

BOTH “NEW” AND “EVERLASTING:” LAW AND RELIGION IN THE CREATION OF NEO-MORMON DOCTRINE ON (HOMO)SEXUALITY

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[T]he Christian consigns all to perdition who cannot bow to his creed, and submit to his *ipse dixit*.

--Joseph Smith (1805-1844)²

PART I: “WHAT DO THE LATTER-DAY SAINTS BELIEVE IN?”

Introduction and Background

[1] No doctrine of homophobia existed in pristine Mormonism, which was founded in 1830. The founder of Mormonism, Joseph Smith (1805-1844), never taught such a doctrine, and it does not occur in the volumes of scripture and revelation he produced, i.e., *Book of Mormon*, *Doctrine and Covenants*, and *Pearl of Great Price*.³ They contain no homophobic passages; they are utterly silent on the subject.⁴ Neither do his

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² JOSEPH FIELDING SMITH, TEACHINGS OF THE PROPHET JOSEPH SMITH 217 (Joseph Fielding Smith ed., Deseret Book Co., 1989), *available at* TEACHINGS OF THE PROPHET JOSEPH SMITH www.helpingmormons.org/Teachings%20of%20the%20Prophet%20Joseph%20Smith.htm.

³ These works, along with the *King James Bible*, constitute the Mormon “four Standard Works” of scripture. Official on-line copies of each of these works are *available at* <http://www.scripts.lds.org>. As I will refer frequently to Section 132 of the *Doctrine and Covenants* and to the *Articles of Faith* of the *Pearl of Great Price*, they are attached to this article as Appendix A and Appendix B, respectively.

⁴ I have gathered the sources and discussed the issues in Robert J. Morris, *What Though Our Rights Have Been Assailed? Mormons, Politics, Same-Sex Marriage, and Cultural Abuse in the Sandwich Islands (Hawaii)*, 18 WOMEN’S RTS. L. REP. 129-203 (1997). For a capsule summary of the same-sex marriage issues in Hawaii, see Robert J. Morris,

voluminous other writings, journals, letters, minutes, etc. contain evidence of such a doctrine.

[2] Historically, Mormon leaders and scripturists did not cite Biblical proof-texts, which are nowadays adduced in the service of homophobia, for that purpose. How, then, did homophobia gain such a rabid foothold in modern Mormonism so as to bring the church to the forefront of the anti-gay rights movement and the denunciation of homosexuals and same-sex marriage? What changed and how? It is my intention in this article to demonstrate how the situation changed 180 degrees, and to provide a framework for understanding, not only the trajectory and history of the thought involved, but also the mentality of the process itself.

[3] The answers are rooted in the legal controversy over Mormon polygamy (Mormonism's own radical sexual deviance), the long church-and-state confrontation that led to its resolution (i.e., its criminalization and abandonment), and the ways in which Mormon doctrine, scripture, and revelation are made and canonized. Polygamy, after all, is about sex, just as homosexuality is, and although at first glance the two may seem miles apart, such differences are merely genital. In truth, the politics and doctrine of the two are startlingly similar. And, like a Möbius Strip or double helix that turns over and back on itself, the Mormons, who were once the persecuted, have become the persecutors *upon the very same terms and principles*.

[4] The connection to polygamy is particularly significant because of the recent addition of the "marriage" question to traditional homophobia. Starting in the early

Framers of Hawaii Constitution Did Envision Marriage As A Civil Right Unfettered By Sex, HONOLULU STAR-BULLETIN, Oct. 24, 1998, at <http://starbulletin.com/98/10/24/editorial/special2.html>.

1990s, the subject of *same-sex marriage* became a serious national discussion in the United States.⁵ Prior to that time, homophobia meant merely the fear, hatred, and persecution of homosexuals, usually as individuals and usually for their “lifestyle.” But once marriage entered the debate, it caused a re-examination of the institution of marriage—its definition and history, as well as its symbolic value. It is, therefore, important to know something about what the Mormons believe(d) concerning marriage. That belief has changed significantly over the years. In fact, the Mormons transformed “marriage” into one of the most malleable of nouns.

[5] It is true that Mormon society did not tolerate homosexual conduct on the part of otherwise married people (polygamous or monogamous), nor did it tolerate furtive, libertine “sodomy” that involved adult coercion of minors or the use of violence or any challenge to church authority power structures. In these types of situations, Mormons (including family members) could be vicious in accusing each other of sodomy for political and economic agendas and in punishing the offenders.

[6] On the other hand, Mormon society did tolerate, and indeed sometimes even celebrated, same-sex couples (both men and women) who were unmarried but who were faithful to each other—especially among women within polygamous relationships. Such

⁵ See *Baehr v. Lewin* 852 P.2d 44 (Haw. 1993) (holding same-sex couples were not entitled to marriage rights under both the Equal Protection and Equality of Rights provisions of the State Constitution). Since the *Baehr* ruling, there has been a serious large-scale legal and political debate on same-sex marriage. Since 1993, several ancillary decisions have followed, with the nationwide debate most surrounding state legislatures and Congress. I participated in the political and legal events of those years as a lawyer, a researcher, a writer, and an eyewitness. See also Robert J. Morris, *Re-Identifying American State Democracy: Implications for Same-Sex Marriage and the Nonfungibility of Hawaii in the Exotic 1950 Statehood Constitution*, 22 U. OF HAW. L. REV. 1-17 (2000). Here, I have summarized the history of the legislative and constitutional issues that were debated throughout the pendency of the *Baehr* case, with a special focus on the state constitution.

could be described as “homosocial” relationships. Contrary to the “traffic in women” that modern society tolerates, Mormon women of the period often sought to be in polygamous households, using the husband as the mediator or pivot around which their female-female relationships could flourish without notice. Some of these women attained high positions in the church.⁶ Many such relationships were impervious to the 1890 *Manifesto* that ended polygamy.

[7] Examining the fine distinctions and definitions within the above mentioned comparisons is difficult. While these are not easy questions in the genealogy and trajectory of ideas, the careful pursuit of them will lead to some remarkable insights into the Mormon belief system. The purpose and intent of this article is solely to expose the roots of modern Mormon homophobia and to name a few of its key perpetrators, and study their “reasoning in plainness and simplicity.”⁷ Outside of that single context, no criticism of the Mormon people is intended or implied. Tracing the lineage of ideas and doctrines is a legitimate pursuit in depicting Mormonism, which refers incessantly to the prophets of both the *Old* and *New Testaments*, beginning with Adam.

⁶ Rocky O’Donovan, *The Abominable and Detestable Crime Against Nature: A Brief History of Homosexuality and Mormonism, 1840-1980*, available at <http://www.affirmation.org/memorial/abominable-and-detestable-crime.asp> (last visited July 2005). The theme of the women being used as the implement or medium for transactions between men is developed in EVE KOSOFSKY SEDGWICK, *BETWEEN MEN: ENGLISH LITERATURE AND MALE HOMOSOCIAL DESIRE* (Columbia University Press, 1985).

⁷ DOCTRINE AND COVENANTS 133:57.

The Manifesto and The Articles of Faith

[8] The greatest doctrinal and social crisis ever to face Mormonism was polygamy (technically “polygyny”).⁸ For the better part of the Nineteenth Century, many, but not all, faithful Mormon men were called by church leaders, according to their priesthood authority, to engage in the “plural wife” system as a part of “celestial marriage” or “eternal marriage.” Such a calling meant that these men were “given” additional wives in marriage by the church priesthood authorities. Notably, in their own public statements about the practice, the church leaders claimed that at any given time, only a small percentage of the total Mormon membership ever engaged in polygamy. Whether or not such claim is true, it is not crucial for the following discussion.⁹

[9] Doctrine and practice held that plural marriage—specifically *not* monogamous marriage—was a prerequisite for “exaltation” into the Celestial Kingdom of God, or the “highest degree of glory” in the Mormon perception of heaven.¹⁰ Understanding of this fact is crucial for the discussion that follows.

⁸ While some writers have suggested a tiny representation of polyandry within the Mormon community, it is not significant for this study. The history, practice, and written materials on the subject are overwhelmingly polygynist.

⁹ It is reminiscent of the claim developed during the same-sex marriage debate that homosexuals constitute about 2% of the total population, far from the 10% cited by the gay community. The purpose of the claim was to argue that homosexuals were such an insignificant minority that they did not deserve “special rights.” But in law, no matter the size of the minority, rights are always deserving of the law’s “equal protection.”

¹⁰ These ideas were recorded in the DOCTRINE AND COVENANTS at 76:50-70, 92-96; and 132:4-27 as revelations to Joseph Smith. Section 132 is the central focus for polygamy.

I am working from a modern edition of the DOCTRINE AND COVENANTS dated 1993. Many changes to the text, and therefore to the doctrine, have been made in this edition from previous editions. The editors of the *Explanatory Introduction* at the beginning of the volume do not account for these changes. The final paragraph states, “It is evident that some errors have been perpetuated in past editions, particularly in the historical

[10] Official Mormon statements during this period pointedly condemned monogamy as evil and corrupted.¹¹ Yet social and legal forces throughout the United States combined to oppose polygamy, and before it was over, the church was nearly disfranchised and obliterated. In 1890, the doctrine changed with the promulgation, by church president Wilford Woodruff (1807-1898),¹² of an *official declaration* or *Manifesto* ostensibly ending plural marriage.

[11] For the several decades leading up to 1890, anti-polygamy court cases and federal statutes (Utah was then a federal territory aspiring to statehood) had been accumulating, and with them a prurient fascination with the details of Mormon sex and sexual arrangements. While the law prohibiting polygamous “cohabitation” did not even require the parties had slept together, the courts and the public indulged in their own fantasies about what polygamous sleeping-together entailed.¹³ By law, no other Mormon who believed in polygamy could serve on a jury of the defendant’s “peers” in a polygamy case.¹⁴ *The sword used against them was the definition of “family” as the union between*

portions of the section headings These changes have been made so as to bring the material into conformity with the historical documents.” In my view this is misleading; it states a partial truth, thus leaving the unsuspecting reader unaware of the major changes made elsewhere *in the texts of the sections themselves*. These changes are not footnoted in the new edition, and there is no variorum edition. An innocent reader might (wrongly) be led to believe that he or she was reading the text as it originally appeared when first published during the life of Joseph Smith. Fortunately, for purposes of the present discussion, these changes do not make much difference, and where they may, I have so noted. However, such a mistake should not and cannot be ignored.

¹¹ See Morris, *supra* note 4 for an assembly of the major statements.

¹² Biographical data on all the church presidents, including pictures, is *available at* <http://www.xmission.com/~research/central/chorg1.htm>.

¹³ See, e.g., Cannon v. United States, 116 U.S. 55 (1885).

¹⁴ See, e.g., Clawson v. United States, 114 U.S. 477 (1885).

“one man and one woman.”¹⁵ Students of modern homophobia will recognize that this is precisely the sword which the Mormons today use against same-sex marriage.¹⁶ On the Mormon side, plural marriages were secretly performed, their existence covered with lies,¹⁷ and effectively concealed by evasiveness and disguise.¹⁸

[12] The (quasi-)official end to polygamy came as a declaration, in what is called the *Manifesto*, by the church’s fourth president, Wilford Woodruff, who had been a contemporary of Joseph Smith and a leader in the church’s movement from Ohio and Illinois to the western Great Basin.¹⁹ Woodruff proclaimed the *Manifesto* at the church’s official general conference in Salt Lake City on Monday, October 6, 1890. The *Manifesto*, along with several contextual documents,²⁰ all written in the first person, are

¹⁵ See, e.g., *Davis v. Beason*, 133 U.S. 333 (1890).

¹⁶ Gordon B. Hinckley, 29 *Why We Do Some of the Things We Do*, ENSIGN 52-4 (1999), available at http://www.lightplanet.com/mormons/conferences/99_oct/hinckley_why.htm.

¹⁷ See, e.g., *Miles v. United States*, 103 U.S. 304 (1880).

¹⁸ See, e.g., *Snow v. United States*, 118 U.S. 346 (1886).

¹⁹ DOCTRINE AND COVENANTS 136:13.

²⁰ What I refer to as the “contextual documents” and “notes” are entitled, *Excerpts From Three Addresses by President Wilford Woodruff Regarding the Manifesto*. The first is a statement he made at a general conference while delivering the *Manifesto*. The second is dated November 1, 1891; the third is dated April 1893. Unlike the rest of the DOCTRINE AND COVENANTS, these materials are not annotated with footnotes and cross-references. The editors state no reason for this difference. One possible inference is that they are not considered to be of equal status with the other sections and revelations within the book.

published today as “*Official Declaration-I*” and noted within the *Doctrine and Covenants*.²¹

[13] Prior to proclaiming his *Manifesto*, Woodruff and the church were in a very tight spot. On the one hand, many Mormons had for years vociferously and surreptitiously urged the abandonment of polygamy. On the other hand, others clung to the doctrine as divine, given as a revelation by Joseph Smith himself and containing as it did the threat that only those who entered into this “order” could be exalted in the highest heaven or celestial kingdom. How, then, could Woodruff avoid a split in the church, and yet guarantee its survival?²²

[14] The law of the land, which Mormons officially believed in “obeying, honoring, and sustaining,”²³ now declared polygamy to be a crime. However, no new revelation had been given rescinding polygamy. Accordingly, the new revelation of the same order

²¹ The conference proceedings are reported in COLLECTED DISCOURSES OF PRESIDENT WILFORD WOODRUFF, HIS TWO COUNSELORS, THE TWELVE APOSTLES, AND OTHERS 1886-89, 1890-92 (Brian H. Stuy ed., BHS Publishing, vol. 2, various dates), as well as in the sources cited in the DOCTRINE AND COVENANTS.

²² In fairness to Woodruff, if the responsibility of the tribal leader is above all to preserve the existence of the tribe, he did what was necessary. He saved the church from annihilation. In a *Vision of the Redemption of the Dead*, recorded in 1918, twenty years after Woodruff’s death, then church president Joseph F. Smith, who was the sixth president, stated that he saw Woodruff, along with his predecessors, “in the spirit world,” that they were “choice spirits” and were “among the noble and great ones who were chosen in the beginning to be rulers in the Church of God.” DOCTRINE AND COVENANTS 138:53-55. This scriptural “canonization” of Woodruff is significant with regard to the many “Mormon fundamentalist” groups that today practice polygamy. They believe that Woodruff’s promulgation of the *Manifesto* was not divinely authorized or inspired.

Heber J. Grant, Woodruff’s immediate successor as the church’s fifth president, is not mentioned by name in Section 138. Section 138 was added to THE DOCTRINE AND COVENANTS in the 1993 edition, when presumably it was canonized, although it was well known and published in the church since its announcement in 1918.

²³ *Articles of Faith*, Article 12.

and dignity as the original revelation, was the prescribed method for rescinding the original. Furthermore, as will be seen later in this article, since several revelations sustaining polygamy were given before the *Manifesto*, it would be expected that equivalent revelation would also be given to rescind it.²⁴

[15] This did not occur however. At the general conference, Woodruff merely claimed that he was declaring the *Manifesto* for “the temporal salvation of the church.” He did not speak the usual “thus saith the Lord” revelation. Yet his pronouncement, and those that followed on the subject for several years thereafter, suggested infallibility in his position: “The Lord will never permit me or any other man who stands as President of this Church to lead you astray.” In other words, this sea of change was to be followed on the basis of *ipse dixit*, just because he said so.

[16] At the official general conference in 1890, Woodruff began his *Manifesto* with a rhetorical question: “What do the Latter-day Saints believe in?” In the moment between the asking of the question and Woodruff’s answer, one might have read a different answer in the thoughts of almost every Mormon present. After all, by 1890 there had been an abundance of “doctrine” in the church. Therefore, the beliefs of each Mormon present could have corresponded with any of the four “standard works” of Mormon scripture.

