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Clark Memorandum: Spring 2019

J. Reuben Clark Law School

BYU Law School Alumni Association

J. Reuben Clark Law Society

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CLARK MEMORANDUM

J. Reuben Clark

Law School

Brigham Young

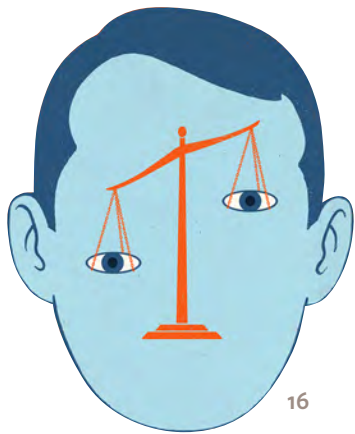
University

Spring 2019



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My love of story was nurtured in the backyard of my childhood home, where I listened for hours on end to my father, perched in his faux-redwood lawn chair with a floral-patterned cushion. He loved to tell stories about his own upbringing on a Wisconsin dairy farm or his naval career, which spanned from World War II to the Vietnam War. As the sun descended over our modest home, the electronic mosquito zapper furnished both the light and the soundtrack for our discussions.

Some of my father's stories were self-deprecating, but others were boastful. Some were so fantastic that they seemed like fables. He never spoke directly about combat, but he talked about the other parts of his life on an aircraft carrier. Most of his stories contained some sort of lesson. He thought of himself as a teacher, and he taught me through his stories.

Law is also taught through stories. Some of these stories are staples of the first-year curriculum, and the shared experience of learning these stories is one of the things that distinguishes lawyers as a profession. *Palsgraf v. Long Island Railroad Co.* (fireworks on a railroad platform), *R. v. Dudley and Stephens* (cannibalism at sea), *Pierson v. Post* (fox hunting on a beach), *Hawkins v. McGee* (the hairy hand case), and *Marbury v. Madison* (Madison does not deliver a judicial commission to Marbury)—these cases and stories are memorable and powerful teaching tools.

Recognizing the emotional power of stories, we launched LawReads, a book-of-the-semester project, during my welcome address to the Class of 2020. This project is an opportunity for our students and other members of our community to engage with the law on an emotional level. Our primary goal is to motivate deeper reflection on the role of law in human affairs, and over the past two years we have read a variety of books: *Devil in the Grove: Thurgood Marshall, the Groveland Boys, and the Dawn of a New America* by Gilbert King; *The Last Days of Night* by Graham Moore; *Black Edge: Inside Information, Dirty Money, and the Quest to Bring Down the Most Wanted Man on Wall Street* by Sheelah Kolhatkar; and *The Color of Law: A Forgotten History of How Our Government Segregated America* by Richard Rothstein.

Although we have enjoyed reading these stories about law, we also want our students to tell their own stories. As our alumni can attest, stories are important to every type of law practice. Professor Kif Augustine-Adams recently encouraged our students in a law forum on storytelling: “Develop storytelling skills by preparing yourself to be a good listener. This will allow you to take in the information and construct a story that the law requires.” As we have considered the power of story, the LawReads project has become part of a larger LawStories initiative through which we teach storytelling as a lawyering skill.

This past semester we inaugurated Proximate Cause, a storytelling competition for our students. Motivated by Bryan Stevenson's admonition to “get proximate” with real problems and real people, Proximate Cause invites our students to tell true stories that are close to their hearts and imbue their legal education with meaning and purpose. In the current semester, we are expanding our efforts nationally by introducing BYU LawStories on the Mainstage, a program that will bring law students from across the country to BYU to tell their stories about life and the law.

As we move forward with LawStories, I have begun to appreciate more fully the connections between storytelling and leadership. Storytelling expert Esther Choy has observed, “At the heart of leadership lies persuasion. At the heart of persuasion lies storytelling.”¹

More recently, I realized that there is something even more profound in storytelling. The stories we tell about others frame how we think about the world. The stories we tell about ourselves describe our place in that world. Stories have been crucial to my own professional and personal identity formation, and I wonder if the most important consequence of our LawStories initiative is not that we will create better lawyers but that we will create better people. I hope that we will help our students better understand themselves and the world.

It's hard to imagine a more important work.



NOTE

- 1 Esther K. Choy, *Let the Story Do the Work: The Art of Storytelling for Business Success* (New York: AMACOM, 2017), xix.

D. GORDON SMITH

Dean, BYU Law School



DECLARING

HUMAN DIGNITY

PHOTOGRAPHS BY STEVE McCURRY

IN COMMEMORATION OF the 70th anniversary of the Universal Declaration of Human Rights, the J. Reuben Clark Law School's International Center for Law and Religion Studies (ICLRS), joined by an international organizing committee and under the auspices of the European Academy of Religion, convened a conference in Punta del Este, Uruguay, during the first week of December 2018. The Punta del Este Conference was the culmination of a series of conferences co-organized by the ICLRS over the course of 2018 that explored the notion of human dignity, its relation to freedom of religion or belief, and the important role it has played in forming, guiding, and sustaining consensus on core human rights values despite tensions in a highly pluralized world.

WWW.DIGNITYFOREVERYONE.ORG



PESHAWAR, PAKISTAN

THE

Universal Declaration of Human Rights—adopted by the United Nations General Assembly on December 10, 1948—begins by recognizing “the inherent dignity and . . . the equal and inalienable rights of all members of the human family [as] the foundation of freedom, justice and peace in the world.” In keeping with this assertion, a group of prominent experts and government leaders specializing in human rights and constitutional law met in Punta del Este to build upon preparatory drafting to create and issue the Punta del Este Declaration on Human Dignity for Everyone Everywhere. Opened for signature at the conclusion of the conference, the declaration was signed by 69 original signatories from 35 countries.

The purpose of the Punta del Este Declaration is to broaden support of human rights, to emphasize their universal and reciprocal character, and to remember, reaffirm, and recommit the world to human dignity as the foundational principle of human rights. The declaration is intended to spur further discussion and debate in the hope that many others worldwide will sign and that the declaration can be supplemented and elaborated upon by individual comments, responses from conferences or group efforts, and other initiatives.

A driving force behind the Punta del Este initiative was Ján Figel’, special envoy for freedom of religion or belief outside the European Union, who views the declaration as an invitation to the global community for an enriched conversation about the dignity of each person.

Brett G. Scharffs, Rex E. Lee Chair and Professor of Law at BYU Law School and director of the International Center for Law and Religion Studies, observed: “We live in a world where human rights are too politicized and not widely enough viewed as being truly universal. . . . The declaration identifies numerous ways that the concept of dignity is powerful, such as in defining and specifying human rights, emphasizing both rights and duties, advancing human rights education, and seeking common ground in resolving competing human rights claims and as a guiding principle in legislation and adjudication.”

Over the next year, Punta del Este Conference delegates will introduce the declaration to a wide range of government, parliament, civil society, religious, and academic groups with the aim of achieving a broad consensus about the centrality of human dignity.

Following is the Punta del Este Declaration. Its affirmations encourage members of the J. Reuben Clark Law Society to remember, reaffirm, and recommit to the foundational principle of human dignity as they “strive through public service and professional excellence to promote fairness and virtue founded upon the rule of law.”¹

NOTE

1 Mission statement of the J. Reuben Clark Law Society.

TAHOUA, NIGER



BALUCHISTAN, PAKISTAN



Punta del Este Declaration on Human Dignity for Everyone Everywhere: Seventy Years After the Universal Declaration on Human Rights

DECEMBER 2018

PREAMBLE

Whereas seventy years ago in the aftermath of World War II, the nations and peoples of the world came together in solidarity and solemnity and without dissent adopted the Universal Declaration of Human Rights (UDHR) as a common standard of achievement for all peoples and all nations;

Whereas the Preamble of the UDHR declares that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world”;

Whereas Article 1 of the UDHR proclaims that “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”;

Whereas the equal human dignity of everyone everywhere is the foundational principle of human rights and reminds us that every person is of value and is worthy of respect;

Whereas it is important to remember, reaffirm, and recommit ourselves to these basic principles;

Recalling that it was grave violations of human dignity during the wars of the twentieth century that preceded and precipitated the UDHR;

Recalling the international consensus that domestic law alone had not been sufficient to safeguard against and avoid the human rights violations of the World Wars;

Recalling that in spite of all of their differences, nations of the world concurred that the dignity of all people is the basic foundation of human rights and of freedom, justice, and peace in the world;

Recalling that human dignity is the wellspring of and underpins all the rights and freedoms recognized in the UDHR as fundamental;

Recalling that the UDHR has served as the inspiration for an array of international and regional covenants and other instruments, as well as numerous national constitutions, bills and charters of rights, and legislation protecting human rights;

Recognizing that human dignity is not a static concept but accommodates respect for diversity and calls for a dynamic approach to its application in the diverse and ever-changing contexts of our pluralistic world;

Recognizing that although the notion of dignity has been criticized by some as being too abstract, it actually has been and remains a powerful organizing force that points humanity towards its highest ideals and has proven itself as an influential heuristic in constitutional and human rights discourse;

Recognizing that the concept of human dignity emphasizes the uniqueness and irreplaceability of every human being; that it implies a right of each individual to find and define the meanings of his or her own life; that it presupposes respect for pluralism and difference; and that it carries with it the responsibility to honor the dignity of everyone;

Recognizing that severe violations and abuses of human dignity continue to this day, including through wars, armed conflicts, genocides, crimes against humanity, war crimes, and the global crises concerning refugees, migrants, asylum seekers, and human trafficking, and that such depredations continue to threaten peace, justice, and the rights of all;

Recognizing that human rights can easily be fragmented, eroded, or neglected and that constant vigilance is necessary for human rights to be implemented, realized, and carried forward in the world;

Recognizing that human dignity for everyone everywhere and at every level is threatened

when the needs, interests, and rights of one group or individual are placed ahead of those of other groups and individuals;

Emphasizing that equal human dignity is a status with which all human beings are endowed, but also a value that must be learned, nurtured, and lived;

Emphasizing that violations of human dignity require appropriate redress;

Emphasizing that human dignity is now a time-tested principle that can help find common ground, reconcile competing conceptions of what justice demands, facilitate implementation of human rights, and guide adjudication in case of conflicts, and that can also help us respond to distortions, abuse, and hostility towards human rights;

Believing that human rights discourse might be less divisive than it often is and greater efforts might be made to find common ground;

Believing that human rights must be read and realized together;

Believing that the concept of human dignity can help us understand, protect, and implement human rights globally; and

Hoping that the present century will be more humane, just, and peaceful than the twentieth century;

We, the undersigned, do solemnly reaffirm:

The Universal Declaration of Human Rights continues to be “a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping the Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, local, national and international, to secure their universal and effective recognition and observance.”

*We, the undersigned,
do solemnly issue
the following Declaration
on Human Dignity
for Everyone Everywhere:*

1 Foundation, Objective, and Criterion

The inherent human dignity of all people and the importance of respecting, promoting, and protecting human dignity for everyone everywhere is the foundational principle and the key objective or goal of human rights, as well as an invaluable criterion for evaluating laws, policies, and government actions for how well they accord with human rights standards. Protecting, promoting, and guaranteeing respect for the human dignity of everyone is a fundamental obligation of states, governments, and other public bodies, whether local, regional, national, or international. Promoting human dignity is also a responsibility of all sectors of society, and of each of us as human beings. Doing so is the key to protecting the equal and inalienable rights of all members of the human family, and remains the foundation of freedom, justice, and peace in the world.

2 Generating Agreement and Building Common Understanding

The inherent dignity of every human being was the key idea that helped generate agreement and a common understanding at the time of the adoption of the UDHR about human rights of all people, in spite of diversity and deep differences, notwithstanding divergent political and legal systems. Human dignity for everyone everywhere is valuable as a point of departure for exploring and understanding the meaning of human rights, as a basis for finding common ground regarding human rights and consensus about their content and meaning. It provides an approach to building bridges between various normative justifications of human rights, including those with religious and secular theoretical groundings. Respecting human dignity for everyone everywhere facilitates discussions on different conceptions of shared values. Human dignity is a broad concept that nevertheless invites in-depth reflection within differing traditions and perspectives. Human dignity for all reminds us that human rights are universal, inalienable, indivisible, interdependent and interrelated.

3 Defining and Specifying Human Rights

Dignity is an essential part of what it means to be human. Respect for human dignity for everyone everywhere helps us define and understand the meaning and scope of all human rights. Focusing concretely and in actual situations on human dignity and its implications for particular human rights claims can help identify the specific content of these rights as well as how we understand human dignity itself.

MONGOLIA





4 Duties and Responsibilities

Human dignity for everyone everywhere emphasizes the concept in the UDHR that rights include accompanying obligations and responsibilities, not just of states but also of all human beings with respect to the rights of others. Dignity is a status shared by every human being, and the emphasis on everyone and everywhere makes it clear that rights are characterized by reciprocity and involve corresponding duties. Everyone should be concerned not only with his or her own dignity and rights but with the dignity and rights of every human being. Nonetheless, human dignity is not diminished on the ground that persons are not fulfilling their responsibilities to the state and others.

✿

**Recognition
of human dignity
for everyone
everywhere is a
foundational
principle of law
and is central
to developing
and protecting
human rights in
law and policy.**

✿

5 Education

Recognition of human dignity is a vital basis for teaching and education. Human rights education is of importance to promoting respect for the equal dignity of everyone. Such education is essential for sustaining dignity and human rights into the future. Equal access to education is a crucial aspect of respecting human dignity.

6 Seeking Common Ground

Focusing on human dignity for everyone everywhere encourages people to search for ways to find common ground regarding competing claims and to move beyond exclusively legal mechanisms for harmonizing, implementing, and mutually vindicating human rights and finding solutions to conflicts.

7 Implementing and Realizing Human Rights in Legislation

Recognition of human dignity for everyone everywhere is a foundational principle of law and is central to developing and protecting human rights in law and policy. The richness of the concept of dignity resists exhaustive definition, but it encourages the pursuit of optimum mutual vindication where conflicting rights and values are involved. It is critical for moving beyond thinking exclusively in terms of balancing and tradeoffs of rights and interests.

