

Prelude to the National “Defense of Marriage” Campaign: Civil Discrimination Against Feared or Despised Minorities

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AMERICA IS CURRENTLY IN THE MIDST of state-by-state political activism and judicial appeals to prevent the legalization of same-sex marriage. In 1996 the U.S. Supreme Court invalidated one example of the related effort to roll back laws protecting homosexuals from civil discrimination, but this campaign moves forward on various fronts in every state of the Union. Its organizers will certainly extend this political activism into all states currently lacking a “Defense of Marriage Act” (DOMA) which both prohibits same-sex marriage and refuses to recognize such unions legally performed in other states or countries. In view of the pace for this state-by-state political activism during the 1990s, the Defense of Marriage campaign will probably continue throughout the United States for at least another decade.²

1. This essay was supported by a grant from the Institute for the Study of Human Resources and also involved research support at ONE Institute & Archives: The International Gay and Lesbian Heritage/Research Center, which is affiliated with the University of Southern California. The Internet was used to locate many of the periodical references cited herein. I assumed that page numbers listed on Internet web sites were the same as for print references. However, some Internet sites did not provide page numbers.

2. As I have previously observed: “Every state has its own laws, and each new session of a state legislature is a new opportunity for the losing side to renew the battle over a sexual minority’s civil rights or ‘special rights.’ This is equally true for every county, city, and town. . . . Even a U.S. Supreme Court decision will not end the conflict if the LDS church and its interfaith allies are on the losing side of legalizing same-sex marriage. . . . If pressed, the next step of the LDS interfaith coalition will be to mount a national campaign to ratify a

As I have written elsewhere,³ there is a gulf of perception between those who have experienced erotic desire for a person of their same gender and those who have not. However, we can communicate with each other, even across the gulf of same-sex desire.

Since I am in the minority as a homosexual and as a Mexican-American, I want to correct in advance what might appear to be us-versus-them dimension in my remarks about the heterosexual "white" majority. Whether minority or majority, individuals in every group display a wide diversity of attitudes and actions. Moreover, each of us belongs simultaneously to both minority and majority groups. For example, I am in the non-black majority and throughout my life have been embarrassed to discover my own prejudices and insensitivities about race. Likewise, most blacks are in the vast majority of persons who lack serious physical handicaps and who (like most of us) can be prejudiced and insensitive toward disabled persons of every skin color. While I condemn prejudice and social discrimination, I also acknowledge my own lapses in these areas.

Shortly after the March 2000 vote for California's Defense of Marriage Act (Prop. 22), an editorial in the Los Angeles *Frontiers Newsmagazine* for gays and lesbians stated the situation very well:

It was difficult not to take the passage of Proposition 22 personally. . . . While one would like to think it wasn't personal, it's awfully difficult to really believe that anyone who put one of those signs in their yard truly thought they were protecting heterosexual marriage. The message they sent, whether intended or not, was: We don't like gay people. . . . Non-gay friends and acquaintances need to know that to us it wasn't just a vote, it was personal.⁴

U.S. constitutional amendment against 'special rights' for the small minority of Americans who define themselves as homosexual" (D. Michael Quinn, *The Mormon Hierarchy: Extensions of Power* [Salt Lake City: Signature Books/Smith Research Associates, 1997], 405). For anti-gay claims about "special rights," see note 167.

3. D. Michael Quinn, *Same-Sex Dynamics among Nineteenth-Century Americans: A Mormon Example* (Urbana: University of Illinois Press, 1996), 7.

4. "Thanks A Lot: The Personal Sting of Proposition 22," *Frontiers Newsmagazine* 18 (31 March 2000): 12. For the role of the LDS church in the mass distribution of these "Yes on Prop. 22" signs in every city and town of California, see letter from the North America West Area Presidency (John B. Dickson, William R. Bradford, Richard H. Winkel) to "All Stake Presidents and Bishops in California, to be read in Sacrament Meeting Sunday, January 16," dated 11 Jan. 2000: "We would greatly appreciate it if all would continue contacting friends and neighbors as directed by the local coordinator about this issue *and distribute, as well as put on your own lawns, the provided yard signs* [emphasis added]" ("News: Proposition 22 Dominates California Wards' Attention, Divides Members," *Sunstone* 118 [April 2001]: 92). Official church positions of Dickson, Bradford, and Winkel listed in "General Authorities of The Church of Jesus Christ of Latter-day Saints," *Ensign* 29 (November 1999): [57]. See also David Bruce Combe, "Proposition 22, California, and the Mormon Church: A Chronology" in *Case Reports of the Mormon Alliance: Volume 5, 1999*, eds., Lavina Fielding Anderson and Janice Merrill Allred (Salt Lake City: Mormon Alliance, 2000).

In fact, the campaign against Prop. 22 was so personally painful for three Mormon gay males that they committed suicide in the spring of 2000, leaving letters of anguish about the LDS church's role in spearheading this activism against same-sex marriage.⁵

HOMOPHOBIA—A DEFINITION

Gays, lesbians, and increasing numbers of heterosexual scholars use the terms "heterosexism" and "homophobia" to describe the opposition against legal protections based on sexual orientation. Two authors explain: "Heterosexism is a reasoned system of bias regarding sexual orientation. It denotes prejudice in favor of heterosexual people and connotes prejudice against bisexual and, especially, homosexual people." Further, "Heterosexism is analogous to racism and sexism. Homophobia finds appropriate analogies in racial bigotry and misogynism [or antagonism toward females]."⁶

5. The three were Henry Stuart Matis, D. J. Thompson, and Clay Whitmer. See "Gay Mormon Hoped Suicide Would Help Change Church," *San Francisco Examiner*, 2 March 2000; "Gay Mormon Kills Self on Church Steps: California Man Had Expressed Anguish over Anti-Gay-Marriage Proposition 22," *Salt Lake Tribune*, 3 March 2000, A-1; "Bloody Hands: Friends Blame Mormon Church's Support of Proposition 22 for Death of Two Gay Men," *Frontiers Newsmagazine* 18 (31 March 2000): 20; "To Be Gay—and Mormon," *Newsweek*, 8 May 2000, 38-39; Combe, "Proposition 22, California, and the Mormon Church" (with quotations from the pre-suicide letters of Matis and Thompson). See also Christopher J. Alexander, "Suicidal Behavior in Gay and Lesbian Mormons," in *Peculiar People: Mormons and Same-Sex Orientation*, eds., Ron Schow, Wayne Schow, and Marybeth Raynes (Salt Lake City: Signature Books, 1991), 257-63; "No More Deaths, No More Silence: Gay Mormons Have Higher Suicide Rate Than the Entire Nation," *Las Vegas Bugle*, 12 May 2000, 18-19.

In my "Selected Chronology of the Church of Jesus Christ of Latter-day Saints, 1848-1996" (Quinn, *Extensions of Power*, app. 5), I noted in the June 19, 1995, entry that Utah was attempting an analysis of its high suicide rates: "*Salt Lake Tribune* reports that Utah state task force is trying to understand why suicide is second leading cause of death for Utah's teenage males and young men, and why Utah's suicide rate is sixth highest in the nation. Article downplays alleged role of LDS church's 'too high expectations on young people,' by pointing out that five states (all surrounding Utah) with higher suicide rates have lower percentages of Mormons. However, this is a statistical error ('ecological fallacy') because states have not identified religious affiliation of suicides who might actually be disproportionately Mormon. *Tribune* refers to U.S. Health Department's 1989 estimate that homosexual orientation is a factor in 30 percent of teenage suicides. *Deseret News* excluded that estimate from its analysis of federal report on 21 Aug. 1989 and has said little about this current Utah task force" (894).

6. Patricia Beattie Jung and Ralph F. Smith, *Heterosexism: An Ethical Challenge* (Albany: State Univ. of New York Press, 1993), 13, 14. See also Beverly Wildung Harrison, "Misogyny and Homophobia: The Unexplored Connections," in *Making the Connections: Essays in Feminist Social Ethics*, ed. Carol S. Robb (Boston: Beacon Press, 1985); James T. Sears and Walter L. Williams, eds., *Overcoming Heterosexism and Homophobia* (New York: Columbia Univ. Press, 1997).