[17] Certainly, one centrally orthodox answer would have been “Polygamy. The Latter-day Saints believe in polygamy, for it was given by revelation and commandment of God through the Prophet Joseph Smith as set forth by him in Section 132 of the *Doctrine and Covenants*.” Woodruff’s immediate predecessors, Brigham Young and

²⁴ DOCTRINE AND COVENANTS 56:4; 124:49.

John Taylor, as successors to Joseph Smith, had called it an eternal principle. Woodruff himself had officially stated in 1869:

If we were to do away with polygamy . . . then we must do away with prophets and Apostles, with revelation and the gifts and graces of the Gospel, *and finally give up our religion altogether and turn sectarians and do as the world does*, than all would be right. We just can't do that...come life or come death. [God] has told us to [practice polygamy], and we shall obey Him in days to come as we have in days past.²⁵

[18] As late as 1882, two years after the church canonized the *Pearl of Great Price* including the *Articles of Faith*, statehood for Utah was being held up in Congress because of the polygamy issue. Notably, Woodruff recorded in his journal that the First Presidency and the Apostles concluded that they “could not swap off[f] the Kingdom of God or any of its Laws or Principles for a state government.”²⁶ Such apocalyptic fears by Woodruff have come to fruition considering the church’s modern policies concerning homosexuality.

[19] Two years later, in 1884, Woodruff again officially declared of polygamy, “We have had more prosperity since we carried out that law, and endeavored to fulfill it

²⁵ JOURNAL OF DISCOURSES 13:166, Dec. 12, 1869 (emphasis added). Woodruff, then one of the church’s twelve apostles, was addressing a general conference of the church. Hence, the speech was official, and its publication in the *Journal of Discourses* made it part of the official record of the conference having the same weight and dignity as the official record of his Manifesto statements in the 1890 general conference.

²⁶ Journal entry for November 27, 1882; WILFORD WOODRUFF’S JOURNAL (Scott Kenney ed., Signature Books, 1983-1985).

according to the command of God, than we ever had as a people before.”²⁷ The Mormon use of the word “law” is of special interest. Mormon scripture recognizes the distinction between “the law of God” and “the law of the land,” but also states: “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.”²⁸ This dichotomy, of course, contrasts with the ancient “law of Moses,” which combined civil, criminal, and religious law, including polygamy and slavery. Section 132 states that “my word” is “my law.” Throughout the section, polygamy is referred to as “this law.”

[20] Any of the previously depicted statements by Woodward could have been the orthodox answer to Woodruff’s question, “What do the Latter-day Saints believe in?” However, Woodruff’s answer to his own question was, in my view, startlingly different and unexpected. He cited the church’s thirteen *Articles of Faith*, which had been included in numbers of official and unofficial church publications since 1851, and were canonized with the *Pearl of Great Price* in 1880.²⁹ The entire text of the *Articles of Faith*, with some slight differences³⁰ from today’s version, was read to the congregation

²⁷ JOURNAL OF DISCOURSES 25:9, Jan. 6, 1884. Again addressing a general conference, Woodruff was now president of the Quorum or Council of the Twelve Apostles as well as Church Historian.

²⁸ DOCTRINE AND COVENANTS 58:21.

²⁹ *Articles of Faith* are attached hereto as an Appendix, and they are also *available at* <http://www.lds.org>.

³⁰ One view of the reasons for these changes may be read in JOSEPH FIELDING SMITH, ANSWERS TO GOSPEL QUESTIONS 91-2 (Deseret Book Co., vol. 2, various dates). The original text of what became the *Articles of Faith* was penned by Joseph Smith in 1842, not as revelation, scripture, or inspiration, but perhaps as doctrine, and part of the “Wentworth Letter,” and may be seen in HISTORY OF THE CHURCH 4:535-41. The changes that have appeared in the text over the years are interesting but are not crucial to this discussion.

in 1890. They were asked to raise their hands and vote to sustain the *Articles of Faith* “as the rule of our faith and of our conduct during our mortal lives.” Sources vary with regard to the vote’s outcome.³¹ Regardless of the vote, why was the *re*canonization necessary? Why were *The Articles of Faith* elevated to such an august level, i.e., of stating *the* belief of the Mormons?

[21] Woodruff, in his next remarkable move, pointed out that the *Articles of Faith* *say nothing about polygamy*. Consequently, he argued that, “what the Latter-day Saints believe in” is *not* polygamy because polygamy is not mentioned in the reCanonized the *Articles of Faith*. The *Articles of Faith* had just trumped the previously canonized revelations of Joseph Smith.

[22] Restatements of the faith quickly followed. “A member of the Church who should *now* enter into that relation [polygamy] would violate *the rule of the Church*, and he would be considered a wrong-doer.”³² The distinguished Mormon apostle, historian, theologian, and scholar, B. H. Roberts, later adverted to Article Twelve³³ as the rationale for the change. Roberts consequently wrote that, “plural marriages were discontinued *by the act of the church . . .*”³⁴

³¹ The Mormon position may be read in Paul H. Peterson, “Manifesto of 1890”, vol. 2, pp. 852-53.

³² JAMES R. CLARK, MESSAGES OF THE FIRST PRESIDENCY OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS 215 (Bookcraft, vol. 3, 1965).

³³ “We believe in being subject to kings, presidents, rulers, and magistrates, in obeying, honoring, and sustaining the law.”

³⁴ B. H. ROBERTS, COMPREHENSIVE HISTORY OF THE CHURCH 301 (Sonos Publishing Inc., vol. 5, 1991)(1930).

[23] Because the logical and tactical twists here are so breathtaking, it is important for Mormons to pause and ask both when and how something becomes “the rule of our faith and of our conduct during our mortal lives.” It is not always clear what is *revelation*, what is *inspiration*, what is *scripture*, and what is *doctrine*—and where, if at all, these four ideas overlap or diverge. And practically speaking, how could Section 132, which was still part of *Doctrine and Covenants*, be salvaged after it had been nullified? The answer to this question will emerge further in this article.

[24] Initially, it could be said that everything done within the context of the church contains revelation, inspiration, scripture, and doctrine. “For you shall live by every word that proceedeth forth from the mouth of God.”³⁵ With regard to males in the priesthood, an early revelation had declared that “whatsoever they shall speak when moved upon by the Holy Ghost shall be scripture, shall be the will of the Lord, shall be the mind of the Lord, shall be the word of the Lord, shall be the voice of the Lord, and the power of God unto salvation.”³⁶

[25] On the other hand, Joseph Smith declared that “a prophet was a prophet only when he was acting as such.”³⁷ In the case of a doctrinal dispute, the early “high council” of the church was designated to resolve the problem “if there is not a sufficiency written to make the case clear to the minds of the council.” The president of the council may

³⁵ DOCTRINE AND COVENANTS 84:44. *See also*, DEUT. 8:3; MT. 4:4; DOCTRINE AND COVENANTS 98:11.

³⁶ DOCTRINE AND COVENANTS 68:2-4; *accord* DOCTRINE AND COVENANTS 1:38.

³⁷ SMITH, *supra* note 2, at 278.

thereupon “inquire and obtain the mind of the Lord by revelation.”³⁸ The missionaries of the church were warned not to argue over “tenets” of their faith.³⁹

[26] Are doctrine, scripture, inspiration, and revelation co-extensive in Mormonism? Some revelations that now appear in *Doctrine and Covenants* (i.e., Section 132 on plural marriage, Section 137 on entitlement to the celestial kingdom, and Section 138 on the redemption of the dead) were not included therein or canonized until some time, even many years, after they were received. Thus, they were revelation, but were they scripture and/or doctrine?

[27] Other parts of *Doctrine and Covenants* (i.e., Section 134 on civil governments) were not given as revelation or written by any head of the church. Thus, they appear to be scripture and doctrine, but not revelation. Other items that previously appeared in *Doctrine and Covenants* (such as the *Lectures on Faith*) have been removed or decanonized. Thus, what was once doctrine, but perhaps not scripture or revelation, is now none of the above. Clearly, not all doctrine, scripture, inspiration, or revelation is part of the official canon, and never has been. Therefore, they are not necessarily coextensive.

[28] What, then, was and is the status of the *Articles of Faith*? More specifically, what was their status in 1880 when the *Pearl of Great Price* containing them was canonized, and what was their status in 1890 when Wilford Woodruff and the general conference accepted them again as “the rule of our faith and of our conduct during our mortal lives?” What did Woodruff’s action mean? Today, the church teaches that, “[i]n

³⁸ DOCTRINE AND COVENANTS 102: 23.

³⁹ DOCTRINE AND COVENANTS 19:31.

1851 the *Articles of Faith* were included in the first edition of the *Pearl of Great Price* published in the British Mission. After the *Pearl of Great Price* was revised in 1878 and canonized in 1880, the *Articles of Faith* became official doctrine of the Church.⁴⁰

[29] The word “after” is troublesome because if the *Articles of Faith* were canonized at the same time the *Pearl of Great Price* in 1880; one would expect the sentence to begin with the word “when.” Also, if they were indeed canonized in 1880 along with the *Pearl of Great Price*, why did Woodruff feel the need to re-canonize them in 1890, only ten years later? Clearly, Mormons have always felt bound to take *already* canonized scripture “as the rule of our faith and of our conduct during our mortal lives.” A re-canonization would seem to be needlessly redundant, unless major modifications had been made to the previous text (not the case here), or it was they were canonizing *the new meaning that was about to be infused into the Articles of Faith*, a meaning they did not have only ten years earlier in 1880.

[30] Or did the whole *Articles of Faith* really first become canonized scripture only in 1890 as an immediate prelude to the *Manifesto*? If the October 1890 general conference was indeed the first and only canonization, then the deployment of the *Articles of Faith* demonstrated the desperate need to legitimize a strategic doctrinal shift, *i.e., to state that the entire body of the Articles was devoid of any belief in polygamy.*

[31] In other words, the conference was asked to (re)canonize what was *not* in the text they were (re)canonizing. But if that was the case, such action would strip the *Articles of Faith* of their meaning at that point in time—strip them of, for example, later

⁴⁰ *Church History in the Fullness of Times*, in CHURCH EDUCATIONAL SYSTEM MANUAL 256-7 (1993) (emphasis added). This language was also quoted by Mormon Apostle L. Tom Perry in the church’s general conference in 1998; *available at* <http://www.lds.org/conference/display/0,5234,23-1,00.html> (last visited Jun. 5, 2005).

uncanonized interpolations by Mormon Apostle Bruce R. McConkie.⁴¹ It would also mean that whatever *else Articles of Faith* did not contain would or could logically be excluded from “what the Mormons believe in.” These questions ineluctably lead to the core issue of whether the *Manifesto* trumps Section 132 on “celestial [i.e., plural] marriage.”

[32] Surely, part of the question must lie in the meaning of the words “reveal” and “receive” in Section 132: Whoever *receives* the law, to whomever the law is *revealed*, must abide the same or be “damned.”⁴² Many Mormons were never inducted, assigned, or called into polygamy by priesthood authority—a very large percentage according to Mormon explanations. Polygamy was not voluntary or self-inducted. *Thus, the rather draconian requirements of Section 132 cannot (or were not originally intended to) be generalized to all people or even to all members of the church.* This point is important because in modern times it has been generalized to become so. Yet there is no new revelation or interpretative rule to illustrate how this elision was accomplished.

[33] On the other hand, the crucial issue may not be whether the *Manifesto* trumped Section 132, *but whether the Articles of Faith trumped Section 132.* Or perhaps whether *both* collectively trumped Section 132. This question is key because it cannot be assumed that plural marriage, within the meaning and context of Section 132, can simply

⁴¹ This article will conclude with an examination of McConkie’s work in canonizing Mormon homophobia. Following McConkie, Mormon Apostles Boyd K. Packer, Spencer W. Kimball, Mark E. Peterson, and others took up the cudgel. *See, Morris supra* note 4.

⁴² DOCTRINE AND COVENANTS 132:3-6.

mean monogamy now, so as to be applicable to all persons or all Mormons. Speaking within the context of plural marriage, the section states:

Therefore, prepare thy heart to receive and obey the instructions, which I am about to give unto you; for all those who have *this law* revealed unto them must obey the same. For behold, I reveal unto you a new and everlasting covenant; *and if ye abide not that covenant, then are ye damned; for no one can reject this covenant and be permitted to enter into my glory.*⁴³

[34] It is clear for two reasons that Section 132 therefore refers only to plural marriage, and not to monogamy. First, as previously indicated, the church, during the entire polygamy period, publicly denounced monogamy as satanic up until the *Manifesto*.⁴⁴ Secondly, Section 132 reveals that its sole subject is polygamy:

Verily, thus saith the Lord unto you my servant Joseph, that inasmuch as you have inquired of my hand to know and understand wherein I, the Lord, justified my servants Abraham, Isaac, and Jacob, as also Moses, David and Solomon, my servants, *touching the principle and doctrine of their having many wives and concubines*—Behold, and lo, I am the Lord thy god, and will answer thee *as touching this matter.*⁴⁵

Thus, the entire section must stand or fall together. To the pre-*Manifesto* Mormons, true marriage, marriage that would exalt in the Celestial Kingdom, meant only polygamy. The word “law,” mentioned many times throughout the section, meant this “new and everlasting covenant” of *plural* marriage.

[35] Despite all of these textual evidences, Section 132 is now invoked as a mandate for monogamy, and thus, many do not give the Section a critical reading. Its other meaning of “law” is the *Old Testament* “law of Moses.” It is in this second usage that an unusual dichotomy occurs in Section 132:

⁴³ DOCTRINE AND COVENANTS 132:3-4 (emphasis added).

⁴⁴ Morris, *supra* note 4.

⁴⁵ DOCTRINE AND COVENANTS 132:1-2 (emphasis added).

God commanded Abraham, and Sarah gave Hagar to Abraham to wife. And why did she do it? *Because this was the law*; and from Hagar sprang many people. This, therefore, was fulfilling, among other things, the promises. Was Abraham, therefore, under condemnation? Verily I say unto you, Nay; for I, the Lord, commanded it. Abraham was commanded to offer his son Isaac; *nevertheless, it was written: Thou shalt not kill*. Abraham, however, did not refuse, and it was accounted unto him for righteousness.⁴⁶

[36] The argument is that God, if he wishes, can contradict his own previous statements and law—even one of the Ten Commandments regarding killing. Rocky O'Donovan has summarized the intricate interconnectedness of these various key Mormon doctrines this way:

During the early 1840's Mormon founder Joseph Smith deified heterosexuality when he introduced the doctrine of a Father and Mother in Heaven – a divine, actively heterosexual couple paradigmatic of earthly sexual relationships Smith also eternalized heterosexuality by extended opposite-sex marriages (heterogamy) into “time and all eternity” and multiplied heterosexuality through polygamy Smith's “emphasis on procreation” became the basis for the Mormon concept of humanity's progress to divinity. All of Smith's...doctrinal innovations fell into place around this new teaching *Polygamy thus bound together all of Mormon theology and cosmology.*⁴⁷

[37] But “eternalizing heterosexuality” did not include damning homosexuality. It was not a zero-sum equation. To import that meaning would be to read the Nineteenth Century with Twentieth Century glasses. The opposite of celestial heterosexuality in early pre-*Manifesto* Mormonism—the “others” against which the Mormons defined themselves—were monogamy, “apostate” Christendom.

⁴⁶ DOCTRINE AND COVENANTS 132:34-36 (emphasis added).

⁴⁷ O'Donovan, *supra* note 6 (emphasis added).

[38] The implications of this for the Mormon power structure of patriarchy were immense. Nothing would be permitted to challenge the hierarchy of gender. For nearly half a century, the Mormons had invoked the *Bible*, in particular, the Old Testament patriarchs (Abraham, Isaac, Jacob, and David by name) in support of polygamy.⁴⁸ They were all described as having multiple wives and concubines.⁴⁹ If temple heterosexual marriage is now the *sine qua non* for availing oneself of the atonement of Christ and eternal life, as per the now revived Section 132, then by parity of reasoning it would seem that the necessity of a temple-married Jesus would today resurface as paramount. Yet, it is not mentioned.

