

# Discussion on President Oaks' Talk "Defending Our Divinely Inspired Constitution"

16 June 2021

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During the April conference, President Oaks gave a particularly memorable talk on defending our inspired constitution. At the International Center for Law and Religion studies, we have felt this particular speech deserves special coverage and is of special interest to this audience. With that in mind, we have recruited four speakers with particular insight into this speech and its contents. We will hear from the following in the order that I will introduce them. I'm going to give a brief introduction but you can read a full biography online. First, we will hear from Christine Durham, who retired from the Utah Supreme Court in 2017. After serving as a justice for 35 years, and as Chief Justice and chair of the Utah Judicial Council for 10 of those years. She overlapped for the first two or three years with President Oaks when he was on the court. She's currently an appellate attorney at the firm of Zimmerman Booher and serves as a private mediator and an arbitrator through the American Arbitration Association. She co-chairs Utah's Coordinating Committee on access to justice and the Utah Center for Legal Inclusion. Before joining the Supreme Court, Christine served on the State Trial court after a number of years in private practice.

Thomas V. Griffith recently retired from the United States Court of Appeals for the DC circuit, to which he was appointed by President George W. Bush in 2005. He is currently a lecturer on law at Harvard Law School, Special Counsel at the International Law Firm Hunton Andrews Kurth, and the Senior Advisor at the National Institute For Civil Discourse. He was previously appointed Senate Legal Counsel, the nonpartisan chief legal officer of the United States Senate. Earlier this year, President Biden appointed Judge Griffith to the Presidential Commission on the Supreme Court of the United States.

Paul Kerry is an Associate Director of the International Center for Law and Religion Studies. He's an associate professor of history at BYU, and a visiting fellow in the Oxford law faculties program for The Foundations of Law and Constitutional Government. At Oxford, he convened The Constitutional Thought and History Seminar for the Rothermere American Institute. In the Historiography Seminar for the history faculty, we've been very pleased at the Center to recruit him as an associate director.

We're also grateful to have Jane Wise with us, another Associate Director of the International Center for Law and Religion Studies. She has taught legal writing at BYU Law School for over 20 years and has edited books, contributed chapters to books, and written for and lectured at legal writing conferences. She has also edited print publications at BYU Law School, and has taught legal writing online at other law schools. Prior to entering academia, she clerked for the Utah Supreme Court and maintained a general practice of law.

My name is Cole Durham. I'm the founding director of the Center. And I'm particularly happy to be here. As I look back on my career. President Oaks has been a mentor for me from the beginning, because of the overlap in our fields of interest. So I'm very grateful to be part of this panel. With that, I thought I will just turn things over and we'll hear from the speakers in the order I introduced them and hear a little bit about how they reacted to President Oaks' speech. Christine.

04:24

Thank you so much. I'm really appreciative of the invitation to participate on this panel. Having had the opportunity to be a colleague of Elder Oaks when he was on the Supreme Court. I'm struck by three things that I'll just briefly identify and hope that we will get a chance to discuss them further during our exchange later. The first thing that struck me was the timing of this talk. It seems to me with what's going on in our national discourse that it is quite remarkable that an apostle of the Church of Jesus Christ of Latter-day Saints would choose to devote this time and place at conference to talk about the issue of constitutional literacy. And of the importance of the kinds of principles, particularly moral agency that is embedded in our National Constitution. I do have to call him on one thing he says in his opening, that the Federal Constitution is the oldest written constitution still in force. And I am sure what he meant to say was that it was the oldest National Constitution--the written constitution still enforced, because the constitution drafted by John Adams for the state of Massachusetts, is actually the oldest written constitution in the world. And I know that as a former Chief Justice of the State court. The second thing I really found striking was the emphasis that I believe he makes, in particular parts of the talk about how Latter-day Saints while they should revere and become knowledgeable about constitutional principles, it seems to me that he's very careful to outline the fact that, that we are a Latter-day Saints and that, that we answer to moral agency as we understand its meaning in the doctrine we receive from our Father. And that we should not make our allegiances to party and to partisan activities. And I think that that has become in some parts of the Church a real issue, and I appreciated President Obama's attention to that issue. And then the third thing that struck me was his reference to the evolving nature of the Constitution. In 1987, Thurgood Marshall at the bicentennial of the Federal Constitution, gave a really strong analysis of the sense in which the original Constitution failed so many members of our citizenry, and of course, he was specifically referring to the vote, and to slavery, and to the other real depredations that took place. And were made available under and upheld under the Constitution before a number of amendments came into being. So I really appreciated that reminder that the Constitution is not something that was written merely to govern our people in the 18th century, but is a document by which we must live in which we must honor and implement in our century as well. Thank you. Thank you. Tom.

