

Elder Quentin L. Cook  
OF THE QUORUM OF THE TWELVE

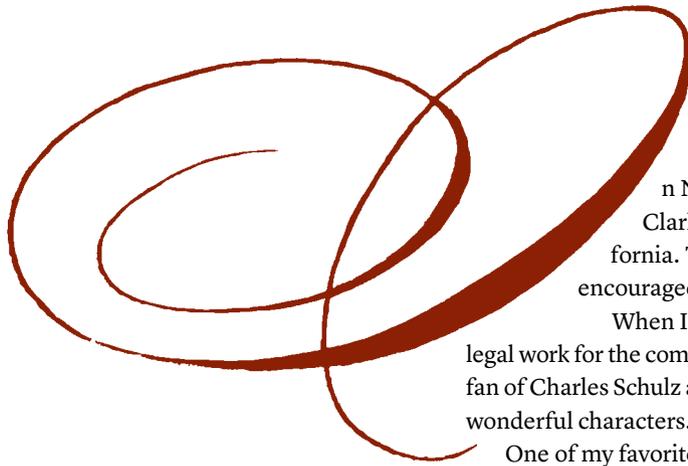
Defend  
Divinely  
Inspired  
Freedom

PHOTOGRAPHS BY BRADLEY SLADE

... of nature's God unite  
them, a decent respect to the  
opinions of mankind requires  
that they should declare the  
causes which impel them to the  
separation.

We hold these truths to be  
self-evident --- that all men are  
created equal; that they are  
endowed by their Creator with  
certain inalienable rights: that  
among these are life, liberty  
and the pursuit of happiness.  
That, to secure these rights,  
governments are instituted  
among men, deriving their  
powers from the consent





n November 2017 I spoke at a symposium cosponsored by the J. Reuben Clark Law Society and the St. Thomas More Society in Los Angeles, California. The symposium was attended by lawyers of many faiths. I have been encouraged to expand on my principal message given that evening.

When I was a young lawyer in the San Francisco Bay Area, our firm did some legal work for the company that produced the Charlie Brown holiday TV specials. I became a fan of Charles Schulz and his creation *Peanuts*, with Charlie Brown, Lucy, Snoopy, and other wonderful characters.

One of my favorite comic strips involved Lucy. As I remember it, Charlie Brown's baseball team was in an important game—Lucy was playing right field, and a high fly ball was hit to her. The bases were loaded, and it was the last of the ninth inning. If Lucy caught the ball, her team would win. If Lucy dropped the ball, the other team would win.

As could happen only in a comic strip, the entire team surrounded Lucy as the ball came down. Lucy was thinking, “If I catch the ball, I will be the hero; if I don't, I will be the goat.”

The ball came down, and as her teammates eagerly looked on, Lucy dropped the ball. Charlie Brown threw his glove to the ground in disgust. Lucy then looked at her teammates, put her hands on her hips, and said, “How do you expect me to catch the ball when I am worried about our country's foreign policy?”

Everyone has always worried about foreign policy. But my principal message is that we cannot drop the ball on religious freedom—regardless of whatever else worries us.

In simple terms, there is a growing number of people who do not feel accountable to God for their conduct and attempt to diminish the rights of those who do feel accountable. Many want to eliminate or even destroy religious freedom.

Lawyers, business leaders, community leaders, educators, students, and conscientious citizens are uniquely able to defend faith and religious freedom. The Church of Jesus Christ of Latter-day Saints has come out of obscurity and is part of the worldwide conversation on faith. We need to be educated and then participate in a positive manner in protecting religious freedom.

I am grateful for the close association we have with Catholic, Evangelical, Jewish, Muslim, and other religious leaders in the United States and the friendship that allows us to work together on common issues of mutual concern, even though our ecclesiastical doctrine is different in many important respects.

My purpose tonight is to review the progression of basic principles that have established religious liberty—the fundamental right of each individual to live according to his or her faith and beliefs—as part of essential or unalienable rights and, as a corollary, that protect the religious institutions that provide the essential framework for the promulgation of faith and belief. In addition, my challenge is that people of faith work together to improve the moral fabric of our nation and protect religious freedom.

Our legal heritage in United States law echoes back to the Magna Carta. The Magna Carta served as an important precursor to the broad protections of religious freedom that came to fruition centuries later in liberal democracies, especially those descending from the British Empire.<sup>1</sup> As early as 1215, it helped establish that deference should be afforded to churches in the governance of their internal religious affairs.

The Magna Carta was initially a treaty to end a civil war, but “it simply started another.”<sup>2</sup> In 1215 a group of barons sometimes described as rebels and sometimes as heroes opposed King John’s attempt to levy taxes to recover Normandy territory, which the French had seized in 1204.<sup>3</sup>

The crucial meetings were held at Runnymede, a meadow along the River Thames outside London, which has been described as “an ancient assembly site.”<sup>4</sup> I first visited the commemoration site in June 1962 while I was a young missionary for The Church of Jesus Christ of Latter-day Saints. Both the location and the Magna Carta itself made a significant impression on me. It was one of the reasons I decided to pursue law as a profession.

