

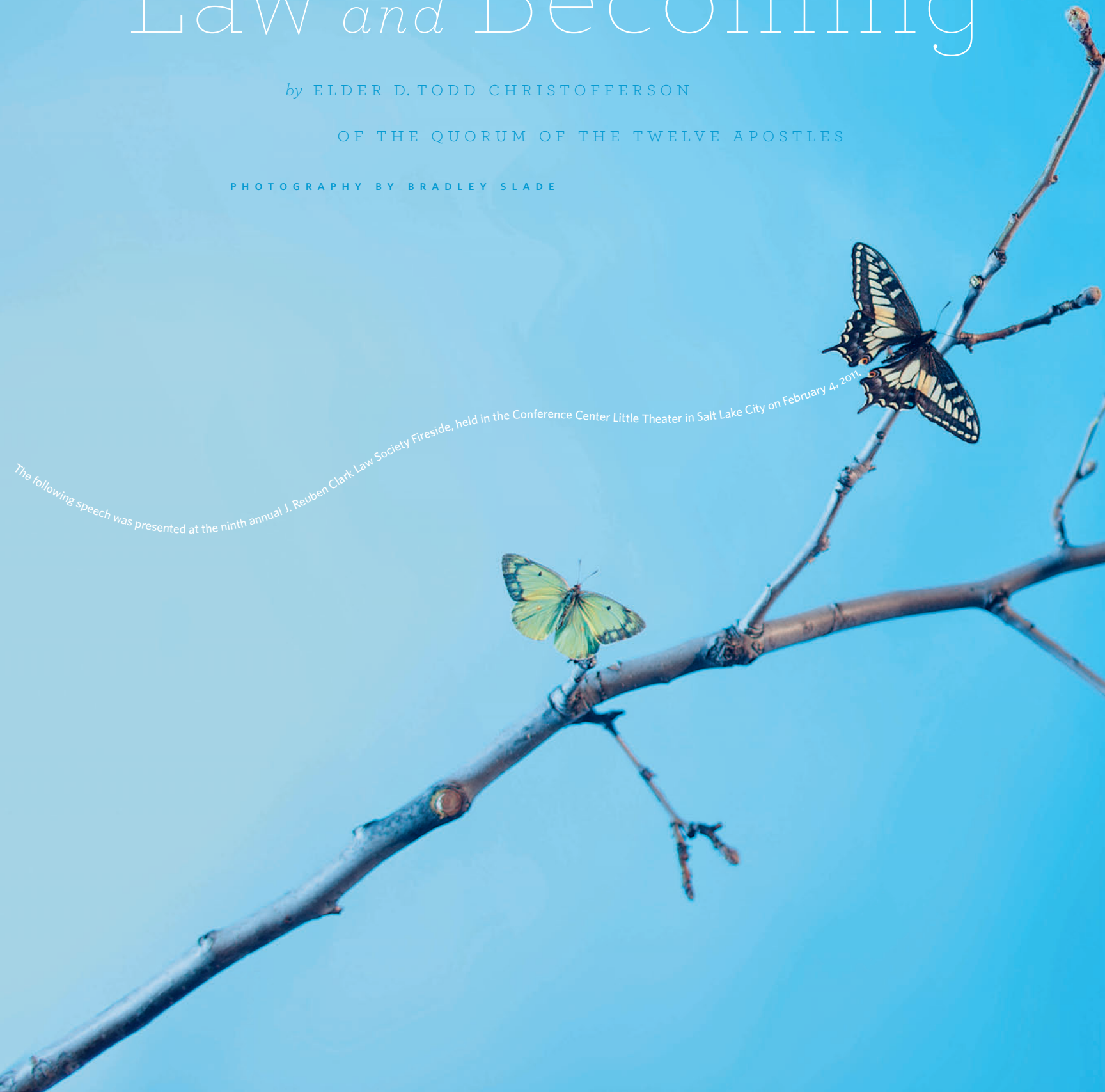
Law *and* Becoming

by ELDER D. TODD CHRISTOFFERSON

OF THE QUORUM OF THE TWELVE APOSTLES

PHOTOGRAPHY BY BRADLEY SLADE

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Let me express, first of all, the honor I feel at being invited to address you this evening. You are an audience of accomplished individuals with demonstrated commitment to what is good and right. I appreciate your character and your good will.

