



Kevin Hasson in his office with the Becket Fund's icon, an original painting of the martyrdom of Archbishop Becket, by Michael O'Brien.

KEVIN HASSON

ON THE RIGHT TO LIFE AND RELIGIOUS LIBERTY

By Anita Crane

Kevin J. "Seamus" Hasson is founder and chairman of the Becket Fund for Religious Liberty in Washington, D.C. He initiated the fund to defend religious liberty, primarily in America, but also in other places around the world. It is named after Saint Thomas à Becket (1118-1170 A.D.), who refused to allow England's King Henry II to interfere in the Church and was martyred.

With degrees in both theology and law, Hasson was uniquely qualified to start the Becket Fund. "When I was studying theology at Notre Dame, I was thinking seriously about going on for a doctorate," said Hasson. "But I was tired of the political fights—within the department—over the content of the faith. So I prayed about what I should do with my life and I asked [for guidance about] whether I should go to law school.

"Then in the process of getting my master's degree," he said, "I

was reading all about the U.S. Supreme Court's record on religion and public life and I grew more and more outraged. The secularists were essentially arguing that religion is bad for us, and the Christian Right was coming back with the line: 'Well, this is a Christian country.'

"But that is a non sequitur," said Hasson. "It would be like say-

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ing to Castro: 'Communism is bad for Cuba.' And Castro could say, 'But Cuba is a Communist country.' Then, logically, we could say to Castro: 'So what? Communism is bad for Cuba, get rid of it.'

"Likewise, when the Christian Right responds to secularists with 'This is a Christian country,' they say, 'So what? Religion is bad for you—bad for the country—get rid of it,'" Hasson said.

"The right answer is the Catholic answer. It's natural for us to seek the true and the good—to seek God," he insisted. "The religious impulse to seek God flows from the human intellect and the human heart. Therefore, religious expression is natural to human culture. That is the right answer, so I decided I would go to law school and do something about it."

A man of his word

As an attorney, Hasson worked for the Reagan administration handling church-state matters in the U.S. Justice Department's Office of Legal Counsel under Samuel Alito, whom he calls a "stickler for the law."

After his term there, Hasson joined the Washington, D.C. law firm Williams & Connolly, where he was a junior lawyer on the legal team that defended the Catholic University of America against the controversial Father Charles Curran, who had filed suit for the right to teach Catholic theology in spite of the Vatican's judgment

that he was ineligible to do so. The legal team with Hasson triumphed for the Catholic Church and the Curran case is history.

He also was on the team that represented the Church in *Abortion Rights Mobilization, Inc. v. United States Catholic Conference*. ARM had filed suit against government officials and petitioners, the United States Catholic Conference and the National Conference of Catholic



Hasson meeting Pope John Paul II



Discussing religious liberty with Cardinal John O'Connor



Meeting with Dalai Lama Tenzin Gyatso

Bishops, to revoke the Catholic Church's tax-exempt status on the allegation that the Church had violated the anti-electioneering tax provision for 501(c) (3) non-profit organizations by taking a moral stand, educating Catholics about the right to life and preaching against abortion. Hasson and his colleagues won that case in the U.S. Supreme Court and then won a subsequent appeal in federal court.

With all that to his credit, by 1995 Hasson was ready to establish the Becket Fund.

"The Becket Fund is different from everything else out there," he said. "We defend religious liberty and only religious liberty. We don't get involved in the marriage issue, pro-family stuff or pro-life cases. As good as those things are we only defend religious liberty. And we do it for everybody. We do it for Protestants, Catholics, Jews, Hindus and Muslims.

"The Church has always taught that the state can and should intervene if someone or some group, even a religious group, should violate public health, safety or morals," said Hasson. "But the Church also teaches that people have the civil right to be immune from coercion in their religious beliefs and practices. By defending the immunity of non-Catholics, in a sense I'm defending their right to be wrong. It's important to do that because it's a defense of the correct vision of human nature."

Hasson's defense of the right to be wrong is also a humble tribute to God. Even though we are obliged to keep God's commandments, Hasson respects each human person's God-given free will. Thus, Hasson wrote an amusing and enlightening book entitled

The Right to Be Wrong: Ending the Culture War over Religion in America.

In it he tells how thought police have threatened various individuals and religious groups since the earliest days of our nation; how those cases were resolved; and why religious liberty is a constitutional right.

While the Becket Fund doesn't take on pro-life cases per se, sometimes the right to life cause is integral to religious liberty and vice versa.