The Magna Carta is famous for its clauses limiting the king’s right to exact revenues without common consent and elevating individual protections under the law of the land. But the clauses relating to religious liberty and how justice was dispensed also gave the Magna Carta its enduring fame.<sup>5</sup>

Clause 1 is remarkable for our purposes here tonight. It declares:

*Firstly, we have granted to God and confirmed by this, our present charter, for us and our heirs in perpetuity, that the English church shall be free, and shall have its rights in full and its liberties intact.*<sup>6</sup>

Today the spirit of the Magna Carta lives on in the religious freedoms secured to churches, religious organizations, and individual believers in the United States and many other countries.

The barons were wise enough to know that King John was unlikely to abide by the provisions set forth in the charter. Thus they included in clause 61 a provision that established the Committee of Twenty-Five to help ensure that the king would honor the charter.<sup>7</sup> This committee evolved to the point that, by 1230, whenever a representative assembly convened, it was called a parliament.<sup>8</sup> The significance of parliaments as a means of increasing individual rights is clear.

In addition to the Magna Carta, we are the beneficiaries of the concepts and principles established by English common law. In approximately 1600, Sir Edward Coke produced the consolidation of the English law in written form. His work was to law what Shakespeare’s was to literature. Coke seized upon the Magna Carta “as the embodiment of good law.”<sup>9</sup> In his famous words, he said that the “Magna Carta is such a fellow that he will have no sovereign.”<sup>10</sup>

In the American colonies, the Magna Carta was drawn on heavily in both the Declaration of Independence and the First Amendment to the U.S. Constitution. The declaration contains the seminal words “all men are created equal . . . [and] are endowed by their Creator with certain unalienable Rights.”<sup>11</sup> The acknowledgement of God, the Creator of the universe, as the ultimate giver of essential rights is proclaimed in a magnificent fashion and clearly reflects the cherished beliefs of most people.

Natural law, or even a belief that we are accountable to God, is not in fashion in much of the legal world today. But the recognition that individual rights are part of the design of a loving Creator is part of Latter-day Saint theology and other faiths. It is not government that has the disposition and power to grant these protections and rights; they are derived from our Creator. The preamble to the Magna Carta acknowledges the grace of God, and the document places the king not only below God but also below the law.<sup>12</sup>

I am encouraged by the memorandum from the United States Office of the Attorney General issued on October 6, 2017. Under the heading “Principles of Religious Liberty,” it declares that “[r]eligious liberty is enshrined in the text of our Constitution.”<sup>13</sup> It quotes James Madison’s famous words, stating that “the free exercise of religion ‘is in its nature an unalienable right’ because the duty owed to one’s Creator ‘is precedent, both in order of time and in degree of obligation, to the claims of Civil Society.’”<sup>14</sup> The entire memorandum is a remarkable document and is supportive of many of the concerns that each of us has.

Nevertheless, people of faith must be at the forefront in protecting religious freedom—a freedom from which many other essential freedoms emanate. Freedom of religion and freedom of speech are both the heart and the foundation of representative democracy. Freedom

*This address was delivered at the J. Reuben Clark Law Society Annual Conference on Friday, February 16, 2018, at the Salt Lake Tabernacle.*

to believe in private and to exercise belief and speech in the public square are essential to protecting unalienable rights.

In the American colonies, the practice of religious beliefs was a principal reason for the original settlements in New England, Pennsylvania, and Maryland (a Catholic settlement). As one scholar has noted, “More material was printed in mid-eighteenth-century America about religion than about political science, history, and law combined.”<sup>15</sup>

Interestingly, the term “free exercise” first appeared in reference to religion in a 1648 legal document in America when a new Protestant governor and counselors in Maryland promised not to disturb other Christians—with particular emphasis on Roman Catholics—in the free exercise of their religion. This document represented the first attempt in the colonies to ensure that Protestants and Catholics could live together under circumstances of equality.<sup>16</sup> This early example of religious pluralism has continued in the United States, where, on the whole, a multiplicity of religions have been secure in their religious rights. The country has greatly benefited from religious pluralism.

We acknowledge that religious freedom has not always been protected. Both Catholics and members of The Church of Jesus Christ of Latter-day Saints were persecuted in early American history, even after the founding of the new nation. We also acknowledge the persecution of Jews, which is without analog in history.

Speaking at the International Church-State Symposium in 1998, then United States Senator Gordon H. Smith<sup>17</sup> gave two examples of U.S. persecution. He pointed out that nativist groups were organized to supposedly “resist the insidious policy of the Church of Rome, and other foreign influence against the institutions of [the United States] by placing in all offices . . . none but native born Protestant citizens.”<sup>18</sup> Laws were passed that clearly discriminated against Catholics.<sup>19</sup>

Senator Smith also recited some of our own history, with which we are familiar. He said: “The Mormons were anti-slavery in Missouri. . . . [They were] forced to leave Missouri under attack from serious mob violence and an ‘extermination order’ from the governor of the state.”<sup>20</sup> Joseph

Smith, the founding Prophet of The Church of Jesus Christ of Latter-day Saints, was later murdered by a mob in 1844, and Church members subsequently fled westward across the Great Plains.

