

## Are Atheists Tolerable? American Nonbelievers and Irreligious Freedom

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### Abstract:

Modern constructions of religious liberty often left atheists and nonbelievers out. Long after the ratification of the First Amendment, it remained an open question whether religious freedom included irreligious freedom. Counted an intolerable danger to the commonwealth, atheists were frequently denied equal rights and liberties; several states barred them from holding offices of public trust, and their competence as witnesses was routinely questioned. The picture changed dramatically in the middle decades of the twentieth century as the principle of neutrality—that the state was to treat believers and nonbelievers with impartiality—became the constitutional norm. Yet, in scoring a series of wins at the Supreme Court level, atheists only looked all the more intolerable. Dwelling on the experiences of a handful of atheist objectors, particularly Garry and Mary De Young, the paper examines just how limited the toleration of the irreligious remained in this heyday of secularist activism—and often still remains.

Woven into modern constructions of religious liberty is an enduring conundrum: Does religious freedom include irreligious freedom? In his foundational essay, *A Letter Concerning Toleration* (1689), John Locke decidedly thought not. Arguing for sharp limits on the state's power to impose or suppress particular modes of worship, Locke concerned himself especially with accommodating different varieties of Protestant Christianity, but he did not end there. His principle of religious toleration was much more sweeping than that. "Neither *Pagan*, nor *Mahumetan*, nor *Jew* ought to be excluded from the Civil Rights of the Commonwealth, because of his Religion," he wrote. This was heady stuff—Locke's principle of religious liberty applied very widely indeed: Christians, Jews, Muslims, and pagans, the standard fourfold way of imagining the world's religious variety in the late seventeenth century—all were included under the umbrella of toleration. Alas, Locke soon ran up against a crucial limitation: atheists and unbelievers. "Those are not at all to be tolerated who *deny the Being of a God*," he declared. "Promises, Covenants, and Oaths, which are the Bonds of Humane Society, can have no hold

upon an atheist. The taking away of God, though but even in thought, dissolves all. Besides also, those that by their Atheism undermine and destroy all Religion, can have no pretense of Religion whereupon to challenge the Privilege of a Toleration.” Religious toleration did not include irreligious toleration; religious liberty was specifically for the religious, not the irreligious.<sup>1</sup>

The nineteenth-century American Protestant apologist Robert Baird echoed this same principle in his *Religion in America* (1844), a standard guidebook on the nation’s evangelical churches and its pervasively Christian character. “Rights of conscience are religious rights,” Baird insisted, “that is, rights to entertain and utter religious opinions, and to enjoy public religious worship. Now this expression, even in its widest acceptance, cannot include irreligion; opinions contrary to the nature of religion, subversive of the reverence, love, and service due to God, of virtue, morality, and good manners. What rights of conscience can atheism, irreligion, and licentiousness pretend to?” Or, as a Minneapolis newspaper blithely editorialized in 1904: “We claim religious freedom for our strongest plank in [our] national foundations, but irreligious freedom is another matter entirely. Let a man believe what he likes. Let him believe, however.” Another half century on Richard Nixon drew the same line at irreligion when he offered John F. Kennedy an olive branch of toleration for his Roman Catholic faith in the 1960 presidential election: “There is only one way that I can visualize religion being a legitimate issue in an American political campaign. That would be if one of the candidates for the Presidency had *no* religious belief.” The unacceptability of atheists in civil society long amounted to a cultural commonplace.<sup>2</sup>

Few rushed to defend the rights and liberties of unbelievers in the seventeenth and eighteenth centuries, but there were nonetheless inklings of more expansive views of toleration.

The *Virginia Act for Establishing Religious Freedom* (1786), the brainchild of Thomas Jefferson, had enjoined that religious opinions and beliefs should in no way diminish or enlarge a citizen's civil capacities. Jefferson later specified in his *Autobiography* that he expressly intended the bill to reach beyond the religious to the irreligious, that it comprehended within its mantle of protection "the Jew and the Gentile, the Christian and Mahometan, the Hindoo and infidel." In 1788, two years after the passage of the Virginia bill and three years before the ratification of the First Amendment, the Vermont editor of the first post-Revolution imprint of Locke's *Letter Concerning Toleration* found it necessary to offer some improvements on the original—prominent among them was the deletion of the entire paragraph denying toleration to atheists and unbelievers; prior colonial editions through 1764 had simply left the recommended ban intact. John Adams, writing to his son John Quincy Adams in 1816, insisted that "Government has no Right to hurt a hair of the head of an Atheist for his Opinions," before admonishing: "Let him have a care of his Practices." As Adams's caveat suggested, even when toleration was extended to atheists and unbelievers, it was often done so with an abundance of caution: Could they be counted on as virtuous citizens? Could they be trusted as witnesses in courtrooms or as holders of public office? Could they be accorded the rights of free speech and assembly without their blasphemies subverting public order and morality? Was their freedom to express irreligious opinions—about God or the Bible or the Virgin Birth—the same as for those who conveyed more pious perspectives? Such questions were debated time and again in American public life from the early republic forward and were far from easily resolved.<sup>3</sup>

A progressive story line about the toleration of atheists and the advance of the secularist principle of equal citizenship for unbelievers would not be hard to plot. Locke's view of atheists as "wild beasts" to be excluded from civil society sounds entirely illiberal—all but inexplicable

by the Jeffersonian standards of church-state separation that prevailed in the United States by the middle decades of the twentieth century. In a series of landmark decisions from *McCullum v. Board of Education* (1948) through *Abington v. Schempp* (1963), the Supreme Court, guided especially by the opinions of Justice Hugo Black, made the evenhanded treatment of believers and nonbelievers integral to its construal of the First Amendment. Even Justice Potter Stewart, the lone dissenter in the *Schempp* case that disallowed public schools from requiring Bible reading and the recitation of the Lord's Prayer, embraced Black's principle that the religious and the irreligious enjoyed the same rights and liberties: "What our Constitution indispensably protects," Potter wrote, "is the freedom of each of us, be he Jew or Agnostic, Christian or Atheist, Buddhist or Freethinker, to believe or disbelieve, to worship or not worship, to pray or keep silent, according to his own conscience, uncoerced and unrestrained by government." How this leveled playing field was supposed to work in practice, however, remained much in dispute: Did it apply to the national motto, "In God We Trust," or to the phrase "under God" in the Pledge of the Allegiance? Did it apply to humanist chaplaincies in the military, to nativity scenes in public parks, or to prayers before municipal board meetings? This much was nonetheless hard to dispute: atheists and nonbelievers were on far firmer constitutional ground by 1965 than they had been in 1791, let alone 1689.<sup>4</sup>