Since the root word *phobia* means fear, “homophobia” describes expressions of discomfort, anxiety, or fear about homosexuality and homosexuals.⁷ Just as “Negrophobia” has often involved feelings of dislike or hatred toward African-Americans,⁸ homophobia can also involve feelings of dislike or hatred toward gays, lesbians, bisexuals, and transgender persons. However, many whites are Negrophobic without being hateful, and many Americans are homophobic without being hateful. Furthermore, just as there have been calmly reasoned arguments of misogyny, racism, Negrophobia, and anti-Semitism, so are there now calmly reasoned arguments of homophobia.⁹ Such homophobia recently

7. *The Random House Dictionary of the English Language, Unabridged*, 2nd ed., s.v. “homophobia. . . unreasoning fear of or antipathy toward homosexuals and homosexuality”; see also *Merriam-Webster’s Collegiate Dictionary*, 10th ed., s.v. “homophobia. . . irrational fear of, aversion to, or discrimination against homosexuality or homosexual—homophobic.” However, see following discussion and note 9 concerning these inaccurate assumptions of “unreasoning” and “irrational,” which dictionaries do not assume for Negrophobia (see note 8).

8. *Random House Dictionary*, s.v. “Negrophobia. . . strong fear or dislike of black people”; *The American Heritage Dictionary of the English Language*, 3rd ed., s.v. “Negrophobe. . . one who fears or dislikes Black people and their culture—Negrophobia.”

9. Wayne R. Dynes says: “Care should be taken, therefore, to identify homophobia as a prejudice, comparable to racism and anti-semitism, rather than an irrational fear similar to claustrophobia or agoraphobia” (*Encyclopedia of Homosexuality*, 2 vols. [New York: Garland Publishing, 1990], 1:552). Likewise, without the unnecessary assumption of irrationality, *American Heritage Dictionary of the English Language* defines homophobia as an “aversion to gay or homosexual people or their lifestyle or culture” (contrast this with notes 7 and 8). Given these definitions, I disagree with John Charles Duffy, who equates homophobia with irrational fear:

“Homophobia is not synonymous with opposition to gay rights. There are plenty of gay rights activists who suffer from internalized homophobia. And one can be opposed to gay rights without suffering from an *irrational fear* of gay people. [emphasis added]

“Take [BYU law professor] Lynn Wardle, whom we all love to hate. Is Wardle homophobic?”

“Certainly he’s ‘heterosexist,’ meaning he believes that heterosexuality is better than homosexuality. . . .

“If in calling Wardle a homophobe, you’re implying that he’s motivated by *hysterical fear*. . . I don’t see it. [emphasis added]

“He’s motivated by a set of beliefs about God’s will which I believe are gravely wrong. But that’s not homophobic. Heterosexist, yes. Homophobic, no.

“It’s precisely because Wardle is not irrational that he is so dangerous. . . . When he speaks, legislatures listen.” (“Homophobia: Calling It as It Is,” *Pillar of the Gay and Lesbian Community: Utah’s True Alternative Newspaper*, May 2000, 23. See also note 156.)

While Duffy’s argument encourages the Utah gay community to avoid inappropriate name-calling, his logic would invalidate the use of “Negrophobia” to describe white Southerners who used calmly rational arguments against the racial integration of transportation, housing, and schools. The “Jim Crow” South had its articulate defenders of segregation, and a person does not need to be irrational, hateful, or violent to be fearful concerning a minority and its perceived threats to the majority. Like any labels, those of racism, Negro-

caused a Mormon to proclaim in Provo, Utah's newspaper: "God is a bigot."¹⁰

SAME-SEX MARRIAGE—ITS PURPOSES

By contrast, the *Anglican Theological Review* has presented a different perspective on same-sex relationships: "In fact, homophobia and heterosexism elicit such strong emotional responses that lesbians and gay men are often estranged from their natal families, and thus deprived of what is, for most other marginalized groups, a primary source of care and nurture."¹¹ Parental rejection is also a frequent experience of Mormon gays and lesbians.¹² In a recent article about young gay males experiencing rejection, two of the eight examples were Utah-Mormon teenagers "thrown out of home" by their parents.¹³

phobia, anti-Semitism, bigotry, and homophobia can be misapplied. However, contrary to Duffy's claim that "homophobia is not synonymous with opposition to gay rights," opposition to gay rights is based on homophobia and Lynn Wardle would thus be homophobic. For Wardle's recently published statements, see "Church Delegates Attend World Congress of Families," *Ensign* 27 (June 1997): 75; "Families, Law Are Victims of Vermont Justices' Marriage Ruling," *Deseret News*, 9 Jan. 2000; "LDS Have Right to Fight Gay Marriage, 2 Say: But ACLU Lawyer, BYU Professor Far Apart on Ideology," *Deseret News*, 17 Feb. 2000; "3 BYU Professors Sign paper Upholding Traditional Marriage," *Deseret News*, 14 July 2000.

10. Letter to the editor by Warren N. Hardy, "Even God May Be a Bigot," *Daily Herald* [Provo, UT], 24 August 1999. See also Letter to the editor, "God Hates Gays," *Daily Utah Chronicle*, 27 January 1976, 2.

11. Robert Williams, "Toward a Theology for Lesbian and Gay Marriage," *Anglican Theological Review* 72 (Spring 1990): 142.

12. Concerning an unnamed teenager who committed suicide after a confrontation with his father during the teenager's telephone call to the Gay Help Line, see Mark A. Taylor, "The Love That Dares Not Speak Its Name," *Utah Holiday* 15 (September 1986): 43. See also the narrative of Justen Michael Bennett-Maccubbin, who took the names of his adoptive gay fathers after his Mormon father tried to kill him when he told his parents he was gay, in Anderson Jones and David Fields, *Men Together: Portraits of Love, Commitment, and Life* (Philadelphia: Running Press, 1997), 38-39. See also Jolynn Moore, "Life As a Mormon," *Love Makes A Family: Creating a Family Voice for Lesbian, Gay, Bisexual and Transgendered People* 9 (Fall/Winter 1997): 9.

13. Mike Glatze, ed., "Thrown Out," *XY Magazine* 22 (October-November 1999), 23, 31 (for the experiences of Jeremy, 17, and Justin, 19, both of Salt Lake City). This article also included the experience of Steve May: "Thrown out of the Army for being an out gay legislator: Steve May, Phoenix, Arizona." May's experience as a Mormon gay has been mentioned elsewhere, including: "GOP Shoots Self in Foot Over May," *Arizona Republic*, 17 November 1996; "Voters' Choices Break New Ground: Latina, Gay Republican Would Be Firsts," *Arizona Republic*, 9 September 1998; "Serving out Loud," *The Advocate*, 26 October 1999; "Gay Legislator Fighting Military: Refuses to Resign His Commission," *Arizona Republic*, 28 April 2000. For the favorable outcome of May's case, see the following articles which did not refer to his Mormon background: "Army Ends Effort to Boot May: Gay Reservist Celebrates Win," *Arizona Republic*, 16 January 2001 (local story); "Army Drops Efforts to Expel Gay Reservist," *Deseret News*, 16 January 2001, A-8 (wire-service story); "Army Ends Case against Gay Reservist," *New York Times*, 16 January 2001, A-16.