Both Catholics and Latter-day Saints thrive in the United States today. The Catholic Church is the largest denomination in the United States, with more than 70 million members. The Church of Jesus Christ of Latter-day Saints is the fourth largest, with somewhat less than 7 million members living in the United States.

Notwithstanding these early aberrations that resulted in persecution, many of the Founding Fathers in the United States were committed to religious freedom. James Madison clearly favored religious pluralism. He stated, “In a free government the security for . . . religious rights . . . consists in . . . the multiplicity of sects.”<sup>21</sup>

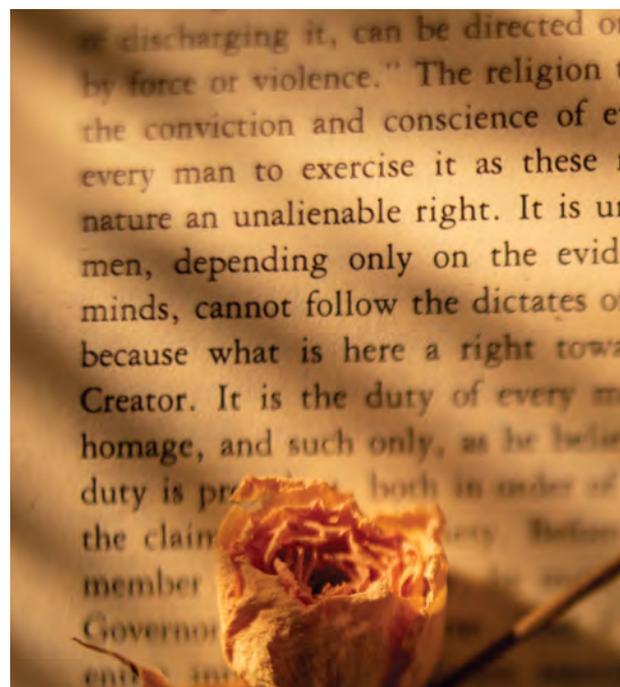
#### THE TWO MOST IMPORTANT RELIGIOUS PRIORITIES TODAY

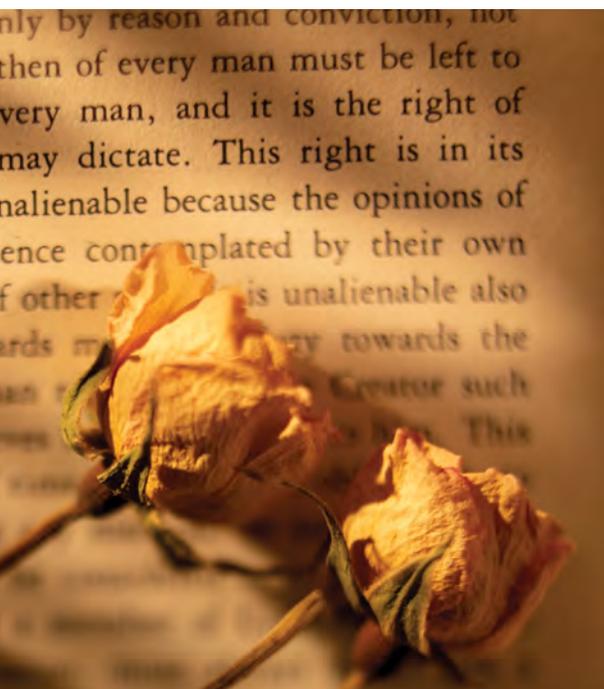
My plea is that all religions join together to defend faith and religious freedom in a manner that protects people of diverse faiths as well as those of no faith. We must protect not only our ability to profess our own religion but also the right of each religion to administer its own doctrines and laws. In 1862 Lord John Acton said it this way:

*Where ecclesiastical authority is restricted, religious liberty is virtually denied.*

*For religious liberty is not the negative right of being without any particular religion, just as self-government is not anarchy. It is the right of religious communities to the practice of their own duties, the enjoyment of their own constitution, and the protection of the law, which equally secures to all the possession of their own independence.*<sup>22</sup>

The two most important religious priorities in today’s world are, first, that individual believers should be able to worship and express faith openly without fear of retaliation or ostracism; to live openly according to religious beliefs; to be free from discrimination in a particular occupation or profession because of religious beliefs; and to be free from religious discrimination in employment, housing, or traditional places of public accommodation, such as hotels, restaurants, and public transportation. This includes the freedom to believe according to the dictates of one’s own conscience without fear of governmental or private retaliation.





This also includes the basic premise of democracy that no one should be punished based on the religious beliefs that he or she holds. Each family must have the right to worship and conduct religious activities within the home. In addition, each church member must be protected in employment, in public office, and when advocating in the public square. No person should be disqualified from participation in national life because of his or her religious beliefs.

The second priority is to protect religious organizations and their right to teach and function according to their doctrines and beliefs. This includes the freedom of a church to form a legal entity; to own and use property, including schools, hospitals, and educational institutions; to establish its doctrine; to govern its ecclesiastical affairs, including employment; to set requirements for church membership; to conduct worship and administer its sacraments and ordinances according to its doctrine; and to speak out on public issues.