How much firmer, though? The ground was obviously more shifting and treacherous than the panoramic view from Locke to Black suggests; the progressive story line was necessarily bleaker and more potholed. The cases that atheist and secularist plaintiffs pursued in the mid-twentieth century often came at considerable personal cost. Publically vilified, many of them faced significant harassment, intimidation, and social dislocation. As freethinking activists for very strict constructions of church-state separation, they routinely ran afoul of religious

sensibilities that wove together church, home, community, and school as the essential fabric of a God-blessed nation. Justice William Douglas, suspicious of the growing height of Black's wall of separation, worried in 1952 about how far the court might go to meet the objections of the "fastidious atheist." What would become of "prayers in our legislative halls" or "the proclamations making Thanksgiving Day a holiday" or the invocations of God in courtroom oaths? "These and all other references to the Almighty that run through our laws, our public rituals, our ceremonies," Douglas warned, might fall prey to the persnickety secularist. "We are a religious people," he summarily concluded, "whose institutions presuppose a Supreme Being." No matter the judicial affirmations of neutrality—that the religious and irreligious enjoyed the same rights, liberties, and protections under the First Amendment—the fastidious atheist, even when victorious in the courtroom, often remained engulfed in hostility, discrimination, and intolerance in a nation that overwhelmingly presupposed God. The lived experience of these mid-century plaintiffs suggests how hard it was to uphold irreligious freedom even after the equal liberty and citizenship of atheists had been asserted by the nation's highest court. The how-far-freedom-has-come story—with the culminating legal victories of nonbelievers such as Vashti McCollum in 1948 and Roy Torcaso in 1961—is helpfully re-scripted through closer examination of what it was like to be one of these plaintiffs at the very time the principle of neutrality was ascendant.<sup>5</sup>

Throughout the nineteenth century freethinkers had made the argument for their equal standing under the law. They fought blasphemy charges, famously so in the cases of Abner Kneeland and C. B. Reynolds, trying to lift up free speech and to discredit forever this whole vein of prosecution that offered Christianity singular protection from offense. They lobbied, often fruitlessly, for their competency as witnesses in court, the disjoining of credibility from

professions of belief in God or in eternal rewards and punishments. They objected alike to Catholic and Protestant influences in the public schools, making the demand for secular education central to their activism from one locale to the next. They argued against the privileging of religion over irreligion whether in the form of tax exemptions on church property, blue laws safeguarding the Sabbath, or state-funded chaplaincies and missionary schools. They poured scorn on state constitutions, like those in South Carolina and Maryland, that maintained a religious test—namely, an avowed belief in God—for public office-holding. Nineteenth-century freethinkers were every bit as fastidious about church-state separation and the equal liberties of unbelievers as were their twentieth-century heirs. What they lacked was federal traction. Only over the course of the twentieth century were the rights of the First Amendment made binding at state and local levels through application of the protections of the Fourteenth Amendment. That process of incorporation gave secularist, freethinking plaintiffs much better footing for pressing their cases and far more opportunity for success, but it also magnified their transgression by making local and state officials defend the constitutionality of the taken-for-granted ways in which religious belief had long been favored over unbelief in American civic life.

With the Supreme Court newly open to Establishment-Clause challenges of Christianity's favored status, litigation grew increasingly pivotal to atheist activism from the mid-1940s on. "Sue the Bastards!" became the rallying cry of Madalyn Murray O'Hair and her organization, American Atheists, and that group created its own legal fund and in-house counsel to file "suit after suit" in the decades following O'Hair's initial salvo against the Baltimore public schools in 1959. O'Hair labelled these activities an exercise in "litigious education": even when American Atheists lost, each court fight provided her organization an opportunity to lecture the public about the principle of church-state separation. Lifted up by the media as headline-grabbing

provocateurs, atheist plaintiffs came to be seen as dauntless protagonists inside secularist ranks and godless militants beyond those circles. They became convenient Cold War emblems of the joined threats of secularism and communism to the nation's religious character. O'Hair was the most vociferous, litigious, and despised, but none of these fastidious atheists got off easily. Lawrence Roth, a Jewish atheist plaintiff in the *Engel* school-prayer case, had his home picketed and received death threats; a cross of gasoline-drenched rags was burned in his driveway by a group of teenagers who went unprosecuted.<sup>6</sup>

Arthur Cromwell, founder of a local Society of Freethinkers in Rochester, was another among the high-profile petitioners who repeatedly challenged religious programs and activities in the public schools. Typical of the ire he provoked was a letter he received in 1951 about a threatened suit against a Christmas pageant at an area high school: "You had better get down on your knees and thank God that the people here in America allow you and others like you to live," this self-identified 100% American and Christian urged. "You ought to be shipped over to Russia where you belong. Thank God, your funds are running low and I hope they run so low that you and yours starve to death. That would be a better death than you deserve. I am sure God has no place in heaven for such a thing as you are. Wishing you all the tortures of Hell, and hoping you lose your mind and end up in the State Institution—and get the worst kind of treatment." Cromwell's compensation for all the antipathy he provoked as a devoted atheist was the modest celebrity it earned him in secularist circles. Journals like *Progressive World*, *American Rationalist*, and the *Bulletin* of the Freethinkers of America sang his praises, and he was lionized at the annual convention of the American Rationalist Federation in St. Louis in 1961 for having so long kept up the fight against religion in the public schools. Mostly, though, he was pictured as a godless crank and communist tool inimical to the nation's welfare.<sup>7</sup>

Cromwell would have remained primarily a local combatant but for his freethinking daughter Vashti McCollum, the successful litigant against a release-time program for religious instruction in Champaign, Illinois. The fact that McCollum's case wound its way to the Supreme Court—and that she prevailed—elevated the attention given her father's efforts, even as her own notoriety and consequence quickly surpassed his. The hate mail she received, pouring in from around the country, was as voluminous as it was venomous. One letter-writer enclosed a newspaper clipping of her picture disfigured with devil's horns and a tail along with the scrawled assurance: "God will find a way to overcome the devil's work." Another correspondent scribbled, "You are a disgrace to our nation . . . and should be driven out of this country at once"; still another accused the conventionally monogamous McCollum of loose sexuality and suggested a violent remedy: "You probably had your child before you married if you are married. What you need is someone to beat the hell out of you." One Halloween a group of protestors heaved tomatoes at her when she answered the door thinking it was the usual trick-or-treaters; they stayed long enough to sing "Onward, Christian Soldiers" and to heap trash on the family's doorstep. The bullying of her son Jim, whose refusal to participate in the release-time program of religious instruction had triggered the whole case, became so intense that McCollum and her husband felt compelled to withdraw him from the Champaign schools. They sent him to live with his grandparents in Rochester where he enrolled in a private school at a safe remove from the immediate conflict. McCollum lost her part-time job at the University of Illinois, and her husband's appointment was threatened as well. While she won significant allies among civil liberties activists and Unitarians, she and her family were nonetheless ostracized, maligned, and menaced with an intensity that made her court victory look quite limited in effect. She successfully challenged one release-time program, but the community's majority continued to



elevate religion above irreligion with only modest relief for the minority standing of McCollum's humanistic secularism.<sup>8</sup>

McCollum had the satisfaction of the Supreme Court's vindication, which launched her to some celebrity (she published a memoir, *One Woman's Fight*, and became a draw on the liberal lecture circuit). Most atheist plaintiffs, though, had far less to show for their contrarian showdowns with state and local officials. The story of Garry and Mary De Young, a pair of Delaware atheists, is worth dwelling on in that regard. Bit players by comparison to headliners like McCollum and O'Hair, the De Youngs were tenacious church-state separationists in the 1960s and 1970s. Their atheistic preoccupations and litigious predilections, Garry's especially, made a mess of their lives, and they left an archive that amply demonstrates the instability that was the consequence of their freethinking activism: twenty-five unprocessed boxes sitting in the Dolph Briscoe Center for American History at the University of Texas at Austin. Fastidious atheists, like the De Youngs, were certainly having their day in court, winning crucial victories about prayer and Bible reading in the public schools, about the rights of atheists to hold offices of public trust as well as to claim a humanistic ground for conscientious objection. The principle of neutrality—that impartiality was to govern the state's treatment of believers and unbelievers—had come to enjoy (at least for a time) a constitutional consensus. Yet, so much went wrong for Mary and Garry De Young as they pursued their ardent secularism on the margins of communities from Delaware to Minnesota to Iowa to Texas to Kansas.