[39] With regard to Abraham, the elision from the “law” of marriage to the “law” of murder is a kind of mental Möbius Strip. In the first instance, Abraham was commanded to *obey* the existing law,⁵⁰ and in the second instance, he was commanded to *break* the existing law.⁵¹ But this was at odds with the Twelfth Article, which stated: “We believe in . . . obeying, honoring, and sustaining the law.”⁵² The ascendancy of the law over the

⁴⁸ See, e.g., DOCTRINE AND COVENANTS 132:29-39.

⁴⁹ Oddly missing from any modern discussion of heterosexuality, marriage, polygamy, or homosexuality is the early Mormon teaching that Jesus was married. The primary Mormon source, which gathers all the relevant citations and quotations, is still Ogden Kraut’s *Jesus Was Married*. OGDEN KRAUT, JESUS WAS MARRIED (Pioneer Press, 1969). See also, Morris, *supra* note 4.

Kraut’s speech contains additional information. Ogden Kraut, Address at the B.H. Roberts Society Meeting (May 16, 1990) (transcript *available at* http://www.helpingmormons.org/TLC_Manti/GospelDiscussionFolder/PluralMarriage?PM-KrautManifesto.htm)(last visited Feb. 27, 2005).

⁵⁰ See DOCTRINE AND COVENANTS 132:19.

⁵¹ See DOCTRINE AND COVENANTS 132:36.

⁵² *Articles of Faith*, Art. 12.

commandment was confirmed elsewhere: “[W]hoso forbiddeth to marry is not ordained of God, for marriage is ordained of God unto man. Wherefore, it is *lawful* that he should have one wife, and they twain shall be one flesh”⁵³

[40] Early on, the church took a similar position regarding slavery. An 1835 “Declaration of belief regarding governments and laws in general” was canonized as follows: [W]e do not believe it right to interfere with bond servants, neither preach the gospel to, nor baptize them contrary to the will and wish of their masters Such interference we believe to be *unlawful and unjust*⁵⁴

[41] In other words, the church was willing to let slavery stand wherever it was “lawful.” Joseph Smith published what became the *Articles of Faith* in March of 1842, and he “recorded” Section 132 on July 12, 1843—a little over a year later and only eleven months before his death—although he is said to have “known” of the principles involved in Section 132 (plural marriage) since 1831.⁵⁵ From these facts, it could be argued that he intended Section 132 (and plural marriage) to co-exist with the *Articles of Faith*. He did not intend the *Articles of Faith* to trump Section 132 or vice versa. Nor did he intend the *Articles of Faith* to state “what we do not believe” on the subject of polygamy (a negative), when Section 132 already stated “what we do believe” (an

⁵³ DOCTRINE AND COVENANTS 49:15-16 (emphasis added). This language may refer to both civil and ecclesiastical law.

⁵⁴ DOCTRINE AND COVENANTS 134:12 (emphasis added). This is a clear example of the language in which an affirmative statement of “what we do *not* believe” would be couched.

⁵⁵ See DOCTRINE AND COVENANTS 132.

affirmative). Had he intended any of these things, he likely would have seen to all of them himself during his lifetime. Rather, he intended them to be read together.

[42] Yet these implicit understandings were set at naught by the *Manifesto*. Thus, the root condition was in place that gave sanction to all later manipulations of the *Articles of Faith*, especially to those of Bruce R. McConkie, as we shall see. That root condition was the manipulation of time that made something both “new” and “everlasting.” A newly invented doctrine—homophobia—the “new” part) could thereafter be credibly referred to as “the sin of the ages” (the “everlasting” part) and there would be no perception of the dichotomy. This was another mental Möbius Strip: “[A]ll *old covenants* have I caused to be done away in this thing; and this is a *new and* an everlasting covenant, *even that which was from the beginning*.”⁵⁶

[43] This same thinking entered into Section 132 on plural marriage,⁵⁷ and it entered into the *Manifesto* as well. For in announcing the change in the 1890 general conference, Woodruff rehearsed the recent past, referring to the time “since last June [1890] or during the past year [Oct. 1889 to Oct. 1890],” as follows: “There is nothing in my teachings to the Church or in those of my associates, *during the time specified*, which can reasonably be construed to inculcate or encourage polygamy” By this, he sought to defuse the charges that plural marriages were still being conducted.

[44] The *Manifesto* left many polygamous marriages and resultant families that had already been formed in the church. It meant that after a brief interregnum of change, “the time specified,” such families were not only in violation of the law but also of church

⁵⁶ DOCTRINE AND COVENANTS 22:1 (emphasis added). The phrase does not occur in the King James Bible, Mormonism’s official Bible.

⁵⁷ DOCTRINE AND COVENANTS 132:6, 19.

doctrine, scripture, inspiration, and perhaps revelation. What may or may not have been scriptural a year earlier was now reversed. Now, what they were practicing could lead to damnation, whereas the day before, *not* practicing it could have led to damnation. Students of homosexuality will recognize a similar pattern in the later creation of the church's anti-homosexual policy.

PART II: WHAT DO THE LATTER-DAY SAINTS *NOT* BELIEVE IN?

What is not Sodomy

[45] There is nothing in the *Articles of Faith* dealing with homosexuality, or what the Nineteenth Century called “sodomy.” The words “chaste” and “virtuous” in Article 13 are a partial reference to Paul⁵⁸ and refer to heterosexual chastity, most frequently with regard to women, as does the Mormon use of the word. For example, the *Book of Mormon*, which is silent on homosexuality, states: “I, the Lord God, delight in the chastity of women.”⁵⁹ Such is the meaning in all the Mormon scriptures. In 1890 Mormonism, Sodom (the city) and “sodomy” stood for other things.

[46] In 1857, Thomas B. Marsh, a former Mormon Apostle who had apostatized and been excommunicated, spoke at general conference in Salt Lake City and asked to be reinstated in the church. He recounted his apostasy and admitted that his “soul was vexed with the filthy conversation of those Sodomites.”⁶⁰ His meaning was the apostates with

⁵⁸ *Philippians* 4:8.

⁵⁹ *JACOB* 2:28; *see also MORONI* 9:9.

⁶⁰ Brigham Young, Remarks by President Brigham Young, Introducing Brother Thomas B. Matsh at Salt Lake City (Sept. 6, 1857) in *JOURNAL OF DISCOURSES*, 5:206. He cited the text of *Jeremiah* 31:20 from the *Bible*, which is part of a context about the repentant

whom he had once associated. When Marsh finished speaking, Brigham Young asked the congregation for a vote on Marsh's request for reinstatement, which turned out in his favor. The irony was, years before, when the church was headquartered in Illinois, Brigham Young had accused Marsh of improper sexual relations with both boys and girls (i.e., child abuse or molestation).⁶¹ Yet, neither of them used that meaning for "Sodomites" in the 1857 general conference.

[47] In 1883, seven years before the *Manifesto*, Rosetta (or Etta) Luce Gilchrist published *Apples of Sodom: A Story of Mormon Life*, a melodramatic novel of polygamy in Utah.⁶² In 322 pages, which were unfriendly toward the church, she told of the oppression of women in "the system," which she referred to as the "infamous crime" and as "infamy" itself. Scholars of homophobia will recognize these terms as the pejoratives used against homosexuals today. But in Gilchrist's book there is no mention of same-sex desire or practices in connection with these terms whatsoever. To her, Sodom meant polygamy, just as Sodom had meant monogamy to the polygamous Mormons.

[48] This view is found in an official statement by Mormon Apostle Henry W. Naisbitt to the church in general conference in 1885 about "modern Sodoms, the

Ephraim and the "backsliding daughter" of Israel. Elsewhere, Jeremiah adverts to Sodom and Gomorrah in the context of adultery and lying (23:14), the destruction of the proud (49:18), and the liars and oppressors of Israel in Babylon (50:40). There is no reference in Jeremiah to homosexuality or "sodomy" in the modern usage.

⁶¹ See Morris, *supra* note 4.

⁶² ROSETTA LUCE GILCHRIST, *APPLES OF SODOM: A STORY OF MORMON LIFE* (William W. Williams, 1883). "Etta" is a name given her by Leonard J. Arrington, former LDS Church Historian, in *Mormonism: Views From Without and Within*, 14(2) *BYU Studies* 140 (1974), available at <http://library.usu.edu/Specol/manuscript/Arrington/LJAHA1/bib.html> (last visited Jun. 5, 2005).

paragons and promoters of monogamic marriage”⁶³—surely an affront to the God-fearing monogamists of the day. Both Gilchrist and Naisbitt took Sodom to refer exclusively to heterosexual sex, whether it was polygamic on the one hand or monogamic on the other.

[49] In other words, the “sodomitic” vocabulary of both Mormons and anti-Mormons during the era of the *Manifesto* was entirely heterosexual. This is particularly significant in light of the fact that all the early leaders of the church took enormous pride in referring to the church and the Mormons as a “peculiar people.”⁶⁴ Polygamy became one of the primary badges of this peculiarity—whether as a pejorative or a matter of tribal pride.

[50] That was also consistent with the *Book of Mormon*. *The Second Book of Nephi* repeats (with some textual changes) the content of *Isaiah* 3, in which the Lord pronounces grievous judgments, including war, famine, pestilence, and death (John’s Four Horsemen) upon the people of “Judah and Jerusalem” because “in my house there is neither bread nor clothing”⁶⁵ and “their tongues and their doings have been against the Lord.”⁶⁶

[51] Two primary sins are identified: (1) the wanton (hetero)sexual teasing of the “daughters of Zion” and the fact that “children are their oppressors, and women rule over

⁶³ H.W. Naisbitt, Address at Salt Lake City (Mar. 8 1885) in JOURNAL OF DISCOURSES 26:114, available at http://journals.mormonfundamentalism.org/Vol_26/JD26-114.html. (last visited Jun. 5, 2005).

⁶⁴ 1 *Peter* 2:9. The Mormon usage was tantamount to special, set apart, different. This may be related to the meaning of “pecuniary,” (i.e., “bought with a price”) a well known New Testament doctrine. 1 *Corinthians* 6:20, 7:23.

⁶⁵ 2 *Nephi* 13:7.

⁶⁶ *Id.* at 2 *Nephi* 13:8.

them,”⁶⁷ plus (2) the oppression of the people by their ecclesiastical rulers “who cause thee to err and destroy the way of thy paths⁶⁸ thus: “What mean ye that ye beat my people to pieces, and grind the faces of the poor?”⁶⁹ It was all this that constituted their “sin to be even as Sodom.”⁷⁰ In a word, the sin of Sodom was “pride, fulness of bread, and abundance of idleness” plus failure to “strengthen the hands of the poor and the needy.”⁷¹

[52] Thus, an anti-sodomy position might have been a necessary concomitant of polygamy (“we do *not* believe in sodomy (i.e., monogamy) *because* we do believe in polygamy), and of Joseph Smith’s eternalization of heterosexuality. Sodomy as it is meant today was simply not part of the lexicon as of 1890.

The Uses of Marriage

[53] As noted earlier, various versions of the *Articles of Faith* have come into being over the years.⁷² In giving her useful review of that history in *The Changing Articles of Faith*, Sandra Tanner makes this ironic point:

⁶⁷ *Id.* at 13:12-24

⁶⁸ *Id.*

⁶⁹ *Id.* at 13:15

⁷⁰ *Id.* at 13:9

⁷¹ *Ezekiel* 16:49

⁷² See the discussion of the *Articles of Faith*, with accompanying bibliography, authored by David J. Whittaker in the *Encyclopedia of Mormonism*, Vol. 1, pp. 67-69. Also useful is the speech, *The Articles of Faith*, given at the April 1998 general conference by Mormon Apostle L. Tom Perry, available at <http://www.lds.org/conference/display/0,5234,23-1,00.html>. Except for McConkie, as we shall see later, none of these sources imports any homosexual teaching into the *Articles of Faith*.

While the Bible clearly proclaims that ‘whosoever believeth in him [Jesus] should not perish, but have **eternal life**’ (John 3:15), Mormon leaders have taught since Joseph Smith's time that "eternal life" only comes through temple marriage Mormon theology teaches that those who have been married in the temple can become **Gods**, whereas those who refuse to go through the endowment ritual become servants for all eternity. These teachings are, of course, very objectionable to orthodox Christians.

[54] In any case, it was many years after Joseph Smith's death before Mormon officials seemed to become aware of the fact that his fourth *Article of Faith* did not really represent the position of the church with regard to the process of obtaining eternal life. Since they knew Temple ordinances were also required, the Mormon leaders changed Joseph Smith's fourth *Article of Faith* to read that Faith, Repentance, Baptism and Laying on of hands for the gift of the Holy Ghost are only the "first principles and ordinances of the Gospel."⁷³

[55] The irony is that the *Articles of Faith*, including the Fourth, were the instrument used by Wilford Woodruff in 1890 to terminate polygamy, or “celestial marriage,” which had since Joseph Smith’s time been the quintessential definition of the “temple

⁷³ Sandra Tanner, *The Changing Articles of Faith*, at <http://www.utlm.org/onlineresources/articlesoffaith.htm> (last visited Feb. 27, 2005). Tanner correctly concludes, “Actually, the truth of the matter is that the *Articles of Faith* are remarkable for what they fail to say concerning the teachings of the Mormon Church.”

The various versions published by Tanner, which are also mostly discussed by Whittaker in the *Encyclopedia of Mormonism*, *supra* note 72, provide useful commentary on the *Articles of Faith* in that some of the versions are much longer than the present text and reveal insights that may be seen as a commentary on the present text. There is no suggestion in any of these source materials of the homophobic content that McConkie would later import into them. For purposes of this article, however, it does not matter *that* such variorum exist or *what* they consist in. None of them contain the anti-homosexual teaching suggested by McConkie discussed below.

marriage,” “celestial marriage,” or “eternal marriage” that was one of the requirements leading to “eternal life.”⁷⁴

[56] Tanner’s allusion to the “Temple ordinances” is in part a reference to *Doctrine and Covenants* Sections 131 and 132, which are the revelations on marriage, both dated 1843.⁷⁵ As noted, the introductory heading to Section 132 states that “it is evident from the historical records that the doctrines and principles involved in this revelation had been known by the Prophet [Joseph Smith] since 1831.”⁷⁶ Yet *only a year before that*, in 1830, he had published a revelation, which is now Section 20 of the *Doctrine and Covenants*.⁷⁷ Verses 14 and 26 of that statement declared that all who had belief, faith in the words of the prophets, and works of righteousness would “receive a crown of eternal life.”⁷⁸ Numerous other passages in the *Doctrine and Covenants* declare that eternal life may be had upon other terms and conditions. A year earlier, in 1829, Joseph Smith had been promised eternal life if he would “be firm in keeping the commandments.”⁷⁹ Two

⁷⁴ DOCTRINE AND COVENANTS 132:19-26; compare DOCTRINE AND COVENANTS 20:14, 26; 133:62. Tanner is probably not completely correct in her understanding of the Mormon meaning of “eternal life.” This subject, however, is not within the scope of this article. See Tanner, *supra* note 73.

⁷⁵ These sections do not specifically mention the temple. Sections 124 and 128 are the primary sources for statements on the temple, along with scattered references elsewhere, but these do not mention marriage. The words “temple” and “marriage” are not brought together in any one section of the *Doctrine and Covenants*.

⁷⁶ DOCTRINE AND COVENANTS 132:Introduction.

⁷⁷ The wide discrepancy in Section 20 and 132 belies the closeness of their dates. The reason is that publication of Section 132 was delayed until, after Joseph Smith’s death, the church reached Utah under Brigham Young. The relevant dates are available in the headings to the *Doctrine & Covenants* sections at <http://scriptures.lds.org/dc/contents>.

⁷⁸ DOCTRINE AND COVENANTS 20:14.

