



# The Secular Circular

Newsletter of the Humanist Society of Santa Barbara

[www.SBHumanists.org](http://www.SBHumanists.org)

NOVEMBER 2023

*Join Us This Month On Zoom...*

## Is This Tomorrow? Cold War Comics and American Identity

**Our Program:** Examining the Cold War as more than just a military and political contest, San Diego State University Professor Gregory Daddis explores how comics in the 1950s and early 1960s reflected debates about American national identity at a time when political “consensus” was linked to national security. In many ways, comics, as cultural products, depicted not just the global communist threat and the perils of atomic war, but also the moral implications of the Cold War competition. Daddis argues that comics served as a cultural force representing the United States in what many believed was an existential battle between good and evil.

**Our Speaker:** Gregory A. Daddis is a professor of history at San Diego State University and holds the USS Midway Chair in Modern US Military History. Daddis joined SDSU after directing the MA Program in War and Society Studies at Chapman University. Prior, he served as the Chief

of the American History Division in the Department of History at the United States Military Academy at West Point. A retired US Army colonel, he deployed to both Operations Desert Storm and Iraqi Freedom. Daddis specializes in the history of the Vietnam Wars and the Cold War era and has authored five books, including *Pulp Vietnam: War and Gender in Cold War Men's Adventure Magazines* (2020) and *Withdrawal: Reassessing America's Final Years in Vietnam* (2017). He has also published numerous journal articles and several op-ed pieces commenting on current military affairs, to include writings in the *New York Times*, the *Washington Post*, and *National Interest* magazine. He is the recipient of the 2022-2023 Fulbright Distinguished Scholar Award, Pembroke College, University of Oxford.



Greg Daddis, Professor of History, San Diego State University

**When:** Saturday November 18, 3:00 pm - 4:30 pm PDT

**Zoom link:** <https://us02web.zoom.us/j/88193881833>.



## The HSSB Secular Circular – October 2023

### Kalli Joslin, J.D. Fighting for Church-State Separation

10-21-23

*By Robert Bernstein*

Humanist Society President Judy Flattery started by relating the talk to these Affirmations of Humanism. This was very easy! The Paul Kurtz Affirmations of Humanism state: “We are committed to the principle of the separation of church and state.”



Kalli Joslin,  
Litigation Fellow,  
Americans United  
For Separation of  
Church and State

Kalli Joslin is the Steven Gey Constitutional Litigation Fellow at Americans United for Separation of Church and State (AU). Kalli received her Juris Doctor, cum laude, from Georgetown University Law Center, where she served as the Editor-in-Chief of the Georgetown Journal of Gender and the Law and as a student-attorney in the Civil Rights Clinic. She

also interned for Lambda Legal and the ACLU Program on Freedom of Religion and Belief.



Joslin began her talk noting that the First Amendment has two clauses regarding religion: The Establishment Clause and the Free Exercise Clause. “Congress shall make no law respecting an

establishment of religion, or prohibiting the free exercise thereof...”

Although it begins with the word “Congress” this applies to all government at all levels. In the past, these two clauses were seen as working together to protect everyone’s rights. But right-wing justices have put them at war with each other in recent years.

One battle has been over government-funded private school vouchers. In 2002, the nine justices on the Supreme Court of the United States (SCOTUS) decided *Zelman v. Simmons-Harris*, ruling 5-4 to allow vouchers in Ohio to go to religious schools.

It is important to understand that, in many states, even secular private schools do not have to accept and support the range of students that public schools do. Private schools often do not provide the full range of accommodations for disabled students that public schools offer, and some private schools discriminate on the basis of students’ sexual orientation or gender identity.

Religious schools do those things, but are also teaching their religion, meaning that through vouchers, taxpayers subsidize religion. Joslin described this as removing a brick in the wall between church and state.

By 2017, new SCOTUS justices pushed things further. *Trinity Lutheran Church of Columbia v. Comer* was not directly about vouchers, but it was related. Missouri’s Constitution provided that “no money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion,” but the Court held that Missouri’s decision to prohibit churches from applying for a state grant in accordance with their state constitution violated the federal Free Exercise Clause.