It is also a great honor for me to be introduced by a man I respect as highly as Ralph Hardy. I first became acquainted with Ralph in the early 1970s when Kathy and I and our two young children at the time moved to Maryland following my graduation from law school. During my years in the Washington area, Ralph and I practiced law together and served concurrently as bishops. Ralph was kind enough to tutor me in things relating to the practice of law as well as to leadership in the Church. I learned a great deal from his example that benefits me still today in my current calling and service.

Ralph's intellect and judgment are exceptional. Over the years important political figures and many others have come to rely on his wisdom. I know from personal observation how highly Ralph is regarded among the senior leaders of the Church. His recommendations and insights are regularly sought and gratefully received. We all understand the thoughtfulness and experience behind his counsel. I am by no means alone in my conviction that Ralph's exceptional talent and devotion not only do great credit to the legal profession, but, even more important, represent a tremendous blessing for The Church of Jesus Christ of Latter-day Saints.

Ralph, I am grateful that you would do me the honor of this introduction in your typically gracious manner, and I take this occasion to express to you publicly my deepest admiration.

I have titled my remarks this evening "Law and Becoming." By this I mean to talk about the vital role of law in what we may become. In speaking of becoming, I am taking the long view not only of what a person may be able to make of himself or herself in the space between birth and death, but also of the eternal potential of men and women. And, in speaking of law, I want to reference not only matters of our codes and courts but also the laws of God.



Through revelations granted to the Prophet Joseph and his predecessors, we learn some profound things about our relationship to God and our ultimate destiny. We learn that Jesus Christ, as the Son of God, progressed "from grace to grace, until he received a fulness"¹ and that we may follow in that same path. He said, "For if you keep my commandments you shall receive of his fulness, and be glorified in me as I am in the Father; therefore, I say unto you, you shall receive grace for grace."² In explaining the natural conclusion of this pattern, Joseph Smith said:

Here, then, is eternal life—to know the only wise and true God; and you have got to learn how to be gods yourselves, and to be kings and priests to God, . . . by going from one small degree to another, and from a small capacity to a great one; from grace to grace, from exaltation to exaltation, until you attain to the resurrection of the dead, and are able to dwell in everlasting burnings, and to sit in glory, as do those who sit enthroned in everlasting power.³

Joseph Smith also referred to God's use of law in this process:

The first principles of man are self-existent with God. God himself, finding he was in the midst of spirits and glory, because he was more intelligent, saw proper to institute laws whereby the rest could have a privilege to advance like himself. The relationship we have with God places us in a situation to advance in knowledge. He has power to institute laws to instruct the weaker intelligences, that they may be exalted with Himself, so that they might have one glory upon another.⁴

I cite one more teaching from the Prophet that adds the remaining element to this equation—agency:

All persons are entitled to their agency, for God has so ordained it. He has constituted mankind moral agents, and given them power to choose good or evil; to seek after that which is good, by pursuing the pathway of holiness in this life, which brings peace of mind, and joy in the Holy Ghost here, and a fulness of joy and happiness at His right hand hereafter; or to pursue an evil course, going on in sin and rebellion against God, thereby bringing condemnation to their souls in this world, and an eternal loss in the world to come.⁵

All of this declares that we have a potential made possible by God beyond anything we can fully comprehend or appreciate at present. And we recognize, of course, that none of us will achieve the ultimate end, the status of eternal life with God our Father, in a matter of days or years or with-

Introduction of Elder D. Todd Christofferson of the Quorum of the Twelve

BY ELDER RALPH W. HARDY JR.
OF THE SEVENTY

On the warm Friday afternoon of September 5, 1975, my 30-year-old law firm colleague, David Todd Christofferson, and I found a place behind the already occupied rows of metal chairs and sat on the cool, green grass in front of the gleaming, new J. Reuben Clark Law School Building on the BYU campus. On a sudden impulse we had caught a plane in Washington in order to witness this historic dedication of the new law school building by President Marion G. Romney—and in the presence also of BYU President Dallin Oaks, founding dean Rex Lee, Chief Justice Warren Burger, and Justice Lewis Powell of the Supreme Court. Even though we had studied law at other distinguished institutions, we knew that this was a seminal event and the coming of age of a law school that would forever add definition and substance to our professional lives as well as strength to the Church. Little did I realize on that beautiful afternoon that I was sitting on the grass with a future Apostle of the Lord Jesus Christ, although—already—had someone vouchsafed that fact to me, I would not have been the least bit surprised.