⁷⁹ DOCTRINE AND COVENANTS 5:22.

years later, in 1831, another revelation stated: “And unto him that repenteth and sanctifieth himself before the Lord shall be given eternal life.”⁸⁰

[57] Did the advent of Sections 131 and 132 repudiate these earlier statements? If they did, and then if the *Articles of Faith* eventually repudiated *them* in 1890, were the earlier repudiated statements reinstated, or did they remain repudiated? They surely must have been reinstated, at least from the point of view of pre-*Manifesto* pronouncements and logic.⁸¹

[58] Although “eternal marriage,” “temple marriage,” and “plural marriage” were not identical concepts in Nineteenth Century Mormonism, they were linked and often used interchangeably (meaning indiscriminately). *They stood or fell together*. In 1883, Mormon Apostle Charles W. Penrose stated, “If the doctrine of plural marriage was repudiated so must be the glorious principle of marriage for eternity, the two being indissolubly woven together.”⁸² Three years earlier, Mormon Apostle Orson Pratt had stated:

[I]f plurality of marriage is not true, or in other words, if a man has no divine right to marry two wives or more in this world, then marriage for eternity is not true, and your faith is all vain, and all the sealing ordinances

⁸⁰ DOCTRINE AND COVENANTS 133:62.

⁸¹ Yet again, several decades later, then church president Heber J. Grant counteracted this apparent result. See <http://www.mrm.org/articles/redefining-celestial-marriage.html> for a summary. The query then becomes what *remains* of Sections 131 and 132? Navigating the terminology of “celestial marriage,” “eternal marriage,” “plural marriage,” “temple marriage,” and the like can be difficult.

⁸² 45 *Millennial Star* 454 (July 16, 1883); www.helpingmormons.org/TLC_Manti/Weekly%20Quotes/Other%20Quotes.html (last visited Jun. 5, 2005).

and powers, pertaining to marriage for eternity are vain, worthless, good for nothing; for as sure as one is true the other also must be true. Amen.⁸³

Some earlier words from Brigham Young may explain the differences implied by the various scriptures and teachings:

The only men who become Gods, even the Sons of God, are those who enter into polygamy. Others attain unto a glory and may even be permitted to come into the presence of the Father and the Son; but they cannot reign as kings in glory, because they had blessings offered unto them, and they refused to accept them.⁸⁴

[59] This language suggests that with regard to the “others” mentioned, *no* marriage is required (or even recognized) in order to “attain unto a glory and . . . even be permitted to come into the presence of the Father and the Son.” It seems to suggest rankings rather than divisions. In the words of the revelation on plural marriage, these become “ministering servants” in heaven, who “remain separately and singly, without exaltation, in their saved condition, to all eternity.”⁸⁵ Does this include all so-called “ministering servants” in the scriptures, i.e., the ancient Apostles Peter, James, John and Gabriel?⁸⁶ This seems to be the message of Section 7 of *Doctrine and Covenants*. And regardless of any differences that may exist between “plural marriage” and “eternal marriage,” according to Brigham Young, neither of them had anything to do with simple (monogamous) marriage.

⁸³ Orson Pratt, Address at Salt Lake City (July 18, 1980) in *JOURNAL OF DISCOURSES* 21:286.

⁸⁴ Brigham Young, Remarks at the Bowery (Aug. 19, 1880) in *JOURNAL OF DISCOURSES* 11:268-69; see also *John* 3:17; *DOCTRINE AND COVENANTS* 132:15-18, 24.

⁸⁵ *DOCTRINE AND COVENANTS* 132:16-17.

⁸⁶ *DOCTRINE AND COVENANTS* 27:12; 128:20-21

[60] At least “ministering servants” does not equate to damnation or separation from the presence of God, and it seems to reconcile the problem of the Fourth *Article of Faith* raised by Tanner.⁸⁷ The celestial order of marriage was a *priesthood* requirement.⁸⁸ This was made clear in a new revelation on plural marriage, received by church president John Taylor in 1882.⁸⁹ In discussing that revelation, Taylor said, “If we do not embrace that principle [polygamy] soon, the keys will be turned against us. If we do not keep the same law that our Heavenly Father has kept, we cannot go with Him. *A man obeying a lower law is not qualified to preside over those who keep a higher law.*”⁹⁰ On the same occasion Wilford Woodruff said in accord, “The leading men of Israel who are presiding over stakes will have to obey the law of Abraham [plural marriage], or they will have to resign.”⁹¹

⁸⁷ Possible contradictions between Brigham Young’s statement and the DOCTRINE AND COVENANTS may be examined by reading Section 76.

⁸⁸ DOCTRINE AND COVENANTS 131:2.

⁸⁹ D. MICHAEL QUINN, *THE MORMON HIERARCHY: EXTENSIONS OF POWER* (Signature Books, 1997). Further information on this revelation, which was published in Swedish, German, and Danish, but not in English, may be found in an article by Peter L. Porter, *A Chronology of Federal Legislation on Polygamy*, available at <http://www.ldshistory.net/pc/chron.htm>. Taylor received another revelation to largely the same effect in 1886, which was apparently never published. Some question the validity of these “revelations.”

⁹⁰ MATTHIAS F. COWLEY, *WILFORD WOODRUFF: HISTORY OF HIS LIFE AND LABORS* 542 (Bookcraft Publishers 1964), *also available at* www.helpingmormons.org/TLC_Manti/RefLibraryFolder/Revelations/RevJohn%20Taylor-1882.html (last visited Jun. 5, 2005).

⁹¹ *Id.* Part of the urgency at this point in time was the belief by many Mormons, including Wilford Woodruff, that the world would end, i.e., that Christ would make his second appearance in 1890 or 1891—less than a decade away. This is often referred to as the “Mormon parousia.” The author of the website rightly points out that the central issue in the subject is, “When is a prophet speaking and acting as a prophet, and when not?” *Id.*

[61] Hence, not being married, and not being polygamous, are not sins, even though they may deprive an individual of the highest “glory of God” and a post in the church. Section 132 states that the *only* unpardonable sin is “blasphemy against the Holy Ghost . . . in that ye commit murder wherein ye shed innocent blood, and assent unto my death, after ye have received my new and everlasting covenant”⁹² The difficulty in this understanding is that if plural marriages were considered universally to be the *sine qua non* for eternal life, then many otherwise faithful people would be excluded. After all, (a) the Mormons claimed that only a small percentage of them ever actually practiced polygamy, and (b) the practice was not volitional, but a matter of being called to it by the prevailing priesthood authority. In other words, if the brethren in authority, for whatever reason, decided or failed to “call” someone into polygamy, that decision was a decision to exclude that person from exaltation in the presence of God.

A related question is when is it permissible for the people of God to lie in order to deceive national leaders and/or each other? It was a central, yet largely unspoken, issue with regard to the *Manifesto*. The “infallibility doctrine” that accompanied the *Manifesto*, the *ipse dixit*, was a response to this urgent question.

Abraham, the “father of the faithful” and the prime exemplar of Mormon polygamy or the “Abrahamic covenant,” DOCTRINE AND COVENANTS 132:29-37, was an inveterate liar, *particularly with regard to his family, his children, and his marital status*. He not only lied *about* his family, but also *to* them—especially to his son Isaac. Sarah, one of his wives, was also a complicit liar. *Genesis* chs. 12, 16, 20, 22, 26; *see also Pearl of Great Price: Book of Abraham* 2:22-25. The *Pearl of Great Price* makes clear that Abraham incited his wife to lie at the behest of God. In a crucial discussion about Abraham, Jesus goes to particular pains to distinguish himself from liars. *See John* ch. 8, especially verses 55 and 56. A discussion of Abraham’s lying can be found in Bob Deffinbaugh’s series, *Profiting from the Prophets*. Bob Deffinbaugh, *Profiting from the Prophets*, available at <http://www.bible.org/pageasp?page-id=1543> (last visited Feb. 28, 2005).

⁹² DOCTRINE AND COVENANTS 132:27.

[62] This latter point is perhaps the most crucial because it removed, in part, one's volition or "free agency." Of course, a person called to polygamy could refuse the call, but the greater problem lay in the fact that, at least ostensibly, one could not simply *volunteer* for or *aspire* to polygamy, either. It was totally out of the individual's hands. Section 132 required that, beginning with Joseph Smith, the "giving" of wives to husbands in plural marriage was a duty and office of the president of the church.⁹³ This was the position the Mormons argued to the world in their defense, that in reality few were called and few were chosen.⁹⁴ Historians generally summarize it this way:

The exact percentage of Latter-day Saints who participated in the practice is not known, but studies suggest a maximum of from 20 to 25 percent of LDS adults were members of polygamous households. At its height, plural marriage probably involved only a third of the women reaching marriageable age—though among Church leadership plural marriage was the norm for a time.⁹⁵

[63] If one was not a "free agent" to pursue eternal life, but was partially at the mercy of the president of the church and the call to "celestial marriage," then the president of the church effectively had the power to decide who would inherit eternal life. If only a small percentage of Mormons ever actually practiced plural marriage, then *a fortiori* those who are to inherit eternal life must be from among those in that small group. The *Manifesto* left unanswered the question of eternal life, for all those who were not within the "maximum of from 20 to 25 percent of LDS adults" or who came *after* the

⁹³ DOCTRINE AND COVENANTS 132:44, 48.

⁹⁴ See, e.g., DOCTRINE AND COVENANTS 121:34. Whether these figures are accurate perhaps cannot be known without accurate census data.

⁹⁵ Daniel Bachman and Ronald K. Esplin, *History of Plural Marriage*, at <http://www.polygamy.com/Mormon/History-of-Plural-Marriage.htm> (last visited Feb. 28, 2005).

Manifesto and could not, by the law of the land and the law of the church, then enter into the “new and everlasting covenant,” which by then had already ceased to be either “new” or “everlasting.”

[64] Hence, the crisis. If Section 132 were to be salvaged following the *Manifesto*, it had to be *generalized* to mean “marriage for everybody,” and that marriage to mean the wholesale embracing of the formerly “sodomitical” monogamy.

“Fluidity of Doctrine”

[65] The problem of continuity and consistency of Mormon doctrine over time, dealing with not only “what is there” but also with “what is not there,” is relevant and is not confined to polygamy. A more complex form of the question is “What is or is not there now that was or was not there before?” It is part of the question of how something can be viewed as both “new” and “everlasting.”

[66] Mormon doctrine actually provides a useful example of how to answer this question. In the *New Testament*, Paul writes, “Take a little wine for thy stomach’s sake.” The Mormon “Word of Wisdom,” however, forbids “wine and strong drink.”⁹⁶ The later revelation clearly trumps the former statement; Mormons now forbid the use of wine for any reason, and the dictum of Paul is considered dead. After the *Manifesto*, such should have arguably been the fate of *Doctrine and Covenants* 132.

BYU history professor Thomas G. Alexander made the following point:

Perhaps the main barrier to understanding the development of Mormon theology is an underlying assumption by most Church members that there is a cumulative unity of doctrine. Mormons seem to believe that particular doctrines develop consistently, that ideas build on each other in

⁹⁶ DOCTRINE AND COVENANTS 89:5-7.

hierarchical fashion. As a result, older revelations are interpreted by referring to current doctrinal positions. Thus, most members would suppose that a scripture or statement at any point in time has resulted from such orderly change. While this type of exegesis or interpretation may produce systematic theology and while it may satisfy those trying to understand and internalize current doctrine, *it is bad history since it leaves an unwarranted impression of continuity and consistency.*⁹⁷

[67] It is understandable why “most Church members” acquire this “underlying assumption.” First, Mormons believe that “all truth may be circumscribed into one great whole.” In other words, “truth embraceth truth.”⁹⁸ Second, Mormons believe in the “line upon line” doctrine of the *Bible*, *Book of Mormon*, and the *Doctrine and Covenants*; i.e., God declares that he gives to his children “line upon line, precept upon precept, here a little and there a little,”⁹⁹ and in so doing He “will try you and prove you herewith.”¹⁰⁰ Even Jesus “received not a fulness at first, but received grace for grace.”¹⁰¹ The Ninth *Article of Faith* states, “We believe all that God has revealed, all that He does now reveal, and we believe that He will yet reveal many great and important things pertaining to the Kingdom of God.”¹⁰² A common-sense and majoritarian reading of the plain meaning of this language suggests an “orderly change” and “systematic theology,” the additive

⁹⁷ Thomas G. Alexander, *The Reconstruction of Mormon Doctrine: From Joseph Smith to Progressive Theology*, 5(4) SUNSTONE 24-33 (July-August 1980); also available at <http://www.sunstoneonline.com/magazine/searchable/issue22.asp> (emphasis added).

⁹⁸ DOCTRINE AND COVENANTS 88:40.

⁹⁹ *Isaiah* 28:9-13; *2 Nephi* 28:30.

¹⁰⁰ DOCTRINE AND COVENANTS 98:12.

¹⁰¹ DOCTRINE AND COVENANTS 93:12-14.

¹⁰² *Articles of Faith* 9.

notion that “ideas build on each other in hierarchical fashion,” which Alexander refers to as “bad history.”

[68] Yet, Alexander is right. The principle that he enunciates is exactly the process that unfolded in the 1890 *Manifesto* and its aftermath. It goes a long way toward explaining the genealogy of the neo-Mormon doctrine of homophobia that would develop a half-century later. In a telling passage, he states:

The newer and older doctrines thus coexisted, and all competed with novel positions spelled out by various Church leaders Such fluidity of doctrine, unusual from a twentieth century perspective, characterized the nineteenth century Church By 1890 [the date of the *Manifesto*] the doctrines preached in the Church combined what would seem today both familiar and strange. Yet, between 1890 and 1925 these doctrines were reconstructed principally on the basis of works by three European immigrants, James E. Talmage, Brigham H. Roberts, and John A. Widtsoe. Widtsoe and Talmage did much of their writing before they became apostles, but Roberts served as a member of the First Council of the Seventy during the entire period.¹⁰³

[69] These three Mormon “progressive theologians,” not heads of the church, essentially constructed a new foundation for Mormonism that “carried doctrine far beyond anything . . . generally believed by Church members prior to 1835.” Their major reconstruction lay with the Mormon doctrine of man, i.e., the nature of man.¹⁰⁴

Talmage’s book, *The Articles of Faith*, and the absence from it of any mention of

¹⁰³ Alexander, *supra* note 97.

¹⁰⁴ Alexander points out that all of this reconstruction of doctrine occurred with Darwin’s evolution in the background and gaining an ever-stronger foothold in the realm of science. Freud, too, would soon come to the fore. Alexander, *supra* note 97.

homosexuality have already been noted elsewhere.¹⁰⁵ We, therefore, turn our attention to Alexander's comments on Roberts's *New Witness for God*¹⁰⁶ (1895) and Widtsoe's *Rational Theology*¹⁰⁷ (1915). The acceptance of these books, Alexander notes, required the revision and rewriting, and even the deletion, retrospectively, of works used in the church, including portions of the scriptures. In 1917, "[t]he First Presidency appointed a committee consisting of George F. Richards, Anthony W. Ivins, James E. Talmage, and Melvin J. Ballard to review and revise the entire *Doctrine and Covenants*. The initial reason for the committee was . . . the discrepancies which existed between the current edition and Roberts's edition of the History of Church."¹⁰⁸

[70] Separated by twenty years, the works of Roberts's and Widtsoe's shared a crucial topic in common: *sex*. This point is crucial to this discussion. Five years after the *Manifesto*, Alexander, concerning Roberts, stated:

The whole matter of the doctrine of man was tied up with the question of the eternality of the family and *the importance of sexual relationships*, here and hereafter, for procreation and love. In his *New Witness for God*, B. H. Roberts confronted this problem when he chastised those who objected to Mormon doctrine as too materialistic. "If any one shall say that such views of the life to come are too materialistic, that they smack too much of earth and its enjoyments, my answer is, that if it be inquired what thing has contributed most to man's civilization and refinement, to his happiness and dignity, his true importance, elevation and honor in earth-life, it will be found that the domestic relations in marriage, the ties of family, of parentage, with its joys, responsibilities, and affections will be

¹⁰⁵ Morris, *supra* note 4. Alexander stated: "The impact of the *Articles of Faith* on doctrinal exposition within the Church seems to have been enormous." Alexander, *supra* note 97.