So much for judicial conservatives’ claims of states’ rights.

In 2020, the increasingly conservative Supreme Court applied the logic of the *Trinity* decision to voucher programs in *Espinoza v. Montana Department of Revenue*. Like Missouri, Montana had a similar state constitutional ban on funding religious schools. The Montana Supreme Court solved the Montana voucher program's state constitutional violation by striking down the entire voucher program, but the Supreme Court reversed that decision, holding once again that a state constitution's prohibition on funding religion violated the federal free-exercise rights of religious organizations that wanted government funds.

*Carson v. Makin* was a similar case from Maine, which the Supreme Court decided in 2022. The Court took things a step further, holding that any state that gives voucher funds to secular private schools cannot exclude religious schools.



This Court continues to dismantle the wall of separation between church and state that the Framers fought to build. . . . Today, the Court leads us to a place where separation of church and state becomes a constitutional violation.

**Justice Sonia Sotomayor**  
*Carson v. Makin dissent*

**FFRF.ORG** FREEDOM FROM RELIGION FOUNDATION

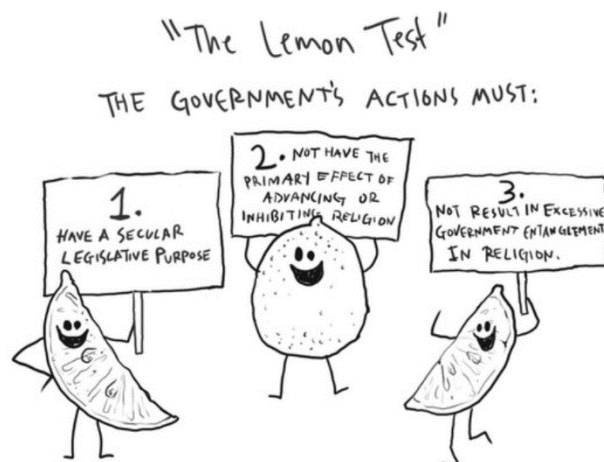
In her dissent, the liberal Justice Sonia Sotomayor said that this decision “leads us to a place where separation of church and state becomes a constitutional violation.”

Our January 2023 talk by Eugenie Scott on the threat of Creationism being taught in our public schools brought up the “Lemon Test” to evaluate violations of the Establishment Clause.

As I wrote then: *Lemon v. Kurtzman* in 1971 established what came to be known as the ‘Lemon Test’. It was devised by Justice Warren Burger and had three parts.

A government activity in question:

- Must have a secular purpose
- Must have a principal or primary effect that does not advance or inhibit religion
- Cannot foster an excessive government entanglement with religion.



Joslin brought this up in the case of *Kennedy v. Bremerton School District*, where a public high-school football coach was holding prayers on the field with the players.

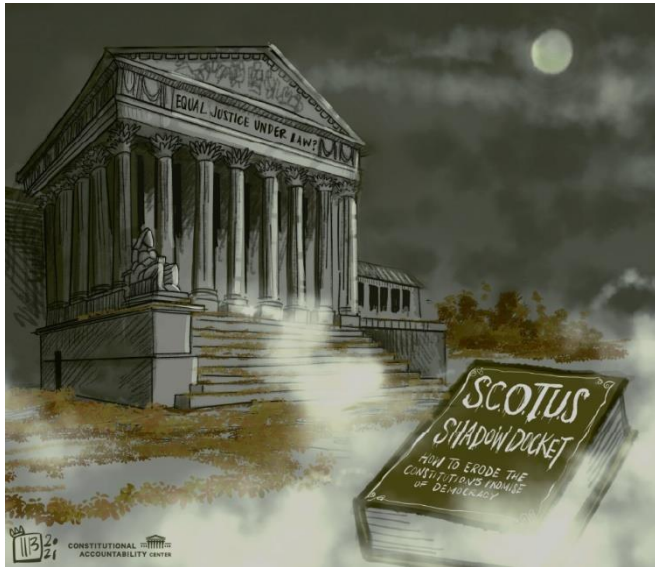
SCOTUS, now with three Trump-appointed justices, denied the obvious violation of the First Amendment. The conservative majority ignored facts in the record showing that the coach's prayers coerced students to pray. Instead, they relied on “history and tradition,” essentially arguing that prayer in such situations would have been allowed at the founding of the U.S., but a lot of things were allowed then that are not allowed now, and for good reason. Not a good argument, especially since judges are not historians.