8 Reconciliation and Adjudication

Recognition of human dignity for everyone everywhere is an important constitutional and legal principle for reconciling and adjudicating competing human rights claims, as well as claims between human rights and other important national and societal interests. Mutual vindication of rights may be possible in adjudication and may be further facilitated if all involved focus on respecting the human dignity of everyone. When mutual vindication of rights is not possible, dignity for all can help us to delineate the scope of rights, to set the boundaries of permissible restrictions on the exercise of rights and freedoms, and to seek to bring into fair balance competing rights claims. Respect for dignity plays an important role not only in formal adjudication but also in mediation or other forms of alternative dispute resolution.

9 Potential Difficulties Involving Competing Human Rights Claims

Respecting the human dignity of everyone everywhere supports effective human rights advocacy. Recognizing the universal and reciprocal character of human dignity is a corrective to positions claiming rights for some but not for others. It helps to defuse the hostility that is often associated with human rights controversies and to foster constructive dialogue. It also helps mitigate the distortion, avoidance, and selective recognition of human dignity.

10 Most Egregious and Most Feasible

Human dignity for everyone everywhere reminds us to work toward the elimination of the most egregious abuses of the human rights of individuals and groups, including genocide, crimes against humanity, war crimes, and other atrocities. It also reminds us to protect those human beings most at-risk of human rights violations. At the same time, it encourages efforts to respond to problems that may be amenable to practical and feasible solutions.



Original Signatories to the Declaration

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FRANCE





| | |
|---|--|
| Author | Michael Mosman, '84, Chief Judge of the U.S. District Court for the District of Oregon |
| ① | How |
| ② | Not to Be |
| ③ | Stupid |
| <p>When asked to speak after an award like this, the temptation is to reflect on all the things that have made you such an awesome person and then present those to your audience along the lines of “How to Be a Big Success.” Sadly, that won’t work for me. While I have had my share of successes, I’ve had more than my share of failures, disappointments, and regrets. When I was younger, I wanted advice on how to be a big success. Now, with the gift of experience, I’m more interested in the flipside: how not to fail, or at least how not to fail unnecessarily. ★ Don’t get me wrong. I hope you are all big successes in law and in life. That’s your upside potential, your ceiling. But today I want to talk about your foundation, your floor. So I’ve entitled my remarks “How Not to Be Stupid.”</p> | |
| Illustrator | Dan Page |

Now you might think, “How dare he? Why does he think we might mess up our lives doing something stupid?” In my defense, I do have a variation of the young boy’s gift in the movie *The Sixth Sense*. I see stupid people everywhere, and they don’t even know they are stupid. It’s true that you all, and lawyers generally, are really smart people. But it has been my sad experience that lawyers make stupid mistakes at about the same rate as everybody else, only with greater collateral damages.

So here we go: five ways not to be stupid.

1 Don’t Be Corrupted by Power

I’m guessing very few speakers are talking to the engineering students or the communications majors or the registered nurses about the corruptions of power. But you have to think about it as lawyers because you will have power. You will learn people’s darkest secrets; you will have the power to end marriages, break up companies, and send people to prison. In fact, a mere letter from you can ruin someone’s life. So yes, you will have power. And getting and keeping power can be corrupting. It is critical to decide in advance how you will respond.

I’ve often thought we should ask presidential candidates early on, “What will you *not* do in order to be president?” In other words, “What matters to you even more than becoming president?” Chuck Colson, counsel to President Nixon, was alleged to have said he would run over his own grandmother to get Nixon reelected. His single-minded devotion to power eventually landed him in prison. (Interesting afterword: he later founded Prison Fellowship, the largest prisoner and ex-prisoner outreach program in the country.)

How about you? What will you *not* do to get the power and prestige and money of a successful law career? What is nonnegotiable with you?

Will you neglect your family? Will you lie about discovery or give the judge a phony excuse for why your pleading is late? Will you turn a blind eye to your client’s falsehoods? Will you make up fake reasons for using peremptory challenges on minority

*Delivered as
the Honored
Alumni Lecture
on October 15,
2018, at
the BYU Law
School.*

panel members? The list goes on and on. Decide now—as lawyers say, *ex ante*—what you won’t do and what price you won’t pay.

This brings to mind Lord Acton’s famous aphorism, that “power tends to corrupt and absolute power corrupts absolutely.”¹ But corrupts whom? Of course it corrupts the person at the top, but that’s too obvious. What’s really concerning is the corrupting influence that power has on everybody orbiting the center of that power. This is easy to see around presidential campaigns: the fake

enthusiasm, the lying and hypocrisy, the shifting alliances. But you will also see it in less lofty settings: the corruption of power around a powerful senior partner, or district attorney, or important client, or, yes, even a judge. It starts with sycophancy and ends



with sickness. It begins with laughing at jokes you don't like and ends with you betraying your deepest principles.

Here are two stories that illustrate, in very small ways, how standing up early on can help set the tone for your career.

I know a guy who once was a very young prosecutor. The head of the office was an intimidating, imperious man with a quick temper. He'd become upset because the state bar was investigating a local DA for misconduct. So he sent a memo around "requesting" donations to the DA's defense fund. And then he sent his top assistant around to collect. This young prosecutor was sympathetic to the cause but objected, quite rightly, to being forced to donate. As he tells it, he gave money with a note to the boss that said, "I'm happy to give, but I think it's wrong that you forced people to give."

You might think this is a small thing, and I suppose it is. But in fact, it was a big step that put him on a path of independence, fortifying him to stand up for himself in bigger tests down the line.

When I was a young prosecutor just a couple of weeks on the job, my turn came to handle emergency weekend requests. This included whether to authorize warrantless probable-cause searches or arrests, typically grounded in some exigency. I got a call from the regional head of the FBI, who told me he had a team of agents poised outside a motel that had a major drug distribution ring inside. He needed the green light from me, which he was sure I would give. I heard him out, and what little I knew about probable cause didn't fit what he was telling me. But I was honestly intimidated, partly from my own inexperience and partly because he was the sort of person who tended to ruin the lives of people who got in his way. I told him I would think about it and call him back, which was enough by itself to make him really annoyed with me.

After I hung up, I wasn't sure what to do. In reality, I was trying to come up with the guts to do the right thing. But I immediately got another phone call, this time from a line agent who later became a good friend of mine. He had overheard his boss talking to me on the phone, and then he had snuck around behind the SWAT van to call me. He whispered to me: "I can tell that you think there isn't probable cause. You're right. Tell him no."

That was all it took to set me straight. I said no, and I weathered the subsequent storm. And like the guy in the first story, it put me on a path of having the courage to give the right answer, *ruat caelum*—no matter what.

You can do the same. Put it in your minds now—before you are on the phone with someone who wants the wrong answer and will make you pay a price for denying him—that you will not bow to power.

2

Keep Learning

On the subject of learning, I have some good news and some bad news.

Here's the good news: after you finish law school and take the bar exam, you will never have to take another test in your life. You will have reached the pinnacle of a doctoral degree in the American academy.

Here's the bad news: you will soon discover that, when it comes to the law, you will know almost nothing.

Ah, but the good news comes back around again: this gives you the opportunity to embark on a lifetime of learning. Perhaps your experience will be like mine. While I am deeply grateful for my formal education, almost everything of value I have learned, I learned since I turned 30.

Of course, your first area of postgraduate learning will be the law. It will take you years of study to become truly knowledgeable in a particular area of the law and years of practice to acquire the practical skills you will need. But don't worry. Unlike a graded exam, you will be highly motivated to learn, because if you don't, you will starve.

You may get an added boost of motivation from one of your opponents. A senior lawyer I know once objected to a document that was being offered by a rookie lawyer as a business record. The objection was improper foundation, which was sustained. The rookie tried again and got the same objection with the same ruling.

After a third try and a third objection, the judge said, "Counsel, you know this can ultimately be admitted."

To which the senior lawyer responded, "Judge, I know how to get this in, and you do too. The question is, does he?"

If that won't send you back to your evidence casebook with renewed enthusiasm for the subject, I don't know what will.

But you will learn so much more than just hornbook law. Your clients will teach you about themselves, about their businesses and inventions, and about life. And for many of you, your cases will put you at the intersection of law and public policy. You will have occasion to think about and study environmental issues, the costs and benefits of collective bargaining, how tort cases relate to risk management, or what is a fair and just sentence for someone whose life has had no fairness and precious little justice.

I hope the prospect of all this learning excites you. You will be a better lawyer and a happier person—and you will greatly avoid being stupid—if you dig in and keep learning.

3

Two Cheers for Thinking Like a Lawyer

We don't talk as much as we once did about "thinking like a lawyer," I suppose for fear of sounding elitist. But if you've been paying attention, law school has given you a marvelous tool for separating fact from fiction—or at least from the unknown—and for focusing on what matters most in a mass of information. To oversimplify, thinking like a lawyer involves questioning assumptions, defining terms, and asking how or whether people really know what they claim to know.

Far too many lawyers, however, use this tool to become a tool. While it's a great way to test whether a witness really remembers what happened or whether an expert really knows what she claims, it's a terrible way to show the weakness in your child's political views or to test whether your spouse's complaints against you are internally coherent.

Thinking like a lawyer is just one way to see the world. Stating your arguments better than your loved ones doesn't make you right. It just means you use a particular skill better. I've had lawyers tell me, after a Pyrrhic victory in some family fight, "I was just going by what she said!" Well, as long as we are questioning assumptions, let's ask, Why is that a good way to interact with friends or loved ones? Why go by what she said, instead of what she meant, or what he felt?



You don't *become* a lawyer when you graduate—you become a human being with a law degree.

I hope you will never have the experience I had, of a daughter saying to you, “Dad, I can’t talk with you because I feel trapped by your arguments.” There are a lot of ways I could describe how that felt. Winning isn’t one of them.

This idea of thinking about how we know things, at a broader level, is actually a branch of metaphysics called epistemology. I’m indebted to Professor Tyler Cowen for what he calls the central lesson of epistemology: “You are wrong so, so, so often. . . . It is a lesson which hardly anybody ever learns.”²

But you can learn it in your lifetime of learning. A law school education should give you the same thing that an afternoon with Socrates would have given you: humility, in the face of an awareness of all that you don’t know. I’m surprised there aren’t more humble lawyers, since the law is practically a study in human weakness, and only willful blindness will exempt us from the lesson. Humility also happens to be the key to continued learning: humility and a hunger to know more. Try to remember that you don’t *become* a lawyer when you graduate—you become a human being with a law degree. That degree does not define you. Don’t lose your humanity.

I think that’s what the great Learned Hand was expressing when he talked about the spirit of liberty:

*The spirit of liberty is the spirit which is not too sure that it is right; the spirit of liberty is the spirit which seeks to understand the mind of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias; the spirit of liberty remembers that not even a sparrow falls to earth unheeded; the spirit of liberty is the spirit of Him who . . . taught mankind that lesson . . . ; that there may be a kingdom where the least shall be heard and considered side by side with the greatest.*³

In my dreams, this is a description of my courtroom.

Don't Be Confused About Time

4

Lawyers tend to have a strange relationship with time and the passage of time. They divide their workday up into six-minute increments and have yearly goals for the number of hours they will bill. As a result, they often have an internal clock ticking in the background of their lives, measuring everything they do against the backdrop of this quota they live with.

Let me be blunt: this is a terrible relationship to have with time. You have to find ways to live your life without becoming a slave to the clock. It can be done, and you don’t have to leave private practice to do it. Let me suggest one important point that might help: don’t be confused about quality time and quantity time.

If you haven’t already, you will hear busy lawyers talking about quality time, particularly in regard to family life. The concept goes something like this: I have to devote a ton of time—quantity time—to my work, and I have only a very limited time for my loved ones. So I make sure the time I spend with my family is quality time: I focus on them, I make sure we structure our time to do things that are useful, and in this manner I make these moments we have together really count.

This is almost completely backward. Quality time is for work. Work is where we should make each minute count, where we focus intensely on the job at hand, and where we eliminate competing demands and distractions. You will, by necessity, spend most of your waking

life at work. But if you pay attention and act intentionally, you can reduce your time spent at work significantly—in my experience, up to 25 percent.

This leaves quantity time for home. It's still limited, of course, and given your demanding career, you will need to be very thoughtful about it. By necessity, you will have to structure, or schedule, some of it. But that time will be defined by its essential characteristic: you will be off the clock.

Because you have worked hard to get home, you don't feel rushed when you are there. You have time to breathe, time to just be in the same room with family members, doing whatever comes up, or nothing at all. You're not forcing your loved ones to have a relationship with you on your schedule. You're not, in effect, looking at them and saying, "It's 9 o'clock. I have 15 minutes. Tell me how you are doing."

I've seen my daughter do it the right way as a senior associate at a large international law firm. She's worked very, very hard to become a highly valued member of her team. But at the end of the day, she leaves on her schedule, not theirs. And when she is at home with her husband and son for the evening, work almost never intrudes, and her heart and mind are with them. It can be done, even in demanding settings.

Just a week ago we were all gathered for her wedding. My children were all there, along with my siblings. In our free time we did what we all love to do: tell funny stories about the past. I was struck by how many of our treasured memories have taken place during unstructured moments and unplanned events, in the quantity time we've had together. It's a little like feeling the Spirit. It cannot be forced,⁴ and it's difficult to plan, but you'll experience it if you have made sacrifices to be in the right place with the right attitude.

What Do We Value?

AWARD ACCEPTANCE REMARKS
BY MICHAEL MOSMAN

I am very grateful to be back at BYU Law School, a place that is dear to my heart, and I'm humbled by this award. It's interesting to think about what is valued in a group or society, either through awards or fame or money. Do we value wisdom or power? Point guards or centers? Actors or politicians?

And while we are thinking about it, who did Jesus value? I think I can make a pretty good case that Jesus singled out only a handful of people for specific praise during his mortal life: the widow with her mites, the centurion, the importunate widow, Nathaniel, Mary, and a few others. I've tried to get my youth Sunday School class to think about this. We have a mental exercise we go through at the start of class. I ask them, "If Jesus ran a newspaper, what did you see this week that would've made it onto the front page?"

I'm not meaning to denigrate this wonderful award in any way—an award I will always treasure. But if I had it in my power to hand out a lifetime achievement award, I would give it to my wife, Suzanne. Her life has been filled with the sorts of things that would make the front page of Jesus's newspaper. This includes a lifetime of service as an RN, in a variety of settings. Her tremendous skill and vast knowledge, coupled with her great warmth and kindness, make her a nurse people remember and ask for. In particular, she has been a safe harbor of acceptance and compassion for the anxious, the frightened, the mentally ill, the foreigner with language and cultural challenges, and the elderly.

