

Kevin J. "Seamus" Hasson Canterbury Medal Acceptance Speech

What a great cause to give my life to and what great people to share the adventure with, to stand shoulder to shoulder in the fight with. Look around you. What great people.

My late father would say, "You can't take it with you" –he didn't make that up, but the next part he did – he said, "You can't take it with you, but if you invest it correctly, you get to send the profits on ahead."

I've had the great privilege of investing my life in religious freedom for the last seventeen years at the Becket Fund and for a few years before that at other incarnations. I want to stress at the beginning that in doing that, I was sharing it with lots of you guys here and lots of alumni of the Becket Fund, some of whom are here and some of whom are not, lots of allies of the Becket Fund and religious freedom in general. That had been the great privilege of my life, to fight for religious freedom with you guys. And I just can't thank you enough. Some of you, I'm proud of, I get to say that to some of you, but I get to say a thank you to all of you.

I quoted my dad and I'll quote the old, long-suffering – particularly long-suffering –, wise confessor of mine, named Father Bernie Malahi, who used to say one of his most favorite sayings was, "Remember, Seamus, prudence is not the same thing as caution".

Prudence is not being habitually cautious and timid. Prudence is having the good sense to know when to take a risk. So there really was no risk when I started the Becket Fund. It wasn't a reckless thing to do, to leave a law firm and open our doors eighteen years ago this Sunday. Truth be told, we only had the one door, and you couldn't open it all the way without banging into my desk. But it still wasn't a reckless thing to do. Even my wife didn't think it was a reckless thing to do, God bless her. It was the only prudent thing to do, because religious liberty was facing a grave threat, even then, and I had something I could do about it and I knew some people who could help. And it worked out, it was a great investment, it wasn't a reckless thing to do at all. It was a great investment.

When the Becket Fund progressed, lots of people urged caution every step of the way. There were plenty of people available to say, "Better to put up with a little bit of government intrusion into our rights than get them mad. If we get them angry, they may really intrude into our rights. So let's just put up with a little bit of government overreaching."

And at every stage of the game, we said, “No, we’re not going to do that.”

When Father Vincent Rigdon, you are here someplace Father where are you?, sued the Clinton administration to challenge the order that military priests not preach against Clinton’s view of the partial birth abortion ban, there were voices that said, “Oh, don’t touch the chaplaincy, the whole chaplaincy could fall apart. This is a reckless thing to do.”

It wasn’t reckless at all. It was prudent. We knew the risk, we took it, and we won.

When the Pledge of Allegiance was at risk, there were voices that said, “Don’t get in the Pledge of Allegiance cases, you’ll get the whole thing struck down.”

We not only got in, we also upped the ante and said that what was at stake in the case was nothing less than the bedrock of America’s political philosophy: where rights come from. “One nation, under God” refers to the fact that the Pledge of Allegiance incorporates by reference the Declaration of Independence and its tradition that it is nature’s God who bestows on us the inalienable rights that we enjoy. And lo and behold, we got the ninth circuit, of all places, to say the same thing. It wasn’t reckless at all, it was a good risk.

When the Hosanna-Tabor case – you’ll know it as the case that the Supreme Court ruled in our favor unanimously this past spring – there were voices that said, “Don’t go near the ministerial exception, you’ll blow the whole thing up. It’s too risky; it’s a reckless thing to do.”

We of course knew that it wasn’t a reckless thing to do. It was a prudent thing to do. We had to put this matter to rest now before things got even worse and it wasn’t unanimously decided. I’m proud of the fact that that happened without me, and that the Becket Fund lawyers who are now carrying the torch knew enough and had the guts enough to pick that fight and win it. It’s a lot like watching my kids play soccer. Somebody will often come up and congratulate me on one of my kids’ saves, or one of the kids’ goals, and I always think to myself, what did I have to do with this goal? Why are you congratulating me? The most significant thing I had to do with this goal was fourteen years and nine months earlier. But there’s a certain sense in which his goal is something to be proud of and the same thing is true here. I didn’t make these lawyers tough, I didn’t make them good, but I did hire them. So they’re some of the people that I’m grateful for and proud of. The rest of the people are allies and friends and donors and co-laborers in the vineyard.