Many of you have been valiant in protecting the religiously inspired conduct of those who feel accountable to God. Some have been engaged in the “fighting in the trenches” that has been going on in the United States for some time. Not all examples of incursions into religious freedom are clear-cut. Some are not yet resolved.

*My plea is that all religions join together to defend faith and religious freedom in a manner that protects people of diverse faiths as well as those of no faith.*

The Church of Jesus Christ of Latter-day Saints asserts that those who want their rights protected must be willing to protect the rights of everyone else. We call this “fairness for all.” We are pleased that Professor Robin Fretwell Wilson, who is here tonight, has played such a major role in promoting fairness for all. We see no justification in not giving protections—including constitutional rights—to those who have same-gender attraction and to those in the LGBTQ community. These protections include the right to speak out, petition government, and assemble and interact, all without fear of reprisal; to live the lifestyle they choose openly without fear of retaliation or ostracism; to be free from discrimination in particular occupations or professions because of sexual orientation; to be free from discrimination in employment, housing, and traditional places of public accommodation, such as hotels, restaurants, and public transportation; to form businesses and organizations that serve LGBTQ individuals and groups; and to speak out on public issues and otherwise participate in the public square.<sup>23</sup> Our doctrinal commitment to be compassionate requires us to support these basic rights and to treat everyone with civility and respect.

We must support the religious freedom of persons and institutions of all faiths as well as the freedom of those with no faith. One basic statement that demonstrates the Church’s commitment to freedom of religion for all is our eleventh article of faith, which declares:

*We claim the privilege of worshiping Almighty God according to the dictates of our own conscience, and allow all men the same privilege, let them worship how, where, or what they may.*

There is also a wonderful statement by the Prophet Joseph Smith, who passionately asserted his commitment to civil and religious liberty when he said:

*I am bold to declare before Heaven that I am just as ready to die in defending the rights of a Presbyterian, a Baptist, or a good man of any other denomination; for the same principle which would trample upon the rights of the Latter-day Saints would trample upon the rights of the Roman Catholics, or of any other denomination who may be unpopular and too weak to defend themselves.*

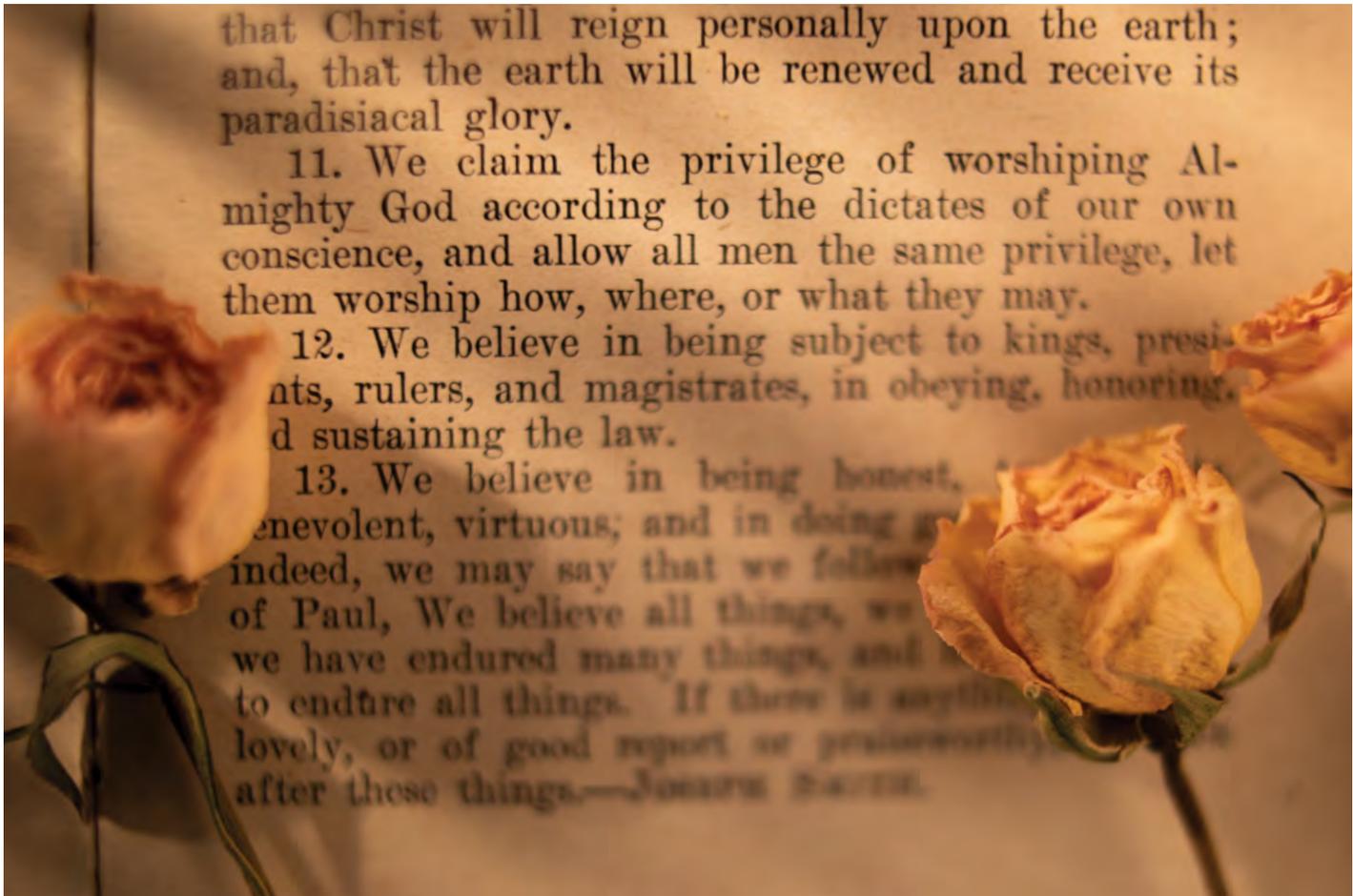
*It is a love of liberty which inspires my soul—civil and religious liberty to the whole of the human race.<sup>24</sup>*

