell research and

other cutting-edge biomedical technologies, the Vatican has released a 32-page document titled “Dignitas Personae” – meaning “the dignity of a person.” The document condemns a host of procedures considered “immoral” by the Catholic Church, such as in vitro fertilization (IVF), the freezing of unfertilized eggs, embryonic stem cell research, and the testing of embryos to help identify those with defects. The Center for Inquiry, a think tank headquartered in Amherst, New York that supports research on bioethical questions, deplores the Vatican’s pronouncement. The Vatican’s position has no justification other than religious doctrine, according to the Center for Inquiry, and may have a serious adverse effect on scientific research and the development of medical therapies.

“I regret the renewed effort by the Vatican to censor—indeed prohibit—research in reproductive science,” said Paul Kurtz, chairman and founder of the Center for Inquiry. “Do we have to wage the Galileo battle again? The Vatican claims that their objections are “moral,” but they are based on a theological doctrine that a formless fertilized egg is a full human being, a position which most scientists reject.” Kurtz says there is a need to defend freedom of scientific research and the positive good that can ensue for countless numbers of infertile couples. “The effort to curtail stem cell research is especially disturbing in the view of the possible beneficent results for improving human health,” he said.

The Vatican has focused on commonplace scientific technologies used in the United States and elsewhere, which the Church believes demean human “dignity,” and bring humans perilously close to “playing God.” The Church continues to hold steadfast to its key theological proclamation that “life begins at conception,” thereby rendering as “illicit” the use of embryos or fertilized eggs in research or otherwise, including IVF for married Catholic couples wishing to conceive.

Dr. Ronald A. Lindsay, president and CEO of the Center for Inquiry (and author of the book *Future Bioethics: Overcoming Taboos, Myths, and Dogmas*) said that “the Vatican has once again manifested its regrettable preference for religious doctrine over science. Until roughly fourteen days after conception, one cannot even meaningfully refer to the embryo as an individual, let alone the equivalent of an adult human, since both twinning and fusion are possible until that point.” Lindsay added that the Vatican’s rejection of IVF on the ground that it results in the discarding of embryos is especially ironic since from 60 to 80 percent of embryos conceived “naturally” are spontaneously aborted. “If the Vatican wants to prevent embryos from ‘dying,’ then they will have to instruct couples to avoid sex completely.”

“The bottom line,” says Lindsay, “is that the Vatican is telling those who need medical assistance to seek help from theology, not therapy.”

The Center for Inquiry/Transnational is a nonprofit, educational, advocacy, and scientific-research think tank based in Amherst, New York. Their research and educational projects focus on three broad areas: religion, ethics, and society; paranormal and fringe-science claims; and medicine and health. The Center’s Web site is [www.centerforinquiry.net](http://www.centerforinquiry.net).

## Combating “Blasphemy” Prohibitions At The United Nations

The Center for Inquiry is appalled that at its current session the U.N. General Assembly is adopting a resolution to combat the “defamation of religions,” which urges member states to curtail freedom of expression out of respect for religious belief, particularly Islamic belief. Since 2005, such declarations have been pushed by the Organization of the Islamic Conference.

In a forthcoming editorial, the editors of *Free Inquiry* magazine write, “The U.N. should be doing everything in its power to stamp out criminal prohibitions of blasphemy and apostasy in Islamic states, not lending them its moral authority.”

At the Human Rights Council’s ninth session in October, CFI participated in the debate over “defamation of religions” and released a position paper titled, *Islam and Human Rights: Defending Universality at the United Nations*. On December 12-15, CFI’s Representative to the U.N., Dr. Austin Dacey, will be in the Netherlands for public discussions on the future of freedom of expression in Europe, which are already making news in the Dutch press.