This also includes a lifetime of learning. Suzanne is one of the most widely read people I have ever known. She is among the handful who've actually read both *Moby Dick* and *War and Peace*, along with hundreds of books from every genre. When she returned to school after many years' absence to obtain her master's degree, she was chosen as the outstanding student in her program. She is a trained musician, a master chef, a fitness expert, a science whiz, a scholar of Victorian literature, and one of the most encyclopedic, interesting, and profound students of the gospel I have ever encountered. Her Gospel Doctrine class is a marvel to behold. She is a master teacher, backed up by a lifetime of study, infectious enthusiasm, love for class members, and guidance from the Holy Spirit.

Suzanne is, most fundamentally, a true disciple of Jesus. My life has been filled with opportunities to serve others because Suzanne has had her eyes and her heart wide open to see them. They include people she knows well, like the oft-forgotten elderly brothers and sisters around us. But they also include people she meets in the dressing room at Walmart, the ladies restroom at the movies, the checkout line at Target, or the elevator of our hotel. If I had a dollar for every time I've heard "God bless you, Suzanne" from someone who'd only known her 10 minutes—just long enough for her to help with whatever was wrong—I'd be a wealthy man.

If I've accomplished anything in life, it's out of a desire to be worthy to be a partner to her and perhaps in some small way make her proud of me. And so, with your permission, Dean Smith, I'd like to share this award with Suzanne Hogan Mosman.

Finally, love truth and don't lie.⁵ You will have many occasions as a lawyer to think about truth and honesty. There may be no other career that more directly confronts questions of truth and honesty than the law. If you're like me and most trial lawyers I know, you'll come away from a career in the law convinced that memory is something we construct over time, that eyewitness testimony is often unreliable, that experts don't know much of what they claim to know, that your perspective limits your perception, and that people lie all the time, even for trivial reasons. Ironically, all of this just makes the truth more precious, even when it seems more elusive.

So make a commitment early on: love the truth and don't lie. Nothing will create more disaster in your professional life than lying to your clients or to the court, so just steel yourself to tell the truth. This will often involve having the guts to deliver bad news, including the bad news that you have made a mistake. Just do it. Get it in your head right now: "I will not lie."

Of course, since we are talking about being honest, I will confess that my real interest in honesty, as a way of avoiding being stupid, has nothing to do with clients or the court. Over the years, the number-one way my classmates have been stupid is by cheating on their spouses. You could fill a library with the books that have been written on marriage, but I want to come at it another way—that almost always, cheating is preceded by and grounded in lying. The lie that you've grown apart, the lie that he's no longer interesting, the lie that things are fine when they aren't.


Let your iron commitment to truth-telling as a lawyer spill over into your home. Let your awareness of the devastation that follows in the wake of a lie told in court persuade you that the same devastation can follow the lie you tell at home. The fundamental lesson to be learned from a life in the law is the same one Oliver Cromwell wrote in his letter to the general assembly of the Church of Scotland in 1650: "I beseech you, in the bowels of Christ, think it possible you may be mistaken."⁶ So train yourself to disbelieve yourself, and school yourself to understand that the feelings you feel, which seem so real to you in the moment, could be false—could even be a lie. You and I are capable of inventing a marriage that exists only in our minds, a marriage that isn't matched by the one we are living in, but we are too blind to see it.

Your skills as a lawyer can be a powerful tool for cross-examining your most difficult witness—yourself. When you are preparing a case, you will invest a lot of careful thought into imagining your case from your opponent's perspective. A really good trial lawyer could, on a moment's notice, try the other side's case. Use that skill to imagine what it's like to live with you. Visualize your contribution to the problem, and you will discover the best path forward.

It takes courage to be a good lawyer. If you are afraid of conflict or trouble or if you can't say or do hard things, you'll have a tough time. Use that courage at home. If there are problems, face them, even when it's easier just to pretend everything's fine.

More than your legal skills, it is this fidelity to truth, even hard truths, that will cause your family members and friends to turn to you in times of trial. You will find yourself called on to help navigate loved ones through life's toughest moments, from unplanned pregnancies to end-of-life care. No other skill you are beginning to acquire will bless the lives of those around you more than truth-telling. But it all starts with loving the truth and not lying.

This, I think, will be your burden even more than it has been mine—the burden of standing up for and speaking the truth. You will see hundreds of people take an oath to "tell the truth, the whole truth, and nothing but the truth." And they will do so, sometimes at great personal cost. You must demand the same of yourself. President James E. Faust said, "Honesty is more than not lying. It is truth telling, truth speaking, truth living, and truth loving."⁷

It will not be easy, but you can trust in the power and freedom that comes with truth. Aleksandr Solzhenitsyn wrote, "The simple step of a simple courageous man is not to partake in falsehood. . . . 'One word of truth shall outweigh the whole world.'"⁸ No matter how large or small your circle of influence, even if your kingdom consists of a single soul, you will find it takes courage to have fidelity to the truth. I pray you will find that courage. 

NOTES

- 1 Lord John Acton, letter to Bishop Mandell Creighton, Apr. 5, 1887.
- 2 Tyler Cowen, "Epistemology," *Marginal Revolution* (blog), Feb. 20, 2006, marginalrevolution.com/marginalrevolution/2006/02/epistemology.html.
- 3 Learned Hand, speech delivered in Central Park, New York City, on I Am an American Day, May 31, 1944.
- 4 See John 3:8.
- 5 See Jordan B. Peterson, Rule 8, *12 Rules for Life: An Antidote to Chaos* (Toronto: Random House Canada, 2018), 203–32.
- 6 Oliver Cromwell, letter to the General Assembly of the Church of Scotland, Aug. 3, 1650.
- 7 James E. Faust, "Honesty—A Moral Compass," *Ensign*, Nov. 1996.
- 8 Aleksandr Solzhenitsyn, Nobel Banquet speech in Stockholm, Sweden, read by Karl Ragnar Gierow, Dec. 10, 1970; quoting a Russian proverb.

A painting of an elderly man with white hair, wearing a dark coat and a red sash, kneeling in prayer next to a white horse. The horse is wearing a brown harness and has its head lowered towards the man. They are in a forest with large, textured tree trunks. The ground is covered in snow, and the background shows a hazy, orange-toned sky. The man's hands are clasped in prayer, and a sword is visible at his feet.

ELDER BRUCE C. HAFEN

Emeritus General Authority of
The Church of Jesus Christ of Latter-day Saints

Religion,
Democracy,
and the
Habits of the
Heart





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I am honored to join you leaders of the J. Reuben Clark Law Society (JRCLS) in your 30th-anniversary meeting amid the stunning mountains of Aspen Grove in Provo Canyon. Eighty years ago in this very place, J. Reuben Clark Jr. of the First Presidency of the Church delivered perhaps the most influential discourse on Church education in modern Church history¹—just one example of why JRCLS members honor him as a role model for their professional and personal lives.

As the long shelf life of that discourse shows, President Clark possessed deep spiritual instincts and a gifted intellect, enhanced by superb legal training and experience, which gave both roots and wings to his written insights. And while he was not a worldly man, he cared about making the world better. He agreed with Justice Oliver Wendell Holmes Jr. that “it is required of a man that he should share the passion and action of his time at peril of being judged not to have lived.”² Yet he also felt uncommon gratitude for the needs and contributions of common, everyday people.³ Further, he taught all of us how to approach Church service with his acutely personal lesson that, “in the service of the Lord, it is not where you serve but how.”⁴ His life demonstrates the strength that religious convictions can bring to the law—and how a legal background can strengthen religious contributions.

Tonight I have been asked to reflect on (1) the Law Society’s founding and 30-year history and (2) this sentence from the society’s mission statement: “We affirm the strength brought to the law by a lawyer’s personal religious conviction.”

Thoughts on the Law Society’s Founding

Those with a sense of long-term history might wonder how in the world BYU could have started a law school in 1973—and even more how that law school could have supported the creation of a global organization for thousands of lawyers in 1988.

I once heard then-Elder Howard W. Hunter say that the grass never grew where Brigham Young spit when he was thinking about lawyers. (As you know, in the days of Joseph Smith and Brigham Young, the law was often used as a weapon of intense persecution against the Latter-day Saints.) When we

were drafting the first BYU Law School admissions booklet in 1972, we looked for quotes from early Church leaders to encourage our law students. Here’s every heading we found under “Lawyers” in the index to the *Journal of Discourses*, a noted collection of sermons by Church leaders from 1854 to 1886:

*Contention increased by
Deceitfulness of
Dishonest methods among
Education needed by to distort truth
Gospel forsaken by those with single-track minds
Honest man refuses pay for advice
Need for among LDS is rare
Need for young LDS men to defend LDS rights
Practices of tend to expel Spirit of God
Smith, Joseph’s low opinion of
Undesirableness of profession in LDS society⁵*

We decided not to include those quotes in our booklet.

Well, we have come a long way since that unfortunate era. J. Reuben Clark was the first lawyer called to serve in the First Presidency in 1934. And with the leadership of President Marion G. Romney and President Dallin H. Oaks, both fine lawyers as well as eventual First Presidency members, BYU Law School opened its doors in 1973.

In 1988 the idea of organizing a Law Society arose in a Washington, DC, visit I had with Ralph Hardy, a partner in a DC law firm, a stake president, and a frequent advisor to the Church Public Affairs Committee. I was the new BYU Law School dean, and Ralph wondered how the school was going. He was impressed at how quickly the school was gaining national stature, suggested by the number of our graduates who had become Supreme Court clerks. But he was concerned to learn that we needed more financial resources to sustain the level of faculty research required of a leading law school. We wanted to create a series of privately endowed professorships that would support that research, but our alumni were still too young to help us much financially.

Ralph understood immediately. He had never been a BYU student, but he had attended the Law School dedication in

1973 because, he said, “when the Church announced the creation of that law school, I sensed that the school’s reputation and my own professional reputation were all intertwined, whether I liked it or not.” So he wanted the school to succeed.

“Let’s name the first Law School professorship for Robert W. Barker,” he said, “and I’ll raise the funds.” As a young DC practitioner, Ralph had been overwhelmed with the time demands from his law firm, his church activity, and his family. Then he noticed his stake president, Robert Barker, who succeeded masterfully along all three fronts. Ralph thought, “If Bob Barker can do all of that and do it well, so can I.” Before long, Bob became Ralph’s mentor.

Then Ralph wondered if the Law School might support a society for Latter-day Saint lawyers, separate from our alumni. “We need to find the Bob Barkers in every city,” he said. Creative sparks began to fly as we discussed the possibilities: role models and mentors for young lawyers; a national directory to allow lawyer-to-lawyer referrals; a quality periodical to teach a vision of the organization (this became the *Clark Memorandum*); and local gatherings to encourage public service, networking, and support. We thought we would perhaps name the society for J. Reuben Clark Jr., a role model whose life reflected our vision.

I soon tried out the concept with small groups of Latter-day Saint lawyers in several U.S. cities. They responded warmly, many enthusiastically. In Chicago we found an existing Latter-day Saint lawyer group that called itself the Zeezrom Zociety. They gladly joined us, and, like Zeezrom of old, were converted—to the JRCLS cause.

Looking back, I marvel at the JRCLS’s growth over the past three decades. We now have over 12,000 members, 125 student chapters, and many international chapters and special committees. I am touched to see dozens of JRCLS leaders here tonight from Latin America and other international areas. Your presence says volumes about the growing international strength of both the JRCLS and the worldwide Church.

I am grateful for the reciprocal support I have seen develop over the years between

*This address
was delivered
on October 4,
2018, at the
J. Reuben Clark
Law Society
Annual Leadership
Conference at BYU
Aspen Grove,
Utah.*

JRCLS leaders and the Law School. As former BYU Law School dean (now BYU academic vice president) James Rasband put it:

*In its inception, [the JRCLS] served some of the role of an alumni society of attorneys who had attended law school elsewhere but wanted to help the fledgling BYU Law School. Over time, as the law school grew its own alumni association, the [JRCLS] evolved to have a broader focus. It is open to all lawyers who share its mission. The Law School continues to provide the staff support for the Law Society.*⁶

I especially appreciate the attitudes and skills of those who helped the society both to grow and to develop its special blend of professional excellence and spiritual orientation. For example, one of the society's earliest leaders was Bill Atkin, who practiced internationally with Baker McKenzie and then became the principal deputy for international matters in the Church's Office of General Counsel. Bill's passion for the JRCLS and his informed perspective about the Church have blessed the society's global expansion.

Three Law School leaders who helped grow the society and create its unique culture were Scott Cameron, associate dean at the Law School and JRCLS executive director from 1989 to 2014; Reese Hansen, Law School dean from 1990 to 2004 and president of the Association of American Law Schools; and Peter Mueller, the Law School's IT manager, who, in the pre-internet era of 1990, expertly organized the data collection and publication of the JRCLS directory.

With the personal examples of people like these four, Ralph Hardy, and numerous others of similar stature since 1988, the JRCLS has created an extraordinary culture that beautifully blends faith and competence. Years ago I heard Elder Richard L. Evans say that it is good to be faithful, but how much better it is to be faithful and competent.⁷ And Elder Neal A. Maxwell told a BYU audience that "we cannot let the world condemn our value system by calling attention to our professional mediocrity."⁸

The Strength of a Lawyer's Personal Religious Conviction

Some ask, "Is it possible to be a highly educated, serious professional—one who has

developed polished analytical skills and street smarts; who feels a passion for civic duty and social justice and cares about people from all backgrounds; who loves life, his or her family, and the law—and still be a fully consecrated disciple of the Savior?" The personal examples of the international JRCLS leaders through the years offer a resounding yes. Indeed, their stories show that the well-schooled use of a lawyer's skills and energy can enhance one's spiritual discipleship.