Catholics, Evangelicals, Jews, Muslims, and Latter-day Saints must be part of a coalition of faiths that succor, act as a sanctuary, and promulgate religious freedom across the world.

#### THE COMING CHALLENGES TO RELIGIOUS FREEDOM

After World War II the Universal Declaration of Human Rights and other international agreements established the legal framework for the protection of religious freedom. It was more than 69 years ago, on December 10, 1948, that the Universal Declaration was adopted. That document declares:

*Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.<sup>25</sup>*



Notwithstanding historical foundations both in the United States and internationally, there is a chorus of those who do not respect accountability to God and feel perfectly comfortable in demanding that religions eliminate any doctrines that do not support their views. One professor has written a book titled *Why Tolerate Religion?*<sup>26</sup> A prominent *New York Times* opinion writer said, “Religion is going to be the final hold-out and most stubborn refuge for homophobia.” He then affirmed the position of a gay advocacy leader “that church leaders must be made ‘to take homosexuality off the sin list.’”<sup>27</sup> He conveniently equates conduct with same-gender attraction and refuses to recognize that one can respect and support people with same-gender attraction without embracing conduct. But he clearly does not respect religion or faith.

This chorus of voices was lamented many years ago by a modern apostle of Jesus Christ, Elder Neal A. Maxwell. He said:

*How can a society set priorities if there are no basic standards? Are we to make our calculations using only the arithmetic of appetite? . . .*

*Decrease the belief in God, and you increase the numbers of those who wish to play at being God by being “society’s supervisors.” Such “supervisors” deny the existence of divine standards, but are very serious about imposing their own standards on society.*<sup>28</sup>

President Dallin H. Oaks<sup>29</sup> is a champion of religious liberty. He has pointed out the following:

*[T]he weakening guarantees of the free exercise of religion are not attributable to causes that are legal but to changes in culture. The diminished value being ascribed to religious freedom stems from the ascendancy of moral relativism. . . . Today an increasing and influential group deny or doubt the existence of a God and insist that all rules of behavior are man-made, to be accepted or rejected as one chooses, because there is no such thing as right and wrong. We live in an increasingly godless and amoral society.*<sup>30</sup>

In summary, here are a few of the essential questions that are of particular significance to all people who feel accountable to God:

- ❶ Will religious organizations continue to have the freedom to define and perform marriages solely between a man and a woman?
- ❷ Will laws barring discrimination against LGBTQ persons have appropriate religious exemptions and protections so that religious organizations and people of faith can act

in accordance with their deeply held beliefs regarding marriage, family, and sexuality without retaliation?

- Will religious schools be permitted to have religious requirements for faculty, staff, and students?
- Will religious believers be excluded from certain professions because of their beliefs, expressions, or actions regarding sensitive social issues?
- With the decline in religiosity generally, will religious exercise increasingly be limited to the home and places of worship, or will it continue to have a positive role to play in the public life of this great nation?
- Will religion come to be seen as dangerous—as something the law must protect people from—rather than as a great good for individuals, society, and the state?

#### THE NEED FOR CONSTANT VIGILANCE

These and related questions highlight some of the challenges that religious organizations and individual believers will likely confront in the years to come. Constant vigilance will be necessary to preserve the great treasure of religious liberty for believers and for society at large.

How do we accomplish this? How do we defend the great treasure of religious liberty more than we have in the past? I am not talking about defending religious liberty legally. Many in this conference already do that. Becket Law and others have been heroic in terms of defending religious liberty in the courts. I am particularly pleased that William P. “Bill” Mumma, chairman of the board of Becket, is here with us. Bill’s colleague and our dear friend Hannah Smith has also participated this evening. We express our gratitude for her outstanding contributions with regard to religious freedom. I would also like to point out that renowned educational institutions, like Stanford, have made major contributions in defending religious freedom.<sup>31</sup>

But in addition to legal and educational defense, we need to win the hearts and

minds of the great people of this nation. We cannot do that when we are silent about issues that impact religious liberty. Elder Maxwell (who, by the way, loved athletics) was said to have put it this way: “With regards to significant challenges, we should not allow uncontested slam dunks.” Elder Maxwell made it clear that those defending faith will not always win every negative encounter or prevent every unsavory episode.