The De Youngs wanted to get religion out of the Delaware public schools much like the McCollums in Illinois, the Murrays in Maryland, and the Schempps in Pennsylvania. Garry especially had been raised for a life of fractious unbelief. His father, a poultry farmer in New Jersey, was a socialist who had left behind his Dutch Reformed faith and embraced the

freethinking iconoclasm of Emanuel Haldeman-Julius, a prolific publisher of irreligious literature, based in Girard, Kansas. The family's finances, particularly during the Great Depression, had been precarious. Garry recalled his father renting out the family home and moving them all into one of his chicken coops, but he also remembered socialist luminaries like Norman Thomas and Scott Nearing visiting the small farm and picnicking with them. All told, he recollected a youth of painful peculiarity—on the outs with the wider community over religion, politics, and socioeconomic status. Finishing high school and unable to afford college, he enlisted in the United States Army, earned six bronze stars during World War II, and reenlisted thereafter. Shortly after the war he learned of another social marker of marginality for his family: his father had a half-brother who was black. Having “an uncle of color” brought racial discrimination into sharp focus for De Young—an awareness that was only heightened when he decided he wanted to attend Delaware State, which until 1947 had been known as the State College for Colored Students. Despite white segregationist objections, De Young managed to enroll there and became the school's first white graduate in 1956. His years at Delaware State in the mid-1950s effectively educated him in civil rights activism as he eagerly joined in protests to desegregate local restaurants and theaters. Fighting injustice and discrimination, he saw clearly, required direct involvement on his part, not simply “vicarious experiences” of outrage. “Brotherhood,” he wrote at the head of one of his poems in 1964, “is really the act of keeping your head on the chopping block until every human being can walk in freedom and dignity.”<sup>9</sup>

Mary De Young, a teacher in the Delaware public schools, was keenly aware—along with her husband—of the growing agitation over prayer and Bible reading in the classroom. The Supreme Court cases of 1962 and 1963 that had declared both practices unconstitutional seemed right on target to the De Youngs, both of whom were nonbelievers and were raising their

children that way. The unison recitation of the Lord's Prayer and the reading of at least five verses from the King James Bible were required at the opening of each day in Delaware's public schools, and students were instructed to "assume a reverential attitude" when performing both. The state's attorney general, David Buckson, had been openly critical of the Supreme Court decisions against such practices and had no interest in enforcing the rulings. The De Youngs, along with a liberal Protestant family, had stepped forward with the backing of the American Civil Liberties Union (ACLU) to challenge the state's continued allowance of these ceremonies. The Third U. S. District Court sided with the plaintiffs and required compliance with the *Engel* and *Schempp* decisions. Much to Attorney General Buckson's chagrin, Delaware had been forced "to ignore God" in its public schools and endorse this disturbing secularist trend in American public life. "I believe it is a religious country," Buckson told reporters, and he brought in Episcopal Bishop James A. Pike to corroborate his stance in the case. Reciting the Lord's Prayer and reading the Bible, Pike explained on television with Buckson, were "non-sectarian" gestures, basic to what it meant to be part of a "Judeo-Christian culture."<sup>10</sup>

The De Youngs, in this initial battle, had been relatively careful in their public statements. They both rejected the atheist label and claimed the gentler one of agnostic. Garry emphasized that he thought knowledge of the Bible was an important feature of his children's cultural education and that he simply opposed compulsory devotional reading in the public schools; Mary, for her part, said she would keep performing these religious practices in her classroom as required until the three-judge panel ruled on their constitutionality. Those gestures did not help them much in swaying local opinion, which Buckson was effectively channeling. "If you don't like the way the school is run in the US," one man wrote Mary from Wilmington, "why don't you go to Russia? You can teach fine over there and you don't have to read the

Bible there[.] [T]hat is the place for all your kind of people.” Popular scorn, though, was only part of the price the De Youngs paid for their litigiousness. Mary, untenured, lost her teaching job (few parents were willing to expose their second graders to her unbelief, and the Middletown school board made no bones about wanting to get rid of her for taking part in this lawsuit).

Garry, having refashioned himself in his late thirties as a poet of the open road, had already been patching jobs together in haphazard ways—raising bees, selling encyclopedias, and hawking his self-published verse. His latest collection of poems, journalists noted with lurid glee, was called *Sex, Church, and the Jungle*. Garry lacked, to say the least, anything like job security. “Me and my family,” he wrote later, “were reduced to destitution as a result of the black-listing and job loss resulting from this lawsuit.” Despite their legal vindication, the case had damaged the De Youngs financially and exhausted them emotionally. They were keenly aware now of being a family of outsiders in Middletown, an unwanted minority at odds with most of their neighbors.<sup>11</sup>

Within the year the De Youngs left Delaware for a fresh start in Minnesota, first moving to Cass Lake and then to Duluth where Mary got a job as a caseworker in the county welfare department. Garry remained as eccentric and underemployed as ever, prone to exaggerating his educational and artistic accomplishments, picking up odd jobs now and again, and then opening a freethought bookshop in a converted store front in the family’s Duluth home in 1967. He stocked his shelves with a range of anticlerical literature from Voltaire to Robert Ingersoll to the Little Blue Books of Emanuel Haldeman-Julius, while also continuing to vend his own poetry. Inside the store he kept “a large plywood sign with a black inscription reading ‘Help Stamp Out Atheists,’” which someone had deposited on his lawn and which De Young saved as indicative of “typical Christian tactics” to intimidate him. Since leaving Delaware, he had become all the more aggressive in his irreligious posture; he delighted in the atheist mantle and had picked up

some of O'Hair's flair for conflict. A thoroughgoing secularist, he was ready to object to everything from Sunday closing laws to the phrase "under God" in the Pledge of Allegiance.<sup>12</sup>

Undeterred by the opposition they had faced in Delaware, the De Youngs complained in late 1967 about elements of "sectarian religious indoctrination" that they detected in Duluth's public schools, particularly evident in a lunchtime grace and the annual Christmas programming. Their protest had the desired effect: the daily blessing, broadcast over the high school's public address system, was suspended, and their children's elementary school dropped a number of religious hymns from its holiday celebration. To say the least, the couple's complaint proved controversial, and their challenge bred far more hostility than it did understanding. Their children were taunted and harassed; Garry's bookshop and the family's car were vandalized; a county commissioner speculated on a television news program that Mary, as an atheist, was unqualified to be a caseworker and should be fired; the city slapped housing code violations on the family's residence; they were deluged with hate mail; and the police warned them of bomb threats to their home. Garry was understandably furious and raved now against the prejudice that he and his family faced as atheists: "I do not consider the religious community as anything but my enemy. I have been personally subjected to the rankest and vilest forms of discriminatory practice at the hands of religionists. . . . Frankly, there is nothing to discuss. Just get the superstition out of the schools." Cooler heads urged careful review of the church-state issues—say, how religious ideas and symbols might be studied in public schools as part of history, social studies, and the arts. But, neither De Young nor his exasperated critics could muster that kind of dispassion as the controversy roiled the community. "He makes life so miserable for himself and his family," the pastor of First Lutheran Church lamented. "If there is no God, why should he fight so hard against him?" For his part, De Young had come to see such confrontations as a

fundamental test of his secularist commitments. “The more you get knocked down,” he explained, “the more of a responsibility it becomes.”<sup>13</sup>