This leads naturally to the second part of my topic—"the strength brought to the law by a lawyer's personal religious conviction." That idea calls to mind what President Marion G. Romney famously said about the mission of the BYU Law School: We should study the "'laws of . . . man' in the light of the 'laws of God.'"⁹

President Romney's memorable phrase invites us to look not only at the law but at all knowledge through the gospel's lens. Elder Neal A. Maxwell similarly taught that we can integrate a secular map of reality into the broader sacred map, but the smaller secular map, with its more limited tools and framework, cannot always accommodate religious insights. Because the gospel map is broader, the gospel will always influence one's view of the professional disciplines more than the disciplines influence one's view of the gospel.¹⁰ Thus the Aims of a BYU Education official document states, "The gospel . . . encompasses the most comprehensive explanation of life and the cosmos, supplying the perspective from which all other knowledge is best understood and measured."¹¹

In my own research and writing in family law, I looked to the gospel for the most basic premises for my reasoning—even though I knew I needed to speak the language and accept the constraints of my academic discipline in trying to persuade scholarly editors to publish my work.

At the same time, we concluded in the Law School's early years that, as a practical matter, President Romney's injunction invites us to focus more on the individual student or the lawyer's personal religious convictions than it does on, say, the standard law school curriculum. Is there a religious version of torts or contracts? Rex E. Lee did ask us tongue-in-cheek in one early faculty meeting what legal casebooks could

have been written by scriptural characters, such as *Strict Liability* by Uzzah (who was struck dead for touching the ark of the covenant); *Fraudulent Conveyances* by Jacob and Esau; and *How to Avoid Probate* by the Three Nephites.

We came to favor an aspirational concept for our students—a sense of higher law as a personal vision or commitment. The lesser law is what the rules of professional conduct and legal ethics require. Think of the first level of the Hippocratic Oath in medicine—to honor confidentiality and to avoid doing harm. Yet beyond that level, we offered our students a professional seminar course that taught a higher set of attitudes grounded in religious values: not just to avoid harm but affirmatively to seek to be good and to do good—a greater hope than merely to do well. Think of the New Testament's higher law of Christ compared to the Old Testament's law of Moses.

We gradually extended that approach to the JRCLS with each issue of the *Clark Memorandum*, our twice-yearly professional publication. Drawing mostly on selections from the *Memorandum*, the Law School has now published three volumes called *Life in the Law* with these three subtitles: *Answering God's Interrogatories*, *Service and Integrity*, and *Religious Conviction*. The full content is available at digitalcommons.law.byu.edu/life_law:

*These volumes contain prized collections of exceptional essays by thoughtful men and women who have examined things that matter most in both their professional and private lives. All of them address important questions about the experience of being a Christian attorney.*¹²

In this light, how does one's personal religious conviction strengthen what a lawyer or law student brings to the law—and to fellow lawyers? Here is one recent example from attending the 40-year reunion of the Law School's first graduating class. Reflecting on his gratitude for his law school years, one charter-class member told me with some emotion that he believes he wouldn't have remained active in the Church had he gone elsewhere to law school. When I asked him why, he said there was something about the spiritual and intellectual maturity of his BYU



classmates that let him see the gospel and the Church through their eyes in a more substantial light than he had understood before—and their perspectives rubbed off on him.

As we talked further, his experience reminded me of what Justice Holmes once said: “I wouldn’t give a fig for the simplicity on this side of complexity. But I would give my life for the simplicity on the other side of complexity.”¹³

I gathered that this student, in his pre-law school years, had lived his early Church experience primarily in the simplicity on this side of complexity—with innocent and untested attitudes and assumptions. But then he had encountered the complexity of challenges to his faith that left him in a world of uncertainty, ambiguity, and, at times, cynicism. In that unsettled and spiritually tentative state of mind, he had enrolled in the BYU Law School’s first class.

During the next three years, he developed numerous close friendships with gifted classmates who had learned from and grown through their own religious complexities into the serene and fully tested simplicity beyond complexity. The authenticity and integrity of their experiences and attitudes helped him discover, explore, and then internalize his own refined simplicity—a spiritual and intellectual depth that continued growing within him from then on.

This isn’t the place to explore Justice Holmes’s insight more fully,¹⁴ but I consider this student’s honest and grateful description of his own spiritual growth—and especially the place of his classmates in assisting him—a good illustration of how a mature and highly skilled lawyer’s well-developed religious convictions can help him or her strengthen an endless array of family members, friends, and other Church members. The analytical tools of complexity—skills often well developed among lawyers—can be used to tear down or to build up, in courtrooms, boardrooms, church classrooms, or homes. Religiously well-grounded lawyers who have found their own simplicity on the other side of complexity will use their tools and skills to build up.

Religion in the Democratic Society

Now what happens when we let the particular become the general and we imagine the collective influence of religious convictions on the larger society? We value each lawyer’s and each citizen’s personal religious convictions in no small part because religion is absolutely essential in maintaining a democratic society. Consider two classic sources to support that premise: Alexis de Tocqueville and the Founding Fathers.

In *Democracy in America*, probably the best book ever written about democracy,

the French writer Alexis de Tocqueville analyzed why democracy was succeeding in the United States more than in France or elsewhere. After living in America to study his subject in the 1830s, Tocqueville saw that democracy’s self-centered individualism could tear apart the very connections that hold a free society together.

Yet he also discovered a counter tendency unique to American democracy: the crucial role of certain small, local “intellectual and moral associations,”¹⁵ especially families, churches, and schools, that teach each generation “mores”¹⁶—the values, attitudes, and skills required for self-governance to work. These “habits of the heart”¹⁷ teach us why and how to cooperate with other people and to obey the unenforceable.

These voluntary organizations stand between the state and the individual, functioning as mediating institutions between the public megastructures of society—such as the state, the mass media, and giant corporations—and the private sphere of individual life. In a democracy, the megastructures are not reliable sources of the personal values that give ultimate meaning to individual lives. Rather, the state provides a free and stable economic, political, and social environment, allowing each individual the crucial freedom to develop identity, meaning, and purpose for his or her own life. The mediating institutions are what have been called “the value-generating and value-maintaining agencies in society,”¹⁸ providing the moral foundation for the political order.

For Tocqueville, religion was the most important mediating institution:

*The great severity of mores which one notices in the United States has its primary origin in [religious] beliefs.*¹⁹

*Religion, which never intervenes directly in the government . . . , [is] therefore . . . the first of their political institutions.*²⁰

Thus,

[d]espotism may be able to do without faith, but freedom cannot. . . . How could society escape destruction if, when political ties are relaxed, moral ties are not tightened? And what

*can be done with a people master of itself if it is not subject to God?*²¹

For a current illustration of Tocqueville's point, Harvard business theorist Clayton Christensen told of meeting with a Marxist economist from China who was studying in Boston. Christensen asked what the Chinese economist had learned in the United States that most surprised him. The man said:

I had no idea how critical religion is to the functioning of democracy. . . . The reason why democracy works . . . is not because the government was designed to oversee what everybody does, but rather democracy works because most people, most of the time, voluntarily choose to obey the law. And in your past, most Americans attended a church or a synagogue every week, and they were taught there by people who they respected. . . . Americans followed these rules because they had come to believe that they weren't just accountable to society, they were accountable to God.

So Christensen asked himself:

*As religion loses its influence over the lives of Americans, what will happen to our democracy? Where are the institutions that are going to teach the next generation of Americans that they too need to voluntarily choose to obey the laws? Because if you take away religion, you can't hire enough police.*²²

Now consider the views of the American founders on why religion is an essential prerequisite for the Constitution and for democracy to succeed. Both the Declaration of Independence and the U.S. Constitution were premised on the concept of natural human rights. Natural rights theory was first developed by such European writers as John Milton, Thomas Hobbes, and John Locke; then the theory crossed the Atlantic to put sharp intellectual arrows into the quivers of America's founders.

Thomas Jefferson was clear about the source of human rights: "We hold these truths to be self-evident," he wrote in the Declaration of Independence, "that all men are created equal, that they are *endowed by their Creator* with certain unalienable Rights, that among these are Life, Liberty and the

pursuit of Happiness" (emphasis added). And "[g]overnments are instituted among Men" precisely in order "to secure these rights." In other words, the human rights included in the American Constitution's Bill of Rights existed prior to the state's existence. They were derived directly from God, not from the state, and the state's role was and is to protect those prior rights.²³

Some years ago in South Africa, the late U.S. senator Robert F. Kennedy used language very familiar to Latter-day Saints when he echoed Jefferson. English judge Sir Rabinder Singh summed up his words: "[T]he essence of human rights thinking is that each human being is the precious child of God."²⁴ Building on this idea, Judge Singh said that even though "belief in human rights does not have to depend on . . . belonging to any faith system," still, "throughout history the concept of human rights has been shaped and influenced by those" whose religious faith taught them "that we are all the children of God and members of one human family" and that, therefore, "every human being is a brother or a sister" and "ethical living requires universal love towards others."²⁵

Speaking of being children of God, modern scripture gives the Latter-day Saints a unique understanding about the Creator's divine role in founding the American republic. In 1833 the Lord said that He had "established the [United States] Constitution . . . by the hands of wise men whom I raised up unto this very purpose."²⁶ No wonder Wilford Woodruff would later say that the "men who laid the foundation of this American government . . . were the best spirits the God of heaven could find on . . . the earth."²⁷

The approach of the American founders to the subject of religious freedom was especially important to Latter-day Saints. Why? Because even though religious liberty was clearly emerging in England, the Crown still allowed only one state religion, as did virtually all other countries in which a new church might have been organized. And prior to U.S. independence in 1776, nearly every one of the American colonies also had an official religion. But the U.S. Constitution in 1787 unleashed new winds of religious freedom. Thus by Joseph Smith's time in the 1820s, it was

finally lawful to organize a completely new church in the state of New York.

Steven Waldman's recent book *Founding Faith: Providence, Politics, and the Birth of Religious Freedom in America*²⁸ focuses on the lives and thoughts of Benjamin Franklin, George Washington, John Adams, Thomas Jefferson, and James Madison—the five founders who had the greatest influence in developing the American vision of religious freedom embodied in the First Amendment to the U.S. Constitution: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

As Waldman summarizes, "The Founding Faith . . . was not Christianity, and it was not secularism. It was religious liberty—a revolutionary formula for promoting faith by leaving it alone."²⁹ Despite their individual differences, these five key founders all believed deeply that God intervenes in the affairs of humankind, and they all "felt religion was extremely important . . . to encourage moral behavior and make [their new nation] safe for republican government."³⁰ Thus they believed that religion would help their free government thrive "by keeping officeholders honest and voters virtuous."³¹

As John Adams put it:

*It is Religion and Morality alone, which can establish the Principles upon which Freedom can securely stand. . . . The only foundation of a free Constitution, is pure Virtue, and if this cannot be inspired into our People, in a greater Measure, than they have it now, They may change their Rulers, and the forms of Government, but they will not obtain a lasting Liberty.*³²

And what did the founders mean by "religion"? Each had his own distinctive approach, but Jefferson's was typical, especially as he mellowed with age: To live a life worthy of salvation, Jefferson wrote to a friend, "Adore God. Reverence and cherish your parents. Love your neighbor as yourself, and your country more than yourself. Be just. Be true. Murmur not at the ways of Providence." Such a life is "the Portal to [a life] of eternal and ineffable bliss."³³

These five founders all had serious reservations about the organized Christian churches of their time, and they disliked the

tyranny they saw being imposed by some state religions in the individual colonies. So, in a process that I believe was attended by divine inspiration, they finally came to a unique, shared approach based on three key principles:

- First, religion is essential to the flourishing of a democratic society.
- Second, church and state should be separated, because that separation spawns more authentic religious beliefs and practices.
- And third, “God gave all humans the right to full religious freedom.”³⁴

The American founders understood the personal and social value of genuine religious faith so clearly that they resisted the temptation to establish an official state religion. They knew for themselves that imposing faith will keep real faith from thriving and will jeopardize the rights of minority believers.

The general trend of the last two centuries shows that the American founders were correct in believing that their approach would lead to more religious liberty and to more genuine religious practice. In 1776, 17 percent of the U.S. population claimed membership in a church. By 1850 that percentage had doubled to 34 percent,³⁵ and by 2014 it had more than doubled again, as 76 percent of Americans said they are affiliated with a religion.³⁶ Gallup surveys for the last 20 years tell us that well over half of the U.S. population have consistently said that religion is very important in their lives.³⁷

Of course, the gap between how we believe and how we actually live is always a challenge. In one U.S. poll, 77 percent said they believe religion is now “losing its influence,” but about 10 years earlier, 71 percent thought religion was “increasing its influence.”³⁸ And a 2015 Gallup poll found that Americans’ confidence in organized religion has hit a new low. In the mid-1970s about 70 percent had high confidence. That figure is now 42 percent. Public confidence in most institutions has been declining for years, but by 2015 organized religion had also slipped from being the most trusted institution to being the fourth most trusted—behind the military, small businesses, and the police.³⁹

Still, “compared with [other] developed nations, Americans believe in God more, pray more, and attend worship services more” and “are the most religiously vibrant nation on earth not despite separation of church and state—and religious freedom—but because of it.”⁴⁰

Moreover, this pluralistic brand of religion with its many churches has blessed society. Over the years most American social reform movements that improved the status of the disenfranchised or the maltreated were fueled by religious faith. For example, ending slavery and child labor, improving working conditions, establishing public schools, creating a social safety net, and promoting civil rights were all “driven in large part by people of faith.”⁴¹ The key axiom has been that civilized religion “is committed to the principled and active betterment of society as a whole.”⁴²

Waldman gives us some personal and spiritual glimpses of the founders in his last chapter, “Friends in Heaven: The Founders End Their Spiritual Journeys and Prepare to Continue the Conversation in the Next Life.” For example, John Adams and Thomas Jefferson, both former U.S. presidents, had once been good friends before becoming political enemies. In their later years they renewed their friendship, exchanging thoughtful letters for more than 10 years. In 1823, three years before they both died, one of Jefferson’s letters to Adams imagined “the two of them standing at the windows of heaven, blissfully reminiscing and peering below, without the burdens of responsibility.”⁴³ Jefferson wrote, “You and I shall look down from another world on these glorious achievements to man, which will add to the joys even of heaven.”⁴⁴

In 1818, when Adams’s dearest friend, his wife, Abigail, had just died, Jefferson wrote to Adams. Listen to Jefferson’s belief about relationships beyond the grave—perhaps intuiting the prospect of eternal love and even eternal marriage:

Altho’ mingling sincerely my tears with yours, will I say a word more, [even though] words are vain, but that it is of some comfort to us both that the term is not very distant at which we are to deposit . . . our sorrows and suffering bodies, and to ascend in essence to an ecstatic meeting

*with the friends we have loved and lost and whom we shall still love and never lose again. God bless you and support you under your heavy affliction.*⁴⁵

Then the Lord extended one last stamp of heavenly approval to Adams and Jefferson, those leaders among the “wise men whom [He] raised up”⁴⁶ to prepare the American Constitution. On July 4, 1826, John Adams was on his deathbed at the age of 90 while the country was celebrating Independence Day. Among his last words, Adams remarked about his old friend and competitor, “Thomas Jefferson survives.”⁴⁷ But in fact, Jefferson had died earlier that same day in Virginia at age 83. How striking that these two intellectual and spiritual giants would both have died 50 years to the day after each had signed the Declaration of Independence, of which Jefferson was the principal author.