My daughter, who is a lawyer, read my talk and, with a smile on her face, said, “Do you have to use an athletic analogy? Couldn’t you just simply say, ‘Those who love religious liberty should be diligent in defending against those who oppose it?’”

In either case, the voices of people of faith need to be heard and amplified. When this is done, it creates a pause in the discourse and allows people to evaluate where they stand on a particular matter. Silence allows the rhythm of negativity to continue uninterrupted and unchallenged. It erodes the confidence of people of faith.

Two examples put this into perspective. In the September 2017 issue of the *Atlantic*, the cover story, titled “How America Lost Its Mind,” is adapted from the book *Fantasyland: How America Went Haywire—A 500-Year History*. The author, Kurt Andersen, argues that “America was created by . . . people uniquely susceptible to fantasy, as epitomized by everything from Salem’s hunting witches to Joseph Smith’s creating Mormonism.”<sup>32</sup> It would be fair to say that the “fantasyland” in the title is Christianity.

The *New York Times* book review on September 5, 2017, featured this book. The reviewer, Hanna Rosin, stated, in a dismissive way, “The most persistent thread in ‘Fantasyland’ is Christianity—the astounding number of Americans who believe in heaven and angels, which most of Europe gave up decades ago.”<sup>33</sup> Not surprisingly, with so much publicity the book rose on the week of September 10, 2017, on the Amazon charts to the number-three “most sold” book in the United States.

We in this room would all defend freedom of speech. However, when there is little or no response, as I previously noted, the rhythm of this kind of negativity, which dismisses the spiritual foundations of a third of the population who are faithful believers, can erode religious commitment, which is so seminally significant to this country. This orchestrated effort by those opposed to people of faith should at the very least have been contested.

A subsequent event is a good example of what should happen when people are dismissive of religious values. Notre Dame law professor Amy Coney Barrett was nominated to serve as a judge on the U.S. Court of Appeals for the Seventh Circuit. In the Senate hearings, one senator openly challenged Barrett, speculating that Barrett’s Catholic faith would lead her to ignore Supreme Court precedents. That senator stated that “the dogma lives loudly within [Barrett]. And that’s of concern.”<sup>34</sup>

A second senator posed a similar challenge to Barrett’s nomination and is reported to have said, “Do you consider yourself an orthodox Catholic?”<sup>35</sup> implying that her faith was a problematic factor in her proposed service as a judge.

In this matter, voices were raised immediately—including the voices of the presidents of Notre Dame and Princeton, who sent letters objecting to the inappropriate characterization

of Professor Barrett's faith.<sup>36</sup> In addition, Archbishop William E. Lori, then chairman of the Conference of Catholic Bishops' committee on religious liberty, declared, "People of faith, whatever faith they may hold, should not be disqualified because of that faith from serving the public good."<sup>37</sup> The result was that a pause was created in the discourse, and those who denigrated faith were suddenly on the defense.

My point is really quite simple. When allegations are made that are detrimental and often false to either faith or religious liberty, the members of that faith and their friends of other faiths, who feel accountable to God, need to defend them in a positive, statesmanlike manner. We need to defend divinely inspired freedoms. Too many do not make their positive views known when their engagement is sorely needed.

Some are concerned that they would be getting ahead of the respective leaders of their faiths. I would suggest that for people of your capability and training, engagement to defend religious liberty is essential. It can take many forms. It may be as simple as posting something in defense of your faith or the faith of your friends. Please do this on your own volition, understanding that you will not always get things exactly right but also understanding that the far bigger mistake would be to sit silently by.

An excellent example of this occurred when the *New York Times* published an obituary at the death of our prophet President Thomas S. Monson.<sup>38</sup> It was tone deaf to the incredible religious and spiritual contributions of a beloved prophet who had served as an apostle and senior leader for more than 54 years. Millions of faithful Latter-day Saints recognized that it was seriously deficient in terms of content, narrowly focused on specific issues, not entirely factual, and demonstrated a clear bias—something not expected from a noneditorial portion of the *New York Times*.

A faithful member immediately responded in a powerful but respectful way, and more than 190,000 people joined in his objections to an inappropriate, disrespectful, and offensive obituary.<sup>39</sup>

This response was powerful enough that the writer—while he did not apologize—had to explain in a contorted way why he had written such an inadequate and inappropriate obituary. Those who protested, and the enormous number of Church members who were offended, did not receive the response they expected. One might say they did not win.

However, as I previously indicated, we will not always win against every attack that is made on faith and religious liberty, but there should not be a vacuum of positive voices. Our responses should be statesmanlike and respectful but, at the same

time, firm. I respectfully suggest that in defending faith and religious freedom against its opponents, there should be no "uncontested slam dunks."

