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TOWARDS AN LDS UNDERSTANDING OF CHURCH AUTONOMY

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Summary

THE LDS CHURCH'S CONSERVATIVE THEOLOGY AND ITS HISTORY OF PERSECUTION IN THE UNITED STATES HAVE LED IT TO PURSUE THE BIBLICAL COMMAND TO "PREACH THE GOSPEL TO ALL THE WORLD" BY SUBORDINATING CHURCH AUTONOMY CONCERNS TO POLICIES OF POLITICAL NEUTRALITY AND OBEDIENCE TO LAW BOTH INSIDE AND OUTSIDE THE UNITED STATES.

As befits a religion that values both practical wisdom and modern-day revelation, many policies and practices of the Church of Jesus Christ of Latter-day Saints – more commonly known as the “Latter-day Saint”, “LDS”, or “Mormon” church – have originated as responses to specific problems faced by the church during its history. The development of Latter-day Saint thought on church autonomy issues follows this pattern. LDS ideas about how and to what extent decisions about the governance of the church should be free from government control or influence developed in response to a relatively recent event – the determination of LDS church leaders in the 1970s to attempt to establish an LDS presence in countries with a perceived hostility to the church and its proselyting activities.

I will begin with an historical overview of the LDS church's missionary program, and a discussion of how the church's decision to seek a genuinely

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worldwide presence required that it begin to think about church autonomy issues.² I will follow that with a short description of how the LDS church deals with these questions through two general policies, political neutrality and obedience to law,³ and then turn to a discussion of how these policies are rooted in LDS history and theology.⁴

I.

Until the 1970s, there would have been very little to distinguish a “Mormon” theory of church autonomy from an “American” one. Although the LDS church has sent missionaries overseas almost from the day it was founded, prior to World War II it did not have a significant presence in countries outside of the United States.⁵ As a consequence, until recently LDS thinking on the extent to which the LDS church should be independent of the secular state approximated the extent to which churches and their members generally are thought to be free of government control under American constitutional and common law. In general, these bodies of law provide for the institutional separation of church and state, with no established or preferred government religion and government neutrality between religion and secular ideologies; an absence of administrative or other government structures to regulate the recognition of religious denominations or to define their legal rights as religious denominations; and a domain of personal liberty protecting the right of individuals to preach, proselytize, worship, and otherwise participate in whichever religious confession they choose without government interference or penalty.

LDS missionary efforts outside of the United States accelerated during the 1950s and 1960s under the leadership of the president and prophet of the church during this period, David O. McKay. President McKay had acquired a broad perspective on the church’s international dimension from a tour of overseas missions in the 1920s.⁶ These increased efforts were mostly concentrated in countries whose laws permitted the full range of proselyting

² See Part I.

³ See Part II.

⁴ See Part III.

⁵ For a general discussion of the history and theology of the LDS missionary program, see *Dallin H. Oaks/Lance B. Wickman, The Missionary Work of the Church of Jesus Christ of Latter-day Saints*, in: *Sharing the Book: Religious Perspectives on the Rights and Wrongs of Mission* 247, 252-58 *John Witte, Jr./Richard C. Martin* (eds.), 1999.

⁶ See 1999-2000 Church Almanac 122 (1998) [hereinafter Church Almanac].

and other programs and practices of the church. Such countries tended to have liberal democratic forms of government, although the church enjoyed success in a number of countries with authoritarian governments, notably those located in Central and South America.

Nevertheless, in the immediate postwar period the LDS church made no sustained effort to establish a presence in countries that prohibited proselyting or seemed otherwise hostile to LDS practices and programs, on the assumption that missionary work in these countries would have to await political reform or social change. This eliminated as potential missions countries with repressive governments that prohibited religious activities as a matter of government policy, as well as countries in which a dominant indigenous religion was linked to the country's governing structure.⁷ All told, the Balkans and Eastern Europe, the Soviet Union, the Middle East, the Indian subcontinent, the People's Republic of China, and most of Africa and Southeast Asia – in short, virtually the entire Eastern Hemisphere – were assumed by Latter-day Saints to be off-limits to missionary work.⁸