Similar battles over the correct interpretation of history are now being fought over the meaning of the Second Amendment and in other areas of constitutional law, with judges cherry-picking history to fit their preferred narratives.



Joslin went on to talk about the “Most Favored Nation” theory now used by the Supreme Court in free-exercise cases. This theory claims that religion must get the best possible treatment in the law; comparable accommodations or exceptions from laws offered for secular reasons must also be offered for religious reasons.

Joslin told us that the SCOTUS has a “shadow docket” of often-unsigned decisions. This is how this Most Favored Nation theory was slipped in during COVID to allow churches to stay open and at-home religious gatherings to continue when other in-person gatherings were closed.



SCOTUS Shadow Docket: How To Erode The Constitution's Promise of Democracy – Source: Constitutional Accountability Center

AU is fighting back at the state and federal levels. Last year, AU filed or joined 8 amicus briefs; this year, they've filed or joined 6 more. One of the cases AU filed an amicus brief in was Groff v. DeJoy (Louis DeJoy is the Postmaster General, head of USPS). Groff is an evangelical Christian who worked for USPS but wanted Sundays off.

Title VII, the federal employment nondiscrimination law, requires that employers

must grant requested religious accommodations to employees unless the accommodation would impose an “undue hardship” on the business. When Groff didn't get his preferred accommodation, he asked SCOTUS to clarify what “undue hardship” means. AU argued in their amicus brief that burdens on coworkers, like forcing them to cover undesirable shifts or subjecting them to proselytizing or misgendering, should count as an undue hardship, but that coworkers' or customers' bias against certain religious should not.

SCOTUS ruled unanimously in favor of Groff, but agreed with AU's main arguments about what kinds of impacts should or shouldn't count.

The other case in which AU filed an amicus brief that Joslin discussed was 303 Creative v. Elenis. This case was a kind of “do-over” of the Masterpiece Cakeshop v. Colorado case from 2018 where a bakery didn't want to make a wedding cake for a gay couple.

303 Creative v. Elenis was about a web designer who didn't want to do web design for same-sex weddings. She claimed that Colorado's nondiscrimination law violated her free-exercise rights as well as her right to be free from government-compelled speech.

In both cases, SCOTUS ruled in favor of the business being able to refuse service to the customer, but the 303 Creative decision that came out this summer affects many more people.

AU's amicus brief argued that businesses shouldn't be allowed to use individual constitutional rights as a license to discriminate against others. But SCOTUS ruled that “expressive” businesses can't be forced to express messages with which they disagree—meaning that the web designer has a constitutional right to refuse to make custom

wedding websites for same-sex couples if she disagrees with same-sex marriage.

Joslin warned that this is devastating for the LGBTQ+ community and other protected classes. How broadly is this to be applied? What counts as speech? What counts as “expressive”? For example, what if a business said it would not serve Black people?



SCOTUS considered that kind of argument in 1968 in a case called *Newman v. Piggie Park Enterprises*. Piggie Park Enterprises was, in 1964, a drive-in BBQ chain owned by Maurice Bessinger, the Baptist head of the National Association for the Preservation of White People. Bessinger refused to serve Black people



Piggie Park Drive-In Protests

in his restaurants, including Anne Newman, a Black minister’s wife. He argued that he had a free-exercise right to discriminate because of his religious beliefs that integration “contravene[d] the will of God”, but SCOTUS called that argument “patently frivolous,” but

that was in 1968, and this is now—it seems everything is up for being revisited.