¹⁰⁶ BRIGHAM H. ROBERTS, *NEW WITNESS FOR GOD* (1895).

¹⁰⁷ JOHN A. WIDTSOE, *RATIONAL THEOLOGY: AS TAUGHT BY THE CHURCH OF LATTER-DAY SAINTS* (1915).

¹⁰⁸ Alexander, *supra* note 97.

selected as the one thing before all others." Man, he said, in this and other ways was becoming like God because man was God in embryo.

As Roberts prepared the New Witness and the first edition of Joseph Smith's History of the Church, other questions relating to the doctrine of man arose. On 6 February 1907 in the First Presidency's office, the First Presidency and six members of the Council of the Twelve heard Roberts read a passage on the pre-existence of man for inclusion in the New Witness. *The chief point of Roberts's discussion was his view that the elements of man became a spirit--a child to God--through pre-mortal birth.* After all, he pointed out, the brother of Jared saw Christ's pre-mortal spirit body.¹⁰⁹

[71] Following the discussion, the brethren agreed to incorporate the passage essentially as written, and they also included this view in the First Presidency's 1909 statement on the origin of man.¹¹⁰

[72] Thus, the new reconstruction began the fronting of sexual relationships and their materialism in Mormon theology. This was more than Joseph Smith's "eternalization of heterosexuality," noted by O'Donovan because it provided a necessary step in the rolling-over of Section 132 from polygamy-only to monogamy-for-all.

[73] It is more than curious that B. H. Roberts was the first "progressive theologian" enunciator of this reconstructed theology so soon after the *Manifesto*. Roberts is referred to as the first authority ever to question the divine origins of the *Book of Mormon*. His book, *Studies of the Book of Mormon*, is said to raise questions about his own faith in the book's divine historicity as claimed by Joseph Smith. Roberts apparently did not believe that the *Book of Mormon*, which provided only for monogamy¹¹¹ and was silent on homosexuality, was a truly ancient record translated by Joseph Smith using the "gift and

¹⁰⁹ *Book of Ether*.

¹¹⁰ Alexander, *supra* note 97 (emphasis added)(citations omitted).

¹¹¹ *Jacob* 2:23-31.

power of God.”¹¹² Roberts, on the contents of the *Book of Mormon*, wrote, “The evidence I sorrowfully submit, points to Joseph Smith as their creator. It is difficult to believe that they are the product of history”¹¹³

[74] Roberts was also a polygamist who neither supported nor obeyed the 1890 *Manifesto*. He said that the general conference where it was announced was “a cowardly proceeding, the more I thought of it the less I liked it.”¹¹⁴ Twenty years later, Widtsoe would follow suit on Roberts’s sexual materialism. Alexander writes:

Agreeing with earlier positions spelled out by Joseph Smith and elaborated by Roberts, Widtsoe argued that man's existence was simply a reflection, however inferior, of God's. Thus, "we must also have a mother who possesses the attributes of Godhood." *Sexual relations* will continue into eternity both for joy and for procreation.¹¹⁵

[75] A modern reader might ask, “What is new about this? Are sex and procreation at least implied in the pre-*Manifesto* ideas of marriage (monogamy or polygamy) and the family relation, or what O’Donovan called Joseph Smith’s eternalization of

¹¹² B.H. ROBERTS, *STUDIES OF THE BOOK OF MORMON* (1993).

¹¹³ *Id.* It is not my purpose here to examine the scope of Roberts’s writings or the debate surrounding them. His doubts about the *Book of Mormon* are relevant here because he was one of the reconstructionists that defined modern Mormon doctrine in the era of the *Manifesto*. Whether or not he questioned the *Book of Mormon* is, of course, disputed. For a contrary point of view from a quasi-official source, see John W. Welch, *B.H.Roberts Affirms Book of Mormon Authority in Newly Released Manuscript*, 13 FARMS Insights (1993) available at <http://www.farms.byu.edu/display.php?table=insights&id=27#>. FARMS is an acronym for the Foundation for Ancient Research and Mormon Studies at Brigham Young University (BYU). If Roberts did affirm the divinity and authenticity of the *Book of Mormon*, then the argument made here, based on the fact that the *Book of Mormon* is utterly silent on homosexuality, is perforce made even stronger.

¹¹⁴ See Ronald Walker, *B. H. Roberts and the Woodruff Manifesto*, 22 BRIGHAM YOUNG UNIVERSITY STUDIES 363-66 (1982).

¹¹⁵ Alexander, *supra* note 97 (emphasis added)(citation omitted).

heterosexuality? Is that not what is meant by ‘eternal lives’ and ‘continuation of the seeds’ in Section 132?”¹¹⁶ Alexander himself notes that “Joseph Smith and other Church leaders laid the basis for the reconstruction”¹¹⁷ made by Roberts, Widtsoe and Talmage. The post-1835 ideas of Joseph Smith and other leaders were the “framework” for the reconstruction. What, then, is new? In their sexual materialism, are Roberts and Widtsoe not merely restating for the new monogamy what the Mormons previously said about the old polygamy?

[76] The answer is not really, for to do so would be to fall into Alexander’s trap of reading pre-reconstruction Mormon doctrine with post-reconstruction eyes. Sex in the era of Freud (1856-1939) and Darwin (1809-1882) no longer meant what it had meant in the era of Joseph Smith. This same trap allows modern homophobia to be read into non-homophobic doctrine, such as the *Articles of Faith*.

[77] The doctrine of the Mother in Heaven derives from a poem, “O My Father,” which was originally penned by Eliza R. Snow and known today as the song by the same title in the LDS hymn book. The doctrine was not a commonly accepted or preached during the Nineteenth Century and has been the subject of enormous controversy in recent years with the women’s movement in the church.¹¹⁸ The crucial point here in terms of Widtsoe *cum* Roberts is that a *Mother* in Heaven is an absolutely necessary postulate to the new heterosexual materialism that they reconstructed into the new

¹¹⁶ DOCTRINE AND COVENANTS 132:19, 24.

¹¹⁷ Alexander, *supra* note 97.

¹¹⁸ For a brief explanation of the issue see Morris, *supra* note 4, at 11.

Mormon theology. Heterosexual monogamy, once called “sodomitical,” is now honorable and essential.

[78] Ironically, as the doctrine of the Mother in Heaven became necessary, the position of women in the church actually declined. Their position had been strong under polygamy, but as discussed earlier, the advent of the *Manifesto* brought with it the new doctrine of the infallibility of the all-male priesthood.

[79] In reconstructing this doctrine, the three theologians accomplished for the modern church what Paul accomplished for the ancient church.¹¹⁹ Paul wrote into the canon new doctrine that Jesus never taught. He declared that a bishop must be “a husband of one wife.”¹²⁰ Paul wrote against homosexuality, which Jesus never mentioned. But even an aversion to Paul’s writings cannot suffice in this context. In writing about polygamy, B. H. Roberts said, “Joseph Smith received a commandment from the Lord to introduce that order of marriage into the Church, and on the strength of that revelation, *and not by reason of anything that is written in the Jewish scriptures*, the Latter-day Saints practice plural marriage.”¹²¹

¹¹⁹ For a review and summary of the on-going debate about early Mormon history on the subject of homosexuality, see George L. Mitton and Rhett S. James, *A Response to D. Michael Quinn's Homosexual Distortion of Latter-day Saint History*, 10 FARMS REVIEW OF BOOKS 141-263 (1998). The FARMS Web page may be seen at <http://farms.byu.edu>. A review of FARMS itself may be seen at <http://www.fiber.net/users/drshades/farms.htm>. The book reviewed by Mitton and James is D. Michael Quinn, *Same-Sex Dynamics Among Nineteenth-Century Americans: A Mormon Example*. University of Illinois Press (19xx). An exhaustive bibliography on homosexuality in the Mormon context is available at http://www.affirmation.org/gay-bibliography_on_homosexuality.asp.

¹²⁰ 1 *Timothy* 3:2.

¹²¹ *Celestial Plural Marriage*, available at <http://messenger.mormonfundamentalism.org/cpmr.htm>. Section 132 is full of references to the patriarchs of the Old Testament as examples of holy men who practiced polygamy.

[80] This statement is odd, given the essential references in Section 132, Abraham and other Old Testament figures and events. By parity of reasoning, the same disclaimer ought to apply to the writings of Paul concerning sodomy. The difference is that there is no “commandment from the Lord” to Joseph Smith on homosexuality. There is no warrant in the four Gospels (or in 3 *Nephi* [the “Fourth Gospel”] for that matter) for the Pauline doctrine of homophobia found in Romans 1 and other related passages of his letters. Ironically, in his 1998 speech during a general conference on the *Articles of Faith*, Mormon Apostle L. Tom Perry said, “*The Articles of Faith* were not the work of a team of scholars but were authored by a single, inspired man who declared comprehensively and concisely the essential doctrines of the gospel of Jesus Christ.”¹²² If the “essential doctrines” are already there, what is the necessity of reading doctrines into them that are not there just to make them essential?

[81] The genealogy and trajectory of the ideas is therefore as follows, the refutation of polygamy made possible the notion that no covenant or doctrine was “everlasting” in the sense of being irrevocable. In revoking polygamy, Wilford Woodruff introduced the new doctrine of the infallibility of church leaders, the *ipse dixit*. Roberts introduced a concept of man centered in sex and marriage. Widtsoe then projected that concept back onto God the Father and Mother and forward onto man into eternity. *Sexual procreation* became the way the Gods became “parents in heaven,” as well as the *only* way man might become like the Gods.

[82] With the stage thus set, why shouldn’t Bruce McConkie, or anyone else, read back into the *Articles of Faith* whatever content they wished, particularly if it

¹²² Perry, *supra* note 40, at 10.

contradicted the now orthodox Mormon heterosexual monogamy that was, in fact, the Gods' own nature? Like Roberts and Widtsoe before him, McConkie would not need to allege that any of the interpretation was given by new revelation. It would be merely a construct or reconstruct of theology. Alexander concludes, "Because of the reconstruction of the Mormon doctrine of God, however, what we get today is a rather unsteady neo-orthodoxy lacking the vigor and certitude of its Protestant counterpart, since the progressives [Widtsoe, Roberts, and Talmage] *amputated two of its legs and seriously weakened the third.*"¹²³

[83] This is the legacy into which Mormon homophobia was born and, indeed, the reason why it could be born at all. Anyone who questions the rightness of this doctrine today is denounced publicly in general conference as "false teachers"¹²⁴ and as attempting to "change the definition of marriage."¹²⁵ This overlooks the fact that polygamy changed the definition of marriage in the first instance, and the *Manifesto* changed it again in the second.

[84] If Alexander is correct in stating that *most* Mormons' "impression of continuity and consistency" of doctrine is indeed "unwarranted," then the current Mormon homophobia, coupled with the doctrine of infallibility, bodes ill not only for homosexuals

¹²³ Alexander, *supra* note 97.

¹²⁴ M. Russell Ballard, *Beware of False Prophets and False Teachers*, 29 ENSIGN 62-64 (1999).

¹²⁵ Gordon B. Hinckley, *Why We Do Some of the Things We Do*, 29 ENSIGN 52-54 (1999). For a succinct summary of the several Mormon redefinitions of marriage, see <http://www.mrm.org/multimedia/text/redefining-celestial-marriage.html>. A web search using terms such as "marriage redefined" or "redefining marriage" will yield numerous sites discussing the fluidity of definitions through the ages, across societies, and in modern times. Redefinition is not a uniquely Mormon activity.

but any others who may one day be brought under a similar kind of neo-orthodox condemnation. Their situation is like that of the polygamous families who suddenly found themselves outside the pale in 1890.

[85] If the Thirteenth *Article of Faith* declares, that “we believe all things,”¹²⁶ then what sense does it make to cite the *Articles of Faith* for what they exclude by silence or omission, i.e., what we assuredly do *not* believe in?

[86] However, the past can be rewritten and marriage can be redefined again. A new “sin of the ages” can be created as the tides of society, fad, fashion, and custom and the majority may dictate. Old doctrine can be filled with new content. It can become both “new and everlasting.” If indeed the mentality of the *Manifesto* destroyed any hope for any “cumulative unity of doctrine,” then, like homosexuals, anyone else can expect sooner or later to be “tossed to and fro, and carried about with every wind of doctrine, by the sleight of men, [and] cunning craftiness, whereby they lie in wait to deceive.”¹²⁷

[87] As Michel Foucault argues, “[P]ower prescribes an ‘order’ for sex that operates at the same time as a form of intelligibility; sex is to be deciphered on the basis of its relation to the law.”¹²⁸ This idea accurately describes the old Mormon experience of polygamy and the new Mormon position on homosexuality—for the same reasons. What happened with polygamists and what happens with homosexuals lie precisely at the intersection of church and state. Polygamy and the *Manifesto* were issues of church and state, as are homosexuality and same-sex marriage.

¹²⁶ Compare *Philippians* 4:8; *Articles of Faith*.

¹²⁷ *Ephesians* 4:14.

¹²⁸ MICHEL FOUCAULT, *THE HISTORY OF SEXUALITY: AN INTRODUCTION* 83 (1990).

Theocracy: Fusing Church and State, State and Church

[88] Implicit in the events surrounding the *Manifesto* were questions of the separation of church and state. The system established in Utah under Brigham Young was often referred to as a theocracy. In 1857, Mormon Apostle, and later church President, John Taylor, said officially, “We used to have a difference between Church and State, but it is all one now. Thank God, we have no more temporal and spiritual! We have got Church and State together....”¹²⁹ How this squared with the Twelfth Article of Faith (“being subject to kings, presidents, rulers”) is unclear, but it was a celebration that lasted until Utah wanted to become a state.

[89] In 1888, two years before the *Manifesto*, the Republican Party declared the following in its national platform, which I will interrupt in mid-sentence in order to make a point:

The political power of the Mormon Church in the territories as exercised in the past is a *menace to free institutions*, a danger no longer to be suffered. Therefore we pledge the Republican party to appropriate legislation asserting the sovereignty of the nation in all territories where the same is questioned, and in furtherance of that end to place upon the statute books legislation stringent enough *to divorce the political from the ecclesiastical power . . .*¹³⁰ [interruption]

¹²⁹ 5 JOURNAL OF DISCOURSE 266 (Sept. 20, 1857). One of Brigham Young’s principal statements to this effect may be read at 18 JOURNAL OF DISCOURSE 242-44 (June 23, 1874).

¹³⁰ A NEW DICTIONARY OF QUOTATIONS ON HISTORICAL PRINCIPLES FROM ANCIENT AND MODERN SOURCES 814 (H. L. Mencken ed., Knopf 1991) (emphasis added).

[90] Up to this point, the Republican statement is nothing more than a diatribe designed to disfranchise the Mormon theocracy in Utah on the familiar ground of the separation of church and state. However, the remainder of the statement is stunning, “*and thus stamp out the attendant wickedness of polygamy.*”¹³¹

[91] In other words, polygamy was viewed as the telltale fruit of the illicit marriage between church and state. They were “attendant evils,” and polygamy would inevitably fall once church and state were properly segregated to their respective spheres. In the Republican statement, polygamy was the church’s hegemony in “the territories,” its political power. What political “free institutions” did it threaten exactly? Monogamy for one, the institution that Congress would enforce, just as Congress today enforces heterosexual marriage via the Defense of Marriage Act (DOMA).¹³² Thus, as Foucault said, sex and power are politicized as are church and state.¹³³ Doctrinal issues become political issues, which then become “moral issues.”¹³⁴

[92] The nature of the politicization in the arena of power is crucial in understanding and accepting the “wall of separation” concept that is the cornerstone of modern First Amendment “separation” doctrine. It is a common argument by many contemporary religious organizations that while Congress and the state legislatures may not interfere with religion, it is perfectly acceptable for religion to influence, lobby, and interfere with government and piggy-back onto its power and pervasiveness to bolster its own sagging

¹³¹ *Id.*

¹³² 28 U.S.C. § 1738(c) (1996).