All this changed in 1970s. Concerned that the LDS church was not fulfilling the Biblical command to “preach the Gospel to all the world”, the president and prophet of the LDS church at this time, Spencer W. Kimball, determined as part of an expanded LDS missionary effort to strive for legal recognition in every country in the world, including countries in which government policy or dominant national religions apparently prevented an LDS

⁷ See, e.g., *James R. Christianson, Overcoming Barriers of Iron and Tradition: Extending the Harvest*, in: *James R. Moss/R. Lanier Britsch/James R. Christianson/Richard O. Cowan, The International Church* 98, 100 (typescript 1982) (reflecting the LDS belief that “political conditions” in the Soviet Union “totally precluded” any missionary work); *id.* at 106 (noting that the establishment of successful missions in southern Europe in the 1960s reversed a persistent LDS myth that missionary work could not succeed in Roman Catholic countries).

⁸ The LDS church's previous policy of refusing to confer its lay priesthood on those of black African descent provided an additional reason why missionary work was impossible in most of Africa prior to the 1970s: Not only were African governments generally unwilling to extend legal recognition to a denomination espousing a racially discriminatory policy, but the policy prevented the development of the local lay leadership on which the LDS church depends for operation of its congregations. See *Martin Berkeley Hickman/David Matthew Kennedy* 343 (1987). The LDS church abandoned this exclusionary policy in 1978, see *Doctrine and Covenants of the Church of Jesus Christ of Latter-day Saints Off. Decl. 2* (1989) [hereinafter cited as D&C], and has established successful missions in Africa since then, see generally *Alexander B. Morrison, The Dawning of a Brighter Day: The Church in Black Africa* (1990).

presence.⁹ Although in each country the church would first seek to establish the full range of LDS practices and programs, including a proselyting mission, its primary goal was to be legal recognition under conditions mutually acceptable to the church and the country.¹⁰

President Kimball's decision to make legal recognition the focus of an expanded LDS missionary effort outside the United States forced the church to confront the autonomy issue directly. The church was required to consider the minimum set of institutional freedoms necessary for the LDS church to operate in a foreign country. The question became, which of the LDS church's internal practices, programs, policies, and structures are indispensable, and which are not absolutely necessary and thus subject to negotiation and compromise in order to obtain recognition?

II.

To spearhead the new initiative, President Kimball appointed David Kennedy, a former U.S. Secretary of the Treasury with extensive international contacts, as a special ambassador of the LDS church. One of Kennedy's first steps was to counter the widespread international perception that the LDS church was simply an exporter of American nationalism. As one of the largest indigenous religions in the United States, Mormonism is sometimes mistaken for Americanism outside of the United States. This confusion was exacerbated by the tendency of individual Latter-day Saints to associate themselves with political movements that favor laissez faire capitalism and conservative constitutionalism.

Kennedy argued that the LDS church is not committed to a particular economic or political system, and saw “no reason why good Latter-day Saints cannot live under a variety of political and economic systems”, even “totalitarian” and “communist” ones.¹¹ Drawing a distinction between “the

⁹ See “Diplomatic Relations”, in: 1 Encycl. Mormonism 382, 382, *Daniel H. Ludlow* (ed.), 1992; *Hickman*, supra note 8, at 337, 344. See also *Spencer J. Palmer*, *The Expanding Church* 66-67 (1978) (noting President Kimball's sermon on “the urgent need for the Church to build bridges between the known and the unknown – that the gospel of Christ must literally cover the earth”).

¹⁰ See “Diplomatic Relations”, 1 Encycl. Mormonism, supra note 9, at 383; *Hickman*, supra note 8, at 344.

¹¹ *David M. Kennedy*, *More Nations Than One*, in: *Palmer*, supra note 9, at 69, 70. See also *id.* at 74, 75:

We believe in God the Eternal Father and in Jesus Christ, his Son. We believe that Jesus is the Redeemer of the world, that he carried out an atoning sacrifice, and that

economic and political systems that Church members preferred as private citizens” and “those restrictions on individual freedom that would make it impossible for the Church to exist as an institution or prevent its members from following its fundamental precepts”,¹² Kennedy suggested that Mormons require only minimal political freedoms to practice their religion:

So long as the government permits me to attend church; so long as it permits me to get on my knees in prayer; so long as it permits me to be baptized for the remission of my sins; so long as it permits me to partake of the sacrament of the Lord's supper and to obey the commandments of the Lord; so long as I am not required to live separately from my wife and children – I can live as a Latter-day Saint within that system.¹³