AU is also representing parties directly in federal court cases. In *Garrick v. Moody Bible Institute*, for example, AU represents a teacher fired from a religious school because she complained about sex discrimination. The school claims that she was a “minister” under a SCOTUS doctrine that allows religious employers to discriminate against ministers in employment; AU disagrees. Conservatives are arguing for a broad interpretation of this “ministerial exception”, which would essentially allow all kinds of religious employers to evade employment nondiscrimination laws for all kinds of employees, from camp counselors to custodians.

AU has brought two cases in state courts this year. The first, *OKPLAC v. Statewide Virtual Charter School Board*, is a state case in Oklahoma. AU is suing with ACLU, Education Law Center, and Freedom From Religion Foundation to stop the state of Oklahoma from using public money to fund what would be the first religious charter school in the country, St. Isidore of Seville Catholic Virtual School.



AU’s other new state-court case, *Blackmon v. Missouri*, challenges Missouri’s total abortion ban (instituted just hours after the SCOTUS abortion ruling) and several other abortion restrictions as an unconstitutional establishment of religion.

Missouri law claims that human life begins at conception. This is a religious claim, not a scientific claim. Rev. Traci Blackmon, the lead plaintiff in that case, is a minister and leader in the United Church of Christ, which holds a pro-choice position.

Several plaintiffs are Jewish. Two are Unitarians. Many religions deny that human life begins at conception. For example, Judaism teaches that human life begins with the first breath. For Muslims, a fetus does not have a soul until 120 days into pregnancy.



Rev. Traci Blackmon, plaintiff in the Blackmon v. Missouri abortion rights case

The lawsuit, brought with the National Women's Law Center, argues that the Missouri law is forcing Missouri residents to support laws that favor a religion they don't belong to. This is a Missouri state-court case, so SCOTUS shouldn't get the chance to weigh in on it.

Joslin then took questions and comments from the audience. Larry Taylor said he met Lemon of the Lemon Test decades ago. Taylor said he believes every word that Jesus said about abortion. Hint: The word abortion does not appear anywhere in anything reportedly said by Jesus or his followers in the Christian Bible.

Some people asked what can be done if SCOTUS has made a bad ruling. Joslin said that decisions on constitutional rights, like the Kennedy and 303 Creative rulings, can only be overturned by another SCOTUS decision or a constitutional amendment. But SCOTUS decisions on statutes that Congress passes are easier to get around if Congress passes a new law to clarify its intent.

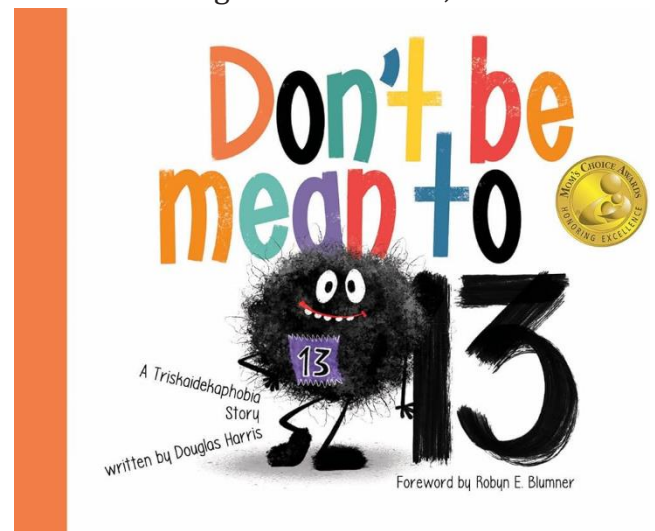
My note: People often wrongly claim that we have three equal branches of government. In my view, that is not true. Congress is the primary branch of government. It also has the power to regulate SCOTUS, but that has rarely been used.

Andrew asked what groups AU works with. AU works with Freedom From Religion Foundation (FFRF) and others. Notably, they also work cooperatively with religious organizations.