The family, ostracized in Duluth, felt compelled to relocate again, this time to St. Paul, where Garry finally gave up on the notion that he would make a living as a poet and got a job with the Minnesota Highway Department writing brochures and news releases. With the events in Duluth and Middletown weighing on him, Garry had come to see fighting discrimination against atheists, more than emulating Whitman, as his defining purpose—a cause that he increasingly couched in the language of civil rights activism. By 1971, he had incorporated the Church of Philosophical Materialism “to minister to the needs of Atheists” along with the Minnesota Institute of Philosophy, a correspondence school that awarded PhDs and that better pedigreed rationalists disdained as a diploma mill. (The institute awarded Madalyn Murray O’Hair a PhD in 1972 that seemed honorary at best.) Already notorious in the state as an atheist meddler, De Young continued to call attention to prejudices—large and small—against nonbelievers. All the routine habits of civic theism—from invocations at city council meetings to the ritual opening of court sessions, “God save this honorable court”—attracted his ire. When the Master of a Masonic Lodge in Fridley, Minnesota, publicly reiterated the group’s ban on atheists, along with the senile and insane, De Young denounced the statement as slanderous. So toxic had De Young’s reputation become that even the Minnesota chapter of the ACLU wanted to avoid association with him when he tried to join the fight against the use of state taxes to aid parochial schools. “We don’t want any Atheists as part of this,” De Young recalled being told when he volunteered to help. “We definitely don’t want you.”<sup>14</sup>

Meanwhile, his job at the Highway Department started to unravel. The first year or two went smoothly enough, but in the spring of 1971 he got involved in a civil rights case involving

the firing of an African-American colleague. De Young saw the maneuvering that had gone into eliminating the man's job as rife with racial discrimination and protested to state officials. From then on, De Young reported that the work environment turned increasingly hostile: his writing was nitpicked, and his pieces rejected; his looks—his beard, long hair, yellow socks, and sandals—were criticized; his coffee-break banter was turned against him. Predictably, it was music at a Christmas party that provided the final flashpoint. He found the religious playlist offensive—as if the office holiday party was only for Christians, not Jews, Muslims, or secularists. When De Young interrupted the Christmas music with a recording of a recent pop song by the band Think called “Things Get a Little Easier Once You Understand,” his Roman Catholic supervisor saw the gesture as insubordinate and perverse. (The song highlights the generation gap, but is not overtly irreligious; De Young described it as having a “Humanist thrust” and intended his playing of it as “a symbolic expression of dissent.”) His boss was already scornful of De Young's moonlighting as an organizer of a church and a college for atheists, and this latest jab at Christmas cemented his view of De Young as a disruptive propagandist. (De Young pointed out that his boss had no problem allowing the Little Sisters of the Poor to solicit funds on state premises, while counting De Young's expression of his minority religious opinions as proselytizing.) The conflict between De Young and his supervisor rapidly devolved from there. It ended in De Young's firing and an extended lawsuit over workplace discrimination. A little more than two years later, in January 1974, De Young briefly prevailed. With the Minnesota Human Rights Commission on his side, the Highway Department was ordered to pay him \$12,200 in back wages for firing him largely because he was an outspoken atheist. On appeal, however, the Minnesota Supreme Court upheld De Young's firing—that it had been on performance grounds, not because he was an argumentative secularist.<sup>15</sup>

The mess at the Highway Department almost destroyed the couple's marriage. After years of enduring her husband's fitful employment and his unending battles, Mary had filed for divorce. Somehow, though, the De Youngs persevered. They decided to put the combined wreckage of Garry's dismissal, the resulting legal quagmire, and their own marital breakdown behind them by moving again, this time to Mercedes, Texas, where they spent three years. They kept up their old freethinking habits. They continued to publish a journal called the *Crucible*, which they presented as the official publication of their atheistic ministry, the Church of Philosophical Materialism and the Minnesota Institute of Philosophy. They marked their opposition to Christian prayers at city council meetings, to blue laws, and to the distribution of Gideon Bibles in the public schools. There were some visible slights in Mercedes, but none with the drama of Middletown, Duluth, or St. Paul. Mary was hastily replaced by a Baptist minister on a local committee when her atheism became manifest in a column she wrote for the town's newspaper. "Humiliation in Mercedes" was the headline the couple gave to the piece in the *Crucible* recounting her removal. Likewise, Garry's claim that he helped the new mayor in his election campaign earned a quick public denial and distancing: "I believe in God. I love God. I fear God. I am not an atheist," the mayor pledged. But, these were tiny dust-ups compared to the controversies the couple had provoked elsewhere. By now, the De Youngs were accustomed to a life of tenuous connection and vagrant movement from one run-down home to the next.<sup>16</sup>

In March 1978, they moved to Hull, Iowa, drawn there by cheap housing afforded by an aged subscriber to their secularist mission. They were living primarily on a monthly disability pension of \$447 from the Veterans Administration and, as ever, needed whatever financial help they could get. Hull, however, was an inauspicious place for an atheist family to land. In the northwest corner of the state, with a strong Dutch Reformed heritage, it was a small community



in which Protestant folkways securely prevailed. Prayer and Bible reading were still commonplace in the public schools there, and Mary immediately wrote a letter to the superintendent questioning the constitutionality of those practices. Knowing the negative outcome of any court fight, Hull school officials relented and stopped the classroom religious exercises. Soon the De Youngs were in the news again: “Atheists, Christians feud in Hull,” proclaimed a headline in the *Des Moines Register*. “I don’t know why [Garry] De Young would want to come here and disturb the peace and tranquility of a God-fearing people,” Hull’s mayor told a reporter. “He’s like a fish out of water. He doesn’t belong in this area.”

The couple’s fifteen-year-old son, Charles Darwin De Young, then a freshman in high school, took much of the heat in this latest disturbance. Taunted on the school bus as a “Dirty Atheist” and provoked into misbehavior, he was suspended from the bus and stopped going to school. The bus driver admitted that Charles and his younger brother, Frank, had been “harassed a lot,” so much so that the driver had once admonished the other kids: “If you’re really Christians, then what’s with this hateful attitude towards these people?” The De Youngs resorted to home-schooling the two boys and filed a protest with the Iowa Civil Rights Commission, claiming that their older son’s treatment by the school district (not to mention by his peers) was a form of religious discrimination. They got nowhere with their latest complaint, and Garry increasingly saw his “second-class citizenship” in evidence in every bureaucratic encounter he had in Hull: no response to his request for a deed, a new zoning law that prevented him from processing his berries into preserves, the foot-dragging of the Rural Water Association to avoid providing him with service, school personnel who were indifferent to his son’s educational fate. He found it almost impossible “to survive in Northwest Iowa when holding views at variance with the majority of the local population.” One schoolteacher finally decided

she wanted to be helpful to these misfits, writing the De Youngs in June 1980: “Since you are not comfortable living here, I am willing to stick my neck out and help you move to more suitable surroundings.” It was not long before the De Youngs gave up on Hull and relocated to Spencer, Iowa, before landing in Stanwood, Washington.<sup>17</sup>

