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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

Elizabeth HUNTER; et al., on behalf of)
themselves and all others similarly situated,)
)
) Plaintiffs,)
)
) v.)
)
) U.S. DEPARTMENT OF EDUCATION and)
) Suzanne GOLDBERG, in her official capacity as)
) Acting Assistant Secretary for Civil Rights,)
) U.S. Department of Education,)
)
) Defendants.)

Case No. 6:21-cv-00474-AA

**DECLARATION OF TARAN
TRINNAMAN IN SUPPORT OF
MOTION TO AMEND
MOTION FOR
TRO/PRELIMINARY
INJUNCTION**

I, Taran Trinnaman, declare:

1. I am over 18 years of age and have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.
2. I attended Brigham Young University-Provo from 2013 – 2019.
3. I'm a Queer Black man who experienced both anti-LGBTQ discrimination and racism.
4. I couldn't date the entire time of my tenure at BYU otherwise I could have been kicked out.

5. While my roommates brought dates to our apartment, I couldn't do the same thing because my roommates would've turned me into the school's honor code office where I could've on top of losing all progress of my education, I could also lose my housing.
6. Speaking of housing, all housing for Brigham Young University bans "same-sex relationships" yet does nothing while I had roommates who made derogatory racial remarks towards my ethnic background and other protected ethnic groups. And I witnessed several friends actually be threatened by members of our student body online yet the school did nothing to address it.
7. In 2019, for my Anthropology of Mormonism class, I conducted research on contextualizing the history of LGBTQ+ discrimination within Mormonism in the United States. That research paper led to the worst depressive episodes I'd ever experienced.
8. I felt gutted to the extreme when I realized how violent this community was and is to the LGBTQ+ community. It gutted my mental health.
9. I got a great grade, but I knew I was not safe. I learned LGBTQ+ students bled and died where I walked, and I couldn't do it anymore, and I left Provo to do an internship. BYU has still never apologized for their homophobia or responsibility for the suicides and trauma of LGBTQ+ students on campus.
10. Also, around 2019, during an uproar in a White Christian nationalistic movement around Provo, I had several queer friends at BYU received death threats.
11. In 2020, the university removed a clause in the "Honor Code" banning homosexual behavior. Then, students came out. And two weeks later, an email was sent to all the students clarifying the university's position had not changed. If queer students were caught, they would be met with disciplinary action.
12. The following year in May of 2021, a professor from BYU called a student a "Korihor", a religious and invidious hate slur, on Twitter and led to several members of that White Christian nationalistic movement to go after said student. BYU never condemned these acts. See Exhibit A.
13. I have long since realized I was not safe at BYU. That same day of the "Honor Code" clarification, I made a request to transfer for my own safety. I lost many credits and had to retake classes. I had to have friends help fundraise so that I could afford to transfer because it was expensive.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed this 24th day of August, 2021.

By: s/ Taran Trinnaman
Taran Trinnaman

The Salt Lake Tribune

BYU professor calls gay student a Book of Mormon term associated with anti-Christ

Courtney Tanner 5/14/2021

Like Comments 6



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Editor's note • This story is available to Salt Lake Tribune subscribers only. Thank you for supporting local journalism.



© Provided by Salt Lake Tribune (Isaac Hale | Special to The Tribune) A Brigham Young University student sports various rainbow-colored items on his backpack in support of Rainbow Day as he walks with his friends on the campus of BYU in Provo on Thursday, March 4, 2021. A student at the school was recently called a Mormon term associated with an anti-Christ by a professor. The school has remained silent.

Last month, a Brigham Young University professor publicly used a Book of Mormon term associated with an anti-Christ to attack a gay student.

Ad

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what's this?

With the private religious school taking no public action since then to condemn it, LGBTQ students say there's been a chilling effect on the Provo campus where many already feel unsafe. Others are calling for BYU to publicly denounce the statement or adopt social media guidelines for professors.

The comment was made by Hank Smith, who is an assistant teaching professor in the religion department at BYU. Also a popular speaker and author, he has one of the faculty's highest public profiles, with more social media followers combined across platforms than the school itself.

On April 22, Smith had been commenting on Twitter throughout the day about his thoughts on members being booted out The Church of Jesus Christ of Latter-day Saints, which owns BYU, after sex therapist Natasha Helfer was ousted. He suggested that leaving the faith means "leaving the

marriage in the next life.