08:11

Thank you, Cole. It's an honor to be here. I'm especially pleased to be on the same panel with Chief Justice Durham, who has been a role model to many of us, that to me, and particularly my career and to be with Professor Wise, that editor extraordinaire. I've been the beneficiary of her great work over the years. And my good friend and fellow Anglophile, Paul Kerry, I'm glad to be here. So my initial reaction, I was struck as much as Chief Justice Durham was by the timeliness of it, and I want to highlight the fact that I was first taken aback that on Easter Sunday, that President Oaks would choose to talk about the dividing parties of the United States, I have to admit At first, I wasn't very happy with that. Easter

Sunday should be a time, I think, reserved for us to bear a powerful witness of the risen Lord. But I agree with you. It's a remarkable talk. And I think the fact that it was given on Easter Sunday, sort of out of tune with what an Easter Sunday sermon expected to be only highlights its importance--its timing, I don't want to speak for President Oaks but I detected a sense of urgency and timeliness in it: to say this needs to be heard and understood now. I think it's important, too, as we try to understand the full impact of what he said. to go back to his last conference talk in October 2020. At that time, he also spoke to the current political moment in the United States of America and tried to make its principles apply internationally. But it seems to me it was driven largely by the present poisonous, toxic environment in the United States of America. In October, he denounced angry partisanship, the title of his talk was "Love your Enemies," not a phrase that we typically associate with partisan politics. And he spoke in October of the importance of a peaceful transition of power and accepting election results. Go look at the footnote at that talk. The footnote to that particular point is to a September article in *The Economist* that had identified Trump's insistence that he would follow the election results only if he won because if he lost, they would be filled with fraud. This isn't a partisan setting, I understand. But I think it's quite important to see the president Oaks was speaking about at this moment, other principles as well, but this moment, a couple of things. First of all, he's revisiting a topic that he wrote about eloquently 20 years ago, in an *Ensign* article called "The Divinely Inspired Constitution." And in that address, he identified the same fundamental principles--popular sovereignty, federalism, the separation of powers, the Bill of Rights, the rule of law--but he gave greater emphasis in the 1992 address. And I think it was for purposes of time that he did in this address to the unique circumstances under which the Philadelphia Convention was created. He used the term miraculous, which many others have used as well, to describe what took place that summer. And it truly was the miraculous nature of the compromise that was struck in Philadelphia in 1787. Personally, and I'll finish my little time with this. He had some admonitions that cut me to the quick, one he said was let's be positive about the future of the Republic. Well, I'm not, I'm actually quite anxious and concerned and worried. I've never seen a moment like this in my life. This is perilous or is fraud and is the moment we have right now. And yet, President Oaks told me, hey, Griffith, be more positive. So I'm going to try and do that. And maybe my fellow panelists can help me do that. I was struck as well, as Christine was by his insistence that our loyalty is to the Constitution, not to a politician, not to a party. And then I'll just finish with this one. To me that the quote that struck me most in a member in a talk that was filled with memorable quotes was this one, "on contested issues, we should seek to moderate and unify

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on contested issues." We should seek to moderate and unify. He was speaking to the obligations of Latter-day Saints, who enter into the public square. I thought that was a stirring call to repentance to many of us. We are to moderate and to seek unity. And I'll speak more about that when we get to the question and answer. But to me, I think that's the animating spirit of the Constitution, if you want to support and defend the Constitution, that's what you do, you seek to moderate.

13:23

Thank you very much, Paul Kerry.

13:27

It's an honor to be on the panel with these distinguished guests. And I'm the least distinguished amongst them. I don't even have a law degree. So I did the next best thing I could, and that was to go over to our law school and speak with a constitutional scholar, Professor Justin Collins. And, as we talked through this conference address, and he helped me to think through it and to clarify some of my own ideas. So I thank him. In particular, what struck me about President Oaks' talk was, first of all, the way in which he actually delivered it. He's always temperate. I think, as we all know, he has a sonorous voice, which we kind of harken to when we hear. And that to me, was also enacting some of the moderation that he was attempting to convey in the actual language of the address itself. So the way he delivered it, I think, was important. And what I drew from it, and what I want to emphasize here was a kind of summons or invitation to a broader audience within the Church of Jesus Christ of Latter-day Saints, to reflect on several things that maybe we have assumptions about, but perhaps need to think more carefully about and indeed more prayerfully about. For example, He was very careful to delineate what he was saying as points of specific points of inspiration within the Constitution. And I think careful to say, sometimes we might take a very blanket view. And that separation is important and important for the general membership to understand. And so to me, this invitation was an invitation to reflect on, of course, the five points that he wanted to present and highlight. And as I reflected on the five points I, I was led, and I think that his address is an invitation to do this, to go back and to read the federalist papers to reflect on what is being done at the particular time. And as a historian, of course, maybe I wanted to hear that invitation to go back and to read and reflect. So as I thought, for example, about popular sovereignty. It seems like this idea is really at the heart of the American founding, that governments and I think we'll know this, this very much, derive their just powers from the consent of the governed. And that we have to understand that the Constitution needs to honor the principle of popular representation and that the people in the "we the people," may curb our lawful representatives. And in adopting a written constitution, this is what helps this to occur. Similarly, as I reflected on the separation of powers, I always go to Montesquieu and his laws, but maybe closer to home, we might find James Madison. He wrote of the great security against a gradual concentration of the several powers in the same department consists in giving those who administer each department, the necessary constitutional means, and personal motives to resisting the encroachments of others. The provision for defense must in this as in all of the cases, be made commensurate to the danger of attack, ambition must be made to counteract ambition, the interest of the man must be connected with the constitutional rights of the place. This basic structuring is again, something that I think is very important, particularly in our day and age, how there are our checks and balances in this separation. Maybe the one that, that might be the one that would require the most careful thought and reflection is the highlighting of federalism, there is, at least since the Civil War, a kind of "malodorous association" is what Professor Collins says, with this concept of federalism. And I think that occurs because we sometimes associate this at least I'm thinking like a historian here, with the drive of states rights being associated with the notion

