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## 2021 Religious Liberty Summit Gala: Dean Marcus Cole's Remarks on the Religious Liberty Initiative

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# 2021 Religious Liberty Summit Gala: Dean Marcus Cole's Remarks on the Religious Liberty Initiative

Jul 7, 2021

Learn more about Notre Dame Law School's Religious Liberty Initiative at  
<https://law.nd.edu/RLI>.

## **Transcript – English (auto-generated)**

*Errors have not been corrected.*

0:04

hello everyone

0:05

thank you for being here i'm marcus cole

0:07

i'm the dean of notre dame law school

0:10

and i want to welcome you to our

0:13

inaugural

0:14

notre dame religious liberty summit and

0:17

the presentation

0:18

of the notre dame prize for religious

0:20

liberty

0:22

many of you who work in this field don't

0:24

know me

0:25

because i'm not a constitutional law

0:26

scholar and i have not spent

0:29

a career in the fight for religious

0:32

liberty

0:33

i admit that i'm a business lawyer

0:36

a scholar of financial law

0:39

having taught venture capital and

0:42

financial regulation at stanford law

0:44

school for 22 years but when i was a

0:47

faculty member at stanford

0:51

i picked up my local newspaper one day

0:53

and i noticed a photograph

0:55

on the front page of that newspaper and

0:58

it had a picture

0:59

of a group of nuns in habits

1:03

and i hadn't seen nuns and habits since

1:06

i was in elementary school

1:08

and so i had to read on

1:11

and it turned out that the nuns in the

1:14

photograph had been approached by a

1:16

group of young women

1:17

who wanted to join their order

1:21

and the order was made up of

1:24

eight cloistered nuns nuns who spent all

1:27

their time

1:28

together in contemplative prayer

1:32

and the sixth group of women young women

1:35

who wanted to join their order

1:37

simply had no space in the convent

1:41

so the nuns did what any of us would do

1:44

if we're enlarging our family

1:46

the nuns hired an architect and

1:49

had plans drawn up for the expansion of

1:51

their convent

1:53

and they took those plans and submitted

1:56

them to the san mateo county

1:58

board of supervisors for approval

2:02

when the county saw the plans they

2:04

didn't approve them

2:06

instead what they did was they decided

2:09

that this land and this open space

2:12

was too valuable in fact i'll quote it's

2:15

too

2:16

valuable to be wasted on something

2:19

like prayer so they condemned the

2:23

property

2:24

and took it by eminent domain

2:27

and sold it off to a developer

2:31

i was outraged but helpless

2:34

i didn't know who could help them or

2:37

what could be done on their behalf

2:39

who could help them an eminent domain

2:41

lawyer

2:42

but what do eminent domain lawyers know

2:45

about religious freedom

2:47

it was at that time that i started

2:49

thinking seriously about

2:50

religious liberty as the most

2:52

fundamental freedom

2:54

in our lives and the one that is taken

2:56

for granted by far too many

2:59

and for many years i gave my frustration

3:02

to God

3:03

in prayer after all i was a business

3:06

lawyer

3:07

what could i do but pray

3:11

well as i've said this morning

3:14

and i've said many times to the people

3:16

around me

3:17

great change starts with a prayer like

3:21

the movement for civil rights in the

3:22

united states

3:24

it began in the black churches of this

3:26

country

3:27

churches like ebenezer baptist church in

3:29

atlanta

3:30

abyssinian baptist church in new york

3:34

pilgrim baptist church on the south side

3:36

of chicago and yes

3:38

saint augustine Catholic church in new

3:40

orleans

3:41

churches were the place where african

3:44

americans could gather for discussion

3:47

and planning beyond the reach of the ku

3:49

klux klan

3:51



or the police who were often one in the

3:54

same

3:56

great change starts

3:59

with a prayer like the fall of the

4:02

berlin wall

4:04

in 1982 at the height of the cold war

4:08

saint nicholas church in leipzig east

4:10

germany

4:11

began organizing prayers for peace

4:14

each week first they started in the

4:16

sanctuary

4:17

but these weekly vigils grew beyond the

4:20

capacity of church

4:21

and started to pour out into the square

4:24

in front of it

4:25

and then it started to spread to other

4:28

cities

4:29

all across east germany until seven

4:32

years later

4:33

in november of 1989 the berlin wall

4:37

fell great change

4:41

starts with a prayer as it did in hong

4:44

kong

4:45

when archbishop joseph cardinal zen

4:48

walked into a park on the 10th

4:50

anniversary of the man

4:52

of the massacre at tiananmen square to

4:55

pray

4:56

for the victims that prayer

4:59

year after year grew with

5:02

more celebrants going into the park to

5:05

pray

5:06

and today we know it as hong kong's

5:09

umbrella movement we are in need of

5:12

prayer

5:14

and what would the world be like if we

5:16

were not free to pray

5:18

free to believe free to live

5:22

as we believe in the words of jimmy ly

5:27

the recently imprisoned Catholic

5:29

publisher

5:30

of the apple daily news of hong kong

5:33

hong kong's

5:34

newspaper voice of democracy

5:38

jimmy lie says autocrats and dictators

5:41

all around the world

5:42

understand that if we obey God

5:46