For access to the 27 pp paper on Islam and Human Rights: [http://www.centerforinquiry.net/unitednations/news/center\\_for\\_inquiry\\_defends\\_freedom\\_of\\_expression/](http://www.centerforinquiry.net/unitednations/news/center_for_inquiry_defends_freedom_of_expression/)



## **Free Inquiry Editor Tom Flynn Appointed Executive Director of the Council For Secular Humanism**

We are pleased to announce that Tom Flynn has been appointed executive director of the



Council for Secular Humanism by the board of directors, Paul Kurtz, chairman of the board. The appointment is effective January 1, 2009. Dr. Ronald A. Lindsay, the current executive director, is required by the by-laws of the Council to relinquish the position, as he is president and CEO of the Center for Inquiry.

Tom Flynn is editor of *Free Inquiry* magazine, the nation's largest-circulation secular humanist journal, and an outspoken secular humanist activist. He co-founded the newsletter *Secular Humanist Bulletin* and designed the museum at the birthplace of 19th century agnostic orator Robert Green Ingersoll in Dresden, New York. Tom is also director of Inquiry Media Productions and has recently been named Vice President for Media at the Center for Inquiry.

He worked as a video producer, advertising copywriter, and as a designer of fund raising haunted houses before joining what is now the Council in 1989. He was named editor of the magazine in 2000. He has written or edited four books, published by Prometheus Books, including a 1993 polemic, *The Trouble with Christmas*, and two irreverent science fiction novels, *Galactic Rapture* (2000) and *Nothing Sacred* (2004). Most recently he has edited a major reference work, *The New Encyclopedia of Unbelief* (2007).

Secular humanism has become an important movement in the current cultural and intellectual climate in North America and the world. It is vital that it continue to provide an alternative to the supernatural religious outlook. The Council is affiliated with the Center for Inquiry, but it has its own programs: a commitment to science as a method of inquiry, the nontheistic naturalistic cosmic outlook, and the application of reason and science to ethical and social problems. It is interested in furthering the secular society, the separation of church and state, and the defense of democracy, humanistic values, and planetary ethics.

## **Atheist Buses Denying God's Existence Take To Streets**

By Martin Beckford, Religious Affairs Correspondent; 6 January 2009; *Telegraph* UK

Atheist adverts declaring that "there's probably no God" have been placed on 800 buses around Britain after an unprecedented fundraising campaign. The campaign's modest £5,500 target was met within minutes and more than £140,000 has now been donated.

Organisers originally hoped to put the message on just a handful of London buses, as an antidote to posters put up by religious groups which they claimed were "threatening eternal damnation" to non-believers. But after the campaign received high-profile support from the prominent atheist Prof Richard Dawkins and the British Humanist Association, the modest £5,500 target was met within minutes and more than £140,000 has now been donated since the launch in October.

Enough money has now been raised to place the message - "There's probably no God. Now stop worrying and enjoy your life" - on 200 bendy buses in the capital for a month, with the first ones taking to the streets. A further 600 buses carrying the adverts will be seen by passengers and passers-by in cities across England, Wales and Scotland, from Aberdeen and Dundee to York, Coventry, Swansea and Bristol. In addition, two large LCD screens bearing the atheist message have been placed in Oxford Street, central London, while 1,000 posters containing quotes from well-known non-believers will be placed on Underground trains for two weeks starting on Monday.

They feature lines doubting the existence of God, and celebrating the natural world, written by Albert Einstein, Katharine Hepburn, Douglas Adams and Emily Dickinson. It is the first ever atheist advertising campaign to take place in Britain, and similar adverts are now also running





on public transport in America and Spain. Ariane Sherine, a writer who first thought of the atheist bus adverts, said: "You wait ages for an atheist bus, then 800 come along at once. I hope they will brighten people's days and make them smile on their way to work."

The campaign has even been welcomed by religious groups for increasing the profile of debate about faith, and although there was tight security outside the launch event by the Royal Albert Hall, the campaigners have not received any threats from fundamentalists. Paul Woolley, director of *Theos*, a theology think tank which donated £50 to the cause, said: "The posters will encourage people to consider the most important question we will ever face in our lives."

