



# NLA BRIEF

## October 2006

### Volume 4, Issue 4

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#### President's Message:

Dear Fellow NLA Members:

To those of you who were able to attend the convention in Springfield, thank you for your participation. To those of you who were not able to make it, you missed a good one! We were enlightened on the life of Abraham Lincoln, with the primary focus upon his life as a lawyer before he achieved notoriety and his name became such a household word as president. These speakers were very good and we certainly appreciate their willingness to participate in the program. The dinner Wednesday night, which was held in the Lincoln Presidential Library, was excellent and we were both entertained and educated by the theatrical/historical presentation by Abe and Mary Todd Lincoln. At the dinner, the following awards were presented: The Edmund Burke Award to Michale Callahan; the William Wilberforce Award to Tom Brejcha;

the Member of the Year Award to Mitch Counts and his student assistants at Ava Maria Law School, and the Lady Justice Award to Tracey Trigillo. Many thanks to Tracey and her husband, Sam, for their going above and beyond the call of duty as hosts for the convention. They certainly made sure that everything and everyone was taken care of in an extraordinary fashion. Thanks for your hospitality.

Please mark your calendars now for next year's convention. It will be held in June, 2007, and will be held on the beautiful Gulf Coast. We are in the process now of negotiating with the resort for rooms (both hotel and meeting), reception areas, etc. It is a beautiful facility and is located right on the beach. I hope you will make plans to attend now and will take the opportunity to make this a family vacation. There is plenty to see and do in the area. We will fill you in, in more details regarding this as they become available.

Lastly, at the Springfield convention, the board met and has agreed upon charting a new and exciting course for the NLA. As you know, we are now entering our twelfth year. In order to be able to accomplish many of the goals central to the organization, we will be creating a "President's Club" which will allow and encourage members to participate at a higher financial level than in the past. It is the expectation that these additional funds raised

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through this new venture will reinvigorate the organization and give us the means to accomplish many of the goals and ideas we have for the future of the organization. You will all be hearing more about this in the weeks to come, and we would certainly invite your participation in the President's Club. It is our hope and expectation that this will provide us with the additional resources needed to allow this organization to project itself and become the voice for those principles upon which it was founded some twelve years ago. Thank you all very much for your support of this organization in the past, and we certainly look forward to working together as we begin the next "new and improved" phase of the organizations' future. Thank you once again and you will be hearing from us again soon!

Very truly yours,

RICHARD E. BROWNING  
President

## NLA Board News

At its annual meeting, held this year in Springfield, IL, the NLA Board of Directors elected Rebecca Messell as President-Elect for 2008. 2006 President, Tracey Trigillo, handed over the reigns to the NLA's new president, Richard Browning, Mobile, AL. The board also decided that the 2007 Educational Conference will be held on the Gulf Coast of Alabama at a site to be selected by the President and Executive Committee. Other board business



included the selection of Tom Brejcha, Esq. (picture left) a longtime member of the NLA, as this year's recipient of the "William Wilberforce Award" for his many years of legal services to the pro-life cause. Mr. Brejcha recently scored a major victory for the pro-life cause in the *NOW vs. Scheidler*, when the

Supreme Court ruled that the RICO and Hobbs Act did not apply to pro-life protesters. Tom Brejcha, longtime NLA member, represented the defendants in all three successful appeals.



The board also selected Mitch Counts, (pictured left) Professor of Law at Ave Maria School of Law, as "Member of the Year" for his work in developing and implementing the

NLA's Judicial Evaluation Guidelines. As a result of the work of Professor Counts, with the help of several law students, prepared evaluations on Supreme Court nominees, Samuel Alito and John Roberts, who were later confirmed. The NLA evaluations were distributed to all senators prior to the actual confirmation vote.

## Bi-lingual Opportunities

The Latin American Alliance for the Family (ALAFa), a pro-life organization, based in Caracas, Venezuela with offices in the US, is looking for pro-life lawyers with Spanish-speaking abilities to participate in its US-Latin American Legal Committee, of which I am a member. The Legal Committee evaluates the legal situation in Latin American and attempts to provide information and advice to our Latin American legal experts to assist them in defending pro-life laws in their countries. The Legal Committee needs to add one or two lawyers or law professors with bi-lingual ability. This is a volunteer position. For more information, please contact Dan Zeidler (the ALAFa representative in the US and the coordinator of the Committee) at 414-771-2965 or 414-218-3769.

## NLA LAW STUDENT NEWS



**Ave Maria Law School Student Chapter:**  
By Meredith DeFraités,  
President

The Ave' Maria Chapter of NLA is planning to adopt an elementary school and raise money for specific needs. To pay for the project, the student chapter is looking at several fundraisers: a pancake breakfast and possibly a Mardi Gras party in the Spring.

NLA president, Richard Browning, is scheduled to speak at the AMSOL on his next visit to see his daughter, Kate, who is a 1st year student.

Any NLA members or firms with job opportunities should contact the NLA Office, which will forward the information to the student chapter for posting. AMSOL students make great clerks and associates. They have the training and values to be valued employees and future firm members and/or partners.