The one thing I want to focus on just for a minute – I realize the only thing that stands between you and the after party – is our alliances. There are people that we stand shoulder to shoulder with in the defense of religious freedom who we wouldn't agree with, who we don't think there's a snowball's chance in hell that they're right. The case of the sacred parking barrier that Heather referred to is a case that we didn't actually get involved in, but it's the funniest example I know. In 1985, – have you been to the Golden Gate Park? The Japanese tea garden? Those of you, who can, picture it, those of you who can't, just use your imaginations. The Japanese tea garden is a place where everything was just right, every blade of grass had to be mowed just so, every leaf had to be trimmed just perfectly to create the overall impression of an ambiance of peace and serenity. But there was one thing wrong at that point in 1985. Somebody had abandoned a parking barrier at the back of the garden and it was messing up the feng shui. So the patrons of the park called the bureaucrats and said there's a parking barrier in the tea garden, would you kindly remove it. Bureaucrats being bureaucrats, the parking barrier stayed, until one day a new age group came along and saw the parking barrier with a different eye, and they said, that's not just a parking barrier, that's a Shiva Lingam, a manifestation of the Hindu god Shiva. And they began to worship the parking barrier, whereupon the same bureaucrats who wouldn't do anything because it was an eyesore aroused themselves, sprung into action, and issued a press release saying they had a constitutional duty to avoid violating the separation of church and state. There could be no worship on, not to mention of, public property. The parking barrier had to go. Well, the new-agers got a lawyer, sued for the return of their deity, and the party settled. The park rangers said, "We have thousands of these things. It's not worth fighting over; you can have it, provided you worship it in private someplace else."

As a precedent it's worthless. The parking barrier always did belong to the government. But as a parable it's priceless. If ever there was a religion in America that was harmless, that didn't threaten anyone, that didn't coerce anyone to do anything, parking barrier worship had to be it. Nobody was going to say, raise the taxes to pay for incense for the parking barrier. Nobody was going to worry that they had to pay homage to the parking barrier to get their zoning application approved. It just wasn't going to happen. Nonetheless, it had to be banished to private life just like everything else, because people assume that it's just that simple. There's something about religion that doesn't belong.

Now, we might have represented the parking barrier worshippers, if we could have kept a straight face. But we're happy to represent all sorts of different traditions, we say from Anglicans to Zoroastrians. And the reason for that, the reason for alliances – and that's what I want to urge you to think about – is that there are three reasons for defending people you disagree with. A good reason, a better reason, and then the best reason. The good reason is it's smart; you can set good precedents with politically

correct plaintiff's lawyers leading against politically incorrect plaintiffs. In the Westchester County case a few years ago that we settled, I think, we represented eleven Buddhists who were meditating together without special zoning in Westchester. The government wouldn't have that and wanted to shut them down or require them to apply for special zoning. There was a great opportunity there that wouldn't have been there if it had been a Bible study case or a rosary circle case, or something like that. Something politically incorrect in Westchester would have been much harder to settle, but eleven Buddhists meditating together silently was perfect, particularly because the justification the government was alleging for its intrusion was that all the silent meditation might produce too much noise. Some briefs just write themselves. You have to take those opportunities when you find them. So the good reason is that it's smart.

The better reason is if everybody in America doesn't have religious liberty, nobody in America has religious liberty. There's just no point in hanging around hoping the bear eats you last. We need to team up with people with whom we disagree. If we ever got all of the Becket Fund clients in one room together at the same time, they'd have a food fight. But nonetheless, they make great common cause.

The best reason is that this is really where the fight is. It's what makes the present moment so critical. However dire you may think the circumstances are, however bad they may seem, however desperate things may appear, they're almost certainly much worse than you think. The present moment has a phenomenon that we've not really seen before in human history. And that's not hyperbole. Our history is filled with Catholics fighting Protestants, with Orthodox fighting Catholics, Muslims fighting Christians, Hindus fighting Muslims, and so forth. Even dogmatic Marxists fighting capitalists, placing the transcendent role in history as their god, so to speak. What those have in common is they are principled people fighting principled people about what the principles are. This is different. This is people who believe in precisely nothing – I'm not saying people who don't believe in anything, but people who believe in nothing, nihilists – assaulting the rights of people who believe in anything. This is an attack by people who believe in nothing against the very idea of believing in anything. And this is a truly fundamental fight. It's not a fight over who God is, it's not even so much a fight over if God is, it's a fight over who we are. Are we people born with our eyes focused to the far horizons, with a thirst for the transcendent, who need freedom to seek the truth? Or are we people who are accidental organisms who drift in a cold and lonely universe, who require freedom not to be tempted to fall into this Freudian black humor of God? That religion is bad for you, it's something that is practically like cigarette smoke is, it's something that you can do in private if you really want to, but the government is there to protect you from it in public? Or, are we people who believe in the truth even if we disagree about what the truth is? It's a very fundamental fight. The best reason to

defend the rights of people you disagree with is to man the right side of the barricade in that fight.

Let me close on that note and say how proud I am of all of you for recognizing the importance of the fight along the way, our new friends as well as our old friends, and standing shoulder to shoulder with us to defend the truth. How proud I am of the guys at the Becket Fund, the current ones as well as the older ones, the alumni. How grateful I am to all of you, and to all of them. I'll exercise my own religious liberty for a moment, like Bill did, and say I'm grateful to the Lord and the Blessed Mother, too. Thank you from the bottom of my heart for the medal, more than that, for recognizing the importance of the issue, the importance of the fight, and realizing that you can't take it with you, and the important thing to do is to not back down but to step up. My hats off to you. Good night.