¹³³ *See*, FOUCAULT *supra* note 128.

¹³⁴ *Id.*

influence. The “wall” is said to be a one-way wall. Modern Mormons have adopted this view in joining with other anti-homosexual churches and movements that spend money and effort lobbying legislatures and Congress. But this was clearly not the *apologia* of Woodruff or the church either immediately before or following the *Manifesto*.

[93] In 1889, one year prior to the *Manifesto*, under Woodruff’s leadership the church issued an “epistle” on church-state relations. Woodruff was clear that “governments should not regulate the church, *nor the church seek to control the state.*”¹³⁵ He was clear that the church did not claim or exercise a right to interfere with social or political rights or privileges, nor ask for “special rights.” “We ask for no civil or political rights which are not granted and guaranteed to citizens in general.”¹³⁶ The inversion, again, is that with polygamy, the church did ask for special rights, and in Utah, the church was much of the government. It would appear that “the state” referred to meant the federal government.

[94] Two years after the *Manifesto*, B. H. Roberts was even more pointed. He clearly supported the “wall between the church and the state,” and declared that “it would be the act of madness to attempt to mingle ecclesiastical influence and authority with political concerns in the United States and especially in this territory.”¹³⁷ He added:

The people of the United States are convinced of the wisdom of their policy of non-interference on the part of the state with religion on the one hand, *and with the separation of the state from the influence of the church*

¹³⁵ DISCOURSES OF WILFORD WOODRUFF 193 (G. Homer Durham ed., 1946).

¹³⁶ *Id.* at 195.

¹³⁷ STUY, *supra* note 21.

on the other, and they will tolerate *no alteration* of this arrangement under existing conditions.¹³⁸

[95] Thirty-five years earlier, John Taylor said, “We used to have a difference between Church and State, but it is all one now” The difference was that by the time of the *Manifesto*, statehood for Utah was hanging in the balance. Taylor’s argument had become politically incorrect. Roberts’ position was becoming the church’s position for public consumption.

[96] There was sanction in the *Doctrine and Covenants* for Roberts’ position. In the 1835 “Declaration of belief regarding governments and law in general,” a verse dealing with the non-interference with religion by government also contained these words, “We believe that religion is instituted of God; and that men are amenable to him, and to him only, for the exercise of it, *unless their religious opinions prompt them to infringe upon the rights and liberties of others*”¹³⁹

[97] There was also some Biblical sanction. The image in *Ezekiel* speaks of the sacred and profane this way, “He measured it by the four sides: it had a *wall* round about, five hundred reeds long, and five hundred broad, to make a *separation between the sanctuary and the profane place.*”¹⁴⁰

[98] The model of ancient Israel was often the template for the Mormons’ view of themselves, and they often referred to themselves as “modern Israel.” George Q. Cannon, one of Woodruff’s counselors during his Presidency, spoke in the 1890 general

¹³⁸ *See Id.*

¹³⁹ DOCTRINE AND COVENANTS 134:4.

¹⁴⁰ *Ezekiel* 42:20 (emphasis added).

conference just after Woodruff announced the *Manifesto*. He noted a remarkable representation made to him by two U.S. Senators in an ironic statement about the dangers posed by political (state) authority to religion:

Mr. Cannon, if this feature that you practice [polygamy] had not been associated with religion, it might have been tolerated; but you have associated it with religion and it has aroused the *religious sentiment of the nation, and that sentiment cannot be resisted*. So far as the practice itself is concerned, if you had not made it a part of your faith and an institution sanctioned by religion, it might have gone along unnoticed.¹⁴¹

[99] This is a statement about what happens when the “religious sentiment of the nation” becomes politicized and the government becomes a weapon of the churches against those who do not comport. It is also a statement about what happens when sex becomes associated with power—a power that is potentiated when the powers of the church and state start to meld. Students of homosexuality will recognize modern parallels in religion’s justification of its political involvement on the grounds of “moral issue.” As O’Donovan notes:

Reynolds v. United States dealt a serious blow to the Mormon hierarchy. An 1885 article in the anti-Mormon *Salt Lake Tribune* explored “a more basic opposition” to polygamy. “The essential principle of Mormonism is not polygamy at all, but the ambition of an ecclesiastical hierarchy to wield sovereignty; to rule the souls and lives of its subjects with absolute authority, unrestrained by any civil power.” In other words, what had separated Mormons as a distinct people – the sexual politics of polygamy – had collapsed, severely weakening male religious prerogative. In order to reconstruct its power, the Mormon hierarchy . . . renewed emphasis on the monogamous, heterosexual family as the basic unit of society.¹⁴²

[100] Herein lies the transformation, and hence the salvage, of *Doctrine and Covenants* 132 following the *Manifesto*. This in part explains the Mormon fear of a

¹⁴¹ STUY, *supra* note 21.

¹⁴² O’Donovan, *supra* note 6.

“unisex society,” so frequently stated in the church’s literature on homosexuality. As O’Donovan observes, “the hierarchy has a vested interest in keeping gender lines firmly drawn. Any blurring of those lines, any weakening of gendered activities, places Mormon men in a locus where they can only lose power and prestige.”¹⁴³ Section 132 became a mandate for heterosexual marriage—period.

[101] The reference to *Reynolds v. United States*¹⁴⁴ is telling, for that U.S. Supreme Court case marks perhaps the greatest irony not only in Mormon history, but in the history of the separation doctrine itself and the use modern religion makes of it in demanding more power. Today’s churches, including the Mormon Church, scourge the Supreme Court bitterly for constructing a separation doctrine that, they say, has no basis in the First Amendment. They accurately state that the phrase “wall of separation” is taken not from the First Amendment, but from a letter written by Thomas Jefferson to a sect called the Danforth Baptists in which Jefferson coined the phrase. Therefore, they argue that the First Amendment never intended to create a “wall of separation,” the United States is a “Christian nation,” and that religion should flow freely within the ranks of government. School prayer is but one example where the churchmen and the Supreme Court have drawn this battle line.

[102] The irony, of course, is that Jefferson’s “wall of separation” passage was only first introduced in *Reynolds* when the Supreme Court denounced polygamy¹⁴⁵ and began the process that nearly disenfranchised the Mormons—all to the glee of much of

¹⁴³ *Id.*

¹⁴⁴ *Reynolds v. United States*, 98 U.S. 145 (1878).

¹⁴⁵ *Id.* at 164.

American Christendom at the time. What they celebrated the, as a sword against the Mormons, has today become, in their own perception, a sword against them all. *Reynolds* was another Mobius Strip. The Supreme Court justified its intrusion into the sphere of religion by first paying lip service to the “wall of separation,” then by promptly breaching the wall.

Enter Bruce R. McConkie

[103] Bruce R. McConkie was a Mormon Apostle from 1972 until his death in 1985. He was a lawyer by profession and a prolific writer. His last book, *A New Witness for the Articles of Faith*, is the first book on the *Articles of Faith* that I discovered that invests the *Articles* with an anti-homosexual doctrine.¹⁴⁶ Prior to this book, and certainly not supplanted by it, the standard Mormon reference was Apostle James E. Talmage’s *The Articles of Faith*. Talmage, it will be recalled, was one of the “reconstructionists” of Mormon doctrine during the era of the *Manifesto*, along with B. H. Roberts and John A. Widtsoe—the men who formulated the process which McConkie would employ. Talmage’s book made no mention of homosexuality.

[104] The key words in McConkie’s and Talmage’s titles, respectively, are “new” and “principle.” Among all that he felt were the “principle” doctrines of the church, Talmage made no mention of homosexuality with regard to the *Articles of Faith*. Yet, McConkie’s “new” witness found much content there, and moreover found it to be what had always been taught by the prophets. In other words, it was both “new” and “everlasting.”

[105] McConkie’s era faced crises similar to Wilford Woodruff’s. His book appeared in 1985 after a decade of Mormon belligerence to the Equal Rights Amendment (ERA).

¹⁴⁶ BRUCE R. MCCONKIE, *A NEW WITNESS FOR THE ARTICLES OF FAITH* (1985).

The *kulturkampf* that raged during those years throughout the United States found the church and the general authorities at the epicenter of the religious right, declaring that it was so involved because the ERA was a moral as well as a political issue.¹⁴⁷ Like Woodruff's crisis, the battlefield was sex and sexual relations. What were the Mormons beliefs regarding sex? These questions intersected the challenge to patriarchy posed by the ERA, just as the threat to polygamy had done a century earlier. Laws might be enacted and court decisions handed down that would change the fundamental Mormon *Weltanschauung*. Again, the *Articles of Faith* could be mustered and filled with the content necessary to make the church's case.

[106] McConkie began his treatise with an impassioned defense of Joseph Smith and the church. He noted, regarding the enemies of Mormonism, that “[t]hose in all sects, parties, and denominations find it easy to put aside their differences when the seeming need arises to unite on the one point that Joseph Smith is a false prophet.”¹⁴⁸ He added, “Hatred from religionists who preached love and brotherhood, and persecution from those who professed allegiance to the Prince of Peace, became the order of the day.”¹⁴⁹ Students of homosexuality will perceive these words as precisely describing what happens to them at the hands of those of the church and its affiliates in Christendom today.¹⁵⁰ The nouns “Joseph Smith” and “homosexuals” become fungible within the statement.

¹⁴⁷ See generally, Morris, *supra* note 4.

¹⁴⁸ MCCONKIE, *supra* note 146, at 8.

¹⁴⁹ *Id.* at 9.

¹⁵⁰ See generally, Morris, *supra* note 4; see also, Hinckley, *supra* note 16, at 52-4.

[107] McConkie prefaced his study by admitting that when they were first given, the *Articles of Faith* did not “mention all of the basic doctrines then known, and since then added light and knowledge have been revealed relative to many things, as the *Articles of Faith* said would be the case.”¹⁵¹ His reference is to Article Nine, but his gloss on it is not accurate. The Article states, “We believe all that God has revealed, all that He does now reveal, and we believe that He will yet reveal many great and important things pertaining to the Kingdom of God.”¹⁵² The question is, Who is the revealer, or in Mormon parlance, the revelator? It is the head of the church, the Prophet. The church cites *Amos 3:7*: “Surely the Lord God will do nothing, but he revealeth his secret unto his servants the prophets.” More to the point is Section 132 of the *Doctrine and Covenants*, to which we have been referring frequently. Verse Seven, in referring to the power over marriage, states, “and I have appointed unto my servant Joseph [Smith] to hold this power in the last days, and there is never but one on the earth at a time on whom this power and the keys of this priesthood are conferred” In other words, either Joseph Smith or each of his successors in the presidency of the church is the only “one” with the power to reveal the doctrines on this subject. That “one” was not Bruce McConkie, as he never attained the presidency of the church.

[108] This seemed to echo the additive “line upon line” paradigm of early Mormonism, yet there has been no new revelation on homosexuality. McConkie concluded, somewhat contradicting himself, by citing J. Reuben Clark, Jr., another Mormon Apostle and lawyer, for the proposition that the *Articles of Faith*, “and each of

¹⁵¹ MCCONKIE, *supra* note 146, at 16.

¹⁵² Available at http://scriptures.lds.org/a_of_f/1 (last visited Feb. 25, 2005).

them, together with all things *necessarily implied therein or flowing therefrom*, must stand, unchanged, unmodified, without dilution, excuse, apology, or avoidance; they may not be explained away or submerged.”¹⁵³ This is lawyer talk right out of contract boilerplate and statutory interpretation.

[109] Both statements radically depart from Woodruff’s 1890 position that the *Articles of Faith* contain “what the Mormons believe in.” Yet McConkie’s position is an “elastic clause” permitting the entry of doctrines not mentioned in the *Articles* themselves or intended by Joseph Smith, all in the fashion in which Woodruff employed them but in reverse.

[110] McConkie repeated the mantra of both “new” and “everlasting” in modern Mormonism—the infallibility doctrine first pronounced by Woodruff in justifying the *Manifesto*. Speaking of the general authorities, which included himself, McConkie wrote:

*The real test of one’s belief is not how much he purports to believe of what the dead prophets have said, but what he accepts from the lips of the living oracles of the same God who inspired those of old. Salvation comes through the belief in the doctrines taught by the true disciples sent as legal administrators in our day. Needless to say, their teachings conform to those of their ancient fellowservants*¹⁵⁴

[111] One is left to wonder why is there a need to distinguish dead from living, ancient from modern, at all? If “needless to say” they are the same, why should any permanent records be kept of what the living oracles teach today, inasmuch as, with the passage of time, they themselves will eventually become the “dead prophets?” The continuity between all the prophets, living or dead, ought to be seamless. Needless to

¹⁵³ MCCONKIE, *supra* note 146, at 706 (emphasis added).

say, such a statement, building upon Woodruff, can only apply, and need only be made, where the alleged conformity is *absent*. To fill that void, the doctrine of infallibility is canonized.

[112] Infallibility strikes a blow at the very heart of Mormonism, known as “The Restoration.” When Mormons speak of the “Restored Gospel,” they mean the many doctrines and practices that Joseph Smith restored that had been lost or destroyed during the Great Apostasy. The foundational Mormon work on this subject is, in fact, *The Great Apostasy*, by James Talmage. By “The Great Apostasy,” they usually refer to the fate of the pristine “true church” as it became corrupt and apostate in Rome and later in Europe after the death of the Apostles. Actually, Mormonism has three “great apostasies.” The other two occur in the *Book of Mormon*, one among the Nephites in the main story line, and the other among the Jaredites in the *Book of Ether*.

[113] Because of these instances of “falling away,” the need for a “restoration” is postulated to bring back what was lost. But the point is that an “apostasy” occurs in the “true church” in the first instance precisely because the heads of the “true church” were allowed to lead the people astray. They fell, disappeared, or died—and so did the church. The post-meridian general or “Great Apostasy” is a *sine qua non* of Mormon doctrine. Were that not the case, and were infallibility the rule, there would have been no need for Joseph Smith. Hence, Woodruff’s dictum, “The Lord will never permit me or any other man who stands as President of this Church to lead you astray,” turns the three apostasies on their head. It would do away with the Restoration because it would do away with the Apostasies.

¹⁵⁴ *Id.* at 27-8 (emphasis added).

[114] McConkie's first anti-homosexual pronouncement in *A New Witness for the Articles of Faith* comes, perhaps surprisingly, in his discussion of Article One and the nature of faith in the true Godhead. Under his discussion of "false gods" he first cites *Romans* 1:18-32, Paul's pre-eminent anti-homosexual proof-text. He then concludes, "Paul is using the most evil abominations he can in order to show how low men can sink when they make and worship their own gods. He is speaking of homosexual perversions [T]he reason for all this evil is that men no longer worship the true and living God."¹⁵⁵

[115] McConkie assimilates the "worship of false gods" to, or as the efficient cause of, "homosexual perversions." He argues that homosexuals are incapable of worshiping the "true and living God." By definition, they are makers of "their own gods." Such statements are not only highly offensive to the many God-fearing homosexuals, but they also assume to know of and speak for the innermost feelings of others—a familiar deployment of patriarchal authority. He continues this theme in his discussion of Article Four, and specifically the doctrine of repentance, adding the other familiar Pauline proof-texts of *Galatians* 5:19-21 and 1 *Corinthians* 6:9-11. This leads him to a discussion of things that are "effeminate" and "against nature" in support of the "false gods" hypothesis.¹⁵⁶ Surely, this is an affront to all God-fearing homosexuals.

[116] Are these conclusions by McConkie "necessarily implied or flowing from" the *Articles of Faith*? Talmage, who was one of McConkie's predecessors in the Council of

¹⁵⁵ *Id.* at 56-7.