I first became acquainted with Elder Christofferson when I took a taxi to the United States Courthouse in Washington to see this newly minted, 27-year-old law clerk to u.s. District Court Chief Judge John J. Sirica. The famous *Watergate* case was still in its infancy, and virtually nobody knew the extent to which that case would eventually go. I was on a recruiting errand. I met in the judge's chambers with this bright young lawyer with such a pleasing countenance and easy smile. Eventually I secured from him a commitment to join my law

firm after what we both assumed would be his one-year commitment to the judge. I should add that, for our firm, as you can imagine, Elder Christofferson was a very big “get.” In addition to his almost unbelievable clerkship opportunity with Judge Sirica, Elder Christofferson had been a BYU Edwin Hinckley scholar, student-body academic vice president, an exceptional Duke law student, and an editor of the *Duke Law Journal*.

Nevertheless, with the growing complexity and riveting national attention on the *Watergate* case increasing exponentially, the standard one-year commitment expanded into three years, and Judge Sirica would call our firm several times to declare, regarding his able young law clerk: “I just can’t let him go—he’s too valuable. He’s the only one I can talk to!”

During the long pendency of the *Watergate* case, the *Washington Post* described Elder Christofferson as “a former Mormon missionary who serves as Judge Sirica’s clerk and alter ego” and added that “Todd, now a tall, soft-spoken, blond-headed young man,” had “served as a missionary in Argentina.” In its “1973 Person of the Year” cover story on Judge Sirica, *Time* magazine illustrated the exceptionally close relationship between this judge and his law clerk by observing that “while the technicians continued their studies [for any evidence of tampering], [Judge Sirica] and his young law clerk, Todd Christofferson, listened to the [White

House] tapes through headphones in a jury room.” Thirty years later I was privileged to be in the completely filled ceremonial courtroom of the United States Court of Appeals for the District of Columbia Circuit to attend a retrospective on the *Watergate* case that featured on the dais many of the still-living lawyers, television correspondents, and defendants in that national drama. What was most interesting was the attention and great respect that was accorded to Elder Christofferson, whom everyone remembered well. He was, as you would imagine, the recipient of many questions—which he fielded with his trademark grace, humor, and good judgment. When Judge Sirica died in 1992, the family asked Elder Christofferson to speak at his funeral in Washington. What counsel would you have expected Elder Christofferson, then of the Seventy, to have given on that occasion? Yes! It was the doctrine of the plan of salvation.

While residing in the Washington D.C. Stake, Elder Christofferson soon found himself called as a bishop. Then, less than five years later, he accepted an exciting professional opportunity as in-house counsel to a health care company in Tennessee. This was followed by his appointment as senior vice president and general counsel of Tennessee’s Commerce Union Bank. He was called as a stake president in Nashville and, at the end of his tenure, became a regional representative. Finally, in the rapidly

consolidating world of banking, Elder Christofferson became associate general counsel of the giant NationsBank in Charlotte, which later acquired Bank of America and retained that name. We all know the rest of the story. The Lord had already charted for this able lawyer another long-term path. Shortly after moving to Charlotte, he was called, in 1993, to the First Quorum of the Seventy and, in 1998, to the Presidency of the Seventy. Then, on April 12, 2008, Elder David Todd Christofferson was ordained to an apostleship. I have dwelled somewhat on the early judicial clerkship of a young Elder Christofferson because this unique experience—occurring at the very epicenter of perhaps the greatest American political crisis since the Civil War—helped refine the keen instincts, exceptional scholarship, sound judgment, and advocacy skills that would enhance both his successful professional career and his ministry. This being said, however, what many in the world would not know is that, more than any other factor, Elder Christofferson’s mode of life and careful approach to his many responsibilities have been informed through the tutelage of the Spirit.