Kennedy's views anticipated what is now LDS church policy. Gordon B. Hinkley, the current president and prophet of the LDS church, has declared:

We are not an American church. We are not an English church. We are not a Japanese church. We are a world church with a world message and a world program, and our whole course is designed to help people, to lift them, to strengthen them – as has been said frequently, to make bad men good and good men better; to teach peace, the gospel of Christ; to try to exemplify the Golden Rule and a program of helpfulness to those in distress wherever they may be and whatever their circumstances.¹⁴

President Hinkley's remarks reflect one of the most striking features of the contemporary LDS church – its political neutrality. Its mission is to preach the Gospel to the world, and thereby assist people in living moral and spiritual lives.¹⁵ The church has no interest in pushing for revolution or reform even in countries governed by totalitarian or dictatorial regimes.¹⁶

he was crucified for the sins of man to make it possible for the redemption of man. We believe in baptism by immersion for the remission of sins. We also believe in the Holy Ghost and in the laying on of hands for all these gifts. And we believe in authority from God, the priesthood, which is the power to act and function in his name. These are our basic beliefs. But we also believe in the eternal relationship of marriage. We believe in the resurrection from the dead. These are fundamental Mormon beliefs on which there is no compromise. One cannot be a faithful Latter-day Saint unless he believes in these great truths.

If the heads of governments allow the people to believe in God and these other fundamental teachings . . . , that's all we can ask for.

¹² “Diplomatic Relations”, 1 Encycl. Mormonism, supra note 9, at 383.

¹³ *Kennedy*, supra note 11, at 70.

¹⁴ BBC Radio 4 interview, London, England, Aug. 26, 1995, reprinted in *Speaking Today*, *The Ensign*, Aug. 1996, at 60.

¹⁵ “Diplomatic Relations”, 1 Encycl. Mormonism, supra note 9, at 383.

¹⁶ *Kennedy*, supra note 11, at 71.

Even in the most sensitive and controversial international conflicts the Church seeks to maintain cordial relations with all sides.¹⁷

Since the 1970s, the LDS church has sought recognition in apparently inhospitable countries by emphasizing its political neutrality and the law abiding character of its members. As LDS church leaders Dallin H. Oaks and Lance B. Wickman have observed,

Latter-day Saints are loyal and abiding citizens. They obey the law, participate in the affairs of government at all levels, vote in elections, and serve in the armed forces of their respective nations. No government need ever view with suspicion the Latter-day Saint congregations within its borders. To the contrary, it can take comfort in the assurance that none of its citizens is more committed to “obeying, honoring, and sustaining the law” than its Mormon citizens.¹⁸

Once granted legal recognition in a country, the LDS church seeks to assure the host government by its actions that the church and its members can be trusted to obey the prevailing laws and otherwise be good citizens. This entails not only noninterference with the prevailing political order, but also scrupulous observance of both general laws and whatever additional promises – such as refraining from proselytizing – may have been required of the church to obtain initial entrance and recognition.¹⁹ As President Kimball put it, the church must always enter a country “by the front door”²⁰.

Laying an initial foundation of trust following government recognition, the church then seeks additional privileges from the government. Therefore, so long as initial legal recognition preserves the integrity of essential LDS programs practices, the church generally is willing to conform its other programs and practices to the requirements of contrary local laws. It is even willing to forego proselytizing in order to gain legal entrance into a country in which such activities are illegal.²¹

¹⁷ See, e.g., “The Middle East”, 2 Encycl. Mormonism, supra note 9, at 902, 903 (“The Church has refrained from taking an official stand on the Arab Israeli question; rather, the position of Church leaders is best revealed by the manner in which they have quietly sought to cultivate good relations and a reputation for impartiality with both Israelis and Palestinians.”).

¹⁸ See, e.g., *Oaks/Wickman*, supra note 5, at 269.

¹⁹ See *Hickman*, supra note 8, at 342, 345.

²⁰ Quoted in *id.* at 342.