A pro-life precedent

One of the Becket Fund's first cases came about in that context when it took on the U.S. Department of Defense. The case, *Rigdon v. Perry*, in which Father Vincent Rigdon sued Secretary of Defense William Perry, arose out of the armed services' response to the National Conference of Catholic Bishops' Project Life postcard campaign. During homilies starting in June 1996, Catholic priests urged congregants to write to Congress and request an override of President Clinton's veto of the Partial-Birth Abortion Ban Act. Some of those priests, including Father Rigdon, were acting military chaplains.

Consequently, the Army, Navy and Air Force issued memos interpreting limitations on political activities by service men and women to bar chaplains from speaking about the veto override request in sermons or counseling. The memos stated that while chaplains were allowed to "discuss the morality of current issues," they couldn't try to "directly or indirectly influence congressional action on pending legislation."

The group of plaintiffs included

Catholic, Jewish and Muslim chaplains, in addition to military personnel and their families.

In April 1997, the Becket Fund won the case on the grounds of the First Amendment and the Religious Freedom Restoration Act. Thus *Rigdon v. Perry* is regarded as defining case law because, Hasson explained, "it vindicated the right to receive uncensored religious counsel."

"We have eight lawyers going full blast," said Hasson. "For every case we take, there are 15 we have to turn down. If the law is clear and the case is only a dispute about the facts, we'll turn that down. We're not set up to commit a lot of resources to vindicating one person's rights. We take cases where the facts are clear, but the law is not—cases that concern the common good—precedent setting cases. We recruit the best lawyers from the best law firms, train them well, choose our cases carefully and, as a result, we've won 52 out of 53 cases."

The latest victory

On June 7, the Becket Fund won another case.

Michele Curay-Cramer taught English and religion at Ursuline Academy, an independent Catholic school in Wilmington, Delaware. On the 30th anniversary of *Roe v. Wade* in January 2003, Curay-Cramer signed onto a full-page ad in the *Wilmington News Journal*, praising the *Roe* decision and declaring her so-called pro-choice position. Meanwhile, Ursuline sponsored a field trip of its students to Washington, D.C. where they protested the *Roe* decision and declared the school's pro-life position.

Shortly thereafter, Curay-Cramer was fired for publicly

repudiating one of the core moral values that Ursuline exists to teach. She then sued the school, claiming that her discharge was sex discrimination under Title VII of the Civil Rights Act of 1964. The Becket Fund for Religious Liberty joined the defense. Along with the law firms of Ashby & Geddes and Young, Conaway, Stargatt & Taylor, the Becket Fund filed motions to dismiss her suit.

In the end, the Third Circuit Court of Appeals issued its decision affirming the dismissal and rejecting sex discrimination claims against Ursuline Academy of Wilmington, some former Ursuline employees, the Catholic Diocese of Wilmington and Bishop Michael Saltarelli.

In a formal statement, the Becket Fund's president Anthony Picarello said: "The Third Circuit reaffirmed what should have been obvious all along: Title VII was not designed to prevent a religious school from firing a teacher for publicly repudiating the school's religious teaching. To rule otherwise would threaten fundamental religious freedom interests of the school guaranteed by the First Amendment."

Be not afraid

As we approach U.S. midterm elections, it is reported that the IRS has already issued warnings to churches and ministers in South Dakota where an effort to repeal the Women's Health and Human Protection Act, which would outlaw surgical and medical abortions, will appear on the ballot.

To bishops, priests, deacons, rabbis and ministers nationwide, Hasson's counsel is: "Be not afraid, but be smart." According to

him, the law is complicated. For this reason, the Becket Fund has set up a web site and Hasson urges ministers to visit www.FreePreach.org. There you can request resources and ask questions. In keeping with his convictions, Hasson likes to say: "We will defend free of charge any good faith message—left, right or center; wisdom or nonsense—preached from the pulpit."

Another key issue now centers on the fact that some pharmacists have lost their jobs because they refuse to fill "contraceptive" prescriptions. Hasson discussed his interest in the issue inasmuch as it would enter into the realm of religious liberty. He said, "We would look seriously at taking a conscience law case because it's a very serious issue—not only for the individual involved, but for the law in general. We would consider representing a pharmacist who was fired for refusing to fill a contraceptive prescription—a clean case where the facts are clear and there wasn't some other contention.

"A large part of the American history of religious liberty is the history of people of conscience sticking to their principles—whether it was Quakers or abolitionists in the 19th century or the conscientious objectors of today," he added. "When people stand by their conscience and stick to principle, they not only help themselves, they help the entire country."

Anita Crane is editor of *Celebrate Life*.

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