Some atheist supporters of the campaign were disappointed that the wording of the adverts did not declare categorically that God does not exist, although there were fears that this could break advertising guidelines. Prof Dawkins, the renowned evolutionary biologist and author of *The God Delusion*, said: "I wanted something stronger but with hindsight I think it's probably a good thing because it makes people think. It's just food for thought – people will have conversations in pubs when they see these buses." Hanne Stinson, chief executive of the British Humanist Association, said the adverts were "overwhelmingly positive" and were intended to reassure agnostics and atheists that there is nothing wrong with not believing in God.

-----  
**It's Only An Inaugural Invocation, But Still A Bad Choice.**

The story about science nominees didn't make it into today's early edition of the *NY Times*. With a tiny headline and postage stamp-sized head shots, it was hidden on page A6 of the *Washington Post* beside an almost full-page Macy's "parfum" ad. The story that got the attention was that Rick Warren, pastor of the humongous evangelical Saddleback Church in Orange County, is going to deliver the inaugural invocation. A *Washington Post* photo shows Warren and Barrack Obama with arms around each other's shoulder. Gays, offended by Warren's opposition to gay marriage, are pissed. But Warren also opposes plan B, in vitro fertilization, abortion rights and stem-cell research. Clear-headed humans should all be offended by that. Every environmental problem is linked to population growth

-- *What's New* by Robert Park, 19 December 2008



**A New Kind Of Scientific Detective Work Has, Reportedly, Paid Off Bigtime In The Field Of Environmental Science.**

Thousands of scientists labored for decades to identify the most dangerous sources of environmental pollution—but despite all their slow, careful measurement and experimentation, they failed to identify what we now learn is a major source of pollution. A January 5, 2009

Catholic News Service report explains:

The birth-control pill is causing "devastating" environmental damage and plays a role in rising male infertility rates, said the Vatican newspaper, *L'Osservatore Romano*.... Pedro Jose-Maria Simon-Castellvi, president of the Vatican-based World Federation of Catholic Medical Associations, wrote the article that appeared in the paper's Jan. 4 edition.

The pill has created "devastating ecological effects from tons of hormones being released into the environment for years," the article said.



**Dr Jose-Maria Simon-Castellvi (Spain)**

Details have not yet been made public. Students (along with every environmental scientist in the world!) can now giddily await the day when Dr. Simon-Castelvi publishes a formal study, in a good science journal, giving details of how he achieved his breakthrough discovery.

-----  
**The Air Farce Acupuncture Program.**

A thousand years ago, crosses were placed on the wounds of Crusaders to aid healing. Placebo-controlled double-blind studies were a thousand years in the future, but who could doubt the power of the cross? The Air Force Surgeon General is now starting a program to teach "battlefield acupuncture" to 32 Air Force doctors who will deploy to Iraq or Afghanistan. Acupuncture goes back 5,000 years, but it seems to have stopped working. Numerous, placebo-controlled double-blind studies show no benefit. See R. Barker Bausell, *Snake Oil Science*, (Oxford, 2007).

-- *What's New* by Robert L. Park, 9 January 2009

.....  
 •Quote  
 • The secret of a good sermon is to have a good  
 • beginning and a good ending; and to have the two as  
 • close together as possible. -- George Burns  
 •  
 •Unquote  
 •.....



## A French Opinion Of Bush

Surtout, par sa parfaite indifférence à la façon dont les choses évoluaient dans cette poudrière, Bush a manifesté ici le trait de caractère qui a laissé sa plus forte empreinte sur les États-Unis et sur le monde: un total mépris pour le réel, pour le pragmatisme et pour l'efficacité. Le tout étant compensé, si l'on peut dire, par une adhésion quasi mystique à un corpus idéologique primaire.

À ce point de vue et à d'autres, comme nous l'avons déjà noté dans cette colonne (mais il convient de le répéter) : George W. Bush aura été le plus anti-américain des présidents américains.

Depuis quelques semaines, aux États-Unis, on tente de déterminer si le «numéro 43» passera à l'Histoire comme le pire locataire qu'ait abrité la Maison-Blanche.