Late in life, in the 1990s, the De Youngs were trying to keep the creditors at bay through a tree nursery in Stark, Kansas. The children were all long grown, so the couple no longer had to do battle with the public schools on their behalf. Garry embraced the nineteenth-century moniker of “The Village Atheist,” emblematic of his lifetime of forlorn nonconformity at odds with local religious norms. He created some letterhead with that designation and suggested he was going to start a new publication under that title. But, his health was poor, and his frame of mind was increasingly bitter and conspiratorial. The idea never materialized. His old dream of sustaining an atheist church and university had run aground years ago. He felt forgotten and marginal, cheated of his due for his decades of sacrifice for the secularist cause. In 1993, at age 70, he managed one last manifesto of atheist grievance, *Religion: The Disease*. It bemoaned the exclusion of atheists by the Boy Scouts as well as by organizations like the Veterans of Foreign Wars and the American Legion, but it took particular aim at a beekeeper’s association in Oklahoma that had refused him a program spot unless he refrained from commenting on religion. He had suffered through religious invocations and benedictions at a national convention of beekeepers in Kansas City and saw an urgent need to remind those in the trade of the warfare between science and religion. The Religious Right, in De Young’s view, would substitute creationism for evolutionary science anywhere they could, even in the honey industry. The self-published book had no circulation; it was a rant of an old crank whose spleen at everything from Bill Clinton’s philandering to Rush Limbaugh’s bombast was boundless. When an editor of a

freethought journal asked him for a review copy, De Young felt too strapped for resources to send one. “Please keep in mind that I have been on the very front line in fighting these Atheist battles in the most difficult forum of all, the courts!” he explained. “It has not been easy at all, the stresses of these lawsuits resulting in six bypasses and financial ruin.” His gloom did not seem overblown, but a realistic assessment of how much his fastidious atheism had cost him and his family.<sup>18</sup>

What had the ascendant principle of neutrality been worth to the De Youngs over the course of their highly litigious lives? With the *Engel* and *Schempp* decisions on their side, they pursued successful challenges to religious practices in the public schools of Middletown, Duluth, and Hull. When it came to prayer, Bible reading, and Christmas programs in the public schools, a nonbelieving minority was able to compel the believing majority to recognize its secularist demands. Those were substantial victories. Yet when those wins are seen against the wider backdrop of the hardships the De Youngs faced, they look rather wan. Garry and Mary both lost jobs in large part because of their godless stands, and Mary was never able to get another teaching position; their children endured considerable grief as troublemaking atheists and suffered from the financial insecurity of their parents; public officials treated the family as nuisances, if not pariahs. They were forced into a marginal, vagrant existence, often with quite meager resources for sustaining themselves. Garry was, to be sure, a disagreeable soul who only got more acerbic and litigious as the years went by; he was often his own worst enemy. He had an enormous chip on his shoulder; privation and ill-health only made it bigger; he launched protest runs for public office that looked delusional; he could not understand why elite PhD programs would not admit him; he was, by the end of his life, an ill-tempered curmudgeon as much as a principled activist.<sup>19</sup> Whatever Garry’s flaws, though, they do not obviate the

conclusion that the playing field remained quite slanted against nonbelievers. The winning cases of plaintiffs such as Vashti McCollum and Roy Torcaso were important vindications, but the promise of equal rights and liberties for atheists remained hard to realize in practice.

Affirmations of neutrality—that the state was to ensure that the irreligious enjoyed the same freedoms and protections as the religious—sounded impressive in the abstract, but were far muddier in application. The lived experience of exacting atheists like the De Youngs made the breadth of that gap quite apparent. They were often still treated like Locke’s “wild beasts,” dangers to civil society who had to be contained. Toleration of them was grudging at best.

“What is freedom of religion?” the freethinker Mariam Allen deFord had asked in 1947 in the pages of *Progressive World*, a secularist monthly favored by the De Youngs and other atheist activists of the era. The American system still seemed, in deFord’s view, governed by the old Lockean premise: “You choose the manner in which you worship a god, and the style in which you address him, but worship some sort of god you must.” Freedom of religion, she suggested, meant little without corresponding liberty for those who wanted freedom from religion. The close entwining of faith and citizenship that deFord lamented was only heightened as the Cold War intensified, but she also wrote at the front edge of the Supreme Court’s epochal reconsideration of Jefferson’s wall of separation. 1947 was the year that Justice Hugo Black vigorously asserted his views on the importance of closely monitoring violations of the Establishment Clause in his minority opinion in *Everson v. Board of Education*. All citizens—whether “Catholics, Lutherans, Mohammedans, Baptists, Jews, Methodists, Nonbelievers, Presbyterians, or the members of any other faith,” in Black’s compendious listing—were to share equally in the rights and liberties of the First Amendment. The state should be studiously “neutral in its relations” with “religious believers and nonbelievers,” he averred. Plaintiffs like

Vashti McCollum, Roy Torcaso, Madalyn Murray, and Edward Schempp depended on that proposition as did the De Youngs, but their trust in how far Black's reasoning would reach was only partially rewarded.<sup>20</sup>

Secularists won some, but lost more as the suits piled up in the long wake of the Supreme Court's reappraisal of the Establishment Clause. Madalyn Murray O'Hair's American Atheists, which spearheaded much of that litigation, got used to at best mixed results. The wins that the organization chalked up were generally of two types. First, there were those that built on the *Engel* decision banning prayer from the public schools. A case in Chandler, Arizona, in 1981, for example, successfully challenged prayers at high school commencements—a position that was then confirmed in *Lee v. Weisman*, which the Supreme Court decided in 1992. Second, there were those that built on the *Torcaso* decision overruling Maryland's constitutional requirement of belief in God for those holding offices of public trust. American Atheists successfully challenged similar theistic tests for public officeholders in North Carolina, Tennessee, Texas, and Mississippi in the late 1970s; likewise, South Carolina failed to keep an atheist, Herb Silverman, from becoming a notary public in the 1990s. The areas in which the group consistently lost were more numerous: challenges to tax exemptions for church property, to prayers opening city council meetings and sessions of Congress, and to ceremonial theistic expressions such as "In God We Trust" on currency. Some issues, such as the public display of religious imagery at Christmas, ended up split. Expressly religious banners came down in a case in Escondido, California, in 1987; a nativity scene, taken as a cultural representation of the family, remained in place in the capitol rotunda in Texas in 1980. In *Lynch v. Donnelly* (1984), in a 5-4 decision, the Supreme Court gave that cultural reading of crèche symbolism its imprimatur and rejected a stricter secularist view of the Establishment Clause. After four-plus

decades of litigation, freethinkers and atheists were left well short of the clarity they sought in their legal campaigns for thorough disestablishment.<sup>21</sup>

Employment discrimination cases, like the ones that the De Youngs lost, were another type that often did not go well. (This is perhaps not surprising: during deliberations over the Civil Rights Act of 1964, the House of Representatives actually passed an amendment explicitly declaring that an employer's refusal to hire or retain an atheist would not count as a discriminatory practice under the law—that the enumerated protections against employment discrimination based on race, color, sex, national origin, and religion did not include irreligion; the amendment stalled in the Senate.) The potential snares for atheists in the workplace were on full display in math teacher Bruce Hunter's long-running battle with the Dallas Independent School District in the 1970s, a case that O'Hair's organization heartily embraced. Hunter had been teaching in the district for well over a decade and had become a recognized leader of several successful math and science programs at Bryan Adams High School. When a Canadian evangelist was invited to speak at the school in October 1970, ostensibly about the prevention of drug abuse, several teachers objected to his "revival-type preaching." Hunter took the lead in an effort to pass a resolution against combining Christian evangelism with school assembly programs. The proposed resolution was tabled for fear of sparking a community backlash against the teachers involved, but word got out to the news media all the same. Hunter was singled out as the one pushing for removing "sectarian religious viewpoints" from the Dallas schools, and this occasioned the principal to warn him: "I have gotten parents and students coming to me asking me to kick you out."<sup>22</sup>