The Anglican Theological Review continues:

A theology of same-sex relationship images God saying to gay men and lesbians, as well as to their heterosexual counterparts, "It is not good for you to be alone," and providing through a profound relationship with a companion (most commonly called a "lover" in the gay community) for their "mutual comfort and joy." In a gay or lesbian relationship, as well as in a heterosexual relationship, "each may be to the other a strength in need, a counselor in perplexity, a comfort in sorrow, and a companion in joy." For a parish community to celebrate and bless such a relationship is simply to say to the [same-sex] couple, "We share your joy, and we see your love as a gift from a loving Creator."¹⁴

14. Williams, "Toward a Theology for Lesbian and Gay Marriage," 142. See also "N.J. Episcopal diocese gives OK to gay couples," *San Francisco Examiner*, 31 January 1988, A-2; "Northern California Convention: Episcopalians Endorse Gay Marriages," *San Francisco Chronicle*, 26 October 1988, A-8; "New Bishop Tells of Many Blessings Uniting Gays: Lutherans," *Los Angeles Times*, 28 January 1995, B-4; "Barred once, gay couple receives blessing in Seattle cathedral," *Episcopal Life*, July/August 1996, 11; "95 Ministers Risk Jobs, Bless 'Holy Union' of Lesbian Couple—Religion: Action flouts United Methodist Church prohibition. 'We are on the right side of history and the right side of God,' pastor says," *Los Angeles Times*, 17 January 1999, A-11; "N.Y. Presbytery Oks Gay Holy Unions," *Los Angeles Times*, 13 February 1999, B-7; "Reform Rabbis OK Blessing Gay Unions," *Dallas Morning News*, 30 March 2000, A-5; and "Episcopalians Recognize Unmarried Couples: No Distinction Made on Sexual Orientation," *San Francisco Chronicle*, 14 July 2000. By contrast, Mormons believe that same-sex marriage would be catastrophic for society. After my presentation at Salt Lake City's 2000 Sunstone Symposium ("Prelude to the National 'Defense of Marriage' Campaign: Civil Discrimination Against Feared or Despised Minorities"), one member of the audience stated his belief that ratification of same-sex marriage would duplicate the sin of Sodom in the U.S., which God would then similarly destroy. Traditional Christianity, of course, holds that Sodom was destroyed because of its homoerotic behavior. (See Richard Davenport-Hines, *Sex, Death, and Punishment: Attitudes toward Sex and Sexuality in Britain since the Renaissance* [London: Collins, 1990], 101.)

However, Mormonism's founding prophet apparently rejected the traditional Christian view of Sodom's sin. In his only sermon about the matter, Joseph Smith said that God destroyed Sodom "for rejecting the prophets," and he did not mention sexual conduct at all. See the following: Scott G. Kenney, ed., *Wilford Woodruff's Journal, 1833-1898 Typescript*, 9 vols. (Midvale, Utah: Signature Books, 1983-85), 2:213 (22 January 1843); Joseph Smith, Jr., et al., *History of the Church of Jesus Christ of Latter-day Saints*, ed. B. H. Roberts, 2nd ed. rev., 7 vols. (Salt Lake City: Deseret Book, 1960), 5:237 (hereafter *History of the Church*); Joseph Fielding Smith, ed., *Teachings of the Prophet Joseph Smith* (Salt Lake City: Deseret News Press, 1938), 271; Andrew F. Ehat and Lyndon W. Cook, eds., *The Words of Joseph Smith: The Contemporary Accounts of the Nauvoo Discourses of the Prophet Joseph Smith* (Provo: Religious Studies Center, Brigham Young Univ., 1980), 156; Richard C. Galbraith, ed., *Scriptural Teachings of the Prophet Joseph Smith* (Salt Lake City: Deseret Book, 1993), 6. See also the following reference to "sodomite" in the footnote to Deut. 23:17 in *The HOLY BIBLE. . . Authorized King James Version With Explanatory Notes and Cross References to the Standard Works* (Salt Lake City: Church of Jesus Christ of Latter-day Saints, 1989): "HEB a professional male or female prostitute, or cultist." Just as it rejected Joseph Smith's intentions for

Just as heterosexual marriage binds a couple emotionally and spiritually far beyond sex and child-raising, so also do most homosexuals want a same-sex relationship that combines sexual attraction with mutual respect, love, shared goals, and even spiritual fulfillment.¹⁵ In addition, like members of every other group, gays and lesbians believe they

African-Americans (see notes 81 and 90), so also did the Utah Mormon leadership reject the founding prophet's view of Sodom's destruction.

Ironically, the views of other Christians are now changing. Beginning in the early 1900s with a scholar who was neither homosexual nor Mormon, some Bible analysts began reinterpreting Sodom's destruction more along the lines indicated by the Mormon prophet. George A. Barton noted that "the wickedness which Lot is said to have anticipated that the men of Sodom contemplated may have been no more than to give the strangers a beating" ("Sodomy," in *Encyclopaedia of Religion and Ethics*, 12 vols. plus index, ed. James Hastings [Edinburgh, Scotland: T. & T. Clark; New York: Charles Scribner's Sons, 1908-26] 11:672). At greater length, Derrick Sherwin Bailey argued in 1955 that the "inhospitality" of the Sodomites toward Lot's angel-guests was the actual cause of Sodom's destruction: "The story does not in the least demand the assumption that the sin of Sodom was sexual let alone homosexual—indeed, there is no evidence to show that vice of the latter kind was prevalent there." (*Homosexuality and the Western Christian Tradition* [London: Longmans, Green and Co., 1955], 5; see also the extensive discussion in later pages concerning the historical development of the "Homosexual Interpretation of Sodom"). See also Victor Paul Furnish, "The Bible and Homosexuality: Reading the Texts in Context," in *Homosexuality in the Church: Both Sides of the Debate*, ed. Jeffrey S. Siker (Louisville, Ky.: Westminster/John Knox Press, 1994), 18-35, with discussion of Sodom on 19-20.

15. "Recent polls of gays and lesbians have shown that over 80% of them would marry if legally able to do so" (Kevin H. Lewis, "Equal Protection after *Romer v. Evans*: Implications for the Defense of Marriage Act and Other Laws," *Hastings Law Journal* 49 [November 1997]: 22n224). For examples of recent publications about relationship-oriented gays and lesbians, see Tina Tessina, *Gay Relationships: How to Find Them, How to Improve Them, How to Make Them Last* (New York: Jeremy P. Tarcher/Penguin, 1989); Betty Berzon, *Permanent Partners: Building Gay & Lesbian Relationships That Last* (New York: Plume Book/Penguin, 1990); Charlotte J. Patterson, "Children of Lesbian and Gay Parents," *Child Development* 63 (1992): 1025-42; Patterson, "Lesbian Mothers, Gay Fathers, and Their Children," in *Lesbian, Gay, and Bisexual Identities over the Lifespan: Psychological Perspectives*, eds., Anthony R. D'Augelli and Charlotte J. Patterson (New York: Oxford Univ. Press, 1995), 262-90; Richard A. Mackey, Bernard A. O'Brien, and Eileen F. Mackey, *Gay and Lesbian Couples: Voices from Lasting Relationships* (Westport, Conn.: Praeger, 1997); Anderson Jones and David Fields, *Men Together: Portraits of Love, Commitment, and Life* (Philadelphia: Running Press, 1997); Andrew K. T. Yip, *Gay Male Christian Couples: Life Stories* (Westport, Conn.: Praeger, 1997); Michael J. Sweet, "Together on the Path: Gay Relationships in a Buddhist Context" and Susan Talve, "With This Ring You Are Made Holy unto Me According to the Laws of Moses': Celebrating and Sanctifying Lesbian and Gay Relationships and Families," both in *Our Families, Our Values: Snapshots of Queer Kinship*, eds., Robert E. Goss and Amy Adams Squire Strongheart (New York: Harrington Park Press, 1997), 115-27, 129-35; Jane Drucker, *Families of Value: Gay and Lesbian Parents and Their Children Speak Out* (New York: Insight Books/Plenum Publishing, 1998); Richard P. Hardy, *Loving Men: Gay Partners, Spirituality, and AIDS* (New York: Continuum, 1998); Ellen Lewin, *Recognizing Ourselves: Ceremonies of Lesbian and Gay Commitment* (New York: Columbia Univ. Press,

deserve access to legally protected relationships.¹⁶ Likewise, the LDS father of a gay male has publicly declared that “affirming same-sex relationships” is “the logical next step” for both church and state.¹⁷

“MANY FINE FRIENDS”

In expressing satisfaction at the passage of California’s law prohibiting marriage for gays and lesbians, LDS president Gordon B. Hinckley insisted: “We are not anti-gay. We are pro-family.” But the two slogans are linked. In its article on “The Pro-Family Movement,” the *Conservative Digest* proudly listed those who are “Anti-Homosexuals” and “Anti-Gay Rights.”¹⁸

Others who support the Defense of Marriage laws likewise proclaim: “We are not anti-gay. We have friends who are gay and lesbian.” For example, Douglas L. Callister (an official LDS coordinator of California’s Prop. 22 campaign) told the *Los Angeles Times* in 1999: “We have many fine friends that are in the gay community and do not wish to be their adversaries.”¹⁹ Yet for gays and lesbians, this rings as hollow as the claim

1998); Janet M. Wright, *Lesbian Step Families: An Ethnography of Love* (New York: Harrington Park Press, 1998); *Hero Magazine* (1998-present.); Eric Marcus, *Together Forever: Gay and Lesbian Couples Share Their Secrets for Lasting Happiness* (New York: Anchor Books/Doubleday, 1999); Gretchen A. Stiers, *From This Day Forward: Commitment, Marriage, and Family in Lesbian and Gay Relationships* (New York: St. Martin’s Press, 1999); Merle James Yost, ed., *When Love Lasts Forever: Male Couples Celebrate Commitment* (Cleveland, Ohio: Pilgrim Press, 1999).