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of slavery, but attempting to retain it attempting to say states rights against the federal government. But I think again, as a historian, it's important to point out that slave states were very happy to use the federal government as much as possible, and only when that was taken away, was then the recourse to a federal approach. And so there may be something here in which we need to honestly look at this from a historical perspective, and to think what this might mean and not to always associate it in a narrower perspective. I think it was Antonin Scalia, who said that this principle of federalism empowers and also

limits the federal government. So you get it in, in both directions. Fundamental Rights, I think immediately of, of what the sponsoring group for our panel stands for the International Center for Law and Religion Studies, and the First Amendment and the enshrinement and the First Amendment of something like religious freedom. And these fundamental rights are something that we always have to be vigilant about, reflect on and be sure that they are carrying on again, in that sense of summons. And finally, the call that is implicit, I think, in having a constitution and in the United States Constitution, and that is the rule of law. We had just mentioned the Massachusetts constitution. And when I think about that, the Massachusetts constitution of 1780, John Adams wrote that the Commonwealth Government must scrupulously honor the separation of powers, "It may be a government of laws and not of men. And that call to the rule of law is essential." So for our times in our day, I see this as a summons, but also an invitation for all of us to reflect on these things carefully, thoughtfully, and to give the constitution a refreshed look. And I'm glad that this panel can help to contribute to that. Thank you, Paul. Now, Jane Wise,

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Thank you for this opportunity to be on this esteemed panel. My first impression of the talk was, "Wow! this is not like what happened in the morning." Dallin Oaks spoke on Easter Sunday, he was the first talk of the afternoon session, and the morning showcased the international character of the church with international choirs and many speakers coming to us from their home country. And being Easter Sunday, most of the talks focused on the resurrected Christ. President Oaks started out right at the beginning with a call to uphold and defend the United States Constitution and principles of constitutionalism. And the points that he made--I was kind of reeling from what the text was going to be of this talk. The points that stood out to me were that the Latter-Day Saints' belief that this document is divinely inspired does not mean that God dictated every word and phrase, and so there was a need for inspired amendments. And also that loyalty should be to the Constitution and its principles and not to any officeholder. Another point giving power to the people rather than the sovereign does not mean mobs or other groups of people can intervene to intimidate or force government action. The Constitution's dignity and force are reduced by those who refer to it as a loyalty test or a political slogan. And then he urged faithful Latter-day Saints to exercise influence civilly and peacefully. And like Judge Griffith, my favorite quote from the talk was on contested issues: we seek to moderate and unify. So contrast this from very much a celebration of the 21st-century church and being unified in the morning from all points on the globe to this strong reminder from President Oaks that there has not been a more politically polarized time in modern US history, and that divisiveness is a danger to our country as well as to our souls.

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Thank you very much. Well, let me now pick up on various sub-themes. I thought I would turn first to Christine Durham, who was on the Supreme Court at the same time that Elder Oaks was from his earliest days as an apostle, President Oaks was conscious that he wanted to be an apostle. He used to be a lawyer and a judge, not a judge and lawyer who happened to be an apostle. It was unusual and not accidental, I think, that President Oaks referred to his prior legal experience at the outset of this talk. And I just started to ask Judge Durham what she associates with the significance of doing that was. It's really unusual, I think, for President Oaks, but I think it was fitting.