Elder Christofferson’s best friend and confidant (who is here with us tonight) is the love of his life and his eternal companion, Kathy, whom he married in the Salt Lake Temple in 1968. The Christoffersons have been blessed with five children and nine grandchildren. Throughout his nearly 18-year ministry as a General Authority, Elder Christofferson, with uncommon, understated eloquence and precision, has given inspired counsel on many important gospel topics. For aspiring and current lawyers, however, his addresses and writings have been particularly insightful. This evening, J. Reuben Clark Law Society is highly honored to have the privilege of hearing the instruction of this servant of the Lord and fellow member of the bar.



out substantial help. We require the help of one another and an incalculable measure of divine grace originating in Christ and administered through the Holy Ghost. Nevertheless, our own choices will always be critical to what we become. And the capacity and power to choose are, as Joseph Smith declared, dependent on laws instituted by or under the authority of God.

Such laws link particular actions to fixed outcomes. If a given choice did not always and invariably yield the same result, we could not in the end control outcomes, and the power to choose would be meaningless. And even with law, if we are not free to act, either to follow or reject it, we likewise could not use law to progress from grace to grace. I believe that Satan's proposals in the premortal world attacked both of these principles. He wanted to be vested with a power of compulsion over the souls of men and with the honor or power of God:

And I, the Lord God, spake unto Moses, saying: That Satan, whom thou hast commanded in the name of mine Only Begotten, is the same which was from the beginning, and he came before me, saying—Behold, here am I, send me, I will be thy son, and I will redeem all mankind, that one soul shall not be lost, and surely I will do it; wherefore give me thine honor.⁶

Had Satan been granted power to dictate our choices, we would have become nothing more than his puppets, eternally dependent upon him. It is my personal opinion that in demanding "Give me thine honor," Satan was also coveting God's power to establish the law, and that it was his intention to use that power arbitrarily—to apply, revoke, and change laws in an arbitrary fashion that would destroy our power to act independently and to choose our destiny. For whatever reason, Satan was exceptionally persuasive in lobbying for his approach. Happily, his plan was rejected, although echoes continue to reverberate in the world around us.

The deities of ancient Greek and Roman mythology were often arbitrary beings. While they were supposed to possess remarkable powers, they were ruled by their passions. As they fought and jockeyed for position among themselves, or simply vented feelings of lust, anger, or frustration, mere mortals were sometimes caught in the cross fire. We can be grateful, to say the least, that the true and living God is nothing like the imaginary Zeus or Jupiter.

The scripture states, "There are many kingdoms. . . . And unto every kingdom is given a law; and unto every law there are certain bounds also and conditions."⁷ Apparently, laws with their conditions and bounds may vary in different kingdoms or spheres—as, for example, the laws of the several kingdoms that prevail in our postmortal life. The Lord says that His celestial kingdom is populated by those who are "sanctified through the law which I have given unto you, even the law of Christ,"⁸ and that those who cannot abide this celestial law must inherit a lesser kingdom whose law they are able and willing to follow.⁹ While differing laws may apply in different parts of God's creation, the laws that do apply do not themselves vary. Such beings and creations as are subject to them can rely on them to achieve their divine potential. We are told that those who are governed by law are preserved, perfected, and sanctified by the same.¹⁰

Under the umbrella of divine law and order applicable to the "kingdom" that is our present mortal world, God delegates to us, His children, the opportunity and responsibility to establish laws and legal systems to govern human relations and conduct. Let me quote from section 134 of the Doctrine and Covenants:

We believe that governments were instituted of God for the benefit of man; and that he holds men accountable for their acts in relation to them, both in making laws and administering them, for the good and safety of society.

We believe that no government can exist in peace, except such laws are framed and held inviolate as will secure to each individual the free exercise of conscience, the right and control of property, and the protection of life.¹¹

These standards—(1) that laws are to be made and administered for "the good and safety of society" and (2) that they must secure to each individual the rights of life, property, and conscience—bespeak a legal environment in which man may progress toward his divine destiny, to become what God has ordained he may become. They establish the stability, order, and means whereby each



individual may exercise moral agency. They produce a setting wherein each person, if he or she so desires, can “come unto Christ, and be perfected in him”¹² and all that that entails.