16. Brent Hartinger, “A Case for Gay Marriage,” *Commonweal*, 22 November 1991; Kathryn Dean Kendell, “Principles and Prejudice: Lesbian and Gay Civil Marriage and the Realization of Equality,” *Journal of Contemporary Law* 22, no. 1 (1996): 81-96; Mark Strasser, *The Challenge of Same-Sex Marriage: Federalist Principles and Constitutional Protections* (Westport, Conn.: Praeger, 1999); Andrew Sullivan, “Marriage: Why We Can’t Wait” (keynote talk at annual meeting of Affirmation: Gay & Lesbian Mormons, Washington, D.C., 7 October 2000). See also pro and con arguments in Robert M. Baird and Stuart E. Rosenbaum, eds., *Same-Sex Marriage: The Moral and Legal Debate* (Amherst, N.Y.: Prometheus Books, 1997); Andrew Sullivan, ed., *Same-Sex Marriage, Pro and Con: A Reader* (New York: Vintage Books, 1997).

17. Gary M. Watts, “The Logical Next Step: Affirming Same-Sex Relationships,” *Dialogue: A Journal of Mormon Thought* 31 (Fall 1998): 49-57.

18. “Gay Marriage Ban Pleases Leader of Mormon Church,” *San Francisco Chronicle*, 9 March 2000, A-6; “The Pro-Family Movement,” *Conservative Digest*, May/June 1981, 23, 24.

19. Quoted in “No End to Dissent: Recent Events Suggest That At Least In the Nation’s Churches, the Battle over Rights For Gays and Lesbians Is a Long Way From Being Resolved,” *Los Angeles Times*, 3 July 1999, B-2. For Callister’s role in this political campaign, see “News: Proposition 22 Dominates California Wards’ Attention, Divides members,” *Sunstone* 118 (April 2001): 88; Combe, “Proposition 22, California, and the Mormon Church.” Callister was called as a general authority after successfully coordinating California’s DOMA campaign as an Area Authority Seventy. (See “New General Authorities Called,” *Ensign* 30 [May 2000]: 102.)

by white segregationists: "We're not anti-Negro. We have many fine friends who are Negro."²⁰ Polite feelings for individuals cannot compensate for denying basic rights to the minority of which those individuals are a part.

A month after the vote on Prop. 22, one of Southern California's Roman Catholic bishops publicly apologized for the role of the Catholic Church in promoting antagonism toward gays and lesbians. Presiding over a diocese of more than one million Catholics, Monsignor Gerald Barnes said: "I ask forgiveness for the members of the Church and for myself. . . . The rhetoric and propaganda of some proponents of Proposition 22 served to remind all of us of the fear and hatred of which we are all capable of [sic] in the name of Christian virtue."²¹ Monsignor Barnes was following the example of Pope John Paul II who referred "to Racism, Sexism and Anti-Semitism" in the Vatican's recent "Landmark Apology for Church Sins."²²

To date, Elder Callister has issued no such apology for statements made by LDS members during the DOMA activism in California. No similar acknowledgment has come from LDS church headquarters, which continues to promote its "pro-family" political campaign of fear against gays and lesbians throughout the nation. However, Robert Rees (a former LDS bishop and mission president) has observed: "Thus, in spite of President Hinckley's strong admonition not to let support of Proposition 22 lead to prejudicial treatment of homosexuals, there have been more homophobic sentiments expressed in our [LDS] meetings in the past year than I can remember over an entire lifetime. One only has to ask Latter-day Saint homosexuals living in California if they feel safer today than they did a year ago to determine how destructive these expressions have been."²³ A statistical report issued by the California Attorney General has verified that violence against gays and lesbians

20. Brandon Brumsic, *Some of My Best Friends* (Westbury, N.Y.: By the author, 1963); *Some of My Best Friends: A Report on Race Relations Attitudes* (London: Reference Division, Community Relations Commission of Great Britain, 1976); Stokely Carmichael, "Black Power," in *The Negro in American History: Black Americans, 1928-1968*, eds., Morton J. Adler, Charles Van Doren, and George Ducas (Chicago: Encyclopaedia Britannica Educational Corporation, 1969), 111. Likewise, Americans accused of anti-Semitism have also claimed they had Jewish friends (Benjamin R. Epstein, "Some of My Best Friends. . ." [New York: Farrar, Straus, and Cudahy, 1962]).

21. "Apology: Local Catholics Hear Bishop's Letter on the Church's Shortcomings," *Daily Bulletin* (Ontario, Calif.), 3 April 2000, A-6; quote comes from a sidebar titled "Excerpts from Bishop Barnes' Apology."

22. "Pope Issues Landmark Apology for Church Sins: Homily Alludes to Racism, Sexism and Anti-Semitism," *San Francisco Chronicle*, 13 March 2000.

23. Robert Rees, "In a Dark Time the Eye Begins to See": *Personal Reflections on Homosexuality among the Mormons at the Beginning of a New Millennium* (forthcoming by Family Fellowship; see also this issue of *Dialogue*).

increased in 1999 during the interfaith campaign against same-sex marriage.²⁴

For those who oppose marriage for homosexuals but insist they have no ill feeling toward gays and lesbians, a recent book by music composer Ned Rorem is useful. Openly gay himself, he interviewed theater critic John Simon who had published remarks which many regarded as homophobic. Rorem commented: "What you've said, apparently homophobically to some people, is powerful enough to disqualify what you may say compassionately in other contexts."²⁵ Obviously, this also applies to what people do homophobically.

OBEDIENCE VS. CONSCIENCE

In the state-by-state campaigns for Defense of Marriage laws from the 1990s to the present, LDS officials have repeatedly instructed Mormons to regard their vote as an act of obedience to leadership, rather than an act of individual conscience. This has occurred in Utah, Hawaii, Washington, Alaska, New Mexico, California, Nevada, Nebraska, and Texas.²⁶ This attitude separates Mormon voters and legislators from most

24. "Hate Crimes in State Increase by 12%," *Los Angeles Times*, 28 July 2000, A-3, A-28 (with sidebar "Focus of Hate" showing that 22 percent of California's hate crimes were based on sexual orientation). See also "Rise in Hate Crimes in California: Number of Attacks Up—Level of Violence Appears to Be Increasing As Well," *San Francisco Chronicle*, 28 July 2000.

25. Ned Rorem, *Other Entertainment: Collected Pieces* (New York: Simon & Schuster, 1996), 151. See also p. 146 for John Simon's statement that "homosexuals are no longer a despised minority. . . in my world."