*(Translation:)*

More than anything else, by his perfect indifference to the way things evolved in that powder keg, Bush demonstrated the character trait that has left its strongest impression on the United States and on the world: total contempt for reality, for pragmatism, and for effectiveness. All of which were offset - if one may call it that - by a quasi-mystical adhesion to a simplistic ideological corpus.

From this perspective as well as others, as we have already noted in this column (but it bears repeating): George W. Bush will have been the most anti-American of all American presidents.

In the United States over the last several weeks, people are trying to determine whether "Number 43" will be seen by history as the worst resident the White House ever sheltered.

- Mario Roy, *La Presse*, 8 January 2009

## At Last: Perhaps A Clear Message On The Environment.

Any concern that the economic crisis would soften the resolve of the Obama administration to deal with the sad state of the environment was swept away today by the choice of Harvard physicist John Holdren to be presidential science advisor, and Oregon State marine biologist Jane Lubchenco to head the National Oceanographic and Atmospheric Administration. Both have battled industry opposition to climate initiatives. Along with Steve Chu as Secretary of Energy they should form a powerful block of scientists in the Obama administration. It will almost certainly be the most influence science has had in the White House since the Eisenhower administration. But we don't have much time. Let me tell you what no one else is saying publicly: every step we take to improve the environment will soon be wiped out by population growth. The fact is that we are already beyond a sustainable population. We can't keep talking in terms of reducing the rate of growth. That's the second derivative.

-- *What's New* by Robert Park, 19 December 2008



## Comparing Jesus And Newton.

The world is riven by constant religious wars. *WN* promised to contrast Jesus of Nazareth with Isaac Newton, who came along 16 centuries later. What was I thinking? A third of the all the people on Earth count themselves as followers of Jesus. Do I need 2.2 billion people mad at me? They believe Jesus, an itinerant Galilean preacher and healer, to be the divine Son of God. All that's known about him

comes from the four gospels. The earliest copies are in Greek and, according to biblical scholar Bart Ehrman in *Misquoting Jesus* (Harper, 2005) they contain a multitude of mistakes and intentional alterations by earlier translators. In 585BC, long before Jesus, the Greek philosopher Thales of Miletus concluded that every observable effect must have a physical cause. The discovery of causality is now taken to mark the birth of science, and Thales is immortalized as its father. But causality also means the death of superstition. What went on in the 1600 years between Jesus and Newton? It was the Middle Ages; religious superstition was the dominant belief.

**No wars are fought over scientific disputes.** Himself a devout Christian, Newton was a Unitarian; he did not accept the doctrine of the Holy Trinity and spent more time on his religious writings than on the laws of motion. He discovered the laws of gravity and motion, and invented calculus to derive the orbits of the planets. Also an alchemist and brilliant experimentalist, he used a prism to decompose sunlight into its constituent colors, and invented the reflecting telescope to avoid chromatic aberration. His greatest contribution was to show that natural law can be described by differential equations, leading to hope that science may someday explain everything. There is, in any case, no other way of knowing. See: Robert L. Park, *Superstition: Belief in the Age of Science* (Princeton, 2008).

- *What's New* by Robert L. Park, 9 January 2009

## Vatican Issues *Dignitas Personae*.

While evangelicals make up a little more than a fourth of the adult U.S. population, Catholics are not far behind. Together they're half the population. On issues involving human reproduction Catholics and Evangelicals are close together. There is little hope unless individuals disagree with the positions of their church. The title of the Vatican bioethics report is a reminder that President Bush said he vetoed the Stem Cell Research Enhancement Act in 2006 to protect "the dignity of embryos." Is it more dignified to be put through a disposal than used in research?

-- *What's New* by Robert Park, 19 December 2008





## On the Legal Philosophy of American Atheists

As Supreme Court Justice Oliver Wendell Holmes, Jr. observed, the law “is not a brooding omnipresence in the sky...” Understanding this basic truth can prevent much confusion in thinking about the law.