As David McCullough wrote in Adams’s biography:

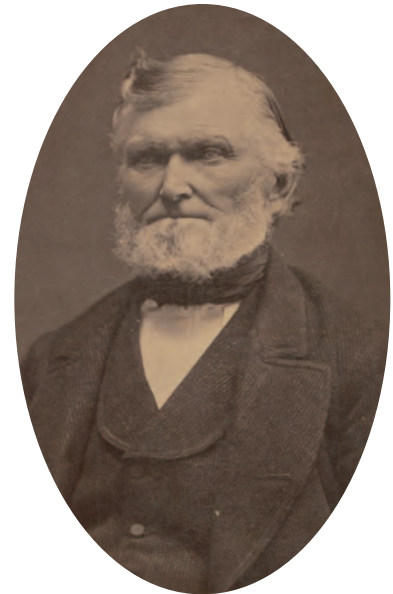
*That John Adams and Thomas Jefferson had died on the same day, and that it was, of all days, the Fourth of July, could not be seen as a mere coincidence: it was a “visible and palpable” manifestation of “Divine favor,” wrote [Adams’s son] John Quincy in his diary that night, expressing what was felt and would be said again and again everywhere the news spread.*⁴⁸

Finally, may I be a bit personal about the founders and their religious instincts? From 2010 to 2013 my wife, Marie, and I were blessed to be in the St. George Temple. We walked its sacred pioneer halls and learned its history as the first temple after the Nauvoo Temple, dedicated in early 1877—16 years before the Salt Lake Temple. We came to feel a special gratitude and kinship for President Wilford Woodruff, the first temple president in St. George. There he and Brigham Young directed the performance of the first-ever endowments for the dead, the first complete writing of the temple ordinances, and other new patterns needed to complete the restoration of temple work.

When the temple was first dedicated, the Brethren believed that they would be doing temple ordinances for the dead—but



President Wilford Woodruff received an astonishing manifestation that vastly expanded the scope of temple work.



only for their family members and friends. Then President Woodruff received an astonishing manifestation that vastly expanded the scope of temple work. In August 1877, just days before Brigham Young's death, all of the signers of the Declaration of Independence and George Washington "called upon me, as an Apostle of the Lord Jesus Christ, in the Temple at St. George [on] two consecutive nights, and *demand[ed]* at my hands that I should go forth and attend to the ordinances of the House of God for them."⁴⁹

On September 16, 1877, President Woodruff told an audience in the Salt Lake City Tabernacle that the founders wanted "to know why we did not redeem them." The Church was now doing endowments and sealings for the dead in the temple, yet, they said, "Nothing has ever been done for us. We laid the foundation of the government you now enjoy, and . . . we remained true to it and were faithful to God." The implications of the founders' visit were breathtaking. President Wilford continued:

I thought it very singular, that notwithstanding so much work had been done, and yet nothing had been done for them. The thought never entered my heart, from the fact, I suppose, that heretofore our minds were reaching after our more immediate friends and relatives.⁵⁰

As historian Richard E. Bennett wrote:

The importance of extending [the temple ordinances] to this . . . unique group of people, unconnected as they were to any [known] families in the Church, reinforced the doctrine that . . . the ordinances of salvation should [now] be offered to all through proxy work.⁵¹

In other words, it was now clear that we would eventually do temple work for everyone. With that new understanding, President Woodruff and his associates in the St. George Temple immediately identified a number of other historically significant men and woman for whom they also performed the ordinances—although there is no evidence that any of these other people appeared to him as the founders had done.⁵²

Current Church policy, of course, emphasizes that Church members should concentrate on family history and temple work for their own family members. But, as the founders' visit showed, the ultimate scope of the work will extend to all who desire to receive the gospel as it is preached in the spirit world.⁵³

It is sweet to sense that Jefferson's inspired instincts about eternal love and marriage, like his inspired instincts about God-given natural rights and the critical

role of religion in democracy, were spot on. Once in a while now, when I see the painting of the founders and Wilford Woodruff in the St. George Temple, I think of John and Abigail's proxy sealing and remember Jefferson's words to Adams: "[T]he term is not very distant at which we . . . [may] ascend in essence to an ecstatic meeting with the friends we have loved and lost and whom we shall still love and never lose again."

So, my friends in the J. Reuben Clark Law Society, when you draw on your own personal religious convictions to strengthen the law and society, "think it not strange . . . , as though some strange thing happened unto you: . . . for the spirit . . . of God resteth upon you"⁵⁴—because your convictions and your lives are fulfilling the highest aspirations of those who founded our democratic society. cm

NOTES

- 1 See J. Reuben Clark Jr., "The Charted Course of the Church in Education," address given to seminary and institute leaders of The Church of Jesus Christ of Latter-day Saints in summer school at Aspen Grove, Utah, Aug. 8, 1938.
- 2 Oliver Wendell Holmes Jr., "Dead, yet Living," address delivered at Keene, New Hampshire, on Memorial Day, May 30, 1884.

Continued on page 48 »



The title 'LOVING OUR NEIGHBORS' is presented in a large, bold, sans-serif font. The letters are arranged in three rows: 'LOV' on the top row, 'ING' on the middle row, and 'OUR' on the bottom row. Each letter is composed of two overlapping shapes in different colors, creating a layered effect. The colors include shades of brown, olive green, grey, and tan. Below this graphic, the word 'NEIGHBORS' is written in a single row of smaller, solid brown capital letters.

LOV ING OUR NEIGHBORS

D. CAROLINA NÚÑEZ In the 1970s my father arrived on BYU campus to begin his studies. He was not the average BYU student, especially during that time period. My father had come to BYU from Venezuela, a country that many students at BYU had never even heard of at the time. He spoke virtually no English, and he was Catholic. ILLUSTRATIONS BY JORGE COCCO SANTÁNGELO

*D. Carolina
Núñez, '04,
an associate
dean and
professor
in the BYU
Law School,
delivered this
BYU devotional
address on
September 18,
2018.*

he way my father likes to tell the story, he boarded a plane to the United States, excited to venture outside of his conservative Catholic upbringing and expecting the secular American college experience he had seen in Hollywood movies. Imagine his shock when he discovered that his parents, my *abuela* and *abuelo*, had arranged for him to attend BYU so that a group of people known to him only as “the Mormons” could keep an eye on him while he was far from home.

My dad found himself in a strange place surrounded by people who were very different from him. He found the sights and smells of his tropical Caribbean home—mango trees, macaws, coffee, and the ocean—replaced by those of BYU. He was struck by the flowerbeds on campus, which changed with the seasons; the empty streets and closed storefronts every Sunday; and the snow. But the students and faculty of BYU welcomed him into the community with open arms. Professors invited my father to share his perspective and experiences in class; roommates and friends took my father skiing and on road trips to see the United States. A professor invited my father to live with his family for several months while my father adjusted to life here.

My father could have chosen to transfer to a different institution, but he returned to BYU every fall from Venezuela. He learned English here, and then he graduated with a bachelor’s degree. It has been almost forty years since my father was a student at BYU, but he remembers his time here very fondly. In fact, while I was growing up in Venezuela, my father could spot missionaries of the Church from a mile away. Even though he was not a Latter-day Saint, he would look for them and talk to them, often asking if they were BYU students.

I am grateful to the BYU community for being so welcoming to someone with life experiences so unlike the majority’s; for being willing to listen to and learn from someone with a different culture, language, and religion; and for making room in their individual lives for someone who might have seemed like an outsider.

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I too have been the beneficiary of others' efforts to reach out to people from different walks of life. My early childhood was spent in and around the city of Maracaibo in Venezuela. My mother, a U.S. citizen whom my father had met here at BYU, was a member of The Church of Jesus Christ of Latter-day Saints and took me to church with her on Sundays. During the week, though, I attended a Catholic school for girls.

At the beginning of my first year at Colegio Altamira, one of the nuns at my school—I wish I remembered her name—tapped me on the shoulder and asked if she could talk to me. She led me to a hallway outside my classroom, where we sat on a bench.

I was sure I was in big trouble. But I wasn't. This sister told me she just wanted to know more about how I prayed. She knew I was not Catholic, and she had noticed that I did not recite the prayers that the rest of the class recited every morning. I told her about how my mother had taught me to pray. This nun and I discussed the differences and the similarities in our styles of prayer. I

**The Samaritan made space in his life, both physically
and mentally, for the injured man and got close to him.**

This was not abstract compassion. It was concrete.

This was not arm's-length love. This was an embrace.

awkwardly apologized for not knowing the prayers that the other girls were reciting, and I vividly remember this sister telling me that she thought my way of praying was beautiful.

That experience has stayed with me. A woman who had committed her whole life to serving God through the Catholic Church—and who served as an authority figure in her church—sat down with a little girl of another faith to have a genuine conversation about prayer, not to convert or change her but to connect with her as sisters and daughters of the same God.

The Good Samaritan

I offer these stories today as examples of communities and individuals striving to follow Jesus's plea that we love our neighbor as ourselves.¹

Unfortunately, I think our understanding of the term *neighbor* may be blemished by the modern urban and suburban reality of homogenous and socially segregated neighborhoods. I fear that when we hear the word *neighbor*, we imagine people who live near us, likely in houses or apartments that look a lot like our own and whom we chat with at

the neighborhood park or in the stairway that connects our apartments. We envision people who lead lives similar to ours, who speak the same language we do, and who have similar beliefs, goals, and challenges. We love them abstractly without really knowing them because we assume we understand them—they are, after all, a lot like we are. But this is most certainly not what Jesus meant when He instructed us, “Love thy neighbour as thyself.”²

When a lawyer asked the Savior to define the term *neighbor*, Jesus answered by telling the parable of the good Samaritan.³ As you will remember, a man was traveling from Jerusalem to Jericho and was brutally robbed and left for dead. A priest and a Levite each passed by without offering help. A Samaritan, however, stopped to treat the man's wounds, took him to a safe place to stay the night, and left money with the innkeeper for the injured man's care. Jesus urged, “Go, and do thou likewise.”⁴

The literature commenting on and analyzing this parable is rich with layers of cultural context and doctrinal insights. But today I want to focus on three very basic pieces of the story that help me better love my neighbor.

1 LOVING MORE PERSONALLY AND CONCRETELY

An element of the parable of the good Samaritan that has been meaningful to me is the *way* in which the Samaritan served the injured man: he physically rescued him. We read in Luke that he “bound up his wounds, pouring in oil and wine, and set him on his own beast, and brought him to an inn, and took care of him.”⁵ The Samaritan then stayed the night in the inn before leaving money for the injured man's care and promising to repay any additional expenses required. The Samaritan made space in his life, both physically and mentally, for the injured man and got close to him. This was not abstract compassion. It was concrete. This was not arm's-length love. This was an embrace.

The Savior asks us to go and do likewise.

Loving our neighbor requires getting close to our neighbor and giving of ourselves. In Spanish, the term for “love of neighbor” is *amor al prójimo*, or “love of the one who is in proximity.” The term *prójimo* connotes a physical closeness and personal touch that *neighbor* simply fails to capture for me. We follow the good Samaritan's example not by abstractly loving from afar but by truly connecting and spending time with each other, by genuinely giving of ourselves. This is not always easy: getting close often involves sacrifice and discomfort. It can be awkward, time consuming, and emotionally draining. Surely the Samaritan had other plans for his day, but he stopped to love someone who needed him.

I have never regretted getting close to someone to more genuinely serve him or her. I do, however, regret the times I have failed to do so. Many years ago I was practicing law at a firm in Salt Lake City. Every morning I would drive to the light-rail station near my house, park my car, and take the train into downtown Salt Lake. One morning I was running very late. I parked my car just as a train pulled into the station, and I rushed toward it. Ordinarily I had more time to evaluate the cars and select the car that appeared to have the most open





seating. This time, though, I rushed onto the closest car. To my surprise and delight, I found the car completely empty. But as soon as I sat down, I understood why.

An elderly man in worn and heavily soiled clothes sat slumped and crumpled on the floor at the opposite end of the car. His fingernails were long and jagged, his hair was dirty, and it was clear from the smell in the car that he had not bathed in some time. My heart ached for him. Some part of me wanted to help him, but I didn't know how. I worried about embarrassing him or embarrassing myself by trying to help. I worried about being late for work and about getting my clothes dirty.

I wavered too long. A couple of stations down the track, a man, dressed as if he too had a job downtown, entered the car near where the old man sat. Instead of turning around and finding a different car, as many others had done, he reached down, pulled the man up toward him, wrapped his arms around him, and gently helped him off the train.

I don't know what happened after that. But the rescuer did not get back on the train. He likely didn't make it to work that morning. He probably got his clothes dirty. He got physically close and gave of himself. I wish I had had the courage to do that. But I am also grateful for that lesson. I am working on better recognizing and seizing opportunities to love my neighbor—*el prójimo*.

In the summer of 2016 I traveled for the first time to Dilley, Texas. It is a small town with fewer than 4,000 residents about 90 miles away from the border with Mexico. Dilley is home to one of the largest immigration detention centers in the country. Reserved exclusively for women and children, the South Texas Family Residential Center, as it is called, can house more than 2,000 women and children behind its tall barbed-wire fences. Most of the women and children there have traveled to the United States fleeing violence in Central America and hoping to apply for asylum. Multinational gangs have been terrorizing communities in Honduras, El Salvador, and Guatemala for several years. In the months leading up to my trip

to Dilley, I had read stories in the newspapers of sexual violence, murder, kidnapping, extortion, and torture.