Several women pushed back, including Helfer supporters upset by how she was treated, and said some of those beliefs didn't start with Latter-day Saints. Smith dismissed them as nonbelievers and several of his followers, at his encouragement, joined in. At least one woman asked him to stop. Another called it harassment.

That's when Calvin Burke, an openly gay student and a faithful church member, jumped in. He defended the women and wrote: "On behalf of Mormonism, I apologize for Hank Smith."

Smith responded to a thread with Burke's tweet. He wrote one word describing Burke: "Korihor."



© Provided by Salt Lake Tribune (Screenshot) Pictured is a screenshot from Twitter of a BYU professor calling a student a Mormon term associated with an anti-Christ.

For those well-versed in the faith, the term harks to the Book of Mormon. It's the name of a man who believed that God and Jesus Christ did not exist and tried to spread that message. He's often referred to as a false preacher. More so, he's called an anti-Christ — an offensive and disrespectful term for any Christian believer.

Korihor is specifically punished for his "wickedness," according to the scripture, by losing his speech and then being trampled to death.

"It's a really terrible, hateful thing to call someone," said Rosemary Card, a Latter-day Saint commentator and host of the popular Q.MORE podcast about the church, "and it's an even worse thing for a professor in the church to call a student who is

EXHIBIT A

On April 23, after hundreds spoke out against his remark, Smith deleted the tweet and posted an apology.

He wrote, "I do need to apologize for calling Cal what I did. I deleted the reply. That was unjustified and unfair. My emotions got the better of me. I am very sorry."



The professor did not respond to a request for comment from The Salt Lake Tribune. And he has since scrubbed his social media accounts, though screenshots of his tweets were still shared widely.

Burke declined to comment. He previously was in one of Smith's religion classes, and he remains a student at BYU.

Meanwhile, the university has not responded publicly to the anti-Christ comment. In an email to The Tribune, school spokeswoman Carri Jenkins said the university has "processes in place to address personnel matters." She declined to say whether Smith's actions were being reviewed through those processes. "These are handled on a confidential basis," she said, adding that she "wouldn't be able to comment on an individual situation."

Many have pushed back against the school, though, saying the silence has only caused them more hurt. Several LGBTQ students said they're afraid to be on campus; some said they don't feel the university would have their backs if someone, including a professor, attacked them.

"If BYU doesn't feel the need to publicly denounce this," Card added, "then that's a pretty loud statement in itself."

The professor commented in a #DezNat conversation

Since Smith's anti-Christ tweet, Burke has been caught in the crossfire, receiving public death threats and messages of scorn and hate. Smith's remark drew widespread attention because of where he posted it.

The professor called the student "Korihor" on the thread of a Twitter user who identities as an active participant in the DezNat social media movement.

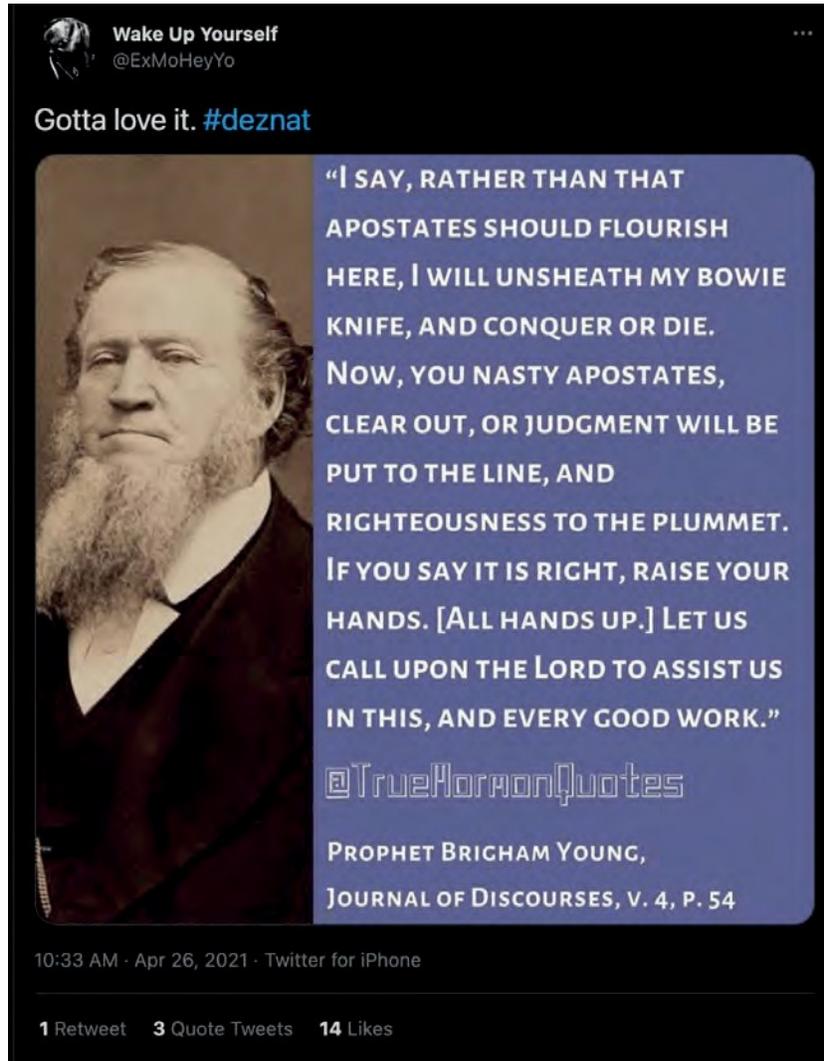
DezNat, which is commonly used as a hashtag, stands for Deseret Nation, which includes alt-right — and sometime white supremacist — members who see themselves as self-appointed warriors defending the faith's doctrines and practices. They generally don't support feminism and the LGBTQ community. Many posts from the group are undeniably homophobic.