²¹ “Diplomatic Relations”, 1 Encycl. Mormonism, supra note 9, at 383; *Hickman*, supra note 8, at 341. The church often substitutes service missionaries for proselytizing missionaries in such countries. Service missionaries are usually older, and have secular skills which the country values, such as expertise in public health, public education, and agriculture. See generally “Humanitarian Service”, 2 Encycl. Mormonism, supra note 9, at 661, 662.

In general, the LDS church appears to require only four institutional prerogatives in the way of freedom from government interference in each country in which it operates:

1. The right to perform baptisms and otherwise to determine the conditions under which persons become members of the LDS church.
2. The right to hold worship services for its members.
3. The right to designate and ordain local congregational and other leaders.
4. Limited rights of entry and communication for foreigners (who, as a practical matter, are principally Americans) for the purpose of providing leadership and training for local congregations and generally supervising church operations within the country.²²

The last requirement is frequently misunderstood. The LDS church has a hierarchical structure, but its ecclesiastical positions are filled almost entirely by lay volunteers. Little more than 100 of the church's leaders perform their ecclesiastical duties as fulltime employees of the church, and even these have received no formal training for the ministry.

Without formally trained, full-time ministers to minister to its congregations, it is critical to the church that faithful members with knowledge and experience in the operation of an LDS congregation be available to demonstrate and explain to new members how to minister in their volunteer, lay callings. In countries with few LDS members and no historical LDS presence, this means that foreign missionaries and leaders – predominantly though not exclusively American – need to be admitted to the country to perform this task of training.²³ Depending on how quickly the church grows in a new area, it may be decades before growth creates the requisite pool of qualified native citizens capable of properly presiding over LDS congregations. And because the LDS church is hierarchical, even capable

²² As a normative matter, the LDS church argues that governments are morally obligated to protect more expansive understandings of these rights, as well as certain other rights. See, e.g., *Oaks/Wickman*, supra note 5, at 272-73 (arguing that the LDS church and its members (as well as other religions and their adherents) are entitled to rights to worship, meet together, govern themselves, communicate with members, receive legal recognition, declare their beliefs publicly, and to travel, all without government unreasonable government interference). Nevertheless, the church does not always insist on all of these rights or their most expansive understanding when seeking to achieve legal entrance into a country.

²³ See *Hickman*, supra note 8, at 345, 356.

native leaders will continue to receive regular instruction and training from LDS general authorities residing outside the country.

The LDS church's achievement of legal recognition and a subsequent range of legal privileges in the German Democratic Republic in the 1970s is an excellent illustration of the way the church uses political neutrality and obedience to law to fulfill its mission of preaching the Gospel in an apparently hostile country.

Prior to the fall of European communism, the LDS church had long been interested in gaining institutional recognition and missionary access to the Soviet Union and its client states in Eastern Europe. It had a particular interest in East Germany; proselytizing in the first half of this century had yielded a large number of German converts, many of whom did not emigrate to the United States.²⁴ When the Soviets partitioned Germany after World War II, between 5,000 and 10,000 Latter-day Saints found themselves in the GDR without the supervision and support of the institutional church.²⁵

The strategy undertaken by the church to gain admission of its missionaries and recognition of the church in East Germany was a repeated emphasis on the fact that the church and its members were “good citizens” who represented no threat to the Communist regime.²⁶ The church used its apolitical orientation to full advantage, emphasizing that it had no interest in supporting counter-revolution or political reform in East Germany, but desired only to send missionaries and provide funds and other institutional support so that existing Latter-day Saints in East Germany would have the LDS programs and services necessary to live their religion.²⁷

Consistent with its policy of obedience to law, the church limited its activities to those permitted by GDR law. It sought small privileges one at a time, and used its lawful activities to demonstrate that Mormons did not constitute a threat to the Communist regime, notwithstanding that regime's anti-religious orientation. In the mid-1970s, for example, the church succeeded in obtaining exit visas for East German Latter-day Saints to attend church conferences in West Germany and the United States, by promising that none of them would defect to the West.²⁸ The East German Saints were

²⁴ See *Christianson*, supra note 7, at 105; *Thomas S. Monson*, Faith Rewarded 132 (1996) [hereinafter *Monson*, Faith Rewarded]; *Thomas S. Monson*, The Church in the Changing World 4 (Feb. 25, 1989) [hereinafter *Monson*, Changing World].