To learn more visit AU's website: [www.AU.org](http://www.AU.org)

### Don't Be Mean To 13!

Author and HSSB member, Doug Harris, has released a new book called, *Don't Be Mean to 13*. This children's book explores the historical roots of the superstition of the number 13 to help teach children to use evidence-based, critical thinking with our friend, Thirteen!





You may recognize Douglas through his daughters, Bailey and Elle, who are prominent activists in the secular community. Douglas co-authored the children's books, *My Name is Stardust* and *Elle the Humanist* with his daughters in support of their work.

This new book features a foreword by the CEO of the Center For Inquiry, Robyn Blumner. Michael Shermer and other skeptic celebrities have also endorsed the book.

Shermer wrote: "What an absolutely delightful story about a bizarre belief that millions of people hold—that there's something unlucky about the number 13. Of course, there isn't, and we know this through reason and science, and the earlier children learn how to think about such superstitions the better society will be. My little boy loved the story and so will you!"

Douglas started writing the book a few years ago while he was writing the book *Elle the Humanist* with his daughter, Elle. This book was based on Elle's experiences at elementary school and her passion about conversations she was having regarding diversity and religion.

While working with her to write this book over a Friday the 13th, Douglas read an article about this superstition and was intrigued. He was surprised by how much it actually impacts our world (no 13th floor in hotels, no row 13 on airplanes, people not going to work or driving on this day and on and on).

Douglas said, "Our Stardust Book Series attempts to help teach evidence based critical thinking skills using science and it struck me that we could use the idea of this fun superstition to help teach the same concept from a new angle. I've learned in my own family, with my four children, how important it is to teach children how to think, not what to think. My hope with this book is that by helping children understand the idea of superstitions, we can illustrate how important it can be to use

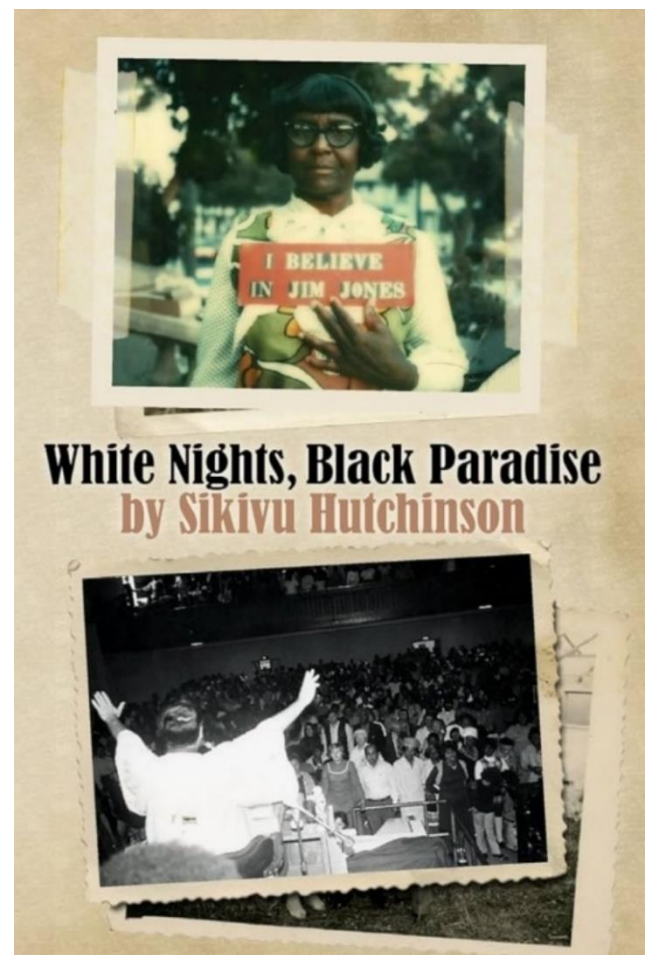
evidence based critical thinking skills as we navigate a confusing world where even adults believe silly things."