#### THE RESPONSIBILITY TO LIVE WELL

We need not always be overly aggressive in our response. We can do a better job of teaching and educating our responsible friends about the essential value of religious liberty and its importance in protecting our shared values. The *unalienable* human rights enshrined in our constitution are unalienable only insofar as these rights are bestowed by a Divine Creator. It is the accountability to a Divine Creator that is the foundation for assisting those in need, respecting fellow citizens, and respecting and following the law. To the extent that these human rights are merely the creation of man, they are at risk of becoming *alienable*, or being removed by man. To this end, religious liberty is foundational to all other human rights. It is in the best interest of anyone concerned with human rights—even atheists and nonbelievers—to protect religious liberty. We can and must do a better job of communicating our mutual interests.

How people of faith live their lives is extremely important. In addition to this counsel, those of us who feel accountable to God have a responsibility to live upright lives of service to God and our fellowmen, to obey the law, and to be good citizens, neighbors, and friends in all we do. As we do so, ordinary citizens and government officials alike will be more inclined to see the value of religion and to respect the basic principles that allow us to freely live our beliefs. There is no better demonstration of the great benefits associated with religious liberty than for devoted members of various faiths who feel accountable to God to model principles of integrity, morality, service, and love. As others see the goodness of individuals and families—goodness that is founded in strong faith and character—they will be much more likely to speak up in defense of the religious freedoms that allow us to be who we are.

I am grateful for the powerful impact that you have in protecting faith and righteousness and religious freedom. 