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It is unusual in my experience and perception. Elder Oaks is a deeply committed person. And I think when he accepted the call to the Twelve and became an apostle of the church, that became the sole mission of his work. But I also know having served with him on the court and having been acquainted with him and his friend during the transition, that it wasn't easy for him to leave the law. He loved the law with a great deal of passion and commitment. Now, obviously, you know, his first and most fundamental convictions and passion were for service to the Lord or he wouldn't have accepted the call. But it is extremely significant that he harkened back to his legal training, to his legal scholarship, and to his experiences as a lawyer and a judge. Because I do think that they inform and his comments suggest that they greatly inform his reverence for the Constitution, the degree to which he knows it, and understands it, and has studied it, and loved it and that he alluded to that experience with the Constitution, I think was intended to suggest that a depth of engagement with the Constitution is important--very important on a spiritual level. But it's also important in his life, and probably for most of us to gain more of a historical and literate relationship with the Constitution. I am astonished over time, and you can find dozens of these studies by reputable pollsters and so on, you know, they send out free-standing copies of the Bill of Rights and ask people to respond to what they are, and you get back answers like it's a constitutional plot, or, you know, some communist wrote these and it's a shame to me, and you also, when you test, college graduates, people with graduate degrees, let alone people with high school degrees in this country and ask them about separation of powers, ask them to name the branches of government, ask them to name their roles, we as Americans have really come to a point of, I think, near failure on our willingness and ability to train informed citizens. I mean, every state constitution in this nation establishes a right to public education. And that got into state constitutions in the first place, because of the need that was felt to educate citizens so that they could sustain and defend the Constitution. And I worry that we're failing at our efforts in that regard.

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Thank you. Let me turn next to Paul Kerry, who has broad international experience. One of the striking things about the talk is that it was primarily about the US Constitution, although not totally. We live at a time when more than half of the members of the church live outside the United States. How does this talk apply to people who are living outside the United States? You've spent a lot of time in recent years abroad. Paul, maybe you could speak to this because it says things about implicit, broader principles of constitutionalism. How do you react? Or how do you think people outside the United States reacted?

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Certainly, I believe that this talk contains implicit principles. And when I think about my historian colleagues, for example, Professor David Armitage, at the Harvard University, who's written a book on how our founding documents such as the Declaration of Independence have, essentially circled the globe. And you can find similar languages inside of other constitutions and declarations. So there's that type of influence. But more than that, I think it's what you were saying about the implicit nature of some of this, you mentioned that over half of the members of the church now live outside of the United States. This is both a cause for celebration, but also one in which we can through those constitutional principles, express our help for some of those members, because although as Pew Research shows, 84% of the world's population, identifies with the religion, 87% of the world's population, live in countries with very high restrictions on religious freedom. So, some of the principles that I think President Oaks

articulated would apply. And I believe that he himself has been active in this in fact, it was with ICLRS, working with the all-party parliamentary group, for international freedom of religion or belief in the United Kingdom, that President Oaks in, I believe it was 2016, spoke at a meeting in Parliament with that particular all-party parliamentary group, again for international freedom of religion or belief. So at their invitation, he addressed them. And then that same week, went to the University of Oxford, and under the auspices of this program for constitutional government spoke there as well about these kinds of principles. And one of the things that I remember him saying at that time was, for example, on what churches can do, our church, but churches internationally can do to support these kinds of principles. For example, the rule of law and fundamental rights. So, he said then, "Although religious freedom is unknown in most of the world and threatened from secularism and extremism in the rest, I speak for the ideal in which the freedoms religion seeks to protect are God-given and inherent but are implemented through mutually complementary relationships with governments who seek the well-being of all their citizens." And I thought it was significant that when he spoke, he didn't speak alone, both at Oxford, as well as in Westminster in Parliament. He spoke with the United States chairman for International Religious Freedom. At that time, it was Professor Robert P. George of Princeton University, and along with the co-chair of the APPG, the all-party, parliamentary group, for International Religious Freedom in the UK, that was at that time, Baroness Elizabeth Berridge. And so we see even there, how these principles can apply internationally. And by working cooperatively, we can, as he says, as a church helped to support other people of faith. And he spoke in the broadest possible ways of, of the kinds of faiths that should be supported for freedom of belief, for all. And I think that is something that can go forward, in principle from this kind of an address.

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Thank you for that. Now, President Oaks opened his talk with these understated words. "In this troubled time, I have felt to speak about the inspired Constitution of the United States." I want to sort of direct our attention to the troubled times, the polarization, but also to the threats people are feeling. And I know, Tom, I'm not supposed to contribute to your negative attitude. But I think you expressed concerns and I thought maybe you could start us off talking about what you're seeing as the concerns, what is making you nervous, and how does, how can this talk help us respond to some of those concerns? Let me say I'm gonna open this one up to other panelists. So

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I'll try to be brief because I'm anxious to hear what others have to say. So I'll start with Jonathan Haidt, the author of *The Righteous Mind*, not not a man known for hyperbole, but said recently that he predicts a cataclysmic failure of American democracy because we just don't know what happens when you drain all trust from the system. Drain all trust in the system. Right now, we live in a moment where there are people who are trying to drain all trust from the system. And they're doing their particular best with the results of our election system casting into doubt the outcome of the election on baseless claims. And it's having an impact, right? Never before in modern polling techniques and social science research, has there been such distrust in our fundamental governmental institutions? So I start there, I'll add that I couldn't agree more with Chief Justice Durham, that we need to have greater literacy regarding the history of the Constitution and its meaning. And I would love it if everyone read the Federalist Papers. But I don't think that's going to happen. I mean, I hope more of it'll happen. I think the key insight that we get from the history of the Constitution comes from the summer of 1787 itself, in