Most people would not be so uninformed, or so foolish, as to think they know more than their doctor if told they need to have heart surgery or die. Yet the same people will, without skipping a beat, presume that they know what the law is, how the law works, and what a proper legal judgment should be. Everyone seems to have an opinion on the law, and if one’s grocer unlawfully provides legal advice, the average person is likely to give that view some undeserved merit. A few years ago, a young counselor at Camp Quest informed me, with proud conviction, that “possession is 90% of the law.” I told him that this was a testable hypothesis. All he needed to do was to take someone’s car without their permission, drive it around until he was stopped by the police, and then argue that the car was his by right of possession. He is now a fine young lawyer who does not now issue those kinds of incorrect generalities. Be assured that almost everything you think you know “for certain” about the law is almost certainly wrong.

It has fallen my lot in history, and it is my honor, as National Legal Director for American Atheists, to set forth the current legal philosophy for the organization. An understanding and acceptance of this will answer many questions, and hopefully prevent any hard feelings, in that the national office receives daily requests for legal advice and requests for help on issues involving matters of church state separation, only a fraction of which can be addressed. A process is required to aid in deciding with which cases American Atheists should become involved. This is not to say that a perceived problem is without merit. Most claims sent in do have merit. The problem is that there is not world enough or time or money available to deal with any but a few of them. The assaults on our First Amendment freedoms must be triaged.

What is “the law” anyhow? Even that is not a simple answer. For openers, it consists of written statutes and lo-



Edwin Kagin, National Legal Director, American Atheists

cal ordinances, both federal and state. We have a system of United States Courts, created by the Constitution of the United States, that deals with matters of federal law. The judges are appointed by the President of the United States, to serve “during good behavior,” or essentially for life. Each state has its own laws, courts, and court rules-occasionally wildly at variance one with another. Behavior lawful in one state can get you thrown in the slammer in another. The judges are usually elected or appointed, or a combination of both, for a fixed term of years. Additionally, individual counties and cities can make their own laws, or ordinances, provided a grant of authority

has been given by the state or federal government to do so. There are methods of appeal from the ruling of judges to higher courts. Each state has its own appellant system; the courts of the United States have another, both ending at the United States Supreme Court. One does not, despite their bravado, “take the case all the way to the Supreme Court.” No one “takes” a case to the Supreme Court of the United States (SCOTUS). One petitions SCOTUS to hear a case, and the odds are several thousand to one against a given case being granted review. If the high court does take a case, and makes a ruling, whether the case comes up through the federal or state system, the holdings of the court make legal rulings that become “precedents” that are binding in every court of the United States. A ruling of SCOTUS may not be correct, but it is final.

In addition to the written laws, the concept of “the law” also encompasses the “common law” as it has developed over centuries. This is the body of law, the *corpus juris*, as decided in actual *justicible cases* by courts of record, and the law requires that such rulings are to be followed until changed by a higher court. And the rulings of appeal courts do change. One day “separate but equal schools” may be constitutional and, upon a different ruling of SCOTUS, the law is changed, and separate but equal schools is an unlawful concept. One day abortion may be unlawful, while the next ruling might permit abortion, and SCOTUS has the power to reverse that ruling at any time.

The scope of a given court ruling depends on the “jurisdiction” of the court, or the area over which that





court has power. A city court ruling might only affect the city in which it is made, and a state court holding, or a federal opinion, affects only the area served by that court. The appeal courts have a wider net. The Supreme Court of a state can make precedents that bind all courts of that state. A federal court usually covers a specific geographical portion of a state. A United States Court of Appeal covers several states. If, by way of example, a bad decision is made in a federal court in Louisville, Kentucky, it only has binding application in about half of the state of Kentucky. If that horribly bad holding is appealed to the Sixth Circuit Court of Appeals, which covers all of the states of Kentucky, Michigan, Ohio, and Tennessee, and that bad ruling should be affirmed, the party taking the appeal has thereby managed to expand a horror story from their own back yard into bad law for four states. If SCOTUS should take the case, and affirm the bad ruling, then a major legal disaster has occurred that affects the way the law will be decided in the future throughout the entire United States and in every court therein. If one has any concern for the future of our freedoms, one should proceed with caution. This is not a suitable sport for amateurs.