²⁵ *Christianson*, supra note 7, at 105; *Monson*, Faith Rewarded, supra note 24, at 12; *Monson*, Changing World, supra note 24, at 5.

²⁶ See, e.g., *Monson*, Faith Rewarded, supra note 24, at 60, 133.

²⁷ See *id.* at 53, 84, 113, 126; *Monson*, Changing World, supra note 24, at 11-14.

²⁸ See *Monson*, Faith Rewarded, supra note 24, at 20, 26-27, 49, 83.

instructed that the future activities of the church in East Germany depended on their returning at the conclusion of the conference; remarkably, all did.²⁹

The church eventually built an extraordinary cooperative relationship with the East German government, receiving permission to send American missionaries into the country and to build a number of buildings,³⁰ including a temple, thereby enabling the East German Saints to participate in the most sacred aspect of Latter-day Saint worship.³¹ In 1988, the church received government permission not only to send American missionaries into East Germany, but to call East German missionaries on two-year missions outside of East Germany, to countries like Argentina, Canada, Chile, Great Britain, and the United States.³²

III.

Although the policies of political neutrality and legal accommodation were deployed in the 1970s to expand dramatically the LDS presence throughout the world, these policies have deep roots in LDS theology and history.

1.

In contrast to the Roman Catholic Church, which considers itself a sovereign state with a status equal to that of secular governments, the LDS church considers itself subject to secular law in theory as well as practice. LDS scripture has long commanded Latter-day Saints to support the existing political order of the country in which they live. A statement of basic LDS beliefs authored by founding LDS prophet Joseph Smith in 1842 avers that Latter-day Saints “believe in being subject to kings, presidents, rulers, and magistrates, and in obeying, honoring, and sustaining the law”³³. A revelation of Joseph Smith received in 1831 set forth the following as a divine commandment: “Let no man break the laws of the land, for he that keepeth the laws of God hath no need to break the laws of the land.

²⁹ See *id.* at 27.

³⁰ See *id.* at 63, 134-35, 139.

³¹ See *id.* at 70, 73, 88; *Monson*, *Changing World*, *supra* note 24, at 9-10.

³² See *Monson*, *Faith Rewarded*, *supra* note 24, at 158-59; *Monson*, *Changing World*, *supra* note 24, at 12-14.

³³ *Articles of Faith 12*, *The Pearl of Great Price* 61 (1981)

Wherefore, be subject to the powers that be, until he reigns whose right it is to reign, and subdues all enemies under his feet.”³⁴

These scriptures have been the basis for longstanding LDS policies of political neutrality and obedience to law in the United States and elsewhere. The church instructs its local leaders not to endorse candidates or causes, or to allow any sort of political activity in LDS meetings or buildings.³⁵ Since 1960, church leaders have taken care not to disclose their candidate preferences in elections,³⁶ a practice that was formalized as policy in 1988.³⁷ “We have no candidates for political office”, stated the church's First Presidency, “and we do not undertake to tell people how to vote”.³⁸

The LDS church encourages its members to be active in politics, “and to vote for those who will most nearly carry out their views of government and its role”,³⁹ but rarely allows political activity in the church's name. It does, however, take public positions in the United States on what it calls “moral issues”. These days these issues are limited primarily to opposing abortion rights, same-sex marriage, legalized gambling, and the production and distribution of pornography.⁴⁰ The church also takes positions on legislative initiatives in the United States, such as the ill-fated Religious Freedom Restoration Act of 1993, which enhance the ability of the church or its members to practice the LDS faith. Even when taking a public stand on an issue of morality or the free exercise of religion, however, the church generally keeps a low profile, usually preferring to work through individual Latter-day Saints and non-LDS organizations.

The LDS church's low political profile is the result of a clear understanding among both leaders and members that nothing should stand in the way of their fulfilling the primary mission of the church – namely, to preach the Gospel. One group of sociologists has described Latter-day Saints as possessing an “ingrained religious pragmatism which is preoccupied with

³⁴ D&C, supra note 8, § 58:21-22.

³⁵ “Business Schemes and Political Causes” in The General Handbook of Instructions 11-2 (1989) [hereinafter General Handbook].

³⁶ See “Contemporary American Politics”, 3 Encycl. Mormonism, supra note 7, at 1107.