¹⁵⁶ He expands upon these ideas in his *Doctrinal New Testament Commentary* on *Romans*, emphasizing that the text of *Romans* 1:32 "prescribes the death penalty for homosexual perversions." BRUCE R. MCCONKIE, *DOCTRINAL NEW TESTAMENT COMMENTARY, VOL. 2. ACTS TO PHILLIPIANS 221* (Deseret Book Co. 1973)(1966).

the Twelve Apostles, and therefore a general authority of equal dignity and status, thought not, because he was silent on the subject. But Paul, an ancient Apostle also of equal dignity and status, apparently thought so. Joseph Smith and other first Apostles¹⁵⁷ of the Mormon Church, also of equal dignity and status with McConkie and Paul, apparently thought not, because they too were silent on the subject. These differences might be rationalized by stating that McConkie was a *living* apostle, thus entitled to greater credence than all the other dead apostles, but this is relativistic infallibility at its worst.

[117] Again, the Möbius Strip appears. If, after the *Manifesto*, silence in the text of the *Articles of Faith* means the *absence* of a doctrine or belief, then McConkie's reliance upon *The Articles of Faith* for the *presence* of an anti-homosexual doctrine is misplaced. Yet, if Woodruff found the absence of polygamy in the *Articles of Faith* to be a doctrine of "what we believe," why should not McConkie turn the process on its head and *invest* the *Articles of Faith* with another doctrine not contained therein?

[118] McConkie's inability to point to any uniquely Mormon homophobic scriptural text is awkward. Joseph Smith once began a study of the Bible by declaring: "Now taking for granted that the scriptures *say* what they mean, and mean what they *say*, we have sufficient grounds to go on and prove from the bible that the Gospel has always been the same...."¹⁵⁸ Silence in the scriptural text—in what the scriptures "say"—is, in Mormon theology, not to be dismissed as a weightless fact. Yet regarding

¹⁵⁷ See DOCTRINE AND COVENANTS 18:9; 20:2, 21:1; 27:12.

¹⁵⁸ SMITH, *supra* note 2, at 264 (emphasis added).

homosexuality, *Book of Mormon, Doctrine and Covenants, and Pearl of Great Price* are indeed silent.

[119] Perhaps McConkie's boldest move is the deployment of the final clause of Article Ten. "We believe . . . that the earth will be renewed and receive it paradisiacal glory." Before the great event occurs, he says, there will come a cleansing, a burning, when homosexuals will be swept from the face of the earth by the "refiner's fire."¹⁵⁹ The text of Article Ten does not support this statement.

[120] One way to approach these dilemmas is to refer to Article Eight: "We believe the Bible to be the word of God as far as it is translated correctly . . ." As John Boswell has demonstrated in two major studies,¹⁶⁰ there are serious translation problems surrounding some of the standard anti-homosexual prooftexts of the *Bible*.¹⁶¹ Some of the texts are limited to the ritual or Templar contexts in which they were written. Such problems were unknown or underknown in Woodruff's and McConkie's time. Mormon scholarship on the *Bible*, especially as it interfaces with the other Mormon scriptures, has not fully resolved these issues. The same *Articles of Faith* that proclaimed belief in the

¹⁵⁹ MCCONKIE, *supra* note 146, at 644-47; this is based on *Malachi* 3:1-3 and DOCTRINE AND COVENANTS 128:24.

¹⁶⁰ JOHN BOSWELL, *CHRISTIANITY, SOCIAL TOLERANCE, AND HOMOSEXUALITY: GAY PEOPLE IN WESTERN EUROPE FROM THE BEGINNING OF THE CHRISTIAN ERA TO THE FOURTEENTH CENTURY* 91-117 (Univ. of Chicago Press, 1980); JOHN BOSWELL, *SAME-SEX UNIONS IN PRE-MODERN EUROPE* (Villard Books, 1994).

¹⁶¹ Those prooftexts are sequentially, *Genesis* 13:13 and 18:20, *Leviticus* 18:22 and 20:13, *Deuteronomy* 23:17, *Ezekiel* 16:50, *Romans* 1:18-32, 1 *Corinthians* 6:9-11, *Galatians* 5:19-21, 1 *Timothy* 1:10, 2 *Timothy* 3:3, 2 *Peter* 2:10, and *Jude* 1:7. For a study of whether Joseph Smith made any changes to those passages in his *Inspired Translation* (or as it is now called, the *Joseph Smith Translation* or *JST*), see JOSEPH SMITH'S "NEW TRANSLATION" OF THE BIBLE (F. Henry Edwards ed., Herald Pub. House, 1970).

Bible could be used either to support or renounce polygamy, for they were actually silent on the subject. McConkie used them for the same purpose vis-à-vis homosexuality.¹⁶²

[121] In treating Article Eleven under “freedom of worship,” he states, “Freedom of worship is thus one of the chief identifying characteristics of the true church. Religious freedom is of God: compulsion in religion is of the devil.”¹⁶³ McConkie flips church-state interference into religious persecution. He relies heavily upon Philip Schaff’s *History of the Christian Church*¹⁶⁴ for detailing the substitution of civil power for church discipline in the Inquisition, “This persecution of heretics was a natural consequence of the union of religious and civil duties and rights, the *confusion* of the civil and ecclesiastical, the judicial and the moral which came to pass since Constantine.”¹⁶⁵ He further cites Schaff:

Religious persecution arises not only from bigotry and fanaticism, and the base passions of malice, hatred and uncharitableness, *but also for mistaken zeal for truth and orthodoxy*, from the intensity of religious conviction, *and from the alliance of religion with politics* or the union of church and state, whereby an offense against the one becomes an offense against the other.¹⁶⁶

[122] The confusion of the judicial and the moral is the reason why today the church has now entered the political fray over same-sex marriage. Homosexuals are the political

¹⁶² It reminds one of the turnaround made by the Christian community in the American South. During the days of slavery, the church used the *Bible* to support the practice of slavery. FORREST G. WOOD, *THE ARROGANCE OF FAITH: CHRISTIANITY AND RACE IN AMERICA FROM THE COLONIAL ERA TO THE TWENTIETH CENTURY* (A.A. Knopf, 1990).

¹⁶³ MCCONKIE, *supra* note 146.

¹⁶⁴ PHILIP SCHAFF, *HISTORY OF THE CHRISTIAN CHURCH* (W.B. Gerdman, 1988).

¹⁶⁵ MCCONKIE, *supra* note 146, at 670 (emphasis added).

¹⁶⁶ *Id.* at 678 (citing SCHAFF, *supra* note 164, at 50-1)(emphasis added).

and theological heretics. In the modern debate, many who are opposed to same-sex marriage persistently raise the specter of a return to polygamy if same-sex marriage becomes legal.¹⁶⁷ Truly perspicacious individuals do understand that in the final analysis, between polygamy and same-sex marriage there is, in the words of Joseph Conrad in *Lord Jim*, “not the thickness of a sheet of paper....not the breadth of a hair.”¹⁶⁸

[123] McConkie pioneered the way in *systematizing* an approach to homosexuality by assimilating yet another new doctrine of sexual and marital morality to the *Articles of Faith*. He thus continued the tradition established by Wilford Woodruff. Since McConkie’s passing, many others have taken up the cudgel in many other ways and with many other texts. McConkie is now a “dead prophet,” but others have succeeded him in the Mormon homophobic project.

Jurisprudence and Theology

[124] The image of the Möbius Strip or the double helix applies as well to the interaction of the law and Mormon sexuality. In the days of polygamy, the church did not seek to make the law, rather to test it and, ultimately, to react to, and often against, it. Its posture was overwhelmingly defensive and frequently hostile. The law was seen as an instrument in the hands of Mormon enemies. On such subjects as polygamy, one is reminded of the paradigm given by Oliver Wendell Holmes, Jr., “the purpose of drawing

¹⁶⁷ See David L. Chambers, *Polygamy and Same Sex-Marriage*, 26 HOFSTRA LAW REVIEW 53 (Fall 1997). See also, Edwin Yoder, *Can’t Deploy Polygamy Against Same-Sex Marriage*, available at www.polygamyinfo.com/past_media%20plyg%2061%20wp.htm (last visited Feb. 25, 2005).

¹⁶⁸ Joseph Conrad, *Lord Jim* [Thomas C. Moser (ed)] (New York: Norton, 1996), pp. 80-81, Ch. 11.

a line in the law”¹⁶⁹ The church was the petitioner for the protection of its rights and practices from the depredations of its enemies, including the law, which itself was often seen as an enemy. The church tested and pushed “the line” of polygamy for over half a century.

[125] By the 1970s, this had changed. As the church abandoned its no-Blacks in priesthood policy, it became more and more involved in the sexual issues of the day (ERA, gay rights) not as a reactor but as influential. It sought not only to move into the civil marketplace of discussion, but also to use the law instrumentally to influence public opinion, policy, legislatures, courts, and executives. Part of this new reality can be explained by the fact that the church had gained a much larger membership, and therefore a much larger political and economic influence, in the intervening hundred years. It has more clout.

[126] “Classical” or “traditional” Mormonism has often been called a “uniquely American religion,” meaning that it did not claim an immediate heritage from Europe as did Catholicism and the Protestant sects from England or Germany, for example. Indeed, it had treated all Christian denominations as wrong¹⁷⁰ and prided itself on being called a

¹⁶⁹ Holmes's comment in *Superior Oil Co. v. Mississippi*, 280 U.S. 390, 395-96 (1930) that “[t]he very meaning of a line in the law is that you intentionally may go as close to it as you can, if you do not pass it.”

¹⁷⁰ In Joseph Smith’s account of early visitations by heavenly messengers, they stressed that he should join none of the day’s existing churches inasmuch as “they draw near me with their lips, but their hearts are far from me, they teach for doctrine the commandments of men, having a form of godliness, but they deny the power thereof.” *Joseph Smith-History* 1:19, available at http://scriptures.lds.org/js_h/1 (last visited Feb. 25, 2005). Part of this account is reproduced and printed as the *Introduction* to the BOOK OF MORMON.

“peculiar people.”¹⁷¹ However, this modern process of seeking to employ the law to potentiate its power and authority had the ironic effect of lessening its earlier uniqueness. It was brought more within the mainstream group of American “Christendom” that believes the “wall of separation” to be a one-way wall and fails to understand (or remember) how the “wall” came into American jurisprudence in the first place. On issues like sexuality and the legal rights of sexual minorities, Mormonism has joined the mainstream of ecumenism. In this day, it is not the pressure of the law against the church, as in the days of polygamy, but the pressure of the church to join and strengthen the law, that has been put forward as the course of justice.

[127] It should also be remembered that today’s Mormonism, unlike the Mormonism of the *Manifesto*, is the end-point of the post-Modern (including post-Marxist, post-Freudian, post-Mendelian, post-Darwinian, and globalized) Twentieth and Twenty-First Centuries. The great divide that marks the two eras, conveniently posted by the 1890 *Manifesto*, is crucial. As Woodrow Wilson noted of American law as early as 1908, the world is no longer viewed as one of symmetry and order of the balanced and balancing clockwork of either Newton or the American constitutional Framers.¹⁷² There is a new order and vision of power today that stresses malleability, elastic adaptation and formalistic dualities, agglomeration of power, expediency; that militates against the balance-of-powers and its enforcer, checks-and-balances.¹⁷³ In 1839, President Martin

¹⁷¹ I *Peter* 2:9.

¹⁷² WOODROW WILSON, *CONSTITUTIONAL GOVERNMENT IN THE UNITED STATES* 59 (Columbia University Press, 1917)(1908).

¹⁷³ Jules Lobel, *Emergency Power and the Decline of Liberalism*, 98(7) *YALE L.J.* 1385, 1398-99 (1989).

Van Buren answered Joseph Smith's petition for federal protection from the church's enemies in Missouri by saying, "Your cause is just, but I can do nothing for you."¹⁷⁴ His reason was not the "wall of separation" but the weakness of the central government against "state sovereignty" in that day. Today, an all-powerful federal executive¹⁷⁵, paralleled by powerful state executives and legislatures, would not be heard to utter such words, even if barred by the wall, out of the aggrandizement of power. And such power is tempting, as it has always been, to religion. The "love of power" in old Mormonism was the quintessence of Satan.¹⁷⁶ Today, it is the quintessence of sound policy. Where in the Nineteenth Century, lawyers were roundly and routinely condemned from the Mormon pulpit (and in the *Book of Mormon*), today many of the church's "general authorities" and local officials (clergy) are lawyers. And many of them sit in positions of power at all levels of government.

Conclusion & Policy Considerations

[128] If the *Articles of Faith* are to be pressed into service in the context of homosexuality, perhaps a better starting point would be Article Twelve: "We believe in . . . doing good to all men"

[129] In this world of such commingled powers, the real Sodomites are labeled as "filthy dreamers" because they "despise dominion and speak evil of dignities,"¹⁷⁷ i.e., of the powers-that-be. They express unwillingness to submit to anyone's *ipse dixit*. The

¹⁷⁴ The episode is discussed in virtually every history of the Mormons.

¹⁷⁵ ARTHUR M. SCHLESINGER, JR., *THE IMPERIAL PRESIDENCY* (Houghton Mifflin Co. 1973).

¹⁷⁶ See discussion of "Master Mahan" in *Pearls of Great Price; Moses 5:29-49*.

¹⁷⁷ *Jude* 1:7-8.

political and ecclesiastical defiance of many homosexuals on this point may be one of the reasons they are so feared.

[130] It is said of 2 *Thessalonians* 2:3, which describes the “man of sin,” that the third temptation of Christ was *potestas politicas*—political power. Recall the words of B. H. Roberts, “it would be the act of madness to attempt to mingle ecclesiastical influence and authority with political concerns in the United States and especially in this territory,” adding: “The people of the United States are convinced of the wisdom of their policy of non-interference on the part of the state with religion on the one hand, *and with the separation of the state from the influence of the church on the other . . .*”¹⁷⁸

[131] In addition, although it seems the church’s stance against homosexuals and same-sex marriage is now set in stone, the church can refrain from aiding and abetting the strident voices that politicize, securitize, and demonize these issues, remembering all the while its own history of persecution. Shakespeare wrote, “We do pray for mercy, and that same prayer doth teach us all to render the deeds of mercy.”¹⁷⁹

[132] This will not, as the fearmongers have urged, open the floodgates to a return of polygamy.¹⁸⁰ The Möbius Strip, with its “endless iterative loops,” is not inevitable and need not be used in reverse. The true threat is not the marriage of one man to several women, or of men to men or women to women. It is, rather, the marriage of religion with politics, and the marriage of scripture mingled with the doctrines of men. It is supremely

¹⁷⁸ STUY, *supra* note 21.

¹⁷⁹ William Shakespeare: *The Merchant of Venice* (Portia at IV, i).

¹⁸⁰ James M. Donovan, *Rock-Salting the Slippery Slope: Why Same-Sex Marriage Is Not a Commitment to Polygamous Marriage*, 29 N. KY. U. L. R. 521 (2002).

ironic, therefore, that same-sex marriage in the United States first became legal¹⁸¹ in 1999 in Vermont--the state of Ethan Allen and the Green Mountain Boys, and the birthplace of Joseph Smith, Brigham Young, and many other early Mormon leaders, “prophets, seers, and revelators.”

[133] Even so, a new and everlasting “doctrine” that negatively impacts so many lives ought to have a better footing than any man’s mere *ipse dixit*.

¹⁸¹ Baker v. State of Vt., 744 A.2d 864 (Vt. 1999).

APPENDIX A: DOCTRINE AND COVENANTS SECTION 132

Revelation given through Joseph Smith the Prophet, at Nauvoo, Illinois, recorded July 12, 1843, relating to the new and everlasting covenant, including the eternity of the marriage covenant, as also plurality of wives. H[istory of the] C[hurch] 5: 501—507. Although the revelation was recorded in 1843, it is evident from the historical records that the doctrines and principles involved in this revelation had been known by the Prophet since 1831.