26. "LDS First Presidency Opposes Legalization of Gay Marriages," *Deseret News*, 14 February 1994, B-2; "First Presidency Opposes Efforts to Legalize Same-Gender Marriage," *Church News* 19 February 1994, 5; "Some States Trying to Stop Gay Marriages before They Start," *New York Times*, 15 March 1995, A-18; "Same-Sex Marriage: Are LDS Gearing Up for a Holy War?" *Salt Lake Tribune*, 26 March 1994, B-1, B-2; "LDS Church Opposing Gay Marriages," *Deseret News*, 30 March 1994, A-10; "First Presidency Statement Opposing Same-Gender Marriages," *Ensign* 24 (April 1994): 80; Carolyn Campbell, "I Now Pronounce You Wife and Wife: Same-Sex Marriages and the LDS Church," *Private Eye Weekly* (Salt Lake City) 15 June 1994, 7-10; "Church Joins Hawaii Fight over Same-Sex Marriages," *Deseret News*, 24 February 1995, A-2; "Lawmakers Pass Late Measure To Not Recognize Gay Marriages," *Deseret News*, 2 March 1995, A-19; "Church Opposes Same-Sex Marriages," *Church News*, 4 March 1995, 12; "Utah May Ignore Gay Unions: Group Threatens Lawsuits After Governor Signs Bill," *Salt Lake Tribune*, 17 March 1995, C-1; "Judge Bars LDS Church From Same-Sex Lawsuit," *Deseret News*, 29 March 1995, B-1; "Judge Won't Allow Mormon Church To Join Same-Sex Trial," *Salt Lake Tribune*, 30 March 1995, A-4; "Utah Right To Ban Same-Sex Marriages," *Deseret News*, 31 March 1995, A-15; "Don't Permit Gay 'Marriages,'" *Deseret News*, 3 April 1995, A-9; Jorge Morales, "Marriage Bans," *Advocate* 678 (4 April 1995): 20; "3 LDS Officials Seek To Join Hawaii Suit," *Deseret News*, 14 April 1995, A-10; "LDS Church Files Appeal in Same-Sex Case," *Salt Lake Tribune*, 17 April 1995, D-2; "Homosexual Union Isn't Marriage," *Deseret News*, 19 April 1995, A-9; "Hawaii Court Rejects

of the others in the political "coalition" against same-sex marriage, which President Hinckley publicly described: "We have worked with Jewish groups, Catholics, Muslims, Protestants, and those of no particular

LDS Request," *Deseret News*, 25 January 1996, A-6; "LDS and Catholic Coalition Opposes Hawaii Legislation," *Deseret News*, 21 February 1996, B-1; "Officials Aim To Intervene in Same-Sex Case," *Deseret News*, 28 February 1996; "A Mormon Church Crusade In Hawaii," *Salt Lake Tribune*, 9 June 1996, B-1, B-2; "Graham Set to Fight Gay Marriage," *Salt Lake Tribune*, 8 May 1998, D-10 (in which Utah's attorney general specifies that her LDS church membership is a basis for using her public office to oppose the legalization of same-sex marriage); "Same-Sex Marriage Foes Given \$500,000," *Anchorage Daily News*, 3 October 1998; "Emotions Run High Over Prop. 2," *Anchorage Daily News*, 1 November 1998; "Mormons Send Cold Cash to Alaska for Anti-Gay Marriage Referendum," *Church and State* 51 (November 1998): 18-19; "Mormons Now Target California," *San Francisco Examiner*, 4 July 1999; "Gays Oppose LDS California Activism," *Salt Lake Tribune*, 10 July 1999, D-1, D-2; "Activists Quit LDS Church Over California Letter," *Salt Lake Tribune*, 24 July 1999, C-2; "Mormons 'Regret' Exodus Over Campaign Against Gay Marriage," *Anchorage Daily News*, 25 July 1999; "Mormons Raise Funds To Stop Gay Marriage," *San Francisco Examiner*, 8 August 1999; "Protesters Target Church Activism in California," *Deseret News*, 4 Oct. 1999, A-6; internet version of MSNBC's "Gay Marriage Laws [in] New Mexico," 1999, www.msnbc.com/modules/gaymarriages/state-by-state/default.asp ("In 1999, anti-gay marriage legislation was defeated for the fourth year in a row. The Mormon Church lobbied heavily for passage of the legislation, sending \$30,000 to supporters of the bill"); "Campaign Initiative Asks Nevadans to Protect Marriage," *Beehive* (Las Vegas), 15 December 1999-15 February 2000, 8 ("The First Presidency feels it's an urgent matter"); "LDS Urged to Back Prop. 22," *Salt Lake Tribune*, 21 January 2000; "For Some, Mormon Stance on Gay Issue Creates a Crisis of Conscience," *Salt Lake Tribune*, 5 March 2000, A-1; "Pushing Morals of Marriage Issue: Man Heads Effort to Prevent Gays From Legally Marrying in Nevada," *Las Vegas Sun*, 8 May 2000; "Anti-Gay Marriage Petition Nears Filing," *Las Vegas Sun*, 8 June 2000; "Petition to Ban Gay Marriage Hits Ballot," *Las Vegas Sun*, 8 July 2000; "Petitioners Submit Signatures," *Lincoln Journal-Star* (Lincoln, Neb.), 8 July 2000; "Strong Finances, Central Control Propel Church," *Omaha World-Herald*, 29 July 2000; "Nevada Delegate Focuses on Gay Rights," *Las Vegas Sun*, 14 August 2000; "Coalition Formed To Lobby For Marriage Amendment," *Lincoln Journal-Star*, 28 September 2000; "New Voice For 416: Original Backers Reject Funds From Out of State," *Lincoln Journal-Star*, 1 October 2000 (re: "an offer of \$600,000 from members of the Church of Jesus Christ of Latter-day Saints"); Ben Fulton, "Nebraska Splits Over Mormon Money," *Salt Lake City Weekly*, 12 October 2000; "Catholics Told To Vote Their Conscience On Marriage Ban," *Las Vegas Sun*, 17 October 2000 (where, in contrast to Mormons, Catholic bishops declare: "As bishops we do not seek the formation of a religious voting bloc"). See also Combe, "Proposition 22, California, and the Mormon Church"; Richley H. Crapo, "Mormon/LDS Chronology of Involvement In Same-Sex Marriage Politics" (1997), available on the internet; Jay Bell, "A Chronology of the LDS (Mormon) Church's Views on Homosexuality and Gender Related Issues from 1950-2000," dated 10 September 2000 (typescript of 100 single-spaced pages, in my possession).

In Texas, area presidencies and/or stake presidencies have conducted meetings in every LDS chapel from December 2000 onward for all adult Mormons who receive the handout "Preservation of Traditional Marriage." This includes a "Guide/Script for Direct Contact with Texas Senators and Representatives," which specifies that Mormons are not to identify themselves as members of the LDS church or of its lobbying group, the Coalition for Traditional Marriage (CTM), during personal conversations with elected officials.

religious affiliation. . . .²⁷ For the current LDS leadership, lock-step obedience to the "living prophet" is more important than the church member's own sense of what is right and fair.²⁸

In addition, LDS general authorities and regional leaders have tried to conceal their role in directing this political campaign and in soliciting monetary donations for its support. As instructed by church headquarters, regional leaders have told local members to conceal their Mormon affiliation when writing against same-sex marriage to newspapers or elected officials.²⁹ Rather than being a spontaneous expression of citizen-

Specifying that all these instructions are given by authority of the First Presidency, LDS leaders in these meetings have encouraged all Texas Mormons to join the CTM and have distributed enough registration forms for every adult member of the LDS church in Texas to join this political lobbying organization. In addition to providing LDS members with a "sample letter" to send to newspaper editors, to state legislators, and to members of Congress, the handout "Preservation of Traditional Marriage" instructed these Mormons: "Mail, fax, or E-mail your letters to as many newspapers within your state as possible" (transcription of handout "Preservation of Traditional Marriage"; information supplied by a Texas resident who attended one of these meetings; Jay Bell, research file on Texas, dated 29 January 2001, copy in my possession).

27. Gordon B. Hinckley, "Why We Do Some of the Things We Do," *Ensign* 29 (November 1999): 54. For discussions of the Mormon political alliance with conservative and ultra-conservative Christians, see Richard A. Viguerie, *The New Right: We're Ready To Lead* (Falls Church, VA: Viguerie Company, 1981), 131; Gabriel Fackre, *The Religious Right and Christian Faith* (Grand Rapids, Mich.: William B. Eerdmans Publishing, 1982), 3; James T. Richardson, "The 'Old Right' in Action: Mormon and Catholic Involvement in an Equal Rights Amendment Referendum," in *New Christian Politics*, eds., David Bromley and Anson Shupe (Macon, Ga.: Mercer Univ. Press, 1984), 213-33; Anson Shupe and John Heinerman, "Mormonism and the New Christian Right: An Emerging Coalition?" *Review of Religious Research* 27 (December 1985): 146-57; O. Kendall White, Jr., "A Review and Commentary of the Prospects of a Mormon-New Christian Right Coalition," *Review of Religious Research* 28 (December 1986): 180-88; Matthew C. Moen, *The Transformation of the Christian Right* (Tuscaloosa: Univ. of Alabama Press, 1992), 157; George Marsden, "The Religious Right: A Historical Overview," in *No Longer Exiles: The Religious Right in America*, ed. Michael Cromartie (Washington, D.C.: Ethics and Public Policy Center, 1993), 10; Michael Lienesch, *Redeeming America: Piety and Politics in the New Christian Right* (Chapel Hill: Univ. of North Carolina Press, 1993), 9-10, 252; "LDS and Catholic Coalition Opposes Hawaii Legislation," *Deseret News*, 21 February 1996, B-1; John Gallagher and Chris Bull, *Perfect Enemies: The Religious Right, The Gay Movement, and the Politics of the 1990s* (New York: Crown Publishers, 1996), 206.