For more than a year I had been thinking, quite abstractly, about doing something to help these detained women and children, but I was unsure of whether I was qualified to help, hesitant to travel so far from my home and family, and nervous about the emotional burden of listening to women tell stories of violence. In many ways I was paralyzed like I had been on the train to Salt Lake. I am grateful to a colleague and friend at the Law School, Professor Kif Augustine-Adams, who nudged me toward this opportunity to give of myself in a personal rather than an abstract way. She arranged for us to spend a week in Dilley helping the women and children there begin the first steps toward claiming asylum in the United States.

That week changed my life. In Dilley I met women who had endured unspeakable horrors in their home countries and who had left everything they knew to find safety for their families. Many of them had walked most of the way from Central America to the United States, often carrying infants. While we were at the detention center, my colleague and I met individually with women in visitation rooms. We listened to their stories and helped them prepare to tell those stories to an asylum officer.

I remember speaking to one woman whose husband had been killed by a gang. She struggled through her sobs to tell her story while her son slept in her arms. In that moment I loved that woman—my

sister—personally. Her proximity to me helped me better understand her humanity and mine. And, suddenly, it was not just “okay” to be more than a thousand miles away from my comfortable home in Provo, spending a long and hot July day in an immigration detention center; it was exactly where I wanted to be.

Later my colleague and I began taking students to volunteer in Dilley. Luisa Patoni-Rees, a recent graduate of the Law School who volunteered in Dilley, described her experience of loving more concretely and personally:

I learned that loving requires sacrifice, inconvenience, and physical and emotional pain. . . . I learned that I did not love my neighbors in Dilley until I was actually there, no matter how much I thought and cared about them from afar.

2 LOVING THOSE WHO ARE DIFFERENT

A second component of the story of the good Samaritan that is meaningful to me is the identity of the hero in the story—the Samaritan. Though Samaritans shared much of their ancestry with the Jewish people, they differed in their religious practices. Both groups regarded each other with suspicion and antagonism. The animosity was such that Jews traveled out of their way to go around Samaria on journeys that would have been much more direct by crossing through Samaria.

Though Jesus didn’t identify the injured man in the parable, we know Jesus was telling this story in response to a question from a Pharisee, a Jewish lawyer. This lawyer would likely have imagined a Jewish man as the injured character, especially since the injured man was traveling on the road from Jerusalem to Jericho. The setup of the story suggests that the Samaritan stopped to help someone very different from himself. In fact, the Samaritan rescued someone who might not have done the same if the tables had been turned.

The Savior asks us to go and do likewise.

Our neighbors are not the people who are most like us; rather, our neighbors are those who are different from us. They are the people whom our own social circles have rejected. They are our brothers and sisters who worship differently than we do, who come from different backgrounds, who look different from us, who make different choices than we do, who have dreams and goals that differ from ours, who disagree with us, or who have despised us. This, of course, is not to say that the people who are most like us aren’t our neighbors. But our love for others cannot be conditioned on their similarities to us. We must love others while understanding that they are individuals separate and distinct from us. The differences that separate us in this life make us each other’s neighbors, and, just as the Samaritan did, we must reach out to love and serve those who are different.

This can be extremely difficult. Much of our life is devoted to surrounding ourselves with people who are like us. We become friends with people who share common interests. We attend church each week in part to join with a community of people who have beliefs similar to ours. We even curate our social media feeds to feature individuals who think like we do and



block or unfollow people whose opinions bother or offend us. This is a natural human inclination. We want to feel that we belong, that we are respected and understood, and that we are loved for who we are.

But what might it be like to be an outsider, unwanted and uninvited? On my most recent trip to Dilley, I met a woman who understood from her interactions with immigration officials on the border and from what she had seen on the news that she was an outsider. When I met with her to prepare her for her interview with an asylum officer, she told me that she knew she was unwanted in this country. She admitted, “I don’t want to be here either.” She told me about the friends and family she had left behind—including her mother, who was too old to travel—and her job as a school teacher. After escaping abduction and rape by a gang in Honduras, she had come to the United States to move in with an extended family member living here. She spoke no English and knew very little about the United States, but she had nowhere else to go. I was touched by the way in which the women at



the detention center physically reached out to comfort and help each other, even when the only thing they had in common was their shared status as outsiders.

Rest assured that you do not need to travel to the border to interact with people who are different from you. There are other kinds of borders that divide us in our neighborhoods, in our cities, in our wards, and here on campus. It is our responsibility to do what BYU students and faculty members did for my father and what a nun at my school did for me. We must find our brothers and sisters who feel marginalized and out of place. They are not far. They sit next to us in class, stand behind us in line at the grocery store, and eat at our Thanksgiving table.

Sometimes we fail to see our brothers and sisters who most need our outreach because we can't see past our own experiences. Our mistake may be to assume that everyone around us has reached the same conclusions and developed the same perspectives that we have. We must be prepared to accept that others' experiences have been different from our own and that those

experiences might lead to different conclusions, opinions, and ways of living. Otherwise we risk further marginalizing and isolating the very neighbors the Savior has asked us to love. There is nothing lonelier than feeling like nobody really knows or understands you and fearing that if others truly did see you as you are, they might not accept you.

I have been touched and inspired by countless examples of BYU students right here on campus crossing the subtle borders that separate us. They have opened their circles to include someone with a different story, a different background, or another perspective. Over the years I have watched my students babysit the children of a fellow student, who was a single parent, while she studied; befriend, love, and rally around a classmate who was gay; carry books and open doors for a fellow student who had a disability; comfort an undocumented immigrant student whose status and future in the country was uncertain; invite to their study group an older student who had returned to school after more than a decade in another career; and graciously sit next to a student whose in-class comments had seemed harsh and unwarranted.

A small effort to connect with someone may mean the difference between despair and hope for that person. And we, in turn, may find our life enriched by that connection.

3 LEARNING FROM THOSE WHO ARE DIFFERENT

This brings me to a third lesson that I have learned from the parable of the good Samaritan. I think it is significant that, in this story, Jesus chose a despised outsider—a Samaritan—as the benevolent savior rather than the victim. It may be a Samaritan—an outsider we least expect to have compassion for us—who rescues us. We must reach out to those who are different, not only because they may need us but because we need them. Are we humble enough to recognize that the Samaritans in our lives have something to offer us? Can we do as Jesus did when He chose to pass through Samaria on His way to Galilee rather than avoid a group of people who were not welcome at home? Will we acknowledge the woman at the well—a Samaritan—and accept a drink of water from her?⁶

A recent experience cemented this lesson for me. A few weeks ago my family and I visited Encircle, a resource center for LGBTQ youth and their families right here in Provo. The resource center is housed in a beautifully restored home that was built in 1891. Encircle provides programming and services—including counseling, social activities, service opportunities, and more—for the LGBTQ community. I had been thinking—once again, quite abstractly—for some time about how I might be more helpful and supportive of our local LGBTQ community, but I had been unsure of what I could do.

Will we acknowledge the woman at the well—a Samaritan—and accept a drink of water from her?

My family parked our car outside of Encircle, and we walked in the side door of the blue-and-white building. I was ready to offer myself to Encircle. Maybe I could volunteer there, or perhaps I could donate funds for programming, or maybe I could offer some kind of pro bono legal help. I was proud of myself for finally making a real effort to act.

What I hadn't really stopped to consider was that my brothers and sisters in the LGBTQ community might have something to offer *me*—that I might need them. As soon as my family walked in the door, we were welcomed, quite literally, with open arms. My children found other children to play with, and new friends offered us food and let us into their lives. I was struck by the sense of community and closeness I felt there and by how quickly this new circle of friends had opened up to us. I left Encircle that day not as the rescuer I had imagined myself to be but as the rescued.

I also learned this same lesson when I traveled to Dilley for the first time. In that summer of 2016 I boarded a plane to Texas with every intention of helping—even rescuing—the women and children detained there. But I did not expect to learn so much about the human spirit, about resiliency and courage, from my interactions with these women. I expected to find broken spirits and desperate souls. Instead I often encountered grace and an unyielding faith that inspired me. The course of my life has changed because of my interactions with these women, and I am grateful to them for that.

The students who have volunteered in Dilley have learned similar lessons. Eli Pratt, a former student of mine, remembers learning this lesson too. He told me about a woman he had met in Dilley. This woman had endured sexual violence, gang violence, and abandonment at every juncture in her life. It wasn't until gang members threatened her young son that she left her country. Eli said:



She was shattered in many ways. She had every reason to give up. But there she was, pressing forward, doing the best she could for herself and her child. . . . She taught me that people have an extraordinary capacity to overcome challenges, more than we would like to discover.

Lauren Simpson, another former student, had a similar experience. She described her realization that the women of Dilley could be examples to her:

Here were these women, often several years younger than I was, bringing up children with so much grit and grace in the midst of danger and violence. They had both a strength and a sorrow that I could not touch. It was humbling to witness, and it made me realize that their life experiences had given them a knowledge I did not possess. It made me feel like . . . there were things they could teach me through their examples.

Go and Do Likewise

I suppose I should not have been surprised that connecting with those who are different from me would enrich my life and shape it for the better. This is, after all, my origin story. I am a child of two different cultures, two languages, and two continents. I have always found good Samaritans on each side of every kind of border I have crossed. They have been neighbors to me, not as a result of our paths coincidentally crossing but as a result of their going out of their way to reach out to me. They have come close to me despite the differences that have separated us, they have given of themselves to help me, and they have allowed me to offer them a part of myself.

This past year my two younger sisters and I traveled to Venezuela to be with our father while he had surgery there. Fortunately his surgery went well. We found ourselves together on a plane crossing the Caribbean on the way to Venezuela, just as we had done countless times during our childhood, but this time we were unsure of what we might find in Venezuela. I had not been to Venezuela for 10 years. Venezuela is in the midst of an economic collapse that has resulted in the highest inflation rate in the world, shortages of food and medicine, and a mass migration out of the country. Venezuelans have settled in the United States, Colombia, Panamá, Chile, Spain, and many other corners of the world.

It was surreal to find the country of my childhood in a state of disrepair and decay and to think of the hundreds of thousands of Venezuelans who had no choice but to leave everything behind.⁷ I thought about my own friends and family members who are starting over somewhere new. I hope they have the same luck my father had when he came to BYU. I hope they find good Samaritans wherever they end up and that they, in turn, are good Samaritans in


their new countries. I hope they encounter fellow travelers in this life who understand that we are here to love each other.

Though it sometimes feels complicated in practice, the concept of loving our neighbor is very simple. My son instinctively understood this principle and taught it to me when he was only five years old. One evening my husband and I had buckled our two oldest children into their car seats to run some errands. We had just purchased a minivan. This purchase was the final frontier in our acquiescence to suburban parenthood. We had hoped that a minivan would put some distance between the two very loud children in the back and us—two exhausted parents—when we were in the car. Those of you with children will empathize with the desire for a little peace and quiet while driving.

The kids were complaining about something nobody remembers now. In desperation, my husband turned toward the back and pleaded, “Can we please just have some peace and quiet? Just for a moment?”

My then five-year-old son, Alex, looked at us, earnestly puzzled by what he perceived as a harsh request. His eyes teared up, and he exclaimed, “But, Dad, we are here to love you!”

Alex was right. We are here to love you. We are here to love our brothers and sisters—friends and strangers alike. That is what the good Samaritan did, and the Savior asks us to go and do likewise.

I believe in Christ’s message of love and in its power to transform lives. Love has transformed mine, and I sincerely pray that it transforms yours. I say these things in the name of Jesus Christ, amen. 

NOTES

¹ See Matthew 22:39.

² Matthew 22:39.

³ See Luke 10:29–37.

⁴ Luke 10:37.

⁵ Luke 10:34.

⁶ See John 4:5–29.

⁷ See Anthony Faiola, “The Crisis Next Door,” *Washington Post*, 2 March 2018, [washingtonpost.com/news/world/wp/2018/03/02/feature/i-cant-go-back-venezuelans-are-fleeing-their-crisis-torn-country-en-masse/?utm_term=.cod172561e81](https://www.washingtonpost.com/news/world/wp/2018/03/02/feature/i-cant-go-back-venezuelans-are-fleeing-their-crisis-torn-country-en-masse/?utm_term=.cod172561e81).

**We are here to love
our brothers and
sisters—friends and
strangers alike.**

I Am Not the Hero

REDEEMING DILLEY'S HEROES THROUGH STORY

By Shaunna Sanders, 2L

Before I went to Dilley, Texas, I talked about the trip as if I'd be something of a hero. "It's a legal mission trip," I told my friends and family. "I'll be helping people who can't help themselves. I can't think of a better way to use my legal education."

Looking back, I admit that it was a bit of an ego trip, but I told myself I wanted to be a hero, not for glory and recognition but because heroes help people; they save the day. I could pay it forward by giving back. At least that's how I talked about it to other people. What I didn't admit to anyone was how much I enjoyed the prestige surrounding the Dilley volunteers. Sacrificing my placement break to help refugees made me look noble, selfless, heroic.

The Hero's Journey

I've been obsessed with hero archetypes since my undergraduate days studying English literature. In *The Hero with a Thousand Faces*, Joseph Campbell points out that all heroes' stories follow, more or less, the same cycle. The hero is called on an adventure. She must overcome a series of obstacles before she fulfills her quest. As she undergoes these battles, she is transformed. Finally, she returns to the community she left behind and, in returning, brings something with her that infuses new life into that community. Sometimes it's a physical object,



but more often what she brings back is her own transformation. Her struggle to pass through hell (often literally) provides her with the knowledge and the strength she needs to face and defeat the enemies threatening her both at home and abroad.

In contemporary terms, although the concept has been diluted somewhat, the hero, by default, is still the person or group who succeeds—the one who wins the game, saves the day, defeats the enemy, or prevails against all odds. So I thought I was going to Texas to win. That was my first mistake.

My initial experiences at Dilley aligned with the pattern of the hero's journey like I had expected. I was called on the adventure and faced obstacles: my application for the project was accepted even though I

don't speak Spanish, I have no experience in immigration law, and I've hardly spent any time at all in a courtroom. Although I only spent five days inside the facility, it was—as the hero's journey promises to be—plenty of time to transform me. And finally, in that transformed (and overwhelmed) state, I returned home.

But ever since boarding the return flight in San Antonio, I've been asking myself whether I actually fulfilled my quest. If I did, I guess my hero cycle is complete and everything I said before I left was true. But if I didn't fulfill my quest, am I really a hero? Probably not. And if not, what was the point of my journey?