In the infant days of The Church of Jesus Christ of Latter-day Saints, the Lord expressed in a revelation to Joseph Smith the wisdom and benefit of organizing the Church and its work “according to the laws of man; That your enemies may not have power over you; that you may be preserved in all things; that you may be enabled to keep my laws.”¹³ I read this to mean that, as a general principle, submission to the laws of man will offer very real protections, providing in effect a safe haven within which we can act to obey and serve God.

In his book *The Clash of Orthodoxies*, Robert P. George has an interesting chapter titled “What Is Law?” He examines the debates among legal thinkers and philosophers in the English-speaking world over the last century, beginning with Oliver Wendell Holmes, about the origins and nature of law. He cites, for example, the group whose legal realist movement flourished to some extent in the 1930s and 1940s. These scholars debunked the idea of legal objectivity; to be realistic, they maintained, we “should abandon the idea that law pre-exists and is available to guide legal decisions.”¹⁴ They argued that judges’ reasoning and citation of laws as the basis of their decisions are in reality “mere legal rationalization of decisions reached on other grounds.”¹⁵

George reviews other theories such as “legal positivism,” which in some versions holds to “the idea that law ought not to embody or enforce moral judgments.”¹⁶ Other proponents, however, acknowledge that the content of legal rules reflects “nothing so much as the moral judgments prevailing in any society regarding the subject matters regulated by law.”¹⁷ For George himself, “legal rules and principles function as practical reasons for citizens, as well as judges and other officials, because the citizens appreciate their moral value.”¹⁸ He subscribes to the proposition *lex iniusta non est lex* (an unjust law is not law), by which he means, if I understand him correctly, that it is essential for the laws and legal systems created by man to have a basis in natural law or morality.¹⁹

In his 1993 encyclical letter titled “Veritatis Splendor,” Pope John Paul II expressed the relevant Catholic doctrine in these words:

*Only by obedience to universal moral norms does man find full confirmation of his personal uniqueness and the possibility of authentic moral growth. . . . These norms in fact represent the unshakable foundation and solid guarantee of a just and peaceful human coexistence, and hence of genuine democracy, which can come into being and develop only on the basis of the equality of all its members, who possess common rights and duties. When it is a matter of the moral norms prohibiting intrinsic evil, there are no privileges or exceptions for anyone. It makes no difference whether one is the master of the world or the “poorest of the poor” on the face of the earth. Before the demands of morality we are all absolutely equal.*²⁰

Latter-day Saints would necessarily be included among those who believe in preexisting and universal natural law—or, as we might express it, law rooted in the preexisting justice and order of God. I firmly agree that insofar as humanly possible, man’s laws and legal systems should be tied to God’s laws and should reflect the same ultimate purpose: to foster our becoming all that we can become here and hereafter. People instinctively appreciate the value of law that has valid moral underpinnings because it is in their nature as spiritual beings and children of God—the ultimate moral Being. The light of Christ that we sometimes call conscience lights every person who comes into this world.²¹

Some of you may be thinking, “This is all very grand, but where, for example, does tax law fit in?” I would answer that it probably does not, since tax codes are the work of the devil, right? But in all seriousness, even the very mundane can have a role if it is supportive of—or at least not inconsistent with—overarching divine principles and purpose. The Uniform Commercial Code, for example, would seem to have little if any contribution to make in helping us achieve our divine potential, but even something so unethereal can have value as part of a larger legal structure that supports fundamental fairness, minimizes strife, rewards honest labor, preserves stable families, and, ultimately, enshrines moral agency.

Returning again to the Doctrine and Covenants:

*We believe that all governments necessarily require civil officers and magistrates to enforce the laws of the same; and that such as will administer the law in equity and justice should be sought for and upheld by the voice of the people if a republic, or the will of the sovereign.*²²



Here, more specifically, we come to many of you in the profession of law. You live in societies where the system of “civil officers and magistrates” includes judges and lawyers who occupy a vital role in administering the law “in equity and justice.” You whose first loyalty is to God can press in a variety of ways for laws and systems that track the divine model or that at least do not undermine it. Let me be clear that I am not speaking of any endeavor to impose upon society by some sort of fiat what we see as the appropriate application of divinely revealed principles. We cannot, and we make no attempt to do so. I am speaking of advocacy and persuasion. At the same time, it will not do to pretend that an individual or group may not participate in the debates and processes that shape our laws simply because their arguments are based on moral norms or because their moral vision is not shared by all citizens. Essentially all legislation is based on moral judgments—religious, secular, or otherwise, and all parties to the ongoing contest seek to have their ethical and moral concerns heard. In the end we are governed by those that prevail in the public mind. It is not an imposition of religion for religionists to take part in the discussion, and there is no justice in one side with deeply held values seeking to silence another because it espouses different deeply held values.