Bad facts make bad law. It should be considered an act of legal negligence for one to take a case to a higher court where it is completely predestined that the court will rule against a meritorious cause, and thereby make bad law not only in that case, in that region of the country, but, depending on which appellate court is chosen, make bad law for a much wider area, where the bad ruling will be the law until the case in question is ultimately, if ever, overruled. By building on bad precedents, in time the very concept of separation of religion and government could be destroyed. The religious right understands this. We would be well advised to understand it as well.

The elected legislative bodies, both nationally, and in each state, create the written statutory law. Judges, who are required to be fair minded and objective, rule on the interpretation of the laws passed by these legislative bodies and state, in appropriate cases, whether or not a given law is or is not unconstitutional. The Constitution of the United States, and its Amendments, is the supreme law of our land, followed by Treaties between nations, and then by statutory laws. An independent judiciary decides if a given law is constitutional and, if so, how it is to be interpreted. The Legislative and Judicial branches

of government are both created by the Constitution, as is the third branch of government, the Executive, consisting of the elected President of the United States, or the Governor of a state or commonwealth. Neither the Congress of the United States, nor the legislative body of any state, may lawfully pass legislation that is contrary to the Constitution of the United States, nor may the Executive branch lawfully enforce such laws.

If all of this is not confusing enough, consider the fact that the prejudices, beliefs, politics, religion, etc. of the judges on a court determine in large measure how they will view a given legal question. They may or may not be conscious of these factors, but they are there nevertheless. It has something to do with being human. Thus judges with liberal backgrounds are likely to decide an issue one way and judges who are proudly conservative will decide the same issue another way. And there are many highly emotionally charged, and controversial, issues around these days, issues for which there is no plain and clear answer, like "gay marriage." In such cases, only the personal architecture of the individual judges deciding the questions will form the basis for decision. The Constitution could not predict, and give answers for, every fact situation that might arise in our nation's history. This is where mature, well grounded, legal judgment is needed. There can be law quoted to support any kind of idea, noble or base, that anyone might ever present to a court. Go to a law library and look at the rows of stacks of law books containing written decisions. Someone lost every one of those cases.

It is the philosophy of American Atheists to win cases and to create favorable law. This is a change from the policy of the organization in the past. That philosophy was to file the case, no matter how unlikely a court victory might seem, to make the point urged. If something was wrong, it was felt that action should be taken, regardless of the immediate outcome. That philosophy had merit when different people were on the higher courts of our land. In the 1960s, a lawyer could bring a case of civil rights violation before the courts, be quite sloppy in pleading practice and, in the interests of substantial justice, the courts might well carve out an opinion that granted relief and that comported with basic due process of law considerations and with the guarantees of our Bill of Rights. This was a golden age of civil rights litigation. And the religious right hated every moment of it.



Things have changed. The persons of high vision on our highest court have gone to honored places in the history of the law. Justices Black, Douglass, Warren, Marshall and many other great defenders of freedom are no more. By virtue of the philosophy of their appointers, persons of less noble character and less shining intellect, have taken their places. The past few years have seen an erosion of civil liberties, and a battering against the Wall of Separation between Church and State that is without equal in our history. Irreparable damage to the First Amendment has been done that may not be repaired within the life span of our republic. The forces that would establish a theocracy in our free land are not only beating on the gates of freedom, they are trying to pull down the wall of separation from within. Mean spirited people are in positions of power, and those who would destroy us are able to vote and to sit on juries. Sadly, many are able to rule on legal cases and to create binding precedent.