³⁷ “Political Neutrality and Non-Use of Church Buildings”, First Presidency Letter dated June 9, 1988, reprinted in 4 Encycl. Mormonism, supra note 9, at 1733.

³⁸ *Id.*, reprinted in 4 Encycl. Mormonism, supra note 9, at 1733.

³⁹ *Id.*, reprinted in 4 Encycl. Mormonism, supra note 9, at 1734.

⁴⁰ See Core Beliefs and Doctrines – Morality, LDS Home Page, last visited May 13, 1998 <http://www.lds.org/global_media_guide/core_beliefs_and_doctrines.html> (“The Church . . . opposes abortion, pornography, gambling, and other evils.”).

expansion of the Church through vigorous internal and external proselytizing”.⁴¹ From the standpoint of the church, political activity risks internal divisions among its members and direct conflict with government. “The result”, warned President Kimball, “would be to divert the Church from its basic mission of teaching the restored gospel of the Lord to the world”⁴².

The LDS church's fundamental apoliticality is especially evident outside of the United States. The church has virtually no public political profile in foreign countries, not even in liberal democracies that guarantee religious freedom, like Japan, Australia, or the countries of the European Union. Moreover, it never allies itself outside of the United States with agents of revolution or reform. The result in some countries is the embarrassing perception that the church is aligned with oppressive or reactionary political forces.

Other scripture suggests that Latter-day Saints are not religiously obligated to support governments that deny basic human rights, but this is in the nature of an exception, a release from the more general rule of obedience to all laws.⁴³ What matters most to the LDS church is not the elimination of political oppression (although it obviously opposes it), but the ability of its missionaries to proselytize and its members to practice the essential elements of the LDS faith and implement the church's programs. Acquiescing to the prevailing political order ensures its ability to carry out this mission with the minimum of government interference, though at the cost of eliminating itself (and sometimes its members) as a source of social and political reform.⁴⁴ It is a cost, however, that the church has long been willing to pay.

⁴¹ *Merlin B. Brinkerhoff/Jeffrey C. Jacob/Merlene M. Mackie*, *Mormonism and the Moral Majority Make Strange Bedfellows?: An Exploratory Critique*, 28 *Rev. Relig. Res.* 236, 243 (1987).

⁴² Quoted in *Robert Riggs*, *Government-Sponsored Prayer in the Classroom*, 18 *Dialogue: A Journal of Mormon Thought* 43, 51 (1985).

⁴³ Compare D&C, *supra* note 8, §134:5 (“We believe that all men are bound to sustain and uphold the respective governments in which they reside, while protected in their inherent and inalienable rights by the laws of such governments; and that sedition and rebellion are unbecoming every citizen thus protected, and should be punished accordingly.”) with *id.*, §134:1 (“We believe that governments were instituted of God for the benefit of man; and that he holds men accountable for their acts in relation to them, both in making laws and administering them for the good and safety of society.”).

⁴⁴ See *Brinkerhoff/Jacob/Mackie*, *supra* note 41, at 244.

2.

Although both political neutrality and obedience to law are rooted in LDS theology, it is impossible to ignore the influence that the nineteenth century persecutions of the Mormons had on the shaping and development of these policies. In the late 1830s and early 1840s government authorities actively collaborated with anti-Mormon vigilantes to forcibly expel Latter-day Saints from Missouri and Illinois. In Missouri, Governor Lilburn Boggs issued an executive order directing that “[t]he Mormons must be treated as enemies and must be exterminated or driven from the state”.⁴⁵ The Saints fled to Illinois, where Joseph Smith, the first president and prophet of the LDS church, was later murdered while in the custody of the local militia. The Saints were subsequently driven from Illinois as well, after which they journeyed a thousand miles west to what is now the state of Utah, in search of a place where they could practice their religion in peace.