When I came home and told the story of what I'd done in Dilley, people often said, "Thank you for your service. I'm sure

Since the fall of 2016, BYU law professors Kif Augustine-Adams and Carolina Núñez have taken groups of BYU Law students and faculty to Dilley, Texas, to give pro bono legal services to women seeking asylum in the United States. These women are housed in the South Texas Family Residential Center—the largest immigrant detention center in the country.

you did a lot of good.” Although they had the best of intentions, this sentiment made me feel hollow. After hearing it over and over again, I finally realized that I’d had the whole thing wrong from the beginning. Their gratitude for my “service” gave me credit for a heroic effort I didn’t deserve. Because the thing is, I failed. I’m not a hero—not of this story, anyway.

But if I’m not the hero, who is?

The True Heroes

The true heroes of this story are—or should be—the women and children of Central America. But I went through the exercise of fitting their stories into the cycle anyway—just to be certain of what I thought I knew.

Step one: the call to adventure. Although *adventure* is too bland a word to describe her call to leave her country, there is always a moment where the Guatemalan or Honduran or El Salvadorian woman says, “Enough is enough. I’m not going to stand by and watch the destruction of everything that is precious to me.” So she gathers her children and flees, often into dangers as great as or greater than the ones she left behind.

Step two: overcoming obstacles. The woman in this story struggles through violence, oppression, depravity, and loss, often with only a vague sense of what awaits her when she gets beyond these obstacles. I don’t know what sustains her through the journey, but I do know that the journey refines her. It strengthens and toughens her. Yet she manages, somehow, to keep her humanity intact, which is beyond miraculous. She literally fights for her own life and the life of her children every day. But when those children need a kind word or a soft touch, she

can still hold them and soothe their sorrows.

Step three: fulfilling the quest. Finally, she arrives at the river. She has almost made it! Her quest is at an end—or so she thinks. She wades or swims across, carrying her children if necessary, to the land of promise. It must be better here; it must be worth the sacrifices she has made.

But just as I mistakenly thought I was making a heroic journey to Dilley where I would have the opportunity to save the day, I wonder if she thinks the South Texas Family Residential Center is a poor reward for her heroic journey. Detention, credible fear interviews (CFIs), and asylum cases seem like a complicated, lengthy, and torturous way to say, “You lost. You’re not a hero. We don’t have anything here that can help you. All your suffering has been for naught.”

Step nothing: If the quest is not fulfilled, the hero can’t return transformed, bringing new life into her community.

During the days I spent cloistered in a CFI prep room that was always too hot or too cold, I heard many cases, some stronger than others, that fit the mold of the hero’s journey. But other stories were just too weak. They were real stories, but not the type that interested the law. And even those stories that were good enough to pass the low bar of a credible fear interview will probably not be good enough for permanent asylum in the United States. Either way, most of the women will find themselves returning home without having fulfilled their quest. They were transformed, but to what end? Why did they go through all of that heartache if it didn’t work?

This question has occupied my thoughts for a long time now.

If the hero loses—and according to almost all definitions of success, an asylum claim rejection is a failure—can she still be a hero? No matter what happens with her claim, this woman is not going to spend the rest of her days in paradise. If she stays in the United States, she’ll still be poor. She’ll still struggle to find work and feed her children. She’ll have to deal with prejudice because of her gender, her nationality, the color of her skin, and the language she speaks. She’ll worry about the ones she left behind, and she’ll try to make enough money to send for them. But even if they make it here, that will only mean she’ll have another mouth to feed. She’ll have to work very hard, and she’ll still be lonely. So how can I call her a hero? How can I believe that her life matters at all? Maybe we are none of us heroes. And maybe God has simply turned away His face from our suffering.

But in my heart I can’t believe it. As I struggled to understand the point of their injustice and my own helplessness, I realized that the answer lies in their stories.

The Power of Story

There is value and power in telling your story to someone—anyone—who is willing to listen. The Greeks believed that there are two paths to immortality. The first path is through children, who carry on your name and your legacy; you live through them even after you have died. The second path is through story. Heroes like Achilles, Odysseus, Beowulf, Siddhartha, King Arthur, and Hamlet are, in a sense, still alive and still hold power because someone told their stories and someone listened to them.

Telling a story establishes a sacred trust between the one who tells it and the one who hears it. It validates the storyteller’s experience and makes the events in the story even more real than they were when they happened. Telling a story creates truth, and listening to a story recognizes that truth.

In Spanish, “to feel” is *sentir*. If you want to say “I’m sorry,” however, you say “*Lo siento*”—“I feel you.” And while my Spanish is limited and mostly incomprehensible, I know how to say “*lo siento*.” Better yet, those words encapsulate the one gift I *did* give these women. I listened to their lives, witnessed their heartaches and traumas, the depths of their sorrows, and the intensity of their struggles, and I said, “I feel you.” I testified that they lived, that they tried, and that they were transformed by their journey.

I want the gift of hearing these women to be what completes their cycle and transforms them into true heroes. I have no idea what will happen to them; if I think about it too much, I feel paralyzed at the hopelessness of their plights. But I do know that each woman I interviewed found her voice. She told her story, and I heard it. And if that was all I could do for her, I hope with all my heart that in that moment it made her the hero of her own story.

It made her a hero in my eyes. Maybe that’s all that matters.

Shaunna Sanders is a 2L at BYU Law also completing a joint MBA. She graduated with a master of arts in 2001 and plans on starting her own medical business consulting firm after law school.



Opening Doors

LEADING AND LOVING IN AND ON THE COURTS

By K. Marie Kulbeth, '10

Tim Overton, '07, recently received the Arizona Black Bar Association's Excellence in Diversity Award for his contributions to the legal profession and the community, and those contributions come in ways you might not expect. As a stake president for The Church of Jesus Christ of Latter-day Saints, a partner at Steptoe & Johnson LLP, and a father of five young children, Overton has a schedule few can compete with.

The Invitation

Regardless of his having little free time, twice a week you can find Overton in his church building's gym playing basketball with a group of about 20 young men ages 18 to 25. Usually only a couple of them are members of the Church. But they keep coming. Overton prays with them, shares a lesson with them, and gives them a place to play where they know good sportsmanship is required. For Overton, opening doors and inviting people to be part of his life is the essence of both the gospel of Jesus Christ and his obligation as a Black professional.

Overton draws on his unique life experiences, his personal values, and the ideals instilled at BYU Law as he lives out his personal creed: legal skills are not simply a means to make money but a means to help others. As Overton explains, his own life was changed by others reaching out to him and inviting him to be part of their lives.

"I was a big Black college football player with long hair and earrings, playing football in Idaho and getting the usual check-the-box 'Here's a Book of Mormon' type of invitations," Overton remembers. "I was somewhat active in my own church and not at all interested in the Book of Mormon or another church. But when two people—a classmate and a teammate—invited me into their homes for meals with their families without any mention of

the Church, it was life changing. That was 18 years ago. Looking back, as a partner at a top law firm and a stake president, my life has been one miracle after another because people reached out to me socially."

Overton also attributes his focus on empowering others to his father, who traveled to Arizona to be with him when he received the Excellence in Diversity Award. "My dad wanted to go to law school and become a lawyer. But he looked around and saw that there were no jobs for Black lawyers then. How cool is it," Overton concludes, "that he was able to be there with me for that event, that because of his hard work I was able to accomplish so much."



JACOB LUND / GETTY IMAGES

In addition to this recent recognition by the Arizona Black Bar Association, Overton was selected as a Leadership Council on Legal Diversity Fellow in 2017 and was named to the *Phoenix Business Journal's* 40 Under 40 list in 2016. He has also been recognized multiple times on the Southwest Super Lawyers Rising Stars list.

The Gift of Empowerment

Just as others helped open doors for him, Overton works to open doors for others. He is keenly aware of the challenges faced by attorneys of color, and he has worked on his own and with formal organizations to improve diversity in the profession. He has joined the Arizona Black Bar Association, the National Bar Association, and the Leadership Council on Legal Diversity in order to address these challenges. He utilizes the power of formal associations to participate in organized mentoring programs and support the Black Law Students Association at the Sandra Day O'Connor Law School (ASU Law) and at BYU Law. He also teaches a course titled Race and the Law at ASU Law that addresses how the social construct of race has influenced our nation's legal system from its foundation through the present day, raising students' awareness about the impact of race on the legal system and vice versa.

Overton also maximizes service opportunities through his law firm as he serves on its Diversity and Inclusion Committee and chairs his firm's Black Lawyers Affinity Group. He uses these platforms to train attorneys and staff members at his firm on diversity issues, to empower women and minority attorneys and staff members,

and to encourage improved relationships among all groups. He also leverages his firm's contacts to reach out to other entities and provide training

to managers and employees on unconscious bias, teaching them about the value of every human being regardless of differences. He values working through formal structures because they are visible organizations that people can turn to for guidance and support. He finds that being associated with these organizations opens doors while also legitimizing his personal outreach.

Overton's personal outreach includes giving pro bono legal services, volunteering at his children's schools, and serving in his faith community. Overton identifies people to mentor in part by simply being aware of those around him who may share challenges he uniquely understands. For example, as he plays basketball, he talks to the young men about their goals. If they express an interest in being a paralegal or medical assistant, he asks, "Why not a lawyer?" or "Why not a doctor?"

Many of them, he explains, do not see a path to those types of careers because no one in their families has those kind of jobs, and no one has helped

is very concerned about me playing basketball," Overton recounts. However, the feeling and thought did not subside. "I recognized that this was the kind of prompting I had learned to follow in other circumstances, so I sent out several text messages, and we met to play the next day."

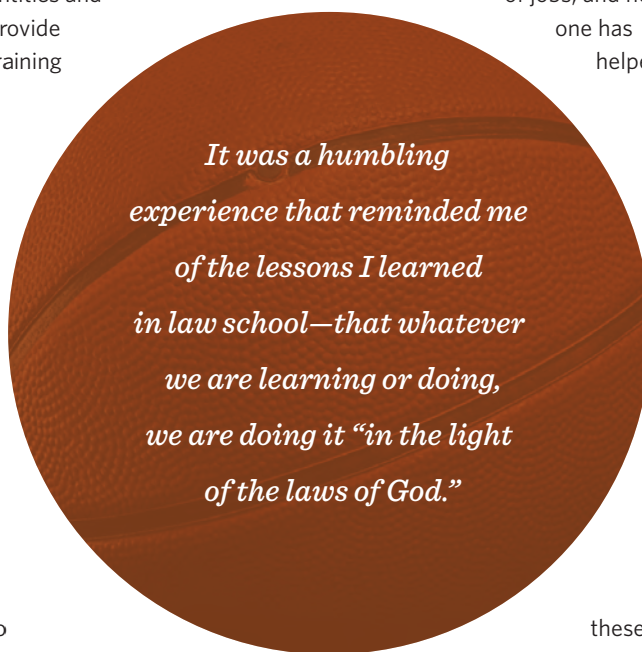
After playing for a few hours, Overton walked toward the parking lot with some of the young men. One of them stopped Overton to ask if they could talk about something important going on in his life. Before they could do so, a second young man approached with the same request. It turned out they were both facing situations with serious personal and legal implications.

"I sat down with each of those good young friends, and I felt God communicate with them through me as I gave them counsel and advice," Overton shares. "It was a humbling experience that reminded me of the lessons I learned in law school—that whatever we are learning or doing, we are doing it 'in the light of the laws of God.'"¹

Overton uses a set of keys to open the doors of a building for young people. He uses his legal skills to open doors for his clients and the community members he works with. And, like his father, who has opened doors for him, and his teammate and classmate, who reached out to him, he keeps his heart open to the people around him.

NOTE

- 1 J. Reuben Clark Law School Mission Statement; quoting Marion G. Romney, in *Addresses at the Ceremony Opening the J. Reuben Clark Law School (Brigham Young University)*, Aug. 27, 1973, 20, and D&C 93:53.



these young men see their true potential. Similarly, as he works with minority law students, he sees that many do not have a vision of themselves as a partner, dean, or C-suite officer. Overton believes deeply in the power that comes from strong personal relationships and uses those relationships to empower others to realize their potential.

Life and the Law

After a recent change to the basketball schedule that eliminated pick-up games on Saturday mornings, Overton got a text message from one of his players asking if they would be playing Saturday morning. Within a few minutes, a second young man had sent a similar text. Overton answered both of them in the negative. However, he received an impression that he should go ahead and play basketball on Saturday.

"At first I laughed to myself because I don't believe God

Toward a More Perfect Union

By Steve Hill, '77

*Remarks excerpted from an address
delivered at the JRCLS Annual Leadership Conference
on October 5, 2018, in Aspen Grove, Utah*

I had the good fortune to help arrange a meeting in May 2018 between the leadership of the National Association for the Advancement of Colored People (NAACP) and the First Presidency of The Church of Jesus Christ of Latter-day Saints. I want to speak briefly about how that meeting came about and what I believe it means.

The Long Road to Equality

I first met Wil Colom, an African American lawyer from Mississippi, 10 years ago through a close friend from BYU Law School, James Parkinson, '76. When Colom invited me to join him and Parkinson on a trip to Tanzania, I had a romanticized view of East Africa—based primarily on the film *Out of Africa*—and I jumped at the chance to join them.

I spent my first three days in Tanzania on safari with Derrick Johnson, then president of the Mississippi Conference of the NAACP. After spending time with Johnson, I realized I knew woefully little African American history. Johnson recommended books that, along with a lot of other reading, radically changed my less-informed perspective.

The preamble to the U.S. Constitution states that “we the People” aspire, among other

things, “to form a more perfect Union” and to “secure the Blessings of Liberty to ourselves and our Posterity.” As formed, however, our union was far from perfect. Millions of Americans were systematically denied the blessings of liberty. The Civil War amendments ended slavery, granted equal protection of the laws, and promised voting rights. Following Reconstruction, however, the redeemer movement effectively denied Blacks the right to vote, and in *Plessy v. Ferguson* the U.S. Supreme Court held that “separate but equal” was constitutional,¹ leading to the Jim Crow era.

But separation by race was never equal, and to fight this injustice, W. E. B. Du Bois and others created the NAACP in 1909. The NAACP had three main objectives: (1) end segregation, (2) obtain voting rights, and (3) end lynching. Despite great progress, much work remains to be done.