The Constitution is not a suicide pact. We do not have to take every wrong to court and thereby give some theocrat the right to say that the wrongful behavior is lawful and to let that vile ruling become part of the body of the law that future judges are required to follow. This is both the glory and the danger of the legal doctrine of *stare decisis*, which means to “stand on the decisions” that have gone before. Brilliant, bold, freedom friendly rulings of prior courts are being systematically swept away by courts that are rendering disastrous rulings in cases with poor facts that provide them with seemingly rational reasons to rule in abominable ways.

American Atheists declines to give those theocrats now in power the ability to destroy the dream of our founders that citizens of our nation would enjoy the right to not be religious.

We will respectfully decline to do battle on any issues other than those where the facts and the law will compel a favorable ruling, no matter how biased the court against us. And thus we will, brick by brick, rebuild the Wall.

For every case presented to us, we must ask, “Is this a hill worth dying on?” Litigation is expensive. We do not need to waste thousands of dollars on lawsuits that, given the facts at issue, the state of the law at this time, and the disposition of a given court, are doomed to certain failure. And in losing such actions, we do not need to be in the position of creating even more bad law

for our descendents to clean up. We cannot make good law and ensure freedom within our nation by litigating bad, or even marginal, facts. And we will not gain credibility by losing cases and thereby permitting the other side to mock our efforts and to laugh at us. “There go those Atheists again. They will lose like they always lose. When will they learn to sit down and shut up?” We must not give them that ammunition.

There are plenty of civil liberties abuses against Atheists around these days. Far more than we can handle. Many abuses are better addressed by protests, letter writing, political action, interviews, debates, oratory and by using all of the free speech options still left to us, rather than by reflexively resorting to legal actions.

We can afford to be picky and wait for those fact situations that fit clearly into the entire body of both written law and common law. In short, we should wait for cases that we can win based on the present state of the law. Then we can make some positive changes. We can cause even the most blinded-by-heavenly-light jurists to see that the actions complained of in our lawsuits are unlawful and are not to be permitted in a free nation that, in its founding document, prohibited its government from engaging in making laws “respecting an establishment of religion.”

There of course may be certain exceptions to this policy. We will litigate, regardless of consequences, if a situation should arise that is so egregious we cannot let it pass unchallenged. We will litigate if the perceived consequences of not litigating would be worse than the possible adverse consequences of litigating. This will have to be based on sound legal judgment and decided on a case by case basis.

There are in fact some hills worth dying on. And the word will get out to those bent on imposing their religion upon us that, if American Atheists threatens a lawsuit, they had best pay attention. Because they will know from our record that American Atheists will probably win.

Because American Atheists has a history of winning. And that is a lot more powerful than having a history of losing. ☼

Edwin Kagin, National Legal Director  
American Atheists.  
January 01, 2009



**No February 2009 Potluck**  
 March 2009 Potluck  
 Tuesday March 10, 2009



**January Meeting**  
 Tuesday Jan. 27 2009, 7:00 PM



**FIG Leaves**  
 P.O. Box 53174  
 Cincinnati, OH 45253

# FIG

## Our Purpose

The Free Inquiry Group, Inc. (FIG) is a non-profit organization founded in 1991. FIG is allied with the Council for Secular Humanism as well as an affiliate of the American Humanist Association and of the American Atheists.

Though most of our members are secular humanists, we welcome to our meetings anyone interested in learning about or furthering our purpose.



*To foster a community of secular humanists dedicated to improving the human condition through rational inquiry and creative thinking unfettered by superstition, religion, or any form of dogma.*

In accordance with our purpose, we have established the following goals:

- To provide a forum for intelligent exchange of ideas for those seeking fulfillment in an ethical secular life.
- To develop through open discussion the moral basis of a secular society and encourage ethical practices within our own membership and the community at large.
- To inform the public regarding secular alternatives to supernatural interpretations of the human condition.
- To support and defend the principles of democracy, free speech, and separation of church and state as expressed in the Constitution of the United States and the Bill of Rights.

For more information, write the Free Inquiry Group at the address above, e-mail fignotes at (@) gofigger.org, or visit our web site at gofigger.org or freeinquirygroup.org.