That initial controversy died down, but rumors lingered that Hunter was an atheist. The next flashpoint came in 1972 when a student asked him what he thought of the "under God"

phrase in the Pledge of Allegiance, and Hunter admitted he was opposed to it, which caused the gossip to intensify and cemented his reputation as “the Atheist teacher.” At that point, some parents began requesting that their children be transferred out of his classes, and the principal obliged their qualms. The situation gradually worsened from there. By 1974, the principal had joined arms with the PTA to force Hunter’s transfer to another high school where he was demoted to teaching remedial math classes and where the new principal saw it as his mission to bring people to Christ, openly promoting evangelical groups such as Young Life and the Fellowship of Christian Athletes in school assemblies. The new principal perceived Hunter’s objections to his efforts to cultivate a positive Christian ethos at the school as insubordinate, as failing to be a team player. How could Hunter object to a program promoting Christian service and warning of the moral dangers of “godlessness”—adultery, drunkenness, dishonesty, and drugs? Meanwhile, parents were again requesting transfers, and some of his students had begun calling him out as an “Atheist queer” and “Atheist weirdo,” among other choice expressions. The principal found cause to place Hunter on probation in 1975 and then to terminate him in 1976. Filing suit against the district for religious discrimination, Hunter sought reinstatement and back pay, but lost in the District Court and on appeal to the Fifth Circuit, both of which upheld the school district’s actions. The court accepted the performance rationales the principal had cited and dismissed religion as a motivating factor in his firing. Hunter had clearly found no relief from his quandary through claiming Title VII protections against employment discrimination based on religion or through invoking Black’s principle of neutrality. The Supreme Court’s constitutional readings of the Establishment Clause failed to guide the practices of school administrators, to protect Hunter from censure and termination, or to place nonbelief on anything like equal footing with belief in the Dallas public schools.<sup>23</sup>

The situation has not gotten much clearer since plaintiffs like Hunt and the De Youngs waged their battles. Justices William Rehnquist and Antonin Scalia, hoping to whittle down Black’s church-state legacy, launched sharp attacks on what Scalia termed “the supposed principle of neutrality between religion and irreligion.” Forcefully calling into question the wall-of-separation views that the Court had advanced in the mid-twentieth century, Scalia defended a common-ground monotheism as the nation’s shared inheritance—one that the state had long endorsed and should not abandon. As he wrote in a 2005 dissent supporting the display of the Ten Commandments in Kentucky courtrooms, “With respect to public acknowledgment of religious belief, it is entirely clear from our Nation’s historical practices that the Establishment Clause permits . . . the disregard of devout atheists.” Both the nation’s religious history and its original political framing were, Scalia argued, on the side of the God-affirming against the God-denying. On this counter-reading, the challenges posed by fastidious atheists—from O’Hair to more recent agitators like Michael Newdow—simply do not need to be taken seriously. The very pursuit of neutrality, so the counter-argument goes, is little more than a subterfuge that masks secularist hostility toward religion. A belated innovation in First Amendment jurisprudence, the principle should be set aside.<sup>24</sup>

Much of the contemporary landscape for atheist plaintiffs would remain quite familiar to the freethinking appellants of the post-war era. Recent conflicts over the Pledge of Allegiance and the Boy Scouts would be all too familiar, so would questions about the treatment of atheists in the military, including the question of recognizing nontheistic chaplains. With three sons following his footsteps into the military, it had always rankled Garry De Young that their dog tags did not specify their religious identity as atheist and that there were no atheist chaplains to provide them support. “There ARE Atheists in foxholes,” he insisted, but they hardly dared to



“open their yaps” about it. Familiar, too, would be the old fights over religion in the public schools. The case of Jessica Ahlquist, a sixteen-year-old high school student in Rhode Island, makes that plain. In 2011 she challenged a religious display on the wall of her school’s auditorium—an eight-foot high prayer banner that invoked “Our Heavenly Father” for moral strength and character. Placed in the auditorium in 1963, it was intended as a direct reproach to the Supreme Court’s rulings removing prayer and Bible reading from the public schools. Though baptized Catholic, Ahlquist had come to see herself as a convinced atheist and found the prayer exclusionary: “It seemed like it was saying, every time I saw it, ‘You don’t belong here.’” With the help of the ACLU, Ahlquist filed a lawsuit to have the exhibited prayer taken down. Much as had been the case with the McCollums or the De Youngs, that legal challenge immediately made Ahlquist the object of hate-filled threats as a scourge to God and country. When a federal judge decided the case in Ahlquist’s favor in January 2012, her own state representative denounced her on talk radio as “an evil little thing.” It all sounded so strangely overheated and yet also utterly familiar. Ahlquist had become a fastidious atheist. Arthur Cromwell, Vashti McCollum, Lawrence Roth, Madalyn Murray O’Hair, Edward Schempp, Garry and Mary De Young, Bruce Hunter—any of them could have written this latest schoolhouse script. In theory, over the last several decades, atheists had been accorded equal rights, liberties, and protections; they were officially tolerable. In practice, irreligious freedom remained an enduring conundrum for a nation resolutely under God.<sup>25</sup>

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<sup>1</sup> John Locke, *A Letter Concerning Toleration and Other Writings*, ed. Mark Goldie (Indianapolis: Liberty Fund, 2010), 52-53, 58-59. The Latin edition of Locke's letter had appeared in 1685, the more renowned English translation in 1689. The toleration of Roman Catholics was also highly problematic for Locke because of the political claims made by the papacy (e.g., the power to excommunicate monarchs). Locke doubted Catholics could ever genuinely accept the norms of religious toleration, the acceptance of which was a prerequisite of toleration. Locke's views on the intolerability of atheists were widely shared at the outset of the Enlightenment. By the late eighteenth century, though, figures such as Jefferson and Joseph Priestley had rejected Locke's blanket exclusion of atheists from toleration. For a comprehensive account, see John Marshall, *John Locke, Toleration and Early Enlightenment Culture* (Cambridge: Cambridge University Press, 2006), esp. 256-63, 694-706.

<sup>2</sup> Robert Baird, *Religion in America: Or, An Account of the Origin, Progress, Relation to the State, and Present Condition of the Evangelical Churches in the United States* (New York: Harper and Brothers, 1844), 125; "Freedom of Unbelief Denied," *Truth Seeker*, 23 April 1904, 260. Nixon's gesture is discussed in Robert Bendiner, "Our Right Not to Believe," *Saturday Evening Post*, 10 Feb. 1962, 10.

<sup>3</sup> Thomas Jefferson, *The Autobiography of Thomas Jefferson, 1743-1790*, ed. Paul Leicester Ford (Philadelphia: University of Pennsylvania Press, 2005), 71; John Locke, *A Letter Concerning Toleration* (Windsor, VT: Spooner, 1788), with omission on p. 57; John Adams to John Quincy Adams in James H. Hutson, ed., *The Founders on Religion* (Princeton: Princeton University Press, 2005), 20.

<sup>4</sup> Locke's description of atheists as "the most dangerous sorts of wild beasts" comes from an earlier essay of his on toleration. See Locke, *Letter and Other Writings*, 132. For Stewart's dissenting opinion, see *School District of Abington Township, Pennsylvania v. Schempp*, 374 U.S. 203 (1963).

<sup>5</sup> For Douglas's worries over Black's impregnable wall, see *Zorach v. Clauson*, 343 US 306 (1952).