## Book Review: The Right to Be Wrong, by Kevin Seamus Hasson.

If lawyers were candid about First Amendment jurisprudence, we would admit that it can seem well, frustrating. Some Supreme Court justices agree with this conclusion, according to a book by attorney/author Kevin Seamus Hasson titled, The Right to Be Wrong: Ending the Culture War Over Religion in America, (2005 Encounter Books, San Francisco). The main problem is with the body of law surrounding the establishment clause. Scalia described it as "haphazard." Kennedy called it "flawed" and "unworkable." O'Connor said it is "confusing." Hasson says, "in fact, one of the few things that most justices have agreed upon in the past several decades is that the Supreme Court's establishment clause analysis has been in total disarray."

I bought this book after seeing Hasson interviewed by EWTN's Raymond Arroyo. Hasson had a sense of humor and an obvious intellect, neither of which were the slightest bit daunted by his slight tremor from Parkinson's Disease or the by the challenge of explaining First Amendment law to a television audience.

The book is a quick read because Hasson's writing is not legalese. Throughout the book he uses a humorous description of philosophical extremes in Constitutional law: "In this corner, wearing the funny hats... the Pilgrims. And in this corner, wearing the hapless expression...the Park Rangers." Pilgrim imagery personifies one extreme: the idea that the state should enforce a particular religious view. Hasson reminds us that early Puritans established tax-supported churches, banned competing ones, required church membership as a condition for holding public office and permitted very little religious dissent. Park Ranger imagery personifies the other extreme: the idea that courts should squelch any reference to religion in public sphere. Hasson illustrates this extreme with a funny story about a small bullet-shaped parking barrier located in a San Francisco public park. Most park-goers generally found it ugly and wanted it removed, but the bureaucratic Park Rangers did nothing. When a New Age group decided the barrier resembled a sacred Hindu symbol and decided to worship it, the Park Rangers were suddenly greatly alarmed and an-

nounced the parking barrier had to go "to prevent worship on (not to mention of) public property."

Hasson explores the two extremes in the context of America's precious but revolutionary political ideas regarding religion, conscience and the free exercise of both. He gives a snapshot, colony by colony, of the competing religions and how ideas of accommodation developed with the new nation's growth. He discusses Madison, Jefferson, Franklin and Adams. He contends their powerful public ideas cannot be diminished by their mere personal failures.

This is a hopeful book for lawyers. Hasson probes the nature of man's conscience (our struggle to find the ultimate good), and proposes new Constitutional reasoning to protect it. I think the bench and bar have long known about the problems in First Amendment jurisprudence, but few of us have Hasson's skill and experience to analyze and fix it. Hasson is not just a historian and Supreme Court scholar. He is equally conversant on federal legislative responses — such as by the Religious Freedom Restoration Act and the Religious Land Use and Institutionalized Persons Act, — to court-made problems. Hasson courageously, I dare say brilliantly, focuses on the intent and need for the First Amendment to protect an essential aspect of human dignity: the right freely to express one's conscience and to act it out accordingly. I agree with Fr. Richard John Neuhaus' book jacket review, that Hasson's book is "informed, fresh, and marvelously accessible." In Hasson's final chapter, he vividly illustrates how this American idea of individual dignity inspires the entire world. For lawyers and judges, this book offers an intellectual starting point on how to reform jurisprudence to achieve the First Amendment's philosophical purpose.

(Reviewed by Rebecca Messell)

### Member in the News

James R. Wyrsh, partner in the firm of Wyrsh Hobbs & Mirakian, P.C., has been listed in the 2006 edition of Who's Who Legal, The International Who's Who of Business Lawyers and in The 2006 Chambers USA, America's Leading Lawyers for Business. Jim is located in Kansas City, MO and can be reached at [www.whmlaw.com](http://www.whmlaw.com). Congratulations!



## Open letter to all members.

Does it concern you that a *bar* association – let alone, “your” bar association – applies *your* dues to the support of *its* causes, without ever having solicited your views either as to the propriety of those causes or their applicability to the legal profession? Does it trouble you that the ABA currently advocates on “your” behalf:

- Removal of legal barriers to the establishment of needle exchange programs for drug addicts?
- Support for the medical use of marijuana?
- Advocacy of federal gun control?
- Opposition to the criminalization of flag desecration?
- Abortion on demand?
- Opposition to school prayer?
- Single payor national health insurance?

Regardless of your own beliefs on these issues, the larger question is whether any *bar* association should advance such highly partisan positions on intensely personal issues – especially, when those issues seem so attenuated to the fundamental purpose for which the association supposedly exists. If you are troubled that the ABA’s issue advocacy has strayed far afield of its stated mission of “defending liberty, pursuing justice,” perhaps, you should consider asking a colleague to join the NLA, a positive alternative to the ABA. Or just send their name and address to NLA and we will contact them for you. Thanks you for your continued support.

Yours truly,

Richard E. Browning  
President



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