

A NEW DIRECTOR FOR THE INTERNATIONAL CENTER FOR LAW AND RELIGION STUDIES

Brett G. Scharffs was appointed director of the International Center for Law and Religion Studies in May 2016. Since it was established on January 1, 2000, the Center has played an internationally significant role in the work of the Law School. The Center's mission is to help secure the blessings of freedom of religion and belief for all people. Aided by hundreds of BYU law students, Center faculty and staff have worked to disseminate knowledge and expertise regarding the interrelationship of law and religion through scholarship, network building, participation in law-reform processes, and organization and sponsorship of hundreds of conferences at BYU and throughout the world.

Scharffs, who is the Francis R. Kirkham Professor of Law at BYU, succeeds W. Cole Durham Jr., who served as director of the Center since its inception. Durham assumed the role of founding director in May.

James R. Rasband, then dean of the Law School, praised Durham for his "visionary leadership of the Center since its founding." He noted that Durham "will continue to play an important role in the Center he has sacrificed so much to build. As a leading figure in the world of law and religion, he will also serve as an ambassador for the Center and its work and for the Law School."



Dean Rasband also expressed his gratitude to Scharffs for his willingness to assume responsibility for the leadership, administration, and programs of the Center. "I am confident the Center will continue to flourish under his leadership," he said. "I have worked closely with Professor Scharffs during his last three years as associate dean of the Law School, and I know him to be a tireless worker with sound judgment and a deep commitment to both the Law School and the Center. His extensive university and law school leadership experience, as well as his distinguished record of scholarship and teaching, have prepared him well for this new role."

Scharffs, who has been an associate director at the Center since 2009, completed a three-year assignment as associate dean on May 1. He

is an internationally recognized scholar and leader in the fields of international and comparative law and religion, human rights, and comparative constitutional law. In his 18-year academic career, Scharffs has written more than 100 articles and book chapters and has made more than 300 scholarly presentations in 30 countries. For the past eight years he has helped organize a certificate training program on religion and the rule of law in China. He also co-organizes similar programs in Vietnam and Myanmar and has been working to develop a master's-level course on shari'a and human rights with two universities in Indonesia.

Scharffs received his BSBA and MA from Georgetown University; his BPhil from Oxford University, where he was a Rhodes scholar; and his JD from Yale Law School, where he was senior editor of the *Yale Law Journal*. He was a law clerk on the DC Circuit Court of Appeals, a legal assistant at the Iran-United States Claims Tribunal in The Hague, and an attorney at Sullivan & Cromwell. Since joining the BYU Law School faculty in 1997, Scharffs has taught U.S., international, and comparative law and religion as well as a variety of other subjects.

D. Gordon Smith, who began his term as dean of the Law School on May 1, said, "Under

Professor Durham's energetic leadership, the Center has become a leader in advancing the understanding of connections between law and religion among academics and policy makers throughout the world. We are confident that Professor Scharffs will continue the Center's ambitious agenda of promoting religious liberty for all people. I look forward to working closely with Professor Scharffs as director of the Center and with Professor Durham in his new role as founding director."

Durham and Scharffs are coauthors of a field-making casebook published by Aspen/Wolters Kluwer—*Law and Religion: National, International, and Comparative Perspectives*—that is used around the world and is scheduled for a second-edition printing later this year. The casebook has been published in English, Chinese, and Vietnamese, and translations are underway into Burmese, Turkish, Indonesian, and Arabic. Durham and Scharffs also regularly coteach a popular course on international and comparative law and religion at Central European University in Budapest, Hungary. Earlier this month Scharffs published *Religion and Law in the USA* with Center colleague Elizabeth A. Clark. This is a new volume in the multivolume *International Encyclopaedia of Laws*.

OPENED HEARTS IN DILLEY

Two BYU Law professors use their expertise, language skills, and compassion to help refugees on the southern border of Texas.

BY JANE WISE

Professional distance is an important quality in an attorney, as clients' pain and problems can lay siege to an unprotected heart. But as BYU Law professors Kif Augustine-Adams and Carolina Núñez volunteered earlier this year to give pro bono legal services to women who have fled Central America to seek asylum in the United States, that distance closed. The refugee women are housed with their children in the South Texas Family Residential Center in Dilley, Texas—the largest immigrant detention center in the United States. Augustine-Adams and Núñez have opened their hearts to this project and led the way for BYU Law students to help.

The professors came with expertise: Augustine-Adams writes and researches on critical race and feminist theory and historic migrations, and Núñez researches and writes about immigration law with a specific emphasis on undocumented immigrants. And both are fluent Spanish speakers. Their work at the center is through the nonprofit organization CARA, which was founded by attorneys and uses all-volunteer attorneys, law students, interpreters, social workers, and researchers to defend detained children and their mothers.

To see their clients, Augustine-Adams and Núñez



BYU Law professors Kif Augustine-Adams (left) and Carolina Núñez

had to pass through metal detectors and other entry procedures indistinguishable from those in a regular prison before entering the trailer set aside for client interviews. They worked long, sweltering days at the treeless 50-acre facility, which is built on what once had been fracking fields and is encircled by a high barbed-wire fence with security cameras. While there, the professors were barred from visiting the rest of the facility—barrack-like structures where the women and children live.

Opened in December 2014, the center houses 1,735 people, approximately 1,000 of them children. Only adult women and their children are housed in Dilley; all adult men have been transported to a separate facility.