<sup>6</sup> For a twenty-five year retrospective on all the suits that O'Hair and American Atheists had filed, see "Sue the Bastards!" *American Atheist* 30 (June 1988): 11-15. For the hate and harassment directed at the *Engel*, *Schempp*, and *Murray* plaintiffs, including the cross-burning episode, see Bruce J. Dierenfield, *The Battle over School Prayer: How Engel v. Vitale Changed America* (Lawrence: University Press of Kansas, 2007), 138-43, 163, 167-68, and also Stephen D. Solomon, *Ellery's Protest: How One Young Man Defied Tradition and Sparked the Battle over School Prayer* (Ann Arbor: University of Michigan Press, 2007), 204-206, 222-26. For the broader divisions and predicaments the prayer and Bible reading decisions created, especially among ecumenical Protestants, see Sarah Barringer Gordon, *The Spirit of the Law: Religious Voices and the Constitution in Modern America* (Cambridge, MA: Belknap Press of Harvard University Press, 2010), 84-93. O'Hair's leadership style—autocratic and self-promoting—caused frequent dissension within American Atheists (also known as the Society of Separationists), and those conflicts led to the creation of other freethinking organizations. Especially notable was the Freedom from Religion Foundation, incorporated in 1978 and led by activist Anne Nicol Gaylor; that new group redoubled the emphasis on litigation for advancing atheism and freethought. For a full biographical examination of O'Hair, including her sundry lawsuits, see Bryan F. Le Beau, *The Atheist: Madalyn Murray O'Hair* (New York: New York

University Press, 2003). For an insider's account of just how splintered the atheist world around O'Hair was in the 1970s, see Jane Kathryn Conrad, *Mad Madalyn: Madalyn Murray O'Hair, Her Family, Her Problems, the Truth and the Lies* (Brighton, CO: n.p., 1983).

<sup>7</sup> G. M. C. to Arthur Cromwell, 13 Dec. 1951, Edwin H. Wilson Papers of the American Humanist Association, 1913-1989, box 25, f. 21, Special Collections Research Center, Southern Illinois University, Carbondale.

<sup>8</sup> Dannel McCollum, *The Lord Was Not on Trial: The Inside Story of the Supreme Court's Precedent-Setting McCollum Ruling* (Silver Springs, MD: Americans for Religious Liberty, 2008), 29, 49-50, 70, 101, 105, 155-56; Vashti Cromwell McCollum, *One Woman's Fight* (New York: Doubleday, 1951), 72, 82-83, 97-102, 155-59, 185-87. For the defaced picture of her, see scrapbooked newspaper clippings, box 1, Dannel Angus McCollum Papers, Illinois History and Lincoln Collections, University of Illinois Library, Urbana, IL.

<sup>9</sup> Garry De Young, *Quest for Justice: Systematic Discrimination in Iowa* (Hull, IA; De Young Press, 1984), 6-12; Garry De Young, *Everybody Knows My Name* (Centreville, MD: Tidewater Publishing, 1964), 19. Rejoice E. Scherry, the University Archivist at Delaware State, confirmed that Garry De Young was the first white graduate of the college, but indicated that the school has no other material on his activities there. Mary De Young also graduated from the college two years later in 1958.

<sup>10</sup> "Buckson Hits Trend to Ignore God," "Buckson Beliefs Put God in U.S. Picture," "Bible Case Goes from Court to TV," newspaper clippings, Mary and Garry De Young Papers, box 4zd499, Dolph Briscoe Center for American History, University of Texas at Austin. The unprocessed papers are still in the original shipping boxes and are a jumble of litigation files, secularist periodicals and pamphlets, newspaper clippings, varied correspondence, and curricular materials for the Minnesota Institute of Philosophy. On the way the De Youngs were raising their large brood to be "Good without God," see Mary De Young, "I Am Raising Nine Children as Atheists," in a series published in the mid-1960s under the banner "The Heretics," box 4zd499, De Young Papers. For a description of daily religious ceremonies in the schools, see "Plaintiffs' Proposed Findings of Fact," box 4zd499, De Young Papers. Many of the newspaper clippings were reproduced in Garry de Young, *Garry's Scrapbook: The Thoughts and Actions of a Civil Rights Activist* (Spencer, IA: De Young Press, 1987). This volume is exceedingly scarce, however. A copy is available at the Wisconsin Historical Society, but not in the collection at the Briscoe Center.

<sup>11</sup> "Two in Bible Reading-Suits Say They Aren't Atheists," "Agnostic Poet Fights Bible Reading in Delaware School," "Middletown Fires Teacher in Bible-Reading Protest," "Board Fires Teacher for Bible Protest," newspaper clippings; John Jones to Mary De Young, undated; box 4zd499, De Young Papers; De Young, *Garry's Scrapbook*, unpaginated; De Young, *Quest for Justice*, 13-14. The De Youngs had their share of liberal supporters, and many expressed outrage over Mary's firing and the blatant disregard it showed for her rights as a nonbeliever. See, for example, "For the Sake of Fair Play," newspaper clipping, box 4zd499, De Young Papers. The God-loving, God-fearing side—safely in the majority—also found ample expression, of course. See "Keep Our Heritage," "They Lived Better," and "An Earnest Plea," newspaper clippings, box 4zd499, De Young Papers.

<sup>12</sup> "De Young Proud of Atheist Title," "Atheist Raps Panel on School Religion," newspaper clippings, box 4zd499, De Young Papers.

<sup>13</sup> “Atheist Raps Panel,” “Religious Controversy Continues,” “Charges Filed Against Priley by De Young,” “Atheism Missionary Gets Baptism of Ire,” newspaper clippings, box 4zd499, De Young Papers; De Young, *Quest for Justice*, 14-15. Again, De Young found a fair number of supporters, including Jewish and liberal Protestant backers who agreed with his views on removing religious programs from the schools. See, for example, “Atheist’s Challenge Supported by Panel,” newspaper clipping, box 4zd499, De Young Papers.

<sup>14</sup> “Declaration,” 5 Dec. 1971; “Appeal to Minnesota Supreme Court: Petitioner’s Brief,” 9; “Portrait of an Atheist,” Oct. 1971, box 4zd499, De Young Papers. On De Young’s conferral of O’Hair’s PhD, see “Woman Who Won Fight Against School Prayer Joins Institute,” *Minneapolis Star*, Aug. 26, 1972, box 4zd499, De Young Papers. De Young worked off and on with O’Hair from the early 1960s through the mid-1970s, but the relationship fell apart as O’Hair consolidated power over American Atheists at the expense of various allies, including De Young who came to see her as wholly self-aggrandizing. For signs of his growing alienation from O’Hair, see Garry De Young to Ann Robertson, June 19, 1977, box 4zd498, De Young Papers; “Editorial,” *Crucible*, June/July 1977, 5. O’Hair interviewed De Young for four episodes of her atheist radio program in 1973. She included transcripts of these in her collection called *The Atheist World* (Austin, TX; American Atheist Press, 1991), 239-69. These interviews contain several details about the family’s persecution in Delaware and Minnesota that do not appear elsewhere. Some of these could be O’Hair’s own editorial embellishments since she gloried in stories of atheist harassment, including her own; some no doubt were embroidered by De Young himself; and some were surely genuine recollections of ostracism and mistreatment surfaced by these extended radio appearances. In short, this 1991 collection of interviews from 1973 about events of the previous decade is a problematic, yet still useful source. In the basic outline of events, the interviews largely comport with earlier sources.

<sup>15</sup> “Appeal to Minnesota Supreme Court: Petitioner’s Brief,” 1-2, 11-12, 19-20, 28-29.