28. For example, see N. Eldon Tanner, "First Presidency Message: 'The Debate Is Over,'" *Ensign* 9 (August 1979): 2-3. M. Russell Ballard has also said, "In the Lord's Church there is no such thing as a 'loyal opposition'" ("Beware of False Prophets and False Teachers," *Ensign* 29 [November 1999]: 64). Tanner's statement was given in the context of the LDS church's campaign against ratification of the Equal Rights Amendment to the U.S. Constitution. Ballard's statement was given in the midst of the church's campaign for California's Prop. 22 against same-sex marriages.

29. Combe, "Proposition 22, California, and the Mormon Church." For the same concealment and deception in the LDS church's 1975-82 national campaign against the proposed Equal Rights Amendment, see Lisa Cronin Wohl, "A Mormon Connection?: The

ship, the thousands of letters flooding each state's legislature have merely reflected instructions from LDS headquarters, and sometimes even specific quotas given to local congregations by regional LDS leaders. In previous political campaigns, Mormons have written up to 85 percent of the letters received by legislatures in states where they comprised less than one percent of the population.³⁰

As non-LDS scholar William Appleman Williams observed: "The Mormons display a very shrewd understanding of the kind of national power that can grow out of organizing a relatively small number of people in a specific region."³¹ Americans generally do not realize that most Mormons act like army ants whenever LDS headquarters gives instructions about political matters.³²

Defeat of the ERA in Nevada," *Ms.* 6 (July 1977): 68-70, 80, 83-85; "Mormons Wage Letter-Writing Blitz Against ERA in Va. General Assembly," *Washington Star*, 10 January 1979, A-4; "State Official Probes Mormon Lobbying," *Reston (Virginia) Times*, 1 March 1979, 1; "Mormon Muscle: Members' Funds Fought ERA," *Sacramento Bee*, 19 April 1980, A-1, A-33; "Mormon Money Worked against Florida's ERA," *Miami Herald*, 20 April 1980, A-1, A-33; "Church Orchestrated Florida Anti-ERA Drive, Report Details," *Salt Lake Tribune*, 21 April 1980, D-1; "State to Probe Mormon Contributions," *Miami Herald*, 22 April 1980, sec. II, 1; "Mormon Church Plays Key Role in Anti-ERA Fight," *Sacramento Bee*, 4 May 1980, A-3, A-4; Joan S. Carver, "The Equal Rights Amendment and the Florida Legislature," *Florida Historical Quarterly* 60 (April 1982): 475n62; O. Kendall White, Jr., "Mormonism and the Equal Rights Amendment," *Journal of Church and State* 31 (Spring 1989): 252, 257; Quinn, *Extensions of Power*, 384 (re: instructions by Gordon B. Hinckley, then a counselor in the First Presidency, to conceal the LDS role in establishing statewide organizations for national political lobbying), 386-88 (re: LDS origin of these political action committees in various states), 389-90 (re: concealment of the role of LDS headquarters and its regional officers in coordinating monetary donations for its political activism), 390 (re: letters to legislatures). For the same patterns of control and deception in the LDS campaign against same-sex marriage, see note 26.

30. Quinn, *Extensions of Power*, 390. See also Andrew Kopkind, "America's New Right," *New Times*, 30 September 1977, 21; Ruth Ann Alexander, "South Dakota Women Stake a Claim: A Feminist Memoir, 1964-1989," *South Dakota History* 19 (Winter 1989): 552; previous note 26.

31. William Appleman Williams, "Regional Resistance: Backyard Autonomy," *The Nation* 233 (5 September 1981): 179. Williams was specifically commenting on the controversy about the MX missile system. See also "It's Do or Die for the ERA: Mormon Power Is the Key," *Boston Globe*, 30 June 1981, 2.

32. This lock-step obedience was characteristic of Mormon political behavior from the 1830s until the LDS church disbanded its political party in 1891 and officially abandoned theocracy. By contrast, from 1891 until the 1960s, Mormons often ignored political instructions from LDS headquarters. From the late 1960s onward, LDS headquarters re-established lock-step political obedience on the part of most Mormons in the United States. For these historical patterns and their explanation, see D. Michael Quinn, *The Mormon Hierarchy: Origins of Power* (Salt Lake City: Signature Books/Smith Research Associates, 1994); Quinn, *Extensions of Power*; and F. Reed Johnson, "The Mormon Church as a Central Command System," *Review of Social Economy* 37 (April 1979): 79-94.

Furthermore, I disagree with Armand L. Mauss when he says, "Yet, as an institution,

The current pattern of political deception and emphasis on obedience-above-conscience dates from the LDS church's 1975-82 campaign against ratification of the proposed Equal Rights Amendment to the U.S. Constitution, during which the presidency of Spencer W. Kimball made homosexuality a major reason for this political activism. As I wrote in 1997, Gordon B. Hinckley's direction of the national anti-ERA campaign provided the tactics and "blue-print for the Mormon effort to prohibit same-sex marriages and to oppose any legislation favoring homosexuals."³³

MARRIAGE RESTRICTIONS AGAINST DESPISED GROUPS IN HISTORY

However, this essay does not emphasize the details of the campaign by various groups against same-sex marriage. Instead, I used the musical

the Mormon church has only rarely injected itself in national political issues since Utah achieved statehood in 1896" (*The Angel and the Beehive: The Mormon Struggle with Assimilation* [Urbana: Univ. of Illinois Press, 1994], 109). He makes an artificial distinction between the church acting rarely "as an institution" on the national level and the hierarchy acting politically "officially and unofficially" on local, state, and regional political matters since 1896. Even if "church" political appeals had been made only to Utah voters and elected officials, the distinction Mauss tries to make would require one to agree that the following were not "national political issues": support of the Spanish-American War and subsequent national conflicts since 1898; support of William H. Taft's presidential candidacy in 1912; support of the nationwide movement for the prohibition of alcohol from 1908 to 1917; support of the right of conscientious objection to war during U.S. conflicts from 1917 to 1955; support of the U.S. Senate's ratification of the Versailles Treaty (with its provision for the League of Nations) in 1919-20; opposition to immigration restrictions during the 1920s; opposition to ending Prohibition in 1932-33; opposition to U.S. president Franklin D. Roosevelt's New Deal programs and public "counsel" for voters to vote against Roosevelt in 1936; opposition to congressional adoption of universal military service in 1945-46; support of congressional adoption of anti-union legislation in 1954; support of Richard M. Nixon's presidential candidacy in 1960; support of racial segregation until the 1960s, support of national civil rights legislation in 1963; opposition to the Equal Rights Amendment from 1975 to 1982; opposition to congressional deregulation of the airline industry in 1977; opposition to the MX missile system and other "vast" systems of weaponry in 1981—to name only the well-known examples. Mauss (112-19) discusses several of these examples to support his view that "the history of Mormon political involvements in national politics up to about 1960 provides few, if any, exceptions to dominant national trends," which is a different matter than the one addressed in his statement on page 109.