In both Missouri and Illinois, losses of Mormon life and property were enormous. Vigilantes raped Latter-day Saint women and killed scores of people outright. Hundreds more later died from exposure after being forced to abandon their homes in the middle of winter without adequate food or clothing. Losses of farms, livestock, and other property expropriated from or abandoned by the Latter-day Saints totaled millions of dollars.⁴⁶

One of the sobering aspects of the Missouri and Illinois persecutions is that they stemmed from more than raw religious prejudice. The early Saints almost always voted as a single political bloc, and were not shy about bargaining their electoral support in exchange for political favors and legal protections.⁴⁷ Such open political activism understandably exacerbated anti-Mormon feelings among those who found themselves on the losing side of LDS bloc votes.⁴⁸ The political power of the LDS church has been called the principle source of anti-Mormon sentiment in Illinois,⁴⁹ and the LDS church itself has acknowledged that some of the church's troubles stemmed from the considerable legal concessions it extracted from politicians courting the LDS vote when the church incorporated and settled the city of Nauvoo.⁵⁰ In light

⁴⁵ Quoted in *James B. Allen/Glen M. Leonard, The Story of the Latter-day Saints* 127 (1976).

⁴⁶ For accounts of the persecutions in Missouri and Illinois, see *id.* at 129-45, 193-234 passim; *Leonard J. Arrington/Davis Bitton, The Mormon Experience: A History of the Latter-day Saints* 44-98 passim (1979).

⁴⁷ *Arrington/Bitton*, supra note 46, at 50.

⁴⁸ See *id.* at 51-52.

⁴⁹ *Id.* at 51.

⁵⁰ See “Nauvoo Politics”, 3 *Encycl. Mormonism*, supra note 9, at 999.

of their persecution in Missouri, the Saints can hardly be condemned for using their political strength to establish a city that they could control legally as well as politically. Nevertheless, these concessions appeared to establish the city as a Mormon theocracy, generating considerable animosity among the non-LDS residents of Illinois”⁵¹.

Despite its geographical isolation, Utah turned out to be no better refuge than Missouri or Illinois. During the 1850s, the Mormons' practice of polygamy, or plural marriage, drew the hostile attention of United States authorities. The U.S. Congress passed legislation which revoked the corporate charter of the church, authorized territorial authorities to seize virtually all of the church's assets and property (including its places of worship), and eliminated or revised common law protections for criminal defendants in order to facilitate successful polygamy prosecutions. Notwithstanding the constitutional protection of religious free exercise contained in the First Amendment, all of these federal actions were constitutionally upheld by the U.S. Supreme Court.⁵² At the height of the struggle, Congress considered legislation that would have disenfranchised all Latter-day Saints, based on their mere status as members of a religion which believed in plural marriage; similar legislation enacted by the Idaho territorial legislature had already been validated by the Supreme Court.⁵³ When it became apparent that Congress was going to enact this legislation, Latter-day Saint leaders realized that the church would not survive if its members continued to practice plural marriage.⁵⁴

On September 25, 1890, Wilford Woodruff, then the president and prophet of the LDS church, issued a proclamation that the church would immediately cease all practice of plural marriage.⁵⁵ Woodruff was clear that he had seen a prophetic vision in which the LDS church was utterly destroyed for persisting in the practice of plural marriage: “I have arrived at a point in the History of my life as the President of the Church of Jesus Christ of Latter-day Saints”, declared Woodruff,

where I am under the necessity of acting for the Temporal Salvation of the Church. The United States Government has taken a Stand & passed Laws to

⁵¹ 3 *id.* at 1000.

⁵² See *Late Corp. of the Church of Jesus Christ of Latter-day Saints v. United States*, 136 U.S. 1 (1890); *Murphy v. Ramsey*, 114 U.S. 15 (1885); *Reynolds v. United States*, 98 U.S. 145 (1878).

⁵³ See *Davis v. Beason*, 133 U.S. 333 (1890).

⁵⁴ For accounts of the federal government's campaign against the Latter-day Saints over plural marriage, see *Allen/Leonard*, *supra* note 45, at 399-419; *Arrington/Bitton*, *supra* note 46, at 176-84.

⁵⁵ D&C, *supra* note 8, Official Declaration 1, at 291.

destroy the Latter day Saints upon the Subject of polygamy And after Praying to the Lord & feeling inspired by his spirit, I have issued the following Proclamation [abandoning plural marriage].⁵⁶

The federal government's relentless pressure on the Latter-day Saints to abandon plural marriage has been called one of the worst religious persecutions in United States history.⁵⁷ The result of the federal persecution over polygamy was abandonment of one of Mormonism's central beliefs as the price of continued survival in the United States.