or a moral code we may be less obedient

5:49

to them

5:50

especially when our conscience tells us

5:54

that what they are doing is wrong

5:57

which is why religious freedom is the

6:00

first freedom

6:01

that tyrants try to extinguish and why

6:04

it is the first freedom listed

6:06

in the american bill of rights the

6:08

framers of our constitution

6:10

understood that without freedom of

6:12

conscience

6:14

no other right matters

6:17

notre dame is an answer

6:20

to my prayers God gave me

6:23

a great university leader in notre dame

6:26

president father john jenkins

6:28

and he afforded me with the express

6:32

the opportunity to express this vision

6:35

for an all-encompassing scholarly and

6:37

litigation initiative

6:39

to bring notre dame to the front

6:42

of the battle for religious liberty

6:45

God also provided us with great partners

6:47

like the maroon family

6:49

whose generosity made it possible for us

6:52

to put this effort

6:53

into motion they gave me the resources

6:57

to fly out

6:58

to provo utah to persuade professor

7:01

stephanie barkley

7:03

to come and lead this effort and God

7:06

gave us notre dame and the power

7:09

of her name to make the world stand

7:13

up and take notice so what makes

7:16

the notre dame religious liberty

7:18

initiative different

7:20

from all other efforts to defend

7:23

religious freedom to be clear

7:26

the notre dame religious liberty

7:28

initiative has as one of its five

7:30

components

7:31

a religious liberty clinic to litigate

7:33

cases at both the trial level

7:36

and all the way up on appeal but the

7:38

notre dame

7:39

religious liberty initiative is much

7:41

more than a clinic

7:43

it aims to both create and promote ideas

7:46

in support

7:47

of religious liberty and then to

7:50

leverage scholarship and ideas

7:52

in the real world for people whose real

7:55

rights

7:56

are at stake we are in many ways

8:00

inspired by scholars like michael

8:01

mcconnell at stanford

8:03

and our doug our board member doug

8:05

laycock

8:06

who are both not only leading scholars

8:08

on religious liberty issues

8:11

but also powerful advocates in the

8:12

courts of law and public opinion

8:15

and we are inspired by seamus hassan

8:19

notre dame law school class of 1985 and

8:21

the founder of the beckett fund for

8:23

religious liberty

8:24

and his understanding that the fight for

8:27

religious liberty

8:28



must be for all faiths or it will

8:32

fail for each of our own our notre dame

8:35

religious liberty faculty scholars like

8:37

professors roger alford and jerry

8:40

bradley

8:40

sam bray diane decierto father bob dowd

8:45

mary keyes father john paul kymes philip

8:48

munoiz dan philpot

8:49

Christian smith and carter snead are

8:52

researchers dedicated to

8:54

expanding the understanding of the

8:55

importance of religious freedom

8:57

and the crafting the key arguments and

9:00

supporting social science necessary for

9:03

its protection

9:05

professors rick garnett and nicole

9:06

garnett have published extensively

9:09

extensively about religious liberty

9:11

issues related to church

9:12

autonomy and faith-based education and

9:15

they have worked with our students this

9:17

last semester on

9:18

on a supreme court amicus brief diving

9:21

into these issues

9:23

professor paolo carrozzo a leading voice

9:25

on comparative constitutional law and

9:27

human rights law

9:29

worked with our students on expert

9:30

testimony that he filed in a religious

9:32

liberty case

9:33

before an international human rights

9:35

tribunal and our great leader

9:38

professor stephanie barkley the faculty

9:41

director of the notre dame religious

9:42

liberty initiative

9:44

worked with students to file a brief

9:46

defending oak flat

9:47

a site sacred to apaches the same day

9:50

she published an article on that topic

9:53

in the harvard law review the

9:55

experiences we've had thus far

9:58

highlight the existing need for more of

10:00

this work

10:02

and for cases all across the political

10:04

spectrum

10:05

in our oak flat litigation for example a

10:08

well-known law firm had originally

10:10

agreed to be our local council for the

10:12

amicus brief

10:13

but late on the night before the brief

10:16

was due

10:17

the partner called and said that because

10:21

other partners at his firm didn't want

10:24

to make the mining companies mad

10:26

he had to drop our representation we

10:29

heard similar things from a

10:31

number of other firms professor barkley

10:33

reached out to

10:34

attorneys who are sympathetic to

10:36

religious liberty and who would

10:38

otherwise be inclined to help us

10:40

felt that they had to keep their head

10:42

down

10:44

we faced a similar dynamic in new york

10:46

when we represented muslim groups

10:49

who were speaking up in defense of the

10:51

orthodox jewish community

10:53

when they faced discriminatory covet

10:55

regulations

10:56

law firms in that area didn't want to

10:59

get

11:00

on the wrong side of new york's

11:01

government officials

11:03

and it made me reflect on how important

11:07

religious liberty the religious liberty

11:09

initiative is an

11:10

initiative where we are unencumbered by

11:14

those sorts of limitations

11:16

and have the courage and the will