The book is available on Amazon:  
<https://a.co/d/j2FDCmi>.

**Special HSSB November Excursion:  
See a Play, Visit a Quirky Museum, and Dine  
with Fellow Humanists**

HSSB has 10 tickets to the live theatrical performance *White Nights, Black Paradise: The Play*, for the Sunday November 19, 3:00pm matinee performance in Culver City.

The play is based on a book by our upcoming January 2024 speaker, author and activist, **Sikivu Hutchinson**. The play is about the Jim Jones cult, Peoples Temple.



The play is described this way: “In 1978, Peoples Temple, a progressive, Black multiracial church, perished in a Guyana jungle settlement named after its leader, the Reverend Jim Jones. *White Nights, Black Paradise* is a riveting story of complicity and resistance; loyalty and betrayal; Black struggle and Black sacrifice, told through the voices of Black women.

Hutchinson said, “For decades, a succession of Jonestown productions and books have focused squarely on the lethal charisma of the Reverend Jim Jones, rather than the complexities of the Peoples Temple movement. In the turbulence and disillusionment of the post-civil rights, post-Vietnam era, Jonestown was appealing to Black folks (as well as its white followers) because it was supposed to be an alternative to the racial strife, economic inequality, and segregation in the U.S.”

HSSB will provide transportation (we’ll carpool and rent a minivan). We will **stop for lunch at Versailles Cuban Restaurant at noon**, then visit the quirky **Museum of Jurassic Technology** at 1:30pm, before seeing the play at 3:00pm. After the play, we’ll head home stopping for dinner and conversation on the way back.



Enjoy lunch at Cuban Versailles Restaurant in Culver City with fellow Humanists

The price for this all-day excursion is \$25 per person plus the cost of meals. If you are interested in attending, please RSVP to Board Member Gary Noreen ([yoda@ardio.com](mailto:yoda@ardio.com)) to reserve your spot and coordinate transportation arrangements.



Museum of Jurassic Technology: Quirky and A Little Off-Beat

## Upcoming Events of Interest to Humanists

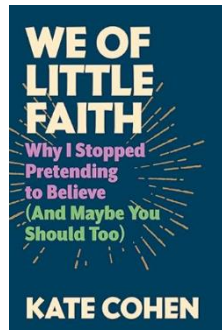
*Submitted by Diane Krohn*

- November 2: 2023 *International Secular Day of the Dead*. A Zoom event sponsored by the Freethought Society. [2023 International Secular Day of the Dead](#)





- November 2: Anya Overmann: *Speaking of Humanism: How Can Humanists Travel Ethically?* Zoom event sponsored by the American Humanists Association. [How Can Humanists Travel Ethically?](#)
- November 12: *Community Roundtable: Being Global Citizens*. Zoom event sponsored by the American Humanist Association. [Community Roundtable: Being Global Citizens](#)
- November 14: Robin Wall Kimmerer: *Braiding Sweetgrass: Indigenous Wisdom, Scientific Knowledge and the Teachings of Plants*. UCSB Arts & Lectures event. [Robin Wall Kimmerer](#)
- November 16: Adam Grant: *Hidden Potential: The Science of Achieving Greater Things*. UCSB Arts & Lectures event. [Adam Grant](#)
- December 1-3: Skeptics Society Conference. *Truth. What It Is, How To Find It, and Why It Matters*. Hilton Santa Barbara Beachfront Resort (formerly Fess Parker Double Tree). [skeptic.com/event](#). Hotel reservations, if needed: [Reserve your hotel room](#)
- December 7: Kate Cohen: *We of Little Faith: Why I Stopped Pretending to Believe (And Maybe You Should Too)*. Zoom event sponsored by the American Humanist Association. [Kate Cohen](#)
- January 31, 2024: Nita Farahany and Nicholas Thompson: *Your Brain on ChatGPT: How Artificial Intelligence Will Change Everything*. UCSB Arts & Lectures event. [Your Brain on ChatGPT](#)