33. Quinn, *Extensions of Power*, 373-401 (re: anti-ERA campaign), 404 (for quote). Furthermore, Apostle Dallin H. Oaks acknowledges that early Mormon leaders engaged in "lying for the Lord" when they found themselves in difficult circumstances. Oaks also admits he could not predict what he would do in similar circumstances ("Gospel Teachings About Lying," *Clark Memorandum* [J. Reuben Clark School of Law, Brigham Young University], Spring 1994, 16-17). Compare with "Cartoonist Says Oaks Lied to Protect Fellow Apostle," *Salt Lake Tribune*, 12 Oct. 1993, B-1; story also covered in *Sunstone* 16 (Dec. 1993): 68-69.

term "prelude" as my title's first word because the Defense of Marriage Act in Congress and various states is simply a different verse of the same old song for denying civil rights to feared or despised minorities. The most direct correlation involves access to marriage. Ironically, many who have supported laws against same-sex marriage are themselves members of groups which were once denied the right to marry those of their choice. While some of this might be due to selective memory, persecuted minorities also sometimes demonstrate their assimilation by mimicking their former persecutors.

Jews have had the longest experience with legal restrictions against their choice of marriage partners. For a thousand years, medieval Europe prohibited Jews from marrying Christians.³⁴ In 1935, Nazi Germany passed laws against intermarriage between Jews and "Germans or kindred blood."³⁵

In our nation's history, African-Americans suffered hundreds of years of legal restrictions on marriage. From the colonial era onward, there was either no legal option for slaves to marry or the laws actually prohibited their marriage.³⁶ Additionally, from the Atlantic to the Pacific, nearly all states had statutes against "free Negroes" marrying "white" persons. Some states even banned marriage with a person of one-sixteenth "Negro blood" (in other words, having one great-great-grandparent who was African-American).³⁷

In 1850, California enacted its law against interracial marriage, which remained in force until 1948 when the state supreme court overturned it.³⁸ Before that year, the state courts were not friendly to the civil rights of minorities. In 1941, the California District Court of Appeals ruled that a person with "one-eighth part or more of Negro blood" could not legally testify against a white person, nor marry one.³⁹

34. "Disabilities" and "Intermarriage," in *The Jewish Encyclopedia*, ed. Isidore Singer, 12 vols. (New York: Funk and Wagnalls, 1925), 4:610-12, 6:611-12.

35. "Blood, Law to Protect," in *The Encyclopedia of the Third Reich*, eds., Christian Zentner and Friedemann Beduerftig, trans. Amy Hackett, 2 vols. (New York: Macmillan, 1991), 1:92.

36. Herbert G. Gutman, *The Black Family In Slavery and Freedom, 1750-1925* (New York: Pantheon Books/Random House, 1976), 52, 556n4; Orville Burton, *In My Father's House Are Many Mansions: Family and Community in Edgefield, South Carolina* (Chapel Hill: Univ. of North Carolina Press, 1985), 292-93.

37. Irving G. Tragen, "Statutory Prohibitions against Interracial Marriages," *California Law Review* 32 (1944): 274n26; Robert J. Sickels, *Race, Marriage, and the Law* (Albuquerque: Univ. of New Mexico Press, 1972), 64, 71.

38. Tragen, "Statutory Prohibitions Against Interracial Marriages," 272, 272n16; W. M. McKinney, ed., *New California Digest*, 28+ vols. (San Francisco: Bancroft-Whitney, 1957-66), vol. 15-: 16-17; Sickels, *Race, Marriage, and the Law*, 72.

39. Tragen, "Statutory Prohibitions against Interracial Marriages," 273-74.

Sixteen states still prohibited interracial marriage in 1967 when the U.S. Supreme Court declared this unconstitutional in the landmark decision of *Loving v. Virginia*.⁴⁰ Ten states (including Delaware and Montana) also refused to recognize the legitimacy of interracial marriages legally performed elsewhere.⁴¹ This is now the same tactic used by California, Utah, and other states toward same-sex marriages legally performed elsewhere.⁴²

While the groups involved are certainly different, the opposition to gay rights has many similarities to the pattern of denying other minorities their civil rights. Regarding marriage, the majority has often said to the disapproved minority: "We will not allow you full access to marriage because you are not our kind of people."

James Madison, an author of the U.S. Constitution and the fourth U.S. president, gave this warning: "In republics, the great danger is that the majority may not sufficiently respect the rights of the minority." Another of America's Founding Fathers, John Adams (the second U.S. president), more bluntly wrote that "the desires of the majority of people are often for injustice and inhumanity against the minority." In the 1830s,

40. Sickels, *Race, Marriage, and the Law*, 64; Charles D. Lowery and John F. Marszalek, eds., *Encyclopedia of African-American Civil Rights: From Emancipation to the Present* (New York: Greenwood Press, 1992), 326.

41. Tragen, "Statutory Prohibitions Against Interracial Marriages," 277n39 (2nd para.).

42. Same-sex unions have recently gained legal recognition in several countries. For example, "Two Swedish Men Marry under New Gay Law," *San Jose Mercury News*, 3 January 1995, D-1. As of 1998, Denmark, Greenland, Hungary, Iceland, Norway, and Sweden were "Countries with National Same-Sex Partnership Legislation," while Australia, Brazil, Canada, Czech Republic, Finland, France, Honduras, Netherlands, New Zealand, Slovenia, Spain, and Switzerland were "Countries Progressing toward Same-Sex Partnership Legislation." (See Leslie Goransson, "International Trends in Same-Sex Marriage," in *On the Road To Same-Sex Marriage*, eds. Robert P. Cabaj and David W. Purcell [San Francisco: Josey-Bass Publishers, 1998], 167-84.) BYU's library has a copy of this book, and in 1999 the LDS church began its Prop. 22 campaign to prevent California from accepting these legally performed marriages. Several more countries have now legalized same-sex unions. In September 2000, the Netherlands gave same-sex couples the full legal status of marriage within Holland, rather than the previous Dutch option of legally registering same-sex "partnerships." In this regard, Robert Williams has observed: "Expanding the definition of marriage to include same-sex couples as well as opposite sex couples is a far better solution than creating a separate entity for the blessing of gay/lesbian relationships. . . . When the issue is one of social justice—and given the Church's key role historically in promoting homophobia, any issue dealing with lesbian/gay issues in the Christian church is a social issue—we should be reminded of a lesson we hopefully learned in the black civil rights struggles of the sixties: the notion of 'separate but equal' inevitably creates *unequal* institutions" ("Toward a Theology for Lesbian and Gay Marriage," 137). See also statements in text quoted for note 167, as well as discussion within note 170.

Alexis de Tocqueville called this "the tyranny of the majority" in American democracy.⁴³

In historical perspective, Jews and African-Americans were not the only groups denied free access to marriage. Such laws also targeted other minorities. In 1901, California prohibited intermarriage with Asians. In 1919, South Dakota specifically targeted Koreans, and in 1933, California added Malaysians to its list of prohibited marriages.⁴⁴ While America was defending freedom during World War II, there were laws against marrying Asians in fourteen states of the South, Midwest, and West, including Mormon-dominated Utah.⁴⁵

Chieko N. Okazaki (a Japanese-American resident of Salt Lake City since 1951 and a recent counselor in the LDS church's Relief Society general presidency) has written: "A Japanese person could not be sealed to a Caucasian in the Salt Lake Temple at that time because of state law."⁴⁶ Utah also prohibited marriage between Chinese and African-Americans.⁴⁷ As a recent analysis observes: "State laws even interfered with the basic family relationships of Asian Americans."⁴⁸

During this time, it was also illegal for American Indians to marry whites in Arizona, Nevada, North Carolina, South Carolina, and Virginia.⁴⁹ As late as 1962, North Carolina prohibited a Cherokee woman from marrying a white man. Until 1966, Maryland actively prevented Polynesians and Filipinos from marrying whites.⁵⁰

Whether targeting Jews, African-Americans, Asians, Native American tribes, or Pacific Islanders, the proponents of these marriage restrictions argued that such laws were necessary for racial "purity" or to protect society.⁵¹ Only with regard to Mormons did the advocates of

43. James Madison's speech to Virginia's constitutional convention (2 December 1829); John Adams, *Defence of the Constitution of the Government of the United States* (1787-88); Alexis de Tocqueville, *Democracy in America* (1835); all in *Political Quotations*, ed. Daniel B. Baker (Detroit, Mich.: Gale Research, 1990), 138 (nos. 2284, 2281), 139 (no. 2288).