the way they crafted the Constitution. They were on the verge of disillusion, it wasn't going to work, the differences were too great. And yet, six weeks later, in July, they were about to dissolve the Constitutional Convention. Yet six weeks later, they had succeeded in transmitting the Constitution to Congress, George Washington wrote that the Constitution was, "The result of the spirit of amity and mutual deference which the peculiarity of our circumstances rendered indispensable." You want to support and defend the Constitution, learn its provisions, but approach these issues with the spirit of amity and mutual deference. To me, the key insight as to what happened in the summer of 1787, what I would say is the miraculous element of that event, is supplied by a young scholar named Derrick Webb, who wrote an article in the *South Carolina Law Review* about that summer. And Webb points out that when the Constitution was on the verge of dissolution, 11 moderates got together and decided they were not going to let the convention fail. And so they did something truly remarkable. They convinced their fellow delegates to enter into a compromise for the sake of unity before they knew the terms of the compromise, I believe that's what President Oaks is talking about when he says that we should work to moderate and to unify, you want to support and defend the Constitution of the United States then get off your cable channels, stop repeating talking points that are prepared by partisans, and look, to build the spirit of amity and mutual deference in your community. That's how we support and defend the Constitution. Those who don't, those who sow seeds of distrust are undermining the Constitution. They're damaging it in a significant way. And so my optimism, my optimism comes from the hope that people in communities will learn to compromise for the sake of unity, that they will recognize that the public interest is sometimes greater than their own particular interest. And I'll finish this little speech with President Oaks in his 1992 article about the divinely inspired constitution including this quote from Benjamin Franklin, "The opinions I have had, I sacrifice to the public good. The things that people must be willing to give up for the sake of unity, that is the spirit that will save the Constitution."

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Well said from someone who was the apolitical lawyer for the Senate at a very polarized time. Any of the others of you would like to comment on this, Jane?

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Well, I'll start with a negative thought the same way Judge Griffith did. The Gallup organization has been going since the 1950s. And they discovered that it really was true that everyone liked Ike! Eisenhower had an 88% approval rating from the Republicans as well as a 49% approval rating from the Democrats. But now, just before the 2020 presidential election, 95% of Republicans, according to Gallup, said they approved of the way that Donald Trump was running the country and only 3% of Democrats and that is as polarized, I think, as we have ever been. So what do we do about that? I think it goes back to loyalty to the Constitution--bring back split-ticket voting. Remember, we used to do that in which people would actually have to use their brains and vote candidate by candidate and issue by issue. Blind loyalty to any political party can reap frightening consequences. Thank you, Christine.

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I may be wrong about this. But I had a sense and I appreciate the focus on fundamental principles and how they're universal and can be exported from our system to others. But I had a sense that President Oaks was talking to Latter-day Saints who live in the United States, and that is a huge part of his message to them was exactly targeted at Judge Griffiths' comments about trust, that he was imploring



them to cease where they were engaged in undermining trust in American government and in constitutional principles. And I have to say that I know personally of a lot of members of our church and of course, I live in Utah so that means I've got a big concentration and I don't know what it's like in other places in the country. But I have encountered a great many Latter-day Saints who identify their faith with the effort to undermine, for example, the legitimacy of our last election again, on no legitimate basis whatsoever. And so I see at least I think I hope I see something of a call in Elder Oaks comments to those people. And to all of us, I agree to all of us on all sides of the political spectrum, but particularly to those who are really targeting constitutional principles to seek for compromise and to seek for amity. Thank you. Paul, do you have anything you want to add? I'll be brief.

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What Tom Griffiths just mentioned, I think, is of crucial importance, particularly when I think about something that a brilliant mathematician from Cambridge University, noted. And everything that he accomplished in his life, including in the government in the First World War, he seems to be best remembered for this small phrase that he noted at the end of his life, in a talk that was actually published by the *Atlantic*. And that was the phrase by Lord Moulton, that government constitutions require obedience to the unenforceable. And this is where the particular role of institutions of faith, and that means the Church of Jesus Christ of Latter-day Saints, and what I see our leaders doing, is to help us to nourish those kinds of wellsprings, to nourish what it means, and we haven't used the word yet. But of course, it's all over the place in the 18th century, founding, as well as prior, and that is to nourish virtue. And this has to go hand in hand with the framework itself. And I think that Tom Griffith was driving to something like this. My colleague again, Justin Collings, pointed me to a German jurist, and later a Constitutional Court Justice Wolfgang Böckenförde who wrote, "The liberal secular state, depends upon conditions that it cannot itself guarantee." And I think this tries to get at this point, that we need institutions of faith; they cannot, they mustn't be sidelined in our society. And I appreciate that, that President Oaks in his talk reminds us of this implicitly, that this is the case.