1 Verily, thus saith the Lord unto you my servant Joseph, that inasmuch as you have inquired of my hand to know and understand wherein I, the Lord, justified my servants Abraham, Isaac, and Jacob, as also Moses, David and Solomon, my servants, as touching the principle and doctrine of their having many wives and concubines-

2 Behold, and lo, I am the Lord thy God, and will answer thee as touching this matter.

3 Therefore, prepare thy heart to receive and obey the instructions which I am about to give unto you; for all those who have this law revealed unto them must obey the same.

4 For behold, I reveal unto you a new and an everlasting covenant; and if ye abide not that covenant, then are ye damned; for no one can reject this covenant and be permitted to enter into my glory.

5 For all who will have a blessing at my hands shall abide the law which was appointed for that blessing, and the conditions thereof, as were instituted from before the foundation of the world.

6 And as pertaining to the new and everlasting covenant, it was instituted for the fulness of my glory; and he that receiveth a fulness thereof must and shall abide the law, or he shall be damned, saith the Lord God.

7 And verily I say unto you, that the conditions of this law are these: All covenants, contracts, bonds, obligations, oaths, vows, performances, connections, associations, or expectations, that are not made and entered into and sealed by the Holy Spirit of promise, of him who is anointed, both as well for time and for all eternity, and that too most holy, by revelation and commandment through the medium of mine anointed, whom I have appointed on the earth to hold this power (and I have appointed unto my servant Joseph to hold this power in the last days, and there is never but one on the earth at a time on whom this power and the keys of this priesthood are conferred), are of no efficacy, virtue, or force in and after the resurrection from the dead; for all contracts that are not made unto this end have an end when men are dead.

8 Behold, mine house is a house of order, saith the Lord God, and not a house of confusion.

9 Will I accept of an offering, saith the Lord, that is not made in my name?

10 Or will I receive at your hands that which I have not appointed?

11 And will I appoint unto you, saith the Lord, except it be by law, even as I and my Father ordained unto you, before the world was?

12 I am the Lord thy God; and I give unto you this commandment-that no man shall come unto the Father but by me or by my word, which is my law, saith the Lord.

13 And everything that is in the world, whether it be ordained of men, by thrones, or principalities, or powers, or things of name, whatsoever they may be, that are not by me or by my word, saith the Lord, shall be thrown down, and shall not remain after men are dead, neither in nor after the resurrection, saith the Lord your God.

14 For whatsoever things remain are by me; and whatsoever things are not by me shall

be shaken and destroyed.

15 Therefore, if a man marry him a wife in the world, and he marry her not by me nor by my word, and he covenant with her so long as he is in the world and she with him, their covenant and marriage are not of force when they are dead, and when they are out of the world; therefore, they are not bound by any law when they are out of the world.

16 Therefore, when they are out of the world they neither marry nor are given in marriage; but are appointed angels in heaven, which angels are ministering servants, to minister for those who are worthy of a far more, and an exceeding, and an eternal weight of glory.

17 For these angels did not abide my law; therefore, they cannot be enlarged, but remain separately and singly, without exaltation, in their saved condition, to all eternity; and from henceforth are not gods, but are angels of God forever and ever.

18 And again, verily I say unto you, if a man marry a wife, and make a covenant with her for time and for all eternity, if that covenant is not by me or by my word, which is my law, and is not sealed by the Holy Spirit of promise, through him whom I have anointed and appointed unto this power, then it is not valid neither of force when they are out of the world, because they are not joined by me, saith the Lord, neither by my word; when they are out of the world it cannot be received there, because the angels and the gods are appointed there, by whom they cannot pass; they cannot, therefore, inherit my glory; for my house is a house of order, saith the Lord God.

19 And again, verily I say unto you, if a man marry a wife by my word, which is my law, and by the new and everlasting covenant, and it is sealed unto them by the Holy Spirit of promise, by him who is anointed, unto whom I have appointed this power and

the keys of this priesthood; and it shall be said unto them- Ye shall come forth in the first resurrection; and if it be after the first resurrection, in the next resurrection; and shall inherit thrones, kingdoms, principalities, and powers, dominions, all heights and depths- then shall it be written in the Lamb's Book of Life, that he shall commit no murder whereby to shed innocent blood, and if ye abide in my covenant, and commit no murder whereby to shed innocent blood, it shall be done unto them in all things whatsoever my servant hath put upon them, in time, and through all eternity; and shall be of full force when they are out of the world; and they shall pass by the angels, and the gods, which are set there, to their exaltation and glory in all things, as hath been sealed upon their heads, which glory shall be a fulness and a continuation of the seeds forever and ever.

20 Then shall they be gods, because they have no end; therefore shall they be from everlasting to everlasting, because they continue; then shall they be above all, because all things are subject unto them. Then shall they be gods, because they have all power, and the angels are subject unto them.

21 Verily, verily, I say unto you, except ye abide my law ye cannot attain to this glory.

22 For strait is the gate, and narrow the way that leadeth unto the exaltation and continuation of the lives, and few there be that find it, because ye receive me not in the world neither do ye know me.

23 But if ye receive me in the world, then shall ye know me, and shall receive your exaltation; that where I am ye shall be also.

24 This is eternal lives- to know the only wise and true God, and Jesus Christ, whom he hath sent. I am he. Receive ye, therefore, my law.

25 Broad is the gate, and wide the way that leadeth to the deaths; and many there are

that go in thereat, because they receive me not, neither do they abide in my law.

26 Verily, verily, I say unto you, if a man marry a wife according to my word, and they are sealed by the Holy Spirit of promise, according to mine appointment, and he or she shall commit any sin or transgression of the new and everlasting covenant whatever, and all manner of blasphemies, and if they commit no murder wherein they shed innocent blood, yet they shall come forth in the first resurrection, and enter into their exaltation; but they shall be destroyed in the flesh, and shall be delivered unto the buffetings of Satan unto the day of redemption, saith the Lord God.

27 The blasphemy against the Holy Ghost, which shall not be forgiven in the world nor out of the world, is in that ye commit murder wherein ye shed innocent blood, and assent unto my death, after ye have received my new and everlasting covenant, saith the Lord God; and he that abideth not this law can in nowise enter into my glory, but shall be damned, saith the Lord.

28 I am the Lord thy God, and will give unto thee the law of my Holy Priesthood, as was ordained by me and my Father before the world was.

29 Abraham received all things, whatsoever he received, by revelation and commandment, by my word, saith the Lord, and hath entered into his exaltation and sitteth upon his throne.

30 Abraham received promises concerning his seed, and of the fruit of his loins-from whose loins ye are, namely, my servant Joseph-which were to continue so long as they were in the world; and as touching Abraham and his seed, out of the world they should continue; both in the world and out of the world should they continue as innumerable as the stars; or, if ye were to count the sand upon the seashore ye could not number them.

31 This promise is yours also, because ye are of Abraham, and the promise was made unto Abraham; and by this law is the continuation of the works of my Father, wherein he glorifieth himself.

32 Go ye, therefore, and do the works of Abraham; enter ye into my law and ye shall be saved.

33 But if ye enter not into my law ye cannot receive the promise of my Father, which he made unto Abraham.

34 God commanded Abraham, and Sarah gave Hagar to Abraham to wife. And why did she do it? Because this was the law; and from Hagar sprang many people. This, therefore, was fulfilling, among other things, the promises.

35 Was Abraham, therefore, under condemnation? Verily I say unto you, Nay; for I, the Lord, commanded it.

36 Abraham was commanded to offer his son Isaac; nevertheless, it was written: Thou shalt not kill. Abraham, however, did not refuse, and it was accounted unto him for righteousness.

37 Abraham received concubines, and they bore him children; and it was accounted unto him for righteousness, because they were given unto him, and he abode in my law; as Isaac also and Jacob did none other things than that which they were commanded; and because they did none other things than that which they were commanded, they have entered into their exaltation, according to the promises, and sit upon thrones, and are not angels but are gods.

38 David also received many wives and concubines, and also Solomon and Moses my servants, as also many others of my servants, from the beginning of creation until this

time; and in nothing did they sin save in those things which they received not of me.

39 David's wives and concubines were given unto him of me, by the hand of Nathan, my servant, and others of the prophets who had the keys of this power; and in none of these things did he sin against me save in the case of Uriah and his wife; and, therefore he hath fallen from his exaltation, and received his portion; and he shall not inherit them out of the world, for I gave them unto another, saith the Lord.

40 I am the Lord thy God, and I gave unto thee, my servant Joseph, an appointment, and restore all things. Ask what ye will, and it shall be given unto you according to my word.

41 And as ye have asked concerning adultery, verily, verily, I say unto you, if a man receiveth a wife in the new and everlasting covenant, and if she be with another man, and I have not appointed unto her by the holy anointing, she hath committed adultery and shall be destroyed.

42 If she be not in the new and everlasting covenant, and she be with another man, she has committed adultery.

43 And if her husband be with another woman, and he was under a vow, he hath broken his vow and hath committed adultery.

44 And if she hath not committed adultery, but is innocent and hath not broken her vow, and she knoweth it, and I reveal it unto you, my servant Joseph, then shall you have power, by the power of my Holy Priesthood, to take her and give her unto him that hath not committed adultery but hath been faithful; for he shall be made ruler over many.

45 For I have conferred upon you the keys and power of the priesthood, wherein I restore all things, and make known unto you all things in due time.

46 And verily, verily, I say unto you, that whatsoever you seal on earth shall be sealed

in heaven; and whatsoever you bind on earth, in my name and by my word, saith the Lord, it shall be eternally bound in the heavens; and whosoever sins you remit on earth shall be remitted eternally in the heavens; and whosoever sins you retain on earth shall be retained in heaven.

47 And again, verily I say, whomsoever you bless I will bless, and whomsoever you curse I will curse, saith the Lord; for I, the Lord, am thy God.

48 And again, verily I say unto you, my servant Joseph, that whatsoever you give on earth, and to whomsoever you give any one on earth, by my word and according to my law, it shall be visited with blessings and not cursings, and with my power, saith the Lord, and shall be without condemnation on earth and in heaven.

49 For I am the Lord thy God, and will be with thee even unto the end of the world, and through all eternity; for verily I seal upon you your exaltation, and prepare a throne for you in the kingdom of my Father, with Abraham your father.

50 Behold, I have seen your sacrifices, and will forgive all your sins; I have seen your sacrifices in obedience to that which I have told you. Go, therefore, and I make a way for your escape, as I accepted the offering of Abraham of his son Isaac.

51 Verily, I say unto you: A commandment I give unto mine handmaid, Emma Smith, your wife, whom I have given unto you, that she stay herself and partake not of that which I commanded you to offer unto her; for I did it, saith the Lord, to prove you all, as I did Abraham, and that I might require an offering at your hand, by covenant and sacrifice.

52 And let mine handmaid, Emma Smith, receive all those that have been given unto my servant Joseph, and who are virtuous and pure before me; and those who are not pure,

and have said they were pure, shall be destroyed, saith the Lord God.

53 For I am the Lord thy God, and ye shall obey my voice; and I give unto my servant Joseph that he shall be made ruler over many things; for he hath been faithful over a few things, and from henceforth I will strengthen him.

54 And I command mine handmaid, Emma Smith, to abide and cleave unto my servant Joseph, and to none else. But if she will not abide this commandment she shall be destroyed, saith the Lord; for I am the Lord thy God, and will destroy her if she abide not in my law.

55 But if she will not abide this commandment, then shall my servant Joseph do all things for her, even as he hath said; and I will bless him and multiply him and give unto him an hundredfold in this world, of fathers and mothers, brothers and sisters, houses and lands, wives and children, and crowns of eternal lives in the eternal worlds.

56 And again, verily I say, let mine handmaid forgive my servant Joseph his trespasses; and then shall she be forgiven her trespasses, wherein she has trespassed against me; and I, the Lord thy God, will bless her, and multiply her, and make her heart to rejoice.

57 And again, I say, let not my servant Joseph put his property out of his hands, lest an enemy come and destroy him; for Satan seeketh to destroy; for I am the Lord thy God, and he is my servant; and behold, and lo, I am with him, as I was with Abraham, thy father, even unto his exaltation and glory.

58 Now, as touching the law of the priesthood, there are many things pertaining thereunto.

59 Verily, if a man be called of my Father, as was Aaron, by mine own voice, and by the voice of him that sent me, and I have endowed him with the keys of the power of this

priesthood, if he do anything in my name, and according to my law and by my word, he will not commit sin, and I will justify him.

60 Let no one, therefore, set on my servant Joseph; for I will justify him; for he shall do the sacrifice which I require at his hands for his transgressions, saith the Lord your God.

61 And again, as pertaining to the law of the priesthood-if any man espouse a virgin, and desire to espouse another, and the first give her consent, and if he espouse the second, and they are virgins, and have vowed to no other man, then is he justified; he cannot commit adultery for they are given unto him; for he cannot commit adultery with that that belongeth unto him and to no one else.

62 And if he have ten virgins given unto him by this law, he cannot commit adultery, for they belong to him, and they are given unto him; therefore is he justified.

63 But if one or either of the ten virgins, after she is espoused, shall be with another man, she has committed adultery, and shall be destroyed; for they are given unto him to multiply and replenish the earth, according to my commandment, and to fulfil the promise which was given by my Father before the foundation of the world, and for their exaltation in the eternal worlds, that they may bear the souls of men; for herein is the work of my Father continued, that he may be glorified.

64 And again, verily, verily, I say unto you, if any man have a wife, who holds the keys of this power, and he teaches unto her the law of my priesthood, as pertaining to these things, then shall she believe and administer unto him, or she shall be destroyed, saith the Lord your God; for I will destroy her; for I will magnify my name upon all those who receive and abide in my law.

65 Therefore, it shall be lawful in me, if she receive not this law, for him to receive all

things whatsoever I, the Lord his God, will give unto him, because she did not believe and administer unto him according to my word; and she then becomes the transgressor; and he is exempt from the law of Sarah, who administered unto Abraham according to the law when I commanded Abraham to take Hagar to wife.

66 And now, as pertaining to this law, verily, verily, I say unto you, I will reveal more unto you, hereafter; therefore, let this suffice for the present. Behold, I am Alpha and Omega. Amen.

APPENDIX B: *ARTICLES OF FAITH*

1. We believe in God, the Eternal Father, and in His Son, Jesus Christ, and in the Holy Ghost.
2. We believe that men will be punished for their own sins, and not for Adam's transgression.
3. We believe that through the Atonement of Christ, all mankind may be saved, by obedience to the laws and ordinances of the Gospel.
4. We believe that the first principles and ordinances of the Gospel are: first, Faith in the Lord Jesus Christ; second, Repentance; third, Baptism by immersion for the remission of sins; fourth, Laying on of hands for the gift of the Holy Ghost.
5. We believe that a man must be called by God, by prophecy, and by the laying on of hands by those who are in authority, to preach the Gospel and administer in the ordinances thereof.
6. We believe in the same organization that existed in the Primitive Church, namely, apostles, prophets, pastors, teachers, evangelists, and so forth.
7. We believe in the gift of tongues, prophecy, revelation, visions, healing, interpretation

of tongues, and so forth.

8. We believe the Bible to be the word of God as far as it is translated correctly; we also believe the Book of Mormon to be the word of God.

9. We believe all that God has revealed, all that He does now reveal, and we believe that He will yet reveal many great and important things pertaining to the Kingdom of God.

10. We believe in the literal gathering of Israel and in the restoration of the Ten Tribes; that Zion (the New Jerusalem) will be built upon the American continent; that Christ will reign personally upon the earth; and, that the earth will be renewed and receive its paradisiacal glory.

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

12. We believe in being subject to kings, presidents, rulers, and magistrates, in obeying, honoring, and sustaining the law.

13. We believe in being honest, true, chaste, benevolent, virtuous, and in doing good to all men; indeed, we may say that we follow the admonition of Paul -- We believe all things, we hope all things, we have endured many things, and hope to be able to endure all things. If there is anything virtuous, lovely, or of good report or praiseworthy, we seek after these things.