Consider the example of William Wilberforce and others of his time who sought to conform the laws of Great Britain to a higher moral standard of equity and justice. Wilberforce is rightly remembered and revered for his central role in the abolition of the slave trade that was then dominated by British ships. For some 18 years, beginning in 1789, he labored as a member of Parliament to end this evil commerce and lay the groundwork for the abolition of slavery altogether:



Wilberforce's involvement in the abolition movement was motivated by a desire to put his Christian principles into action and to serve God in public life. . . . [He] sensed a call from God, writing in a journal entry in 1787 that “God Almighty has set before me two great objects, the suppression of the Slave Trade and the Reformation of Manners [moral values].”²³

Initially, Wilberforce's bills in the House of Commons were easily defeated. Then, just as momentum began to build, the French Revolution and slave revolts in the West Indies caused a shift back to caution and delay. During the protracted campaign, “Wilberforce's commitment never wavered, despite frustration and hostility. He was supported in his work by fellow members of the so-called Clapham Sect. . . . Holding evangelical Christian convictions, and consequently dubbed ‘the Saints,’ the group lived in large adjoining houses in Clapham.”²⁴ Finally, in 1807, Wilberforce's Abolition Bill passed the House of Lords and was presented to the House of Commons. “As tributes were made to Wilberforce, whose face streamed with tears, the bill was carried by 283 votes to 16.”²⁵

It is significant to recognize that while Wilberforce, as a member of Parliament, took the leading role in official circles, the active and devoted efforts of many others with no political portfolio were essential to success in the campaign to end the slave trade. The collaboration of Thomas Clarkson, a fellow graduate of Wilberforce at St. John's Cambridge, was especially important. Also critical was the part played by members of the Society for Effecting the Abolition of the Slave Trade, a group made up primarily of like-minded British Quakers and Anglicans that included Clarkson and that Wilberforce joined in 1791.

The society was bigbly successful in raising public awareness and support, and local chapters sprang up throughout Great Britain. Clarkson travelled the country researching and collecting firstband testimony and statistics, while the committee promoted the campaign, pioneering techniques such as lobbying, writing pamphlets, holding public meetings, gaining press attention, organizing boycotts and even using a campaign logo: an image of a kneeling slave above the motto “Am I Not a Man and a Brother?” designed by the renowned pottery-maker Josiah Wedgwood. The committee also sought to influence slave-trading nations such as France, Spain, Portugal, Denmark, Holland and the United States, corresponding with anti-slavery activists in other countries and organising the translation of English-language books and pamphlets. These included books by former slaves Ottobah Cugoano and Olaudah Equiano, who had published influential works on slavery and the slave trade in 1787 and 1789, respectively. They and other free blacks, collectively known as “Sons of Africa,” spoke at debating societies and wrote spirited letters to newspapers, periodicals and prominent figures, as well as public letters of support to campaign allies. . . . The campaign proved to be the world's first grassroots human rights campaign, in which men and women from different social classes and backgrounds volunteered to end the injustices suffered by others.”²⁶



William Wilberforce and his allies provide an encouraging example of success after much labor and against daunting opposition. Not every effort, however, will succeed—at least not initially. Consider a more recent example in the arena of things that bear on marriage and families and the rearing of children. The “no-fault” divorce laws that have been adopted in the United States and elsewhere were warned against decades ago by President David O. McKay and others. The disastrous consequences visited on the institution of marriage since then are clearly evident, with children being the primary victims—some of whom, given their suffering, are now reluctant to marry and rear families themselves. But whatever the setbacks in our striving to sustain family or other moral imperatives among our fellowman, surely we must, as Paul declared, fight the good fight.²⁷ Mohammed is reported to have said, “Who[so]ever sees a wrong and is able to put it right with his hand, let him do so; if he can’t, then with his tongue; if he can’t, then in his heart, and that is the bare minimum of faith.”²⁸