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Paul, I don't know why. But you know Latter-day Saints have a special stewardship with regard to the Constitution and President Oaks was reminding us of that, right? We have a special stewardship here, we should be playing a role in supporting and defending the Constitution. And what I hear from his talk is that the way we play that role best is that we are the ones to build bridges of reconciliation, and instead of walls of division, that's, that's our role that, you know. We're fairly new to national politics in America, and for the last 50 or 60 years from my perspective, rather than developing "a style of our own," (that was a phrase President Kimball used to describe the unique grooming standards at BYU and the church, "a style of our own") Instead of adopting a style of our own in politics, we seem to have been mimicking and copying what's been going on for centuries around us. And that's not good. That's not good. And so what I see President Oaks calling us to do, is to create a style of our own to be leaders in creating the spirit of amity and mutual deference in figuring out how to reach compromise, how to give up some things on our part, others give up things on their parts for the sake of unity. So I hear him calling us to be something very distinctive and very unique. And we have the talent, we have

the resources to do it, we have the revelations to do it. We have the experience to do it. But to do it, we have to break out of the mold that's been created for us and that we've all too easily fallen into.

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You know, I'm conscious in my own life of President Oaks talking about how we need to, to seek inspiration, but it comes after a long and hard effort, intellectual effort, other kinds of effort. And I've certainly seen that from time to time in my own life. But it's like the inspiration comes, it just doesn't pop out. It requires preparation and effort. Now, it was interesting to me that President Oaks said our belief in divine inspiration gives Latter-Day Saints a unique responsibility to uphold and defend the United States Constitution. He doesn't say, because we know the Constitution is inspired we have a special obligation. He says because we believe in divine inspiration in our own lives, we have a unique responsibility, and then he goes on to talk some about what that might be. That would be you've already opened the door on that, Tom, but maybe some of the others would also like to add to that, what do you see coming out as things that we can do as members of the Church of Jesus Christ of Latter-day Saints? How do we work effectively with our compatriots in other religious traditions? What are the kinds of things that we can do as a practical matter? Now, I think you've suggested some of the main things, thinking about building bridges and so forth. But are there other things that have come to mind as you've studied this? Each of the others of you, Jane.

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I think what Tom already mentioned is probably the greatest miracle of the Constitution was that people listened to each other. They came together in that Philadelphia convention, they paid attention. They were open to being curious, and letting their minds be changed, or at least open. And that, that is a miracle in this day and age. And I think that's what we're being asked to do. Because it is divinely inspired. And we can be divinely inspired. We have to be curious, we can't shut down, and we have to open ourselves. I love that he quoted J. Reuben Clark because I see these men as being very similar. J. Reuben Clark was the ambassador to Mexico, when he received a letter from President Grant, asking if he would be part of the First Presidency, and Clark was a man who had been an occasional Sunday school teacher in his ward. But because the church meant everything to him, he folded his ambitious lawyer-like tendencies and went back to Salt Lake City. And President Oaks was at the top of his game when he was at the Utah Supreme Court. And he did the same thing. And the quote he gave from President Clark was that the Constitution is not a fully grown document and that we believe it's got to grow and develop to meet the changing needs of our world. And that means that there's a burden squarely on our shoulders to be inspired and to be open, wherever that leads us. Yeah, Christine.

48:25

I think that's exactly right. But you know, in his talk itself, he has a list of things that we should be doing, the first of which is that we should be praying to the Lord for information and guidance and blessings to all nations and their leaders. And that we should exercise our influence, as he says civilly and peacefully within the framework of the Constitution and applicable laws. But then he goes, he gets even a little bit more specific. And, you know, Tom's read, I've been working on civic education for decades. And it's a very difficult thing to do. But he says we should learn and advocate the Inspire principles of the Constitution. And we should seek out in support wise and good people to support those principles. We should be knowledgeable citizens, and we can exercise political influence by running for office, by

voting by financial support, by membership and service, in political parties, and by ongoing communications to officials, parties, and candidates to function. Well, a democracy needs all of these. And then thank heavens, he has a little caveat there, which says a conscientious citizen does not need to provide all of them because it's an exhaustive list. But that's really a call to action and to education.

49:50

I had a conversation with in the last month with the senior church leader who said his assessment was that too many of our people have replaced their religion with their politics. And so I think something very fundamental is that there needs to be a certain humility, that when we come to our political ideas, you know, I'm a political conservative, I might be wrong. I may be mistaken about views and my allegiances there my commitments there need to be of a fundamentally different character than are my allegiances. But it is my allegiance to them. I'll give you one very practical thing. Get off cable, just cut it. If people are getting their primary source of information from cable news and social media, understand you are being played. You're being played. Arthur Brooks calls it the outrage industrial complex, right? I mean, they had figured out, cable has figured out that the way to drive revenue, ad revenues, is to have breaking news every 10 minutes because it gets you excited. Well, there is not breaking news every 10 minutes anyplace in the world, except on CNN, Fox, and MSNBC. So stop it. Governor Cox had a great statement about this the other day, but he said, I'm eight years sober. You know, I haven't looked at cable for eight years. I think that's maybe going beyond what President Oaks had to say there. But I think it's in the spirit of it.