- 1 See Mark Scott, "From England to Africa, It's Everyone's Magna Carta," *New York Times*, late edition, Mar. 19, 2015, F19.
- 2 Nigel Saul, "The Kingdom's First Charter," *Country Life*, Jan. 21, 2015, 54. This article sets forth an excellent explanation of the Magna Carta and its influence on English law and the American Constitution.
- 3 See *ibid.*, 54.
- 4 *Ibid.*, 54.
- 5 See *ibid.*, 55.
- 6 Magna Carta (1215), clause 1; *cited in* Saul, "Kingdom's First Charter," 57. See also James Clarke Holt, *Magna Carta*, 2d ed. (Cambridge: University Press, 1992), 449. The Magna Carta was written in Latin, and there are several translations.
- 7 See Saul, "Kingdom's First Charter," 55.
- 8 See *ibid.*, 58.
- 9 *Ibid.*, 59.
- 10 Sir Edward Coke, debate in the Commons, May 17, 1628; *cited in* Saul, "Kingdom's First Charter," 59.
- 11 The Declaration of Independence, July 4, 1776, para. 2.
- 12 The legal writer Henry de Bracton wrote in Henry III's reign, "The king must not be under man but under God and under the law." (Often cited as "In England the king is below God and below the law.") Bracton, *On the Laws and Customs of England*, vol. 2, trans. Samuel E. Thorne (Cambridge, Massachusetts: Selden Society and Belknap Press, 1968), 33; *cited in* Saul, "Kingdom's First Charter," 55.
- 13 Attorney General of the United States, "Memorandum: Federal Law Protections for Religious Liberty," Washington, DC, Oct. 6, 2017, 1.
- 14 *Ibid.*, 1; *citing* James Madison, "To the Honorable the General Assembly of the Commonwealth of Virginia: A Memorial and Remonstrance," ca. June 20, 1785, in *The Papers of James Madison*, vol. 8, ed. Robert A. Rutland, William M. E. Rachal, and others (Chicago: University of Chicago Press, 1973), 299; also in Philip B. Kurland and Ralph Lerner, eds., *The Founders' Constitution*, vol. 5 (Chicago: University of Chicago Press, 1987), document 43, page 82.
- 15 Kevin Phillips, *The Cousins' Wars: Religion, Politics, and the Triumph of Anglo-America* (New York: Basic Books, 1999), 94.
- 16 See Maryland Toleration Act: An Act Concerning Religion, Sept. 21, 1649, [avalon.law.yale.edu/18th\\_century/maryland\\_toleration.asp](http://avalon.law.yale.edu/18th_century/maryland_toleration.asp). See also Gordon H. Smith, "Protecting the Weak: Religious Liberty in the Twenty-First Century," *BYU Law Review* 1999, no. 2 (1999): 488; *citing* William Thomas Russell, *Maryland: The Land of Sanctuary*, 2nd ed. (Baltimore: J. H. Furst, 1908), 130.
- 17 The International Church-State Symposium was held at BYU on Oct. 4, 1998. Senator Gordon Smith's remarks were later published in the *BYU Law Review*; see Smith, "Protecting the Weak," 479–503.
- 18 Constitution of the Grand Council of the United States of North America, June 17, 1854, article III, section I; in James P. Hambleton, *A History of the Political Campaign in Virginia, in 1855* (Richmond, Virginia: J. W. Randolph), 1856, 47; *cited in* Smith, "Protecting the Weak," 492. The Know-Nothings were organized based on this insidious notion.
- 19 See, e.g., Wikipedia, s.v. "Blaine Amendment," [en.wikipedia.org/wiki/Blaine\\_Amendment](http://en.wikipedia.org/wiki/Blaine_Amendment).
- 20 Smith, "Protecting the Weak," 493.
- 21 James Madison, Federalist no. 51, "The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments," Feb. 6, 1788; in Kurland and Lerner, *Founders' Constitution*, vol. 1, chapter 10, no. 16, page 331.
- 22 Lord John Acton, "The Protestant Theory of Persecution," in *Essays on Freedom and Power*, sel. Gertrude Himmelfarb (Boston: Beacon Press, 1948), 90.
- 23 I first presented these ideas of what rights individual believers, religious organizations, and LGBTQ people should be entitled to in an address titled "Accountability to God: Religious Freedom and Fairness," delivered at the Seymour Institute Seminar on Religious Freedom, Princeton University, New Jersey, July 26, 2017.
- 24 Joseph Smith, discourse in Nauvoo, Illinois, July 9, 1843, as reported by Willard Richards, in *History of the Church*, 5:498–99.
- 25 U.N. G.A. Res. 217 A (III), art. 18 (1948).
- 26 See Brian Leiter, *Why Tolerate Religion?* (Princeton, New Jersey: Princeton University Press, 2013).
- 27 Frank Bruni, "Same-Sex Sinners?: Commentary," *New York Times*, late edition, Apr. 5, 2015, SR3; *quoting* Mitchell Gold.
- 28 Neal A. Maxwell, "Speaking Today: The Prohibitive Costs of a Value-Free Society," *Ensign*, Oct. 1978, 52–53.
- 29 As a young man Dallin H. Oaks served as editor of the *University of Chicago Law Review*. He subsequently clerked for then Chief Justice Earl Warren on the United States Supreme Court. He also served as a professor at the University of Chicago Law School, as president of Brigham Young University, and as a justice on the Utah State Supreme Court. He was called as an apostle in The Church of Jesus Christ of Latter-day Saints in 1984 and was set apart as first counselor in the First Presidency of The Church of Jesus Christ of Latter-day Saints on Jan. 14, 2018.
- 30 Dallin H. Oaks, "Challenges to Religious Freedom," address at the Argentina Council for Foreign Relations, Apr. 23, 2015.
- 31 See, for example, Stanford Law School Religious Liberty Clinic, [law.stanford.edu/religious-liberty-clinic](http://law.stanford.edu/religious-liberty-clinic).
- 32 Kurt Andersen, "How America Lost Its Mind," *Atlantic*, Sept. 2017, 80; see also Andersen, *Fantasyland: How America Went Haywire—A 500-Year History* (New York: Random House, 2017), 11.
- 33 Hanna Rosin, "Fake News: It's as American as George Washington's Cherry Tree," *New York Times*, Nonfiction, Sept. 5, 2017.
- 34 Dianne Feinstein, *quoted in* Michael Gerson, "Senate Democrats Show Off Their Anti-Religious Bigotry," *Washington Post*, Opinions, Sept. 14, 2017, [washingtonpost.com/opinions/senate-democrats-show-off-their-anti-religious-bigotry/2017/09/14/30f11e5e-9970-11e7-82e4-f1076f6d6152\\_story.html?utm\\_term=.516351b82b7a](http://washingtonpost.com/opinions/senate-democrats-show-off-their-anti-religious-bigotry/2017/09/14/30f11e5e-9970-11e7-82e4-f1076f6d6152_story.html?utm_term=.516351b82b7a); also in Aaron Blake, "Did Dianne Feinstein Accuse a Judicial Nominee of Being Too Christian?" *Washington Post*, The Fix, Sept. 7, 2017, [washingtonpost.com/news/the-fix/wp/2017/09/07/did-a-democratic-senator-just-accuse-a-judicial-nominee-of-being-too-christian/?utm\\_term=.c75ab2bad14c9](http://washingtonpost.com/news/the-fix/wp/2017/09/07/did-a-democratic-senator-just-accuse-a-judicial-nominee-of-being-too-christian/?utm_term=.c75ab2bad14c9).
- 35 Dick Durbin, *quoted in* John Kass, "Column: Durbin, Democrats Reveal Their Bigotry in Questioning of Judicial Nominee from Notre Dame," *Chicago Tribune*, Sept. 12, 2017, [chicagotribune.com/news/columnists/kass/ct-federal-judge-catholic-kass-met-0913-20170912-column.html](http://chicagotribune.com/news/columnists/kass/ct-federal-judge-catholic-kass-met-0913-20170912-column.html).
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- 37 William E. Lori, *quoted in* Freking, "Catholic Leaders."
- 38 See Robert D. McFadden, "Thomas Monson, Mormon Leader Who Held the Traditional Line, Dies at 90," *New York Times*, late edition, Obituaries, Jan. 4, 2018, A20.
- 39 See Bob Mims, "Change Your Slanted Monson Obituary, Tens of Thousands of Mormons Urge the *New York Times*," *Salt Lake Tribune*, Jan. 8, 2018, [sltrib.com/religion/local/2018/01/08/change-your-slanted-monson-obituary-tens-of-thousands-of-mormons-urge-the-new-york-times](http://sltrib.com/religion/local/2018/01/08/change-your-slanted-monson-obituary-tens-of-thousands-of-mormons-urge-the-new-york-times); also "Rewrite Thomas Monson Obituary on *New York Times*," petition started by Nathan Cunningham, [change.org/p/new-york-times-rewrite-thomas-monson-obituary](http://change.org/p/new-york-times-rewrite-thomas-monson-obituary).