Of all the moral imperatives we seek to embrace and defend in our legal systems, in my opinion it is individual agency and accountability that must always be preeminent, because agency is so basic to realizing our God-given potential. On the one hand, we should uphold those legal and political concepts that protect legitimate individual action, and, on the other, we should oppose those theories and schemes that exert unjust dominion or diminish predictability and consistency in the operation of law. True, there is some degree of compulsion in any law, but generally it is the kind designed to preserve space and opportunity for life, liberty, and the pursuit of happiness. Other proposals, however, look to compel our acceptance or tolerance of actions that offend the moral conscience. A potential example would be the case of a doctor being forced to participate in an abortion against his or her conscientious objection on pain of forfeiting the right to practice medicine.

All man-made legal systems are imperfect and include elements of injustice. Still, you can strive to make the legal system within which you live and work come as close as possible to the perfectly just “legal system” of God. You can take as your guide not only the wisdom of similarly minded men and women from the past but also the teachings of the scriptures, prophets, and the Holy Spirit. In this, as in other matters, you are invited to study out in your own mind concepts regarding the standards, direction, and even the specifics of what the law should be, how the legal system should be structured, and how it should operate and then to ask God if it be right.²⁹ Surely you are entitled in your role and sphere to revelation on things that bear so directly on not only the present estate of man but also his ultimate future.

God finds His glory, as Joseph Smith said, in providing laws by which other beings can come to enjoy the same perfections and glory He possesses.³⁰ Our view and motivations should be the same. Rather than seeing law as an instrument of domination, it is our mission to use it as an enabling power to help men and women achieve greater independence and ultimate potential. We do so by acting to have our earthly governmental and legal systems mirror as closely as possible the divine order.

After all I have said in praise of law and all the effort I have enjoined you to make in sustaining and defending a moral order, we must in the end acknowledge that we cannot achieve ultimate justice apart from Jesus Christ. To establish and preserve the law is a great good, but the greatest good we can do in helping others become what they can become will be to lead them to the Savior. Only His Atonement has the power to overcome all weakness and imperfection and to make right all injustice. Only He can convert offense and injury into blessings; only He can bring life again to a life unjustly cut short; only He can return a perfect body for one diseased or malformed; only He can reinstate beloved associations lost and make them permanent; only He can make right the suffering entailed upon the innocent by ignorance and oppression; only He can erase the impact of sin on one who is wronged; only He can remove the stain and effect of sin in the sinner; only He can eliminate sorrow and wipe away all tears;³¹ only He can provide immortality; only His grace can compensate for our inadequacy and justify us before that law that enables us to become joint heirs of eternal life with Him. Of the glorious reality of the living Christ, I bear my witness.



NOTES

- 1 D&C 93:13.
- 2 D&C 93:20.
- 3 *History of the Church*, 6:306.
- 4 *History of the Church*, 6:312.
- 5 *History of the Church*, 4:45.
- 6 Moses 4:1.
- 7 D&C 88:37–38.
- 8 D&C 88:21.
- 9 See D&C 88:21–24.
- 10 See D&C 88:34.
- 11 D&C 134:1–2.
- 12 Moroni 10:32.
- 13 D&C 44:4–5.
- 14 Robert P. George, *The Clash of Orthodoxies* (Wilmington, Delaware: ISI Books, 2001), 219.
- 15 *Clash*, 219.
- 16 *Clash*, 222.
- 17 *Clash*, 223.
- 18 *Clash*, 226.
- 19 See *Clash*, 227–28.
- 20 Pope John Paul II, “Veritatis Splendor,” 6 August 1993, 91; emphasis in original.
- 21 See D&C 84:45–46; 88:7–14; 92:2.
- 22 D&C 134:3.
- 23 Wikipedia, William Wilberforce, 31 January 2011, 8:23 p.m.
- 24 Wikipedia.
- 25 Wikipedia.
- 26 Wikipedia.
- 27 See 2 Timothy 4:7.
- 28 Qanta A. Ahmed, “Fulfilling Our Duty as Muslim-Americans,” *Wall Street Journal*, 7 January 2011, A11.
- 29 See D&C 9:8.
- 30 See Moses 1:39.
- 31 See Isaiah 25:8.

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