51:25

Well, that does suggest one of the questions of how the miracle of compromise can occur in an age of electronic media, cell phones at every political event that can tape and record every word spoken, and then take it out of context. How do we overcome this kind of polarization? Is it even possible in this world we're living in?

51:51

Yeah, in 1787, they literally locked themselves into a facility with the windows closed. So I mean, that's a very, that's a really difficult question. And it requires a great deal of self-control, and commitment to cut the cable and to think for yourself. And they didn't keep

52:14

records of votes. And the reason for that was so that people could change their minds. And so that he wouldn't be criticized for saying, well, I voted for it before I voted against it, right? We look at that as Oh, how hypocritical. How about No, somebody can actually change something. So, but you're asking me to be positive Cole, and you're identifying a real serious problem of the information age in which we live, which I think is highly interesting that last winter, the church revised the Handbook of instructions, right? To put in a warning about misinformation and conspiracy theories. So yeah, it's a huge problem. You know, this, the solutions are the ones I think we might identify, but their hard work is heavy lifting. But Susan Tanner taught us so well, for so long, we can do hard things.

53:15

There are different kinds of hard things. I think that I remember, once hearing elder Maxwell, talk about all the hard things that had happened in Joseph Smith's life. And then he threw in a few other things like the Martin handcart company and things like that. And then he said, all the easy things have been done. Now, the easy things have been done, and what lies ahead are times of high adventure, but these will be different, it will be more cerebral. It will take very different forms than what was seen in the past. And I think, as we see the rising generation that knows how to use social media that can help me with my Facebook, which I can't get onto without someone from a younger generation if there is going to be a different world. President Nelson talked about the hinge of history when he was dedicating the Rome temple. And then we had COVID. And we've got totally immersed in these technical worlds, but how do we, how do we move forward? And I think it will be exciting, but it will be different. It will be a new kind of high adventure. Let me just ask sort of a concluding question. Do you have any worries that the speech could be misunderstood? I mean, it's a remarkably clear, straightforward talk, I think it is a talk that will stand for a very long time. Do you have worries about ways it could be misunderstood? If not he has truly succeeded.

55:22

I don't think it will be misunderstood if it's read. Right? Because it is. What I've seen already is that it hasn't been read carefully. Right. And that and that people are using it to reinforce, you know, confirmation bias, reinforce their own view, so that, you know, people on the right, say, see, see you folks on the left, see what he's saying, folks on the left, say that. But I think that goes from not reading carefully, not reading, not putting it in context, going back to what he said in October, going back to what he said in 1992. But I think anyone who spends the time and reads it carefully will see there's a very clear message coming out of this. But my worry is that, for the three things you identified, we don't have a great attention span close read is not something that many of us do, and from what I've seen thus far, and that's just anecdotal, you know, but I haven't I seen a lot of careful reading a lot of attention to it, though. So that's good. I think the more it's discussed and then used like this, and I know others are being planned, I think I think that'll be good. So Jane.

56:33

I have a church job that necessitates visiting various Relief Societies. And right after General Conference, I went to two where the women were asked, what talks resonated with you? What did you like? And Dallin Oaks' talk was brought up both times and caused some confrontation in both times, in both meetings, with people thinking, this is what it said, No, this is what it said. So without careful study, it is being used to just buttress bias that's already there.

57:10

Well, that's t's a concern. But I think it is a call for thinking carefully about what it means and all it can mean for us. I'm conscious that we're getting close to the end of the time, I'd like to give everyone a round of final comments. And maybe we take this sort of in the inverse order that we had at the beginning. So maybe I could call on Jane first. If you have final remarks, then Paul, then Tom Griffiths, and then Christine.

57:47

I was interested, and Christine has already addressed his credentials being laid out in the talk as a law professor and professional attorney and then a Supreme Court justice. But I edited one of his talks that turned into an article called “The beginning and Ending of a Lawyer,” where he talked about who his fathers in the law were. And I think that that kind of summarizes who he is. He started out with Edward Levi, who was the Dean of the University of Chicago while he was there as a student and also taught and then he talked about the Stake President, John Edmonds, who was an attorney, but he spoke about him as a spiritual leader, for the whole time that he lived in Chicago. And then he mentioned two Supreme Court Justices, Earl Warren, he clerked, of course, for him, but Lewis Powell that he worked with in a professional capacity. But those were a beautiful mix of administrators and spiritual leaders, and people he admired because of the way they were in their families, as well as jurists. So we have his home life, his spiritual life, and this balance that is evidenced in his resume and the balance that was evidenced in his talk—it really struck me. So, Paul,