Both the federal persecution and the earlier persecutions in Missouri and Illinois dramatically impressed upon LDS church leaders the extent to which the church was vulnerable to extinction and disappearance in the face of a determined and hostile government, even when the law was ostensibly on their side. These experiences reinforced the scriptural teaching that the church and its members remain subject to the political and legal powers of the world, and permanently turned the church away from challenges and

⁵⁶ 9 *Wilford Woodruff Journal* 112-14 (1985) (spelling modernized). See also 9 *id.* at 167-71 (spelling modernized), reprinted in part as "Excerpts from Three Addresses by President Wilford Woodruff Regarding the Manifesto" in D&C, *supra* note 8, at 291-92:

The Lord has Commanded me to put the following question to the Saints and those who will give Attention to it shall have the Holy Ghost to be with them to inspire them to Answer that question for themselves and the Lord has promised that the Answer will be to all alike. The question is this. Which is the wisest course for the Latter-day Saints to pursue, to continue to attempt to practice plural marriage, with the laws of the nation against it and the opposition of sixty millions of people, and at the cost of the confiscation and loss of all the Temples, and the stopping of the ordinances therein . . . , and the imprisonment of the First Presidency and the Twelve and the heads of families in the Church, and the confiscation of personal property of all the people Confusion would reign . . . , and many men would be made prisoners. This trouble would have come upon the whole Church, and we should have been compelled to stop the practice.

Or After doing and Suffering what we have through our adherence to this principle to cease the Practice and submit to the law and through doing so have the Prophets, Apostles and Fathers at home so they Can instruct the People and attend to the Duties of the church, also leave the Temples in the hands of the Saints so they Can attend to the ordinances of the Gospel. . . . Now the inspiration of the Lord will reveal to any person which Course wisdom would dictate us to pursue.

For accounts of how the nineteenth century church dealt with the dilemma of faithfulness versus survival, see *Allen/Leonard*, *supra* note 45, at 419-22; *Frederick Mark Gedicks*, *The Integrity of Survival: A Mormon Response to Stanley Hauerwas*, 42 *DePaul L. Rev.* 167 (1992).

⁵⁷ See, e.g., *Douglas Laycock*, *The Religious Freedom Restoration Act*, 1993 *BYU L. Rev.* 221, 222-24.

confrontations with government, and from political activism generally. As Elder Dallin H. Oaks of the LDS church's governing Council of the Twelve has explained current LDS church policy: "As a matter of prudence, our church has confined its political participation within a far smaller range than is required by the law or the [U.S.] Constitution."⁵⁸

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In order to maximize its presence throughout the world, the LDS church drew on theologically and historically shaped traditions of political neutrality and obedience to secular law. If growth is any indication, the strategy has been a resounding success. From a membership of 1.1 million in 1950, the vast majority of whom resided in the United States, the LDS church has grown to a membership of nearly 11 million, more than half of whom live outside the United States.⁵⁹ One American sociologist has predicted that the explosive growth of the LDS church since World War II will result in Mormonism's eventually becoming the newest world religion since Islam, with a projected worldwide membership of between 60 and 265 million by the year 2080.⁶⁰ Political neutrality and obedience to law are strategies well-suited to a small, historically persecuted minority religion of limited international presence and influence. One of the interesting religion stories of the next century is whether a large, international, and potentially powerful LDS church will continue to pursue strategies that subordinate its autonomy to the exigencies of politics and law outside the United States.

⁵⁸ *Dallin H. Oaks*, Religious Values and Public Policy, *The Ensign*, Oct. 1992, at 60, 63.

⁵⁹ See *Church Almanac*, supra note 6, at 111-15; *Jay M. Todd*, More Members Now outside U.S. Than in U.S., *The Ensign*, March 1996, at 76.

⁶⁰ *Rodney Stark*, *The Rise of a New World Faith*, 26 *Rev. Relig. Res.* 18, 23-24 (1984). In a recent interview, Stark indicated that the growth of the church during the last eighteen years exceeds the most optimistic projection in his earlier study. Dennis Lythgoe, *LDS a Model for Christianity Study; Researcher Sees Big Potential for Church*, *Deseret News*, June 27, 1998, available from *Deseret News Archives* <http://www.desnews.com/cgi-bin/libstory_reg?dn98&9806280>.