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Symbols

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The statue was originally on municipal land, but after being sued by a group called the Freedom From Religion Foundation in 1998 the city sold the statue and the .15 of an acre where it stands to a private foundation. Ruling this February on an appeal, the 7th U.S. Circuit Court of Appeals said selling the land was an appropriate solution to the dispute, but ordered the city to differentiate between municipal land and the private property.

In his May 9 order applying that decision, Shabaz accepted the city's proposal to erect a 4-foot, wrought-iron fence around the statue's base, with a sign indicating that it is on private property.

He said the 7th Circuit's instructions did not require "visual separation" of the statue from the rest of the park, only a definition of the boundaries. The Freedom From Religion Foundation had asked for a 10-foot concrete wall around the statue.

All three cases are likely to be appealed, meaning that sooner or later, the U.S. Supreme Court will be asked to render a verdict on just how closely God and government can be connected by mottoes and symbols.

For example, three other state mottoes directly refer to God and several others do so more obliquely.

"Dicit Deus," or "God Enriches," has been Arizona's motto since territorial days, 50 years before its statehood. South Dakota's motto is "Under God, the People Rule," and Florida's borrows directly from the national motto, "In God We Trust."

Colorado's motto might be interpreted as referring to God — "Nil Sine Numine," or "Nothing Without Providence." And the same could be said for Connecticut's "Qui Transtulit Sustinet" or "He who transplanted still sustains."

Not that the high court will readily jump into the quagmire. It's never even directly ruled on whether "In God We Trust" is constitutionally appropriate as a national motto.

Previous attempts to have "In God We Trust" stricken from the money carried by Christians, non-Christians and atheists alike have all failed before reaching the court. But the high court has addressed the issue in other cases challenging the practice of opening legislative sessions with a prayer.

In finding nothing unconstitutional about those activities, the court has concluded that some religious words have simply become part of the national culture and do not constitute endorsements of a particular religion.

Mark Chopko, general counsel for the U.S. Catholic Conference, explained that

the court's reasoning tends to rely on the historic importance of religious phrases and symbols. For instance, it upheld the use of religious images in the county seal of Bernalillo County, N.M., which was settled by missionaries.

"If the motivation behind the symbol is

to make a religious statement, the government has no business doing that," he said.

As Justice Sandra Day O'Connor wrote in a concurring opinion in a 1984 case upholding the right of Pawtucket, R.I., to display a creche: "Those government ac-

knowledgments of religion serve, in the only ways reasonably possible in our culture, the legitimate secular purposes of solemnizing public occasions, expressing confidence in the future, and encouraging the recognition of what is worthy of appreciation in society."

Rochester native defends religious liberty

By Rob Cullivan
Staff Writer

For years, the citizens of San Francisco complained that an abandoned parking barrier in Golden Gate Park was an eyesore, but local officials had not heeded their request that it be removed. Then a group of citizens started worshipping the barrier. Park officials decided that they could not allow a public space to be used for private worship, so they removed the barrier.

"Just think of the implications if this precedent were to hold up," said Kevin J. "Seamus" Hasson, founder and president of the privately supported Becket Fund for Religious Liberty, a legal firm headquartered in Washington, D.C. "The government would have to remove anything people began to worship. Then we could solve all sorts of problems just by worshipping Congress, provided we could keep a straight face."

Hasson, 43, who grew up attending St. John the Evangelist Church in Rochester, told this story in 1997 during a speech at the Heritage Foundation in Washington. The absurdity that marked the San Francisco case still continues to be a feature of church/state issues today, he said during a phone interview with the *Catholic Courier*.

"The radical secularists want to use the separation of church and state to privatize religion, and that's not only constitutionally unsound, it's a mistaken view of human nature," he said.

He added that secularists want "freedom from religion" whereas as a more sane view of humanity would recognize that nearly all people in history have thirsted for transcendence in the religious sense, and have slaked this thirst in public ways.

A 1975 graduate of Bishop Kearney High School in Irondequoit, Hasson graduated from the University of Notre Dame's law school in 1985, and has acquired extensive experience in church/state issues since then. Among the cases he has argued was a successful defense of Catholic University of Ameri-

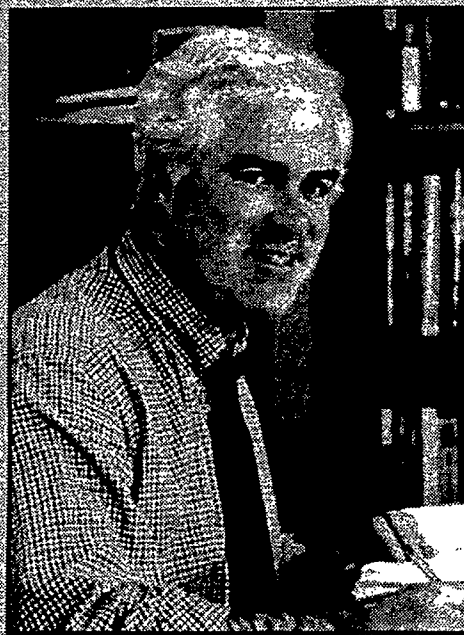


Photo provided

Kevin J. "Seamus" Hasson

ca against Father Charles Curran. The Diocese of Rochester priest had challenged the school in court after it fired him in 1987 following a Vatican pronouncement that his dissenting views on sex, abortion and euthanasia had rendered him unfit to teach Catholic theology.

Hasson served as a legal adviser to the U.S. Justice Department under President Ronald Reagan from 1986-87. He later founded the Becket Fund, named for St. Thomas a Becket, the English chancellor who was killed by King Henry II's knights because he refused to accede to royal demands for control over various church functions.

The Becket Fund has directly represented religious believers from many faiths in 18 cases and won them all, he said, adding that the firm has filed numerous legal briefs on behalf of others. Just recently, the firm won the right for a group of Muslim police officers in Newark, N.J., to wear beards. He added that the firm is currently challenging a Massachusetts law barring public aid to non-public schools on the grounds that it is rooted in 19th-century legislative anti-

Catholicism and violates the U.S. Constitution's clauses on equal protection and free exercise of religion.

Hasson said he founded the Becket Fund because he believed there was a third position to be staked in the church/state debate between secularists and the religious right. Secularists, he said, see religion as akin to secondhand cigarette smoke — something that should only be experienced in private, not public spaces. Hence, for example, the preponderance of lawsuits by civil liberties groups against municipalities for allowing Christmas displays on public property.

On the other hand, religious right advocates often see religious liberty not as a fundamental right for all people, but as a tactical advantage in evangelization. Freedom to believe means the freedom to proselytize primarily in this sense, he noted, adding that this belief informs religious right rhetoric that the United States is a "Christian" nation.

However, the Catholic Church outlined a third way in its Vatican II documents on religious liberty, he said. The church's leaders noted that religious freedom is a fundamental right that should be protected for its own sake, not simply for the benefits it accords believers. Therefore, all believers in religious freedom should defend all other believers, even those with whom they disagree theologically, because religious freedom is fundamental to human dignity.

Hasson said he would like to see the courts and the government in general view religious belief as natural, something that belongs in the public square, a square that should welcome Christmas trees, Jewish menorahs and Buddhist statues. While the government should favor no one church, neither should it actively seek to discourage people from using publicly owned spaces for religious functions, he said.

"Anglophiles can't sue to enjoin St. Patrick's Day parades," he said. "For precisely the same reason, atheists should not be allowed to enjoin religious expression."

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