59:22

I, first of all, want to say how much I've appreciated the insights from each of the panelists and the thoughtful nature in understanding what President Oaks is attempting to convey. I sit here at a perch at Brigham Young University. And I think that it would be important that we here at the University are thoughtful about this. We are a university. We need to think through this, we need to be sure that the United States Constitution is taught to our students. We have outstanding faculty at the law school in my own history department, in the political science department, and elsewhere. Who have expertise in these areas. And I think that one of the invitations of this talk is to remember to be, remember our constitutional literacy, your justice Durham said, that we need to be teaching its founding, understanding, in the most rigorous ways. At the same time, President Oaks, his role and understanding of religion in public life, springs from I think the deepest spiritual places. And you haven't even quoted scripture in our panel. But one scripture does come to my mind, in the Doctrine and Covenants, section 101, verse 77: “The laws and constitutions of the people, which I have suffered to be established, should be maintained for the rights and protection of all flesh.” That's a weighty scripture, one that bears careful thinking, and what does this mean both for the United States itself, but also for what is the implication of all flesh, and our dedication to these fundamental rights, and it says protection--that maybe we as Latter-day Saints need to be involved actively in protecting the rights of others. I appreciate what Judge Griffith said about humility and our understanding humility, about our own position on things, and above all humility, when speaking with other members of our own faith, and helping to understand that we're not one of those who are trying to force a particular view, but that we teach, persuade, do all of the things that that we understand we're meant to do when these kinds of issues come up, and particularly during sensitive times. So Judge Griffith.

1:01:53

Thank you. It's, again, it's been an honor to be on this panel with these great panelists and to be part of this wonderful event that you just seem to keep having wonderful events, Cole around the world. And thank you for the role you've played in so many ways. So you know it's always hazardous to try and divine the attempt of an author, right, to figure out what is going on in her mind or his mind. So I don't want to, I don't want to say that I could, but I know exactly what President Oaks was speaking to. He didn't, he didn't consult with me giving this address. I don't know why I expect him to. So I'll just give you what I think, what I think it means based on my best guess. Hopefully an educated guess.

Hopefully, one is informed by some sort of thought and maybe even some inspiration. I think he's telling us that we live in a perilous world. And that, that is that he summons in us to be better people than we have been. And to do so with regard to the political, the toxic political atmosphere that predominates the American nation today. That's what I heard him saying there were other applications, there were international applications. There were all these things. But to me, the core of it was we are in a perilous moment. And Latter-day Saints have a special obligation to help lead the country out of it. And the way, if we're going to do that, we're not going to do it by doubling down on our prior political biases. He's asking us to act differently. And so I think it's done for me. It's caused me to reassess the way I vote and the way I think about things. I think that's what he's calling all of us to do. And the hallmark of it is, on contested issues, we should seek to moderate and to unify. And so for me, that's the question I asked myself, am I doing that? Does that describe me? Because someone I sustain as a prophet, seer, and revelator has told me that my obligation as a disciple of Christ, my obligation as an American Latter-day Saint at this moment in time is to see to moderate and to unify. Am I doing that? And if I'm not, change, and I think it's a consequence, we can miss this moment. We can let someone else lead. But I think we are called to lead in this way. At this time. That's right with President Oaks. Okay. Thank you, Christine.

1:05:02

I think Tom is absolutely right. If you look at the last two substantive paragraphs before his closing, President Oaks, that message comes through clear and strong. "Each citizen must decide which issues are important at any particular time, then members should seek inspiration on how to influence how to exercise their influence according to their individual priorities. This process won't be easy, it may require changing party support or candidate choices, even from election to election." He's preaching independent thinking and commitments. And then finally, he says "We encourage our members to refrain from judging one another in political matters." That is a hard call in this era of conflict, that is a hard call. And he goes on to say, we should never assert that a faithful Latter-day Saint cannot belong to a particular party, or vote for a particular candidate. We teach correct principles and leave our members to choose how to prioritize and apply those principles, on the issues. You know, if people don't read or understand any other parts of the speech, that's the message going forward, it seems to me and it's a message about what we have to do and the way we have to move on and become better. And you know, I've certainly stood convicted of making judgments, I usually keep quiet about them. So that's good. But I have to work on not making the judgments in the first place. And that's hard.

1:06:59

Well, thank you to this extraordinary panel for all they have said and all they have contributed to our thinking about what was truly an inspired talk given by someone who is clearly one of the titans of the kingdom, in terms of his background in law, and his understanding of these issues, both from a legal and from a spiritual perspective. He is one of the masters of identifying and helping us to understand the great fundamentals of the Constitution. He has counseled us to seek wise and good persons to run for office and to serve in applying these principles. And I think even more than that, he's called for us to seek to become such wise and good people knowing how to apply these principles. I think we are often good in the church. It's serving with all our hearts and with a lot of zeal. But we also need to be good at serving with all our minds. And that's part of what he's called us to do in this talk. So thank you to

everyone. And we thank you for joining and supporting this and we look forward to other events. Thank you very much.