<sup>16</sup> De Young, *Quest for Justice*, 17; Garry De Young to Ann Robertson, May 10, 1977, box 4zd498; “Humiliation in Mercedes,” *Crucible* (Oct-Dec. 1977): 14-15, box 4zd502, De Young Papers; “Atheist Tie Hints Resented in Mercedes,” *Valley Morning Star* (Harlingen, TX), July 2, 1976, 25. Mary De Young later collected twenty-four of her “scientific atheist” newspaper columns and republished them as *Call to Reason* (Spencer, IA: De Young Press, 1977). The pamphlet alludes to the conflict with the Baptist minister on pp. 24-27.

<sup>17</sup> De Young, *Quest for Justice*, 17-21; “Atheists, Christians Feud in Hull,” *Des Moines Register*, June 8, 1980; “Pair Fight Bias Against Atheists,” *Des Moines Tribune*, Aug. 24, 1978, box 4zd499; “Supreme Court Ruling on Prayer Unpopular in Boyden-Hull,” *Sheldon Sun*, Sept. 16, 1978; “State Agency Report Critical of De Young,” *Sheldon Sun*, Aug. 2, 1980, box4zd509, De Young Papers. In the 1980s Garry worked on a book called *The Meaning of Christianity*, which his own De Young Press published in 1982 and again in 1989. It represented an extended pause in his battle with Christianity: he now associated the genuine message of Jesus with love, compassion, and the fight against injustice. Atheism, he suggested, lacked the resources for producing the same imperative for selfless love and social action. While he did not see many true Christians among American churchgoers, he now argued real Christianity promoted a universal humanitarianism that best aligned with his own efforts battling discrimination. His new affection for the social gospel (and also for Christian Science) lasted several years, but that fondness faded away in the last decade or so of his life as he returned to his unadorned atheism and materialism.

<sup>18</sup> Garry De Young, *Religion: The Disease* (Stark, KS: De Young Press, 1993), 1, 4, 8-9; Garry De Young to Bonnie Lange, 14 July 1993, box 4zd499. For letters (and the letterhead) promoting his idea for a new publication called *The Village Atheist*, see Garry De Young to Jesse Ventura, May, 10, 2000; Garry De Young to Delma Goff, May 10, 2000, box 4zd500, De Young Papers. These letters coincided with his 77<sup>th</sup> birthday and 53<sup>rd</sup> wedding anniversary; he died two years later.

<sup>19</sup> Garry was often in a rage about one thing or another—from the Federal Reserve to the Educational Testing Service to the Trilateral Commission. His surviving correspondence, especially in the last decade or so of his life, frequently sounds irrational and desperate, frantic to vindicate his learning and accomplishment. For example, he hated his fellow freethinker Gordon Stein for having once lampooned the Minnesota Institute of Philosophy in the pages of the *American Rationalist* as fraudulent. He celebrated Stein's death in 1997, labeled him a degenerate, and then bragged about being the founder of a fantasized Atheist Law School. See Garry De Young to Editor of *American Rationalist*, Jan. 29, 1997, box 4zd514, De Young Papers. But, he also had far saner moments. A letter to his son Frank in 1996, who was suffering from mental health issues in a Veterans Administration hospital after fighting in Operation Desert Storm, is filled with compassion and understanding, even of Frank's expressed interest in becoming a Roman Catholic. Garry related that the marriage counseling he and Mary had received years earlier had been from a Catholic priest who had been well-trained in "helping hold families together." He praised liberation theology as duplicating many of his own humanist convictions and noted that he had become friends with a local priest in Stark. "Neither Mom nor I would ever have any objections should you want to study to become a Roman Catholic, or to even enter the priesthood. That would be your own personal decision and as always, we would stand squarely behind you." See Garry De Young to Frank De Young, Oct. 26, 1996, box 4zd514, De Young Papers. A few years later, though, with Frank still tormented by his Gulf War experience, Garry urged a social worker to make sure his son had "an Atheist psychiatrist" and wanted him protected from any "religious bag of bunk." See Garry De Young to Gary Robertson, April 5, 2000, box 4zd516, De Young Papers. For a while around 1990 Garry wrote a column called "Curmudgeon Corner" for a small journal *FactSheet Five*, which showed his self-recognition as an "old curmudgeon." See Garry De Young, "Meet Mary De Young," *Speedy Bee*, Oct. 1992, box 4zd514, De Young Papers. Some copies of the column are in box 4zd511, De Young Papers.

<sup>20</sup> Mariam Allen deFord, "What Is Freedom of Religion?" *Progressive World* 1 (March 1947): 24-25. *Progressive World* brought together humanist, atheist, and secularist voices in the three decades following World War II. Boxes 4zd497, 4zd510, and 4zd513 of the De Young Papers are filled with a run of the journal spanning about twenty years.

<sup>21</sup> "Sue the Bastards!" 11-15; "Atheist Wins Rights in South Carolina," *American Atheist Newsletter* 36 (June 1997): 12.

<sup>22</sup> "Atheist Teacher Fights Firing," *American Atheist* 21 (May 1979): 6-12. In 1959 the Texas legislature had considered a bill that would have required an oath acknowledging belief in God in order to teach in the state's public schools and universities. See Ben Parnell, "No Atheists Allowed," *Freethinker* 1 (May 1959): 19.

<sup>23</sup> "Atheist Teacher Fights Firing," 6-12. Workplace discrimination remains a major area of activist concern among secularists. A leading example in this regard would be the work of Margaret Downey who runs an "Anti-Discrimination Support Network" for atheists and

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nonbelievers and who has been cataloging cases, including instances in the workplace, since the 1990s. For one report, see Margaret Downey, "Discrimination against Atheists: The Facts," *Free Inquiry* 24 (June/July 2004): 41-43. See also Caroline Mala Corbin, "Nonbelievers and Government Speech," *Iowa Law Review* 97 (2011-2012): 361-62; Ryan T. Cragun, Barry Kosmin, Ariela Keysar, Joseph H. Hammer and Michael Nielsen, "On the Receiving End: Discrimination toward the Non-Religious in the United States," *Journal of Contemporary Religion* 27 (2012): 116-17. For a case in which an atheist did successfully appeal her firing based on religious discrimination, see *Young v. Southwestern Savings and Loan Association*, 509 F.2d 140 (5<sup>th</sup> Cir. 1975).

<sup>24</sup> *McCreary County v. American Civil Liberties Union of Ky.*, 545 US 844 (2005). For a defense of the neutrality principle against its conservative critics, see Andrew Koppelman, *Defending American Religious Neutrality* (Cambridge, MA: Harvard University Press, 2013). For an excellent overview of the legal terrain facing secularists and atheists, see Nelson Tebbe, "Nonbelievers," *Virginia Law Review* 97 (2011): 1112-80. Tebbe has maintained his concern over the equal citizenship of nonbelievers in *Religious Freedom in an Egalitarian Age* (Cambridge, MA: Harvard University Press, 2017), esp. 72-77. For an insider's perspective on the changing landscape for secularist plaintiffs by a leading lawyer with the American Humanist Association, see David Niose, *Nonbeliever Nation: The Rise of Secular Americans* (New York: Palgrave Macmillan, 2012).

<sup>25</sup> Garry De Young to Ann Robertson, July 25, 1977, Oct. 8, 1977, box 4zd498, De Young Papers; Abby Goodnough, "Student Faces Town's Wrath in Protest against a Prayer," *New York Times*, Jan. 27, 2012, A11-12.