Burke has been attacked for years as an outspoken gay Latter-day Saint by DezNat members, including J.P. Bellum, who coined the hashtag.

After Burke originally posted his apology "on behalf of Mormonism" in response to Smith's comment toward women, Bellum quoted Burke. Bellum suggested that it's "really bad" out there with people supposedly denying the faith.

coalition responded, "if anyone embodies the scriptural anti-Christ today, it is Cal and his lackeys. I feel no shame acknowledging this, and neither should you."

Another DezNat user, whose Twitter handle is @PorterRockwell14 (after 19th-century Mormon gunslinger Porter Rockwell), called Burke an anti-gay slur. One posted a quote from faith leader Brigham Young, for whom BYU was named, saying he would "unsheath my bowie knife" to deal with what he called "apostates." Bellum reiterated his past call to get Burke kicked out of BYU.



© Provided by Salt Lake Tribune (Screenshot) A member of DezNat posted a quote from faith leader Brigham Young, saying he would "unsheath my bowie knife" to deal with what he called "apostates" in response to a BYU student.

After that, Burke made his account private. He posted one last tweet publicly before doing so, writing: "I just need to go to school in a place where I can feel safe. And last night was confirmation, albeit brutal, that even with my testimony I am not safe or welcome here at BYU."

LGBTQ students say they feel afraid

Several Latter-day Saints have publicly reached out in support of Burke, and some said they reported Smith's comment to the university.

Smith, who had been following Bellum and other DezNat adherents, has been largely silent on Twitter since he apologized. The professor unfollowed everyone but the church president and the other prominent leaders in the faith.

EXHIBIT A

Otherwise, they say, it's like tacit approval.

"It's terrifying for other students who are gay," said Carolyn Gassert, the incoming president of Understanding Sexuality, Gender, and Allyship, or USGA, an unofficial club of LGBTQ students at BYU. "It sets a precedent that professors could attack students for being gay and not face any repercussions."

Gassert, noting that she doesn't speak for the club, said the school already has long been criticized for policies that make gay, queer and transgender students feel unwelcome. USGA, for instance, is not allowed to meet on campus.

And students can be disciplined and even expelled for having intimate queer relationships. Although BYU last year removed the section from its strict Honor Code that prohibited "all forms of physical intimacy that give expression to homosexual feelings," it later reaffirmed that same-sex relationships were still "not compatible" with its rules.

Danny Niemann, a senior at the university who is gay, said he's not surprised by the inaction from the administration but he is disappointed by it. "There's a reason why a lot of this behavior happens. It's just normalized. There's not much being done about it, so it just continues," he said.

"It's deeply unsettling," added Bradley Talbot, a recent graduate who is gay and organized the recent lighting of the "Y" in opposition to the school's anti-LGBTQ policies. "The silence is a problem."



© Isaac Hale; Special to The Tribune (Isaac Hale | Special to The Tribune) The Y on Y Mountain east of Provo is lit in rainbow-flag colors to show support for the LGBTQ+ community on Thursday, March 4, 2021.