## HSSB Contact Information

### Officers:

*President:* Judy Flattery,

[sbhumanisteditor@gmail.com](mailto:sbhumanisteditor@gmail.com)

*Secretary:* Diane Krohn, [DJKrohn1@gmail.com](mailto:DJKrohn1@gmail.com)

*Treasurer:* David Flattery,

[david.flattery@post.harvard.edu](mailto:david.flattery@post.harvard.edu)

### Board Members at Large:

Wayne Beckman, Robert Bernstein, Judith Fontana, Gary Noreen, Mary Wilk

### Newsletter Editor & Submission Deadline

Judy Flattery, [sbhumanisteditor@gmail.com](mailto:sbhumanisteditor@gmail.com)

Deadline for submissions to the Secular Circular is midnight, the last day of each month. Our web site, [www.SBHumanists.org](http://www.SBHumanists.org), archives current and past issues of the *Secular Circular*. Non-members may subscribe to hardcopy of this newsletter for an annual fee of \$20. E-mail copies provided to members and interested non-members at no charge.

**To Join or Donate to HSSB:** Annual Membership dues are \$36 for an individual, \$60 for a couple, \$100 for a Society Supporter, and \$300 (or more) for a Society Patron. Dues payments and other donations can be made via PayPal ([Paypal.me/SBHumanists](https://Paypal.me/SBHumanists)) or check. Include your name and contact information when submitting payments. Make checks out to *Humanist Society of Santa Barbara* and mail to Mary Wilk, P.O. Box 30232, Santa Barbara, CA 93130. [mwilk@cox.net](mailto:mwilk@cox.net). Dues, donations, and payments can also be remitted via this PayPal QR code. Once at the site, select 'Send' then log into your PayPal account to complete the transaction.:



Watch our speaker videos on [YouTube](#). Subscribe to our [Meetup](#) page to be notified of upcoming events.



Humanist Society of Santa Barbara  
P.O. Box 30232  
Santa Barbara, CA 93130

## HSSB Calendar

**Tuesday November 14. 5:00 pm. HSSB Board Meeting.** Join as early as 4:45pm for socializing. Zoom link: <https://us02web.zoom.us/j/83592300667>. Members always welcome to attend.

**Saturday November 18. 3:00 pm. Prof. Gregory A. Daddis, SDSU. *Is This Tomorrow? Cold War Comics and American Identity*.** Zoom link: <https://us02web.zoom.us/j/88193881833>.

**Sunday November 19. HSSB Excursion to see the Sikivu Hutchinson play, *White Nights, Black Paradise*** in Culver City, about the promise and betrayal of Jonestown in Guyana. Trip includes transportation plus a stop at Versailles Cuban Restaurant for lunch and a stop at The Museum of Jurassic Technology. Limited to 10 HSSB members. RSVP to Gary Noreen at [Yoda@Ardio.com](mailto:Yoda@Ardio.com). Transportation and admission tickets to the play and the museum are included with the \$25 excursion fee. Separate checks for meals. Plan on being gone all day.

**Tuesday December 12. 5:00 pm. HSSB Board Meeting.** Join as early as 4:45pm for socializing. Zoom link: <https://us02web.zoom.us/j/83592300667>. Members always welcome to attend.

**Friday December 15. pm. HSSB Winter Solstice Catered Dinner/BYOB.** Clubhouse Upstairs, Encina Royale, 250 Moreton Bay Ln, Goleta. **RSVP** to Judy Fontana 805 280-9175 [judithannfontana@yahoo.com](mailto:judithannfontana@yahoo.com)

**Tuesday January 16, 5:00 p.m. HSSB Board Meeting.** Join as early as 4:45pm for socializing. Zoom link: <https://us02web.zoom.us/j/83592300667>. Members always welcome to attend.

**Saturday January 20, 3:00 p.m. Sikivu Hutchinson, author & activist. *Gen Z Humanists in the Hood*.** Zoom link: <https://us02web.zoom.us/j/88193881833>.