During the Church’s first two decades—the late 1820s and into the 1840s—some Black men were ordained to the priesthood. One of them, Elijah Abel, participated in temple ordinances in Kirtland, Ohio, and was baptized by proxy for deceased relatives in Nauvoo, Illinois. In 1852, however, Brigham Young announced that



men of African descent could no longer be ordained to the priesthood.²

Much has changed in The Church of Jesus Christ of Latter-day Saints since 1852. In June 2018, at Be One—A Celebration of the Revelation on the Priesthood, we commemorated the 40th anniversary of the revelation that all worthy men may hold the priesthood in The Church of Jesus Christ of Latter-day Saints. During that event, President Dallin H. Oaks remarked that, at the time of the revelation in 1978, the various reasons that had been given by Church leaders for the priesthood ban were all disavowed,³ echoing the Church’s stance in the 2013 Gospel Topics essay

“Race and the Priesthood.”⁴

Following the violence in Charlottesville, Virginia, during the summer of 2017, the Church issued statements denouncing white supremacy in the strongest terms⁵ and sustaining, as stated in the Book of Mormon, that “all are alike unto God.”⁶

The Church and the NAACP

In October 2017, Derrick Johnson, my safari companion, was elected national president and CEO of the NAACP. He asked my good friend Wilbur Colom to act as his special counsel. As Johnson and Colom discussed strategies for the NAACP, they decided to reach out to The Church of Jesus Christ of Latter-day Saints. This occurred to

them because of a service project performed earlier that year by Church members in Jackson, Mississippi, when an inspired stake president called the NAACP office in Jackson to see if his stake could be of service. Not long after that call, Church volunteers refurbished the Medgar Evers Home Museum in Jackson, where the local NAACP chapter has offices. What began as a local act of community solidarity came to the attention of the national NAACP offices when the Jackson chapter decided to give the Church an award for its members' service.

As a result, Colom called me mid-December 2017 and asked if it might be possible for the officers of the NAACP to meet the leaders of the Church. I thought it would take at least a year to arrange a meeting, but within three weeks Elder D. Todd Christofferson of the Quorum of the Twelve Apostles had sent a letter to Johnson, inviting the NAACP board to come to Salt Lake City for a meeting in May.

In preparation for the NAACP visit, Colom and I met with Elder Christofferson. Colom asked him what the Church hoped to accomplish by meeting with NAACP leaders. Elder Christofferson said that the Church hoped for a fresh start and new friends—exactly what the NAACP hoped for.

At a press event following the private meeting between the First Presidency and the NAACP leaders, President Russell M. Nelson stated:

Today, in unity with such capable and impressive leaders as the national officials of the NAACP, we are impressed to call on people of this nation and, indeed, the entire world to demonstrate

greater civility, racial and ethnic harmony and mutual respect. In meetings this morning, we have begun to explore ways—such as education and humanitarian service—in which our respective members and others can serve and move forward together, lifting our brothers and sisters who need our help, just as the Savior, Jesus Christ, would do. These are His words: “I say unto you, be one; and if ye are not one ye are not mine” (Doctrine and Covenants 38:27).⁷

On behalf of the NAACP, Johnson responded:

We compliment The Church of Jesus Christ of Latter-day Saints for its good faith efforts to bless not only its members, but people throughout . . . the world in so many ways. The NAACP, through our mission, we are clear that it is our job to speak for those who cannot speak for themselves. And we do so in an advocacy voice, but now with a partner who seeks to pursue harmony and civility within our community. I am proud to stand here today to open up a dialog to seek ways of common interest to work towards a higher purpose.⁸

The next Sunday morning, following *Music and the Spoken Word*, the Tabernacle Choir at Temple Square performed the Black National Anthem, “Lift Every Voice and Sing,” in honor of the NAACP visitors. Afterward, one member of the choir told me it was a good thing there are 360 choir members, because at any given moment about a quarter of them were too choked up to sing.

The words of the second verse highlight one of the areas of common ground between the NAACP and the Church of Jesus Christ—a history of searching for a place of freedom:

*Stony the road we trod,
Bitter the chastening rod,
Felt in the days when hope unborn
had died;
Yet with a steady beat
Have not our weary feet
Come to the place for which our
fathers sighed?⁹*

Less than a month later, the Be One celebration made a powerful statement to members of the Church and beyond. More than once Colom and I commented to each other that it felt as though an invisible hand was guiding us.

The Arc of Peace

So what do I think all this means?

First, the impact of reaching out of our comfort zones to people not part of our families or immediate circles of friends can be powerful and can bring about significant change. I could never have imagined that, years after we met on a safari, I would stand with Johnson in a meeting with the First Presidency. Likewise, those members in Jackson, Mississippi, probably could not have foreseen the goodwill their acts of service would create.

Second, Martin Luther King Jr. said, “The arc of the moral universe is long, but it bends toward justice.”¹⁰ We are wrong to think King meant the arc bends on its own. We should be grabbing our crowbars and bending it ourselves. I believe those Church members in Jackson bent the arc a little, and when the Church and NAACP leaders came together, they bent it a bit more. The task of realizing the vision of the Founding Fathers—the blessings of liberty for us all—never ends.

Ultimately, I am reminded of these words of the Savior

from the Sermon on the Mount: “Blessed are the peacemakers: for they shall be called the children of God.”¹¹ That’s what I saw throughout this process—people coming together as peacemakers—and that’s what I hope we all can be.

NOTES

- 1 Plessy v. Ferguson, 163 U.S. 537 (1896).
- 2 See The Church of Jesus Christ of Latter-day Saints, “Race and the Priesthood,” Gospel Topics essay, December 2013, lds.org/topics/race-and-the-priesthood?lang=eng.
- 3 See Dallin H. Oaks, “President Oaks Remarks at Worldwide Priesthood Celebration,” Newsroom of The Church of Jesus Christ of Latter-day Saints, Jun. 1, 2018, mormonnewsroom.org/article/president-oaks-remarks-worldwide-priesthood-celebration.
- 4 See the Church, “Race and the Priesthood.”
- 5 See “Church Issues Statements on Situation in Charlottesville, Virginia,” Newsroom of The Church of Jesus Christ of Latter-day Saints, Aug. 13, 2017, mormonnewsroom.org/article/church-statement-charlottesville-virginia.
- 6 2 Nephi 26:33.
- 7 Russell M. Nelson, quoted in “First Presidency and NAACP Leaders Call for Greater Civility, Racial Harmony,” Newsroom of The Church of Jesus Christ of Latter-day Saints, May 17, 2018, mormonnewsroom.org/article/joint-statement-first-presidency-naacp-national-leadership.
- 8 Derrick Johnson, quoted in *ibid.*
- 9 “Lift Every Voice and Sing,” the Black National Anthem, words by James Weldon Johnson (1900), music by John Rosamond Johnson (1905).
- 10 Martin Luther King Jr., “Out of the Long Night,” *Gospel Messenger* 107, no. 6 (Feb. 8, 1958): 14; quoting Theodore Parker, *The Sermons of Religion* (Boston: Crosby, Nichols, and Company, 1853), 84–85.
- 11 Matthew 5:9.

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- 3 See, for example, J. Reuben Clark Jr.'s 1947 classic tribute to the Latter-day Saint pioneers in Conference Report, October 1947, 154–60; also “To Them of the Last Wagon,” *Ensign*, July 1997.
- 4 J. Reuben Clark Jr., Conference Report, April 1951, 154; stated at the time he was sustained as second counselor in the First Presidency after having served two decades as first counselor. Quoted in Boyd K. Packer, “Called to Serve,” *Ensign*, Nov. 1997.
- 5 *Index to Journal of Discourses, Volumes 1–26* (Provo: Brigham Young University Library, 1959), 104.
- 6 Email from James R. Rasband to author, Dec. 30, 2018.
- 7 See Richard L. Evans, address given to the young people at the Northwest Inland Division gathered for Zion’s Camp, Oct. 15, 1971; quoted by David A. Bednar in “Your Whole Souls as an Offering unto Him,” Ricks College devotional address, Jan. 5, 1999.
- 8 Neal A. Maxwell, quoted in Bruce C. Hafen, *A Disciple’s Life: The Biography of Neal A. Maxwell* (Salt Lake City: Deseret Book, 2002), 380.
- 9 Marion G. Romney, in *Addresses at the Ceremony Opening the J. Reuben Clark Law School* (Brigham Young University), Aug. 27, 1973, 20; quoting D&C 93:53.
- 10 See Hafen, *A Disciple’s Life*, 166–67.
- 11 The Aims of a BYU Education (Mar. 1, 1995).
- 12 Online introduction to Life in the Law series, BYU Howard W. Hunter Law Library, digitalcommons.law.byu.edu/life_law.
- 13 Paraphrasing Oliver Wendell Holmes Jr.: “The only simplicity for which I would give a straw is that which is on the other side of the complex”; in a letter from Oliver Wendell Holmes Jr. to Lady Pollock, Boston, Massachusetts, Oct. 24, 1902, in *Holmes-Pollock Letters: The Correspondence of Mr. Justice Holmes and Sir Frederick Pollock, 1874–1932*, ed. Mark DeWolfe Howe (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1961), 109.
- 14 For an attempt to build on Oliver Wendell Holmes’s insight (see *ibid.*), see Bruce C. Hafen and Marie K. Hafen, *Faith Is Not Blind* (Salt Lake City: Deseret Book, 2018).
- 15 Alexis de Tocqueville, *Democracy in America*, ed. J. P. Mayer, trans. George Lawrence (Garden City, New York: Doubleday, 1969), 517.
- 16 *Ibid.* at 287.
- 17 *Ibid.*
- 18 Peter L. Berger and Richard John Neuhaus, *To Empower People: The Role of Mediating Structures in*

- Public Policy* (Washington, DC: American Enterprise Institute for Public Policy Research, 1977), 6.
- 19 Tocqueville, *Democracy in America*, 291.
- 20 *Ibid.* at 292.
- 21 *Ibid.* at 294.
- 22 Clayton Christensen, “Clay Christensen on Religious Freedom (His Personal Views, Not HBS),” J. Reuben Clark Law, Mar. 5, 2014, youtube.com/watch?v=YjntXYDPw44, emphasis in original.
- 23 See Sir Rabinder Singh, “The Development of Human Rights Thought from Magna Carta to the Universal Declaration of Human Rights,” in *Magna Carta, Religion and the Rule of Law*, ed. Robin Griffith-Jones and Mark Hill QC (Cambridge, United Kingdom: Cambridge University Press, 2015), 274, 280.
- 24 Paraphrased by Sir Rabinder Singh, *ibid.* at 279. Robert F. Kennedy’s exact language was: “At the heart of that western freedom and democracy is the belief that the individual man, *the child of God*, is the touchstone of value, and all society, all groups and states, exist for that person’s benefit” (“Day of Reaffirmation of Academic and Human Freedom,” address delivered at the University of Cape Town, South Africa, June 6, 1966, emphasis added; quoted in *ibid.*).
- 25 *Ibid.* at 280.
- 26 D&C 101:80.
- 27 Wilford Woodruff, in Conference Report, April 1898, 89; quoted in Blaine M. Yorgason, Richard A. Schmutz, and Douglas D. Alder, *All That Was Promised: The St. George Temple and the Unfolding of the Restoration* (Salt Lake City: Deseret Book, 2013), 307–8.
- 28 See Steven Waldman, *Founding Faith: Providence, Politics, and the Birth of Religious Freedom in America* (New York: Random House, 2008).
- 29 *Ibid.* at xvi.
- 30 *Ibid.* at xv.
- 31 *Ibid.* at 204.
- 32 Letter from John Adams to Zabdiel Adams, Philadelphia, June 21, 1776.
- 33 Letter from Thomas Jefferson to Thomas Jefferson Smith, Monticello, Feb. 21, 1825; quoted in Waldman, *Founding Faith*, 186.
- 34 Waldman, *Founding Faith*, xvi.
- 35 *Ibid.* at 203.
- 36 See “America’s Changing Religious Landscape,” Religion and Public Life, Pew Research Center, May 12, 2015, pewforum.org/2015/05/12/americas-changing-religious-landscape.
- 37 Gallup reported that 58 percent in 1995 and 53 percent in 2016 said that religion is “very important” in their lives; see “Religion,” In Depth: Topics A to Z, Gallup, news.gallup.com/poll/1690/religion.aspx.

- 38 See Frank Newport, “Most Americans Say Religion Is Losing Influence in U.S.,” Politics, Gallup, May 29, 2013, news.gallup.com/poll/162803/americans-say-religion-losing-influence.aspx.
- 39 See Lydia Saad, “Confidence in Religion at New Low, but Not Among Catholics,” Religion, Gallup, June 17, 2015, news.gallup.com/poll/183674/confidence-religion-new-low-not-among-catholics.aspx.
- 40 Waldman, *Founding Faith*, 204–5.
- 41 *Ibid.* at 203–4.
- 42 Robin Griffith-Jones and Mark Hill QC, “The Relevance and Resonance of the Great Charter of 1215 for Religions Today,” in Griffith-Jones and Hill, *Magna Carta*, 17.
- 43 Waldman, *Founding Faith*, 187.
- 44 Letter from Thomas Jefferson to John Adams, Monticello, Virginia, Sept. 4, 1823; quoted in *ibid.*
- 45 Letter from Thomas Jefferson to John Adams, Monticello, Nov. 13, 1818; quoted in Waldman, *Founding Fathers*, 187.
- 46 D&C 101:80.
- 47 David McCullough, *John Adams* (New York: Simon and Schuster, 2001), 646.
- 48 *Ibid.* at 647.
- 49 Wilford Woodruff, in Conference Report, Apr. 1898, 89–90, emphasis added; quoted in Yorgason, Schmutz, and Alder, *All That Was Promised*, 307.
- 50 “Discourse Preached by Elder Wilford Woodruff,” *Deseret News*, Mar. 27, 1878, 115; quoted in Boyd K. Packer, *The Holy Temple* (Salt Lake City: Bookcraft, 1980), 193–94.
- 51 Richard E. Bennett, “‘Line upon Line, Precept upon Precept’: Reflections on the 1877 Commencement of the Performance of Endowments and Sealings for the Dead,” *BYU Studies* 44, no. 3 (2005): 66.
- 52 For more information about these eminent men and women, see Yorgason, Schmutz, and Alder, *All That Was Promised*, 306–7.
- 53 See D&C 138.
- 54 1 Peter 4:12–14.

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