Gassert said a lot of LGBTQ students try to keep a low profile, especially on social media, out of fear of groups like DezNat. But she never expected something like the anti-Christ comment to come from a professor, she said. "That's what makes this so different. .. That's why we need BYU to speak out."

Will there be consequences?

There do not appear to be any public instances when BYU has terminated someone for speaking out against the queer community. But the school has done the opposite, previously firing at least two professors for being outspoken in support of LGBTQ rights.

The first case came in 2006. Jeffrey Nielsen, a part-time philosophy instructor, was let go after he published a column in The Tribune questioning the LDS Church's support of a constitutional amendment banning same-sex marriage. At the time, Nielsen said, "I don't want to hurt the church or destroy anyone's faith. I want to do things to strengthen the church."

pronouncements of the church.”

The faith’s leaders still oppose same-sex marriage. And they consider any same-sex relations a sin, forcing gay and lesbian members to avoid intimate partnerships to remain full-fledged members.

The second case came in 2017 after BYU-Idaho adjunct professor Ruthie Robertson published an 854-word post on her private Facebook page about her support of lesbian, gay, bisexual and transgender causes, including some opposition to the church’s stance.

“It’s a controversial position, of course, but I had no inclination that this [post] would affect my job,” Robertson said in a telephone interview then. “That completely blew me away.”

The school did not comment at the time but confirmed her departure.



© Provided by Salt Lake Tribune (Photo courtesy of Ruthie Robertson) Pictured is Ruthie Robertson, a former BYU-Idaho professor who was fired after she posted about her LGBTQ beliefs.

EXHIBIT A

Evansville, a Methodist school in Indiana, said he'd be surprised if the school took the same action with Smith.

For one thing, he said, Smith's comment — while he acknowledges it was distasteful — doesn't necessarily go against the church's teachings, like the other cases.

And while there's "no positive reading" of the Korihor comment, Austin believes it can be interpreted in "more charitable ways"; it doesn't necessarily have to mean anti-Christ — though he acknowledges most Latter-day Saints would probably read it that way.

Austin said Smith could have just meant to suggest that the professor disagrees with Burke on church doctrine. The professor and the student, he noted, are in "two different ideological wings of the church." (And, in fact, Austin noted he, too, has been called a Korihor in similar discussions.)

While Austin added that he isn't sure whether Smith meant to make the remark in relation to Burke being gay, others said it can't be divorced from Burke's identity and, regardless of intent, it had that impact, especially being on a thread from an anti-LGBTQ group.

Either way, the comment was inappropriate, Austin said, and faculty should avoid that kind of conduct.

The bigger issue, Austin suggests, is that the professor was associating with DezNat, which church leaders have tried to distance themselves from. "It's a problem that any BYU professor is associating with these wackadoodles," he said.