11:19

to step into the fight for religious

11:22

liberty

11:23

based on principle rather than pressure

11:26

or partisanship in arizona

11:29

one apache leader said if it wasn't for

11:32

the notre dame religious liberty

11:34

initiative

11:35

we would have had no one on our side

11:38

the notre dame religious liberty

11:40

initiative also includes our program

11:42

on church state and society this program

11:44

headed by professor rick garnett

11:46

is dedicated to training law students

11:48

and lawyers on the law

11:50

at the interface of the church and state

11:54

and the tensions that arise when

11:56

secular interests conflict with the

11:58

needs of people of faith

12:00

the fourth component of the notre dame

12:02

religious liberty initiative is the

12:04

annual

12:04

notre dame religious liberty summit here

12:07

we hope to fellowship with others

12:10

like you engaged in the fight to protect

12:13

religious freedom

12:15

and to develop an effective strategy for

12:17

its defense

12:19

finally we hope that through all of

12:21

these activities

12:22

will begin to develop a network of

12:24

lawyers across the united states and

12:26

around the world

12:28

of all types and all practice areas

12:31

who can identify threats to religious

12:34

liberty and can connect with us

12:36

to craft a global strategy to confront

12:39

those threats

12:41



this is not new there have been clinics

12:44

scholars

12:45

and conferences but the notre dame

12:49

religious liberty initiative is the

12:50

first

12:51

comprehensive effort to bring all of

12:53

these resources to bear

12:55

in a coordinated way so how can we

12:59

win the fight for religious liberty

13:01

together well while we at notre dame

13:04

feel called to do this important work we

13:06

cannot do it alone

13:07

it requires more effort and resources

13:11

than we alone can bring to bear that is

13:14

why we are committed

13:15

we are committed to our annual notre

13:18

dame religious liberty summits

13:20

this fight will require the coordinated

13:22

resources

13:23

and efforts of everyone in this room

13:26

and others who could not be here but we

13:29

at notre dame law school are happy to

13:32

serve as the fulcrum

13:34

on which this effort can be mounted

13:37

we want to be at the center of the fight

13:40

not bystanders we want the entire world

13:44

to know

13:45

that if religious liberty is in jeopardy

13:48

the notre dame religious liberty

13:50

initiative will be there

13:52

fighting to defend it to us

13:55

if you are a city council a school board

13:58

a state assembly a federal government

14:02

or even the most powerful autocracy on

14:05

earth

14:07

we want you to know that if you come

14:10

for our religious liberty we're coming

14:12

for you

14:19

thank you

14:24

thank you there are people in this

14:27

country

14:28

because of our divisive politics who

14:30

think that religious liberty is about

14:32

who bakes what cake for whose wedding

14:35

i'm here to say that while no one should

14:37

be compelled to participate in

14:39

activities that violate the religious

14:40

beliefs

14:41

this is not about the culture wars in

14:43

fact

14:44

if you insist on painting those who

14:46

simply disagree with you as bigots

14:49

then you are complicit in the deaths of

14:51

millions of people around the world

14:53

as our honoree nuri turkell will remind

14:56

us

14:57

religious liberty is more than that

15:00

religious liberty is a matter of

15:02

life and death for hundreds of thousands

15:05

of people

15:06

around the world it is a matter of life

15:09

and death

15:10

for the uyghurs in western china whose

15:13

only crime

15:14

is that they worship allah rather than

15:17

xi Jinping

15:19

religious liberty is a matter of life

15:21

and death

15:22

for hundreds of thousands of people who

15:24

live in the 13 countries

15:26

around the world where atheism is a

15:29

crime

15:29

punishable by death religious literally

15:33

liberty is literally a matter

15:36

of eternal life or death

15:39

for the doctors in the united states who

15:42

are being compelled by state laws

15:44

to participate in assisted suicide

15:50

in conclusion our president father john

15:53

jenkins once wrote

15:54

an important article about the decline

15:57

of persuasion in our political dialogue

16:00

president lyndon johnson said something

16:02

similar when he said that instead of

16:04

winning an argument

16:05

he would rather win a convert

16:08

those of us who understand the

16:10

fundamental importance of religious

16:12

liberty

16:13

to our survival and to our souls

16:16

must persuade we must win converts to

16:20

this fight

16:22

in the gospel of matthew chapter 28

16:24

verses 19 and 20

16:26

my Lord Jesus Christ commanded me to go

16:29

and make disciples of all nations and to

16:32

teach

16:32

them to obey everything i have commanded

16:35

you

16:36

as a Christian and as a Catholic i ask

16:39

myself

16:40

how can i do this if i cannot witness my

16:43

faith

16:44

through my actions and in my words in

16:47

short

16:48

we must defend religious freedom in the

16:51

united states and around the world

16:53

because our very souls depend on it

16:57

and so does

17:05

and so does the freedom of the world

17:08

thank you