The isolation of the detention center was what first struck Núñez. "Dilley is a town of about 4,000 people," she says. "The geographic isolation makes it difficult for detainees to access legal services. Prior to the development of the CARA pro bono project, most detainees were sent back to the countries where they have been threatened, as these women and children are ill-equipped to navigate the U.S. immigration system. In contrast, over 95 percent of detainees served by the CARA project are able to leave the facility to a safe place in the United States, where they can continue to pursue their asylum claims."

Forcibly returning these women to their homes would be returning them to a place where they might well be terrorized, raped, or murdered. The home countries of the greatest number of detainees—Honduras, El Salvador, and Guatemala—are not under tyrannical regimes, nor are they in economic crisis; rather, criminal gangs are the problem. It is an act of sheer desperation for a woman to take her children and flee northward.

Núñez and Augustine-Adams spent time working on legal briefs, interviewing clients, and, most important, teaching the women how to present themselves and their stories at the "credible fear" interview, a hearing in which an immigration judge decides if the petitioners have sincere fear of returning to their homelands.

The detention facility was given \$75 million in the first quarter of 2016 by the U.S. government. This windfall is the result of a 2014 immigration policy from the Obama administration trying to prevent illegal immigration across the Mexico-United States border. Asylum must be petitioned for on U.S. soil, so the perilous journey from Central America begins by heading north through Mexico. Some of the refugees present themselves to immigration authorities at the border. Others pay "coyotes" to take them across illegally and are intercepted by border patrols. All are sent to the center. In the last five years, the United States and Mexico have returned 800,000 refugees to Central America, including 40,000 children.

Augustine-Adams immediately opened her heart to the work done at the facility when she met her first clients. "Two 14- or 15-year-old girls came into the trailer with their mothers," she says. "They looked just like my teenage daughter, their long hair wrapped up into buns on the tops of their heads. But they were fleeing violence I wouldn't wish on anyone: fleeing rape by gangs, extortion, the possibility of being captured by gangs for use as sex slaves. Meeting those girls made every minute I spent at the facility vitally important."

BYU Law supports the crucial work that Augustine-Adams and Núñez are engaged in and has created law student externships in Dilley during fall and spring placement breaks beginning in fall 2016.

For more information about volunteering at the South Texas Family Residential Center, visit caraprobano.org.

LISTEN TO THE INNER VOICES

LARRY PRESSLER—a lawyer, speaker, and writer—recently wrote the book *Senator Pressler: An Independent Mission to Save Our Democracy*. He served two terms in the United States House representing South Dakota from 1975 to 1979, and he was the first Vietnam veteran elected to the United States Senate, serving from 1979 to 2007. He currently serves on the Jericho Project's Veterans Initiative Advisory Council in New York City and recently opened two homeless veterans shelters. Senator Pressler is a graduate of Harvard Law School and was a Rhodes scholar. In April 2015 he became a member of The Church of Jesus Christ of Latter-day Saints. He and his wife have one daughter and four grandchildren. || Senator Pressler spoke at the Law School on March 30, 2016, hosted by the Government and Politics Legal Society. Following are excerpts from a Q&A during his visit.

What do you see as the future work of attorneys?

You are all going to be lawyers, and I've been trained as a lawyer. It is a great profession because you can use it in so many ways to serve God and your fellow men. Our country and many countries in the world will become military industrial intelligent states in which the government will have more power to collect information and data and more powers over citizenry. Because of nuclear weapons, the smaller nations will be just as powerful as the larger nations. We will have a need for good lawyers who can help preserve the liberties of individuals. That is going to be a big challenge because as we protect ourselves and become more secure, we will probably lose individual liberties. Lawyers have been gifted by God with a unique power in society.

Listen to your inner voices in terms of what to do in the law. You have a much broader obligation to serve God and others by listening to those little voices and figuring out what they

mean. And at the end of the day, every situation is different.

Take what happened in the Enron scandal, for example. McKinsey & Company advised Enron on how and what to present to shareholders using false evaluation methods. McKinsey was never found guilty of anything, but some individuals went to jail, and probably more should have gone. We have to ask, What is the ethical standard of a lawyer who is giving advice to a client? How close to the edge should they advise clients to go? Is the behavior allowed by the law?

You will have to face real time and real issues. About the only way to do that is to pursue a spiritual path and listen to your inner voices. Clients will make the ultimate decision, but they will be clients guided by you.

How did you learn that your inner voice was so important?

I always had a deep faith in God. As a young lawyer I realized that what I was supposed to do was not something grandiose but a lot of little things that added up



to effective lawyering. You really have to get down and do the nitty-gritty details in this work. This is God's will. If it were my will, I would be doing something on a much grander scale. But God is in the details. Listen to the little voices.

What was your conversion experience?

When I first started out, I joined the Foreign Service. Then my dad got sick with Alzheimer's, so I resigned and went home to help. Eventually I got into business and ran for public office. That was a gift from God that I didn't really expect, and I'm grateful for that opportunity.

I am a little uncomfortable talking about my conversion experience because I don't consider myself a great example. I was slow in hearing my inner voices. I first read the Book of Mormon in a Marriott Hotel in New York City when I was a young Foreign Service officer. The book was persuasive. Then my first political consultant was Dick Wirthlin, a member of the Church. Other employees I had were Mormons. None of them were pushing me very much, but there were all of these little voices. I kept reviewing things, and I believed.

Harry Reid said to me one day, "I want to introduce you to Clayton Christensen, and you should get baptized." I was thought to be a moderate Republican; Harry Reid was a Democrat. There were a lot of ordinary people who were members who I would encounter, and they would take me to Church, and I would have discussions with them.

I got baptized a year ago, and it was the best decision I have ever made.