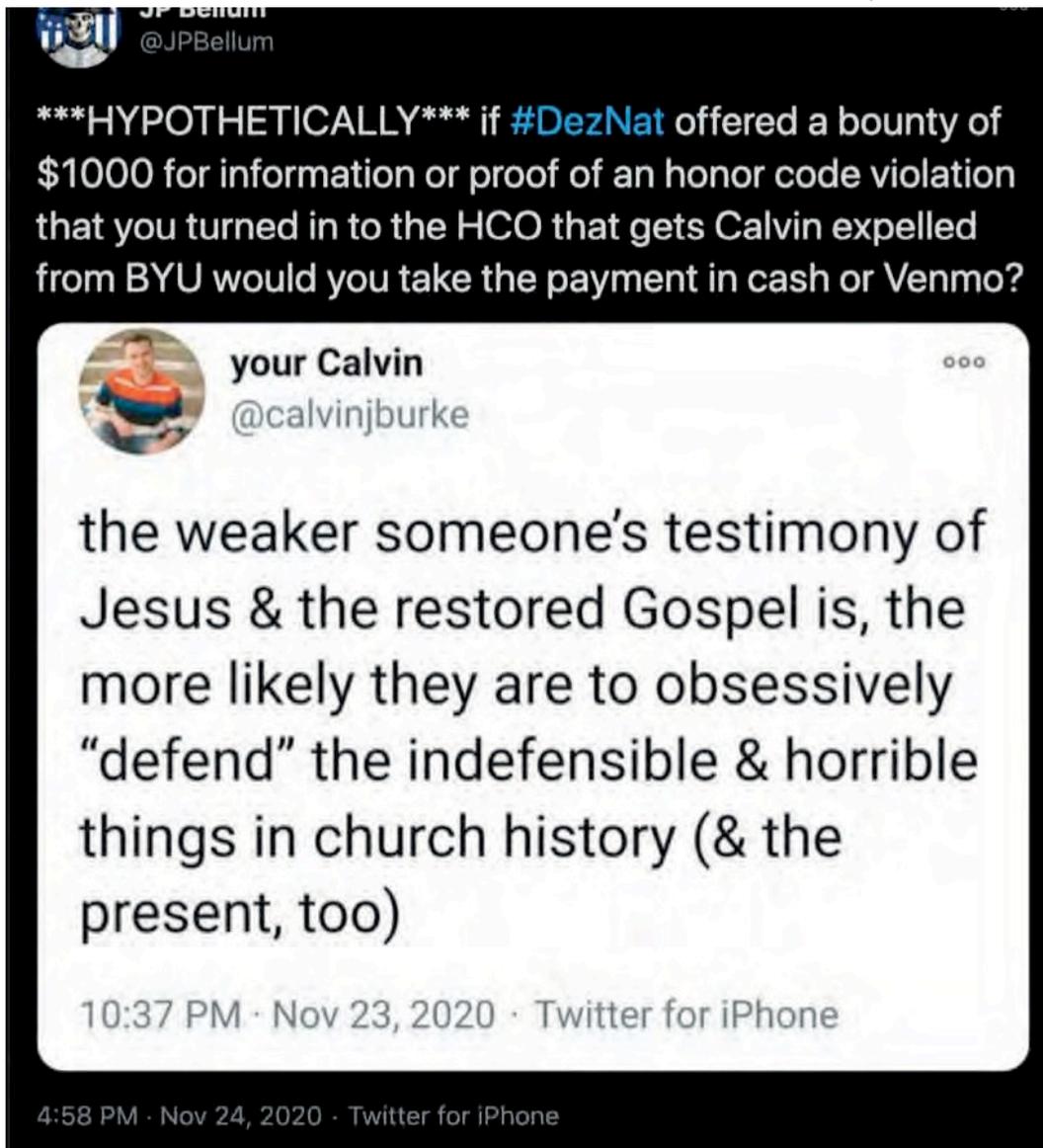
Other prominent advocates in the faith agree.

'This can't keep happening'

Meg Corley, a popular writer and church member, said: "There's a lot there with Hank interacting with DezNat in the first place and following them."

She calls the group "a communion of contempt," noting DezNat has attacked other students, particularly women, who posted on BYU's Instagram account. She believes it's unethical for a professor to be connected with that.

(The accounts are clearly marked with #DezNat, she argues, so it'd be hard to do so by mistake.)



© Provided by Salt Lake Tribune (Screenshot) JP Bellum, who coined the #DezNat hashtag, offered a \$1,000 "bounty" for any information he could use to get student Calvin Burke expelled from BYU.

Conley encourages the school to formally disavow DezNat. If it won't put out a statement defending LGBTQ students or take action against Smith, she said, she would like BYU to state that anyone associating with the DezNat group or hashtag on social media will be brought in for guidance. And she wants the school to create social media guidelines for professors.

Conley was one of the women pushing back against Smith's comments last month concerning the ousted therapist. She said, "Hank was eager to put me in my place and draw boundaries around what my faith could and could not look like. And he only used that rhetoric and tone with women, not men."

A review of his tweets confirms that Smith did not respond to several men with objections to his argument.

Rachel Steenblik, a Latter-day Saint author who wrote "Mother's Milk," also spoke out against Smith for attacking women in his replies. And Kristine Anderson, an independent Mormon studies scholar in Rexburg, Idaho, noted she had a similar confrontation with the professor in 2019, when he posted a study showing Utah was one of the most sexist states in the nation. Smith denied it was true, and Anderson said he belittled women who tried to share their experiences.

At the time, Smith blocked a number of women, including Anderson, she said. "There has to be some consequence," she said. "This can't keep happening. The school needs to take DezNat and this situation with Hank Smith seriously."

EXHIBIT A

“Cal loves the church so much, but he’s able to recognize when it’s hurting people who belong to it,” she said. “He’s able to offer grace. That’s really special.”

And, she believes, it’s “the opposite of an anti-Christ and the exact loving model of Jesus Christ himself.”



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