44. Tragen, "Statutory Prohibitions Against Interracial Marriages," 271, 272n16.

45. Tragen, "Statutory Prohibitions Against Interracial Marriages," 271n9 (for Arizona, California, Georgia, Idaho, Missouri, Mississippi, Montana, Nebraska, Nevada, Oregon, South Dakota, Utah, Virginia, and Wyoming).

46. Chieko N. Okazaki, *Cat's Cradle* (Salt Lake City: Bookcraft, 1993), 59. See also "Interviews with Japanese Americans in Utah: Tapes and Transcripts, 1984-1988," Manuscripts Division, J. Willard Marriott Library, University of Utah, Salt Lake City; Ted Nagata, ed., *Japanese Americans in Utah* (Salt Lake City: JA Centennial Committee, 1996).

47. "Woman of Mixed Blood Desirous of Marrying a Chinaman—License Refused," *Deseret Evening News*, 16 Sept. 1898, 2.

48. Angelo N. Ancheta, *Race, Rights, and the Asian American Experience* (New Brunswick, N.J.: Rutgers Univ. Press, 1998), 30.

49. Tragen, "Statutory Prohibitions Against Interracial Marriages," 271n10.

50. Sickels, *Race, Marriage, and the Law*, 71, 74.

51. Sickels, *Race, Marriage, and the Law*; "Miscegenation and Intermarriage," in *Encyclo-*

repressive legislation argue that restrictions were necessary to protect *marriage itself*.

MORMON POLYGAMY AS A THREAT TO TRADITIONAL MARRIAGE

In the nineteenth century, Mormon men married multiple wives with official endorsement by the LDS church. Besides passing laws specifically aimed at Mormon marriage and then arresting thousands of polygamists, the U.S. government also punished the LDS church by disincorporating it and confiscating its financial assets. Congress also disfranchised Utah's women and prepared to deprive all LDS church members of the right to vote, hold public office, serve on juries, immigrate to the U.S., or become naturalized citizens.⁵² From the 1860s to the early 1900s, government leaders and Protestant ministers argued that they were protecting the family and "the institution of marriage" by legally preventing Mormons from marrying as they might choose. For example, a Massachusetts minister said that Mormon polygamy must be prevented because "the whole question of the family is wrapped up in it." Federal officials claimed that this non-traditional form of marriage was a direct attack on the family.⁵³ As the *San Francisco Chronicle* recently noted, "The most notorious sexual outlaws in American history are not today's gay rights crusaders, but the founding fathers of the Church of Jesus Christ of Latter-day Saints, or the Mormon church."⁵⁴

pedia of African-American Culture and History, eds., Jack Salzman, David Lionel Smith, and Cornel West, 5 vols. (New York: Macmillan Library Reference USA/Simon & Schuster, 1996), 4:1813-14.

52. Leonard J. Arrington, *Great Basin Kingdom: An Economic History of the Latter-day Saints, 1830-1900* (Cambridge, Mass.: Harvard Univ. Press, 1958), 353-79; Joseph H. Groberg, "The Mormon Disfranchisements of 1882 to 1892," *BYU Studies* 16 (Spring 1976): 399-408; Robert G. Dyer, "The Evolution of Social and Judicial Attitudes Toward Polygamy," *Utah State Bar Journal* 5 (Spring 1977): 35-45; Rosa Mae McClellan Evans, "Judicial Prosecution of Prisoners for LDS Plural Marriage: Prison Sentences, 1884-1895," master's thesis, Brigham Young University, 1986; Ken Driggs, "The Prosecutions Begin: Defining Cohabitation in 1885," *Dialogue: A Journal of Mormon Thought* 21 (Spring 1988): 109-21; Ray Jay Davis, "Antipolygamy Legislation," in *Encyclopedia of Mormonism: The History, Scripture, Doctrine, and Procedure of the Church of Jesus Christ of Latter-day Saints*, ed. Daniel H. Ludlow, 5 vols. (New York: Macmillan, 1992), 1:52-53; Tracey E. Panek, "Search and Seizure in Utah: Recounting the Antipolygamy Raids," *Utah Historical Quarterly* 62 (Fall 1994): 316-34; Sarah Barringer Gordon, "'The Twin Relic of Barbarism': A Legal History of Anti-Polygamy in Nineteenth-Century America," Ph.D. diss., Princeton University, 1994.

53. B. Carmon Hardy, *Solemn Covenant: The Mormon Polygamous Passage* (Urbana: Univ. of Illinois Press, 1992), 41, 60. See also Joan Smyth Iversen, "A Debate On the American Home: The Anti-Polygamy Controversy, 1880-1890," *Journal of the History of Sexuality* 1 (Apr. 1991): 585-602.

54. "Mormon Church: The Powerful Force Behind Proposition 22," *San Francisco Chronicle*, 6 February 2000.

Ironically, in the nineteenth century, Mormons argued that the traditional marriages of the majority were not threatened by allowing a small minority to marry differently.⁵⁵ This plea was as rational then as it is now.

SOCIAL HYSTERIA

Is "social hysteria" an appropriate term for the attitudes and actions of white Americans against blacks and interracial marriage? Historians have cited "full scale white hysteria about black male sexuality" to explain the lynching of thousands of African-American men for merely looking at a white woman.⁵⁶

This was also evident in Salt Lake City, where a warning to "meddle not with white women" was pinned to the flesh of a murdered black man in 1866. LDS apostle Brigham Young, Jr., referred to the murdered man as "a nigger."⁵⁷ This occurred three years after his father had publicly informed the Mormons that if African-Americans had relations with white

55. Gary James Bergera, ed., *The Autobiography of B. H. Roberts* (Salt Lake City: Signature Books, 1990), 215. See also Hardy, *Solemn Covenant*.

56. "Miscegenation and Inter-marriage," 4:1814. Lynchings of newly emancipated slaves began after the defeat of the South in 1865, but no statistics were kept until 1882. From 1882 to 1968, there were 4,742 recorded lynchings, up to 90 percent of whom were African-Americans ("Lynching," *Encyclopedia of African-American Culture and History*, 3:1670).

57. Brigham Young, Jr., diary, 11 Dec. 1866, Archives, Historical Department of the Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah (hereafter LDS archives); "Recent Murder," *Daily Union Vedette* (Salt Lake City), 13 December 1866, 3; both quotes found in Quinn, *Extensions of Power*, 256, 539n202. See also John Hope Franklin and Alfred A. Moss, Jr., *From Slavery to Freedom: A History of African Americans*, 7th ed. (New York: McGraw-Hill, 1994), 296, on the "insulting" designations of "nigger," "coon," and "darkies." Compare with uses of "nigger" in the following: Brigham Young's statement of 29 May 1847, quoted by Newell G. Bringham, *Saints, Slaves, and Blacks: The Changing Place of Black People within Mormonism* (Westport, Conn.: Greenwood Press, 1981), 98; *Journal of Discourses*, 26 vols. (London and Liverpool: Latter-day Saints Book Depot, 1854-86), 4:39 (B. Young/1856), 5:121 (B. Young/1857), 5:119 (J. Taylor/1857), 5:157 (J. Taylor/1857); "How to Impress Niggers," *Deseret News* [weekly], 22 February 1860, 403; Salt Lake stake high council minutes, 9 October 1889 ("The man was about 1/6 [sic] Nigger from his appearance"), LDS archives; Abraham Owen Woodruff diary, 6 March 1902, LDS archives (photocopy of this apostle's diary also in Department of Manuscripts and Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah; "SOCIAL HALL THEATRE," *Deseret Evening News*, 22 March 1919, sec. 3, IV (laudatory review of the play, "The Nigger"). See also examples in Quinn, *Extensions of Power*, 256, 755 (app. 5, entry for 9 August 1857), 759 (app. 5, entry for 22 February 1860), 764 (app. 5, entry for 11 December 1866), 782 (app. 5, entry for 26 August 1883), 790 (app. 5, entry for 9 October 1889), 804 (app. 5, entry for 6 March 1902), 816 (app. 5, entry for 22 March 1919). All sermons published in *Journal of Discourses* (1854-86) are also available in *New Mormon Studies CD-ROM: A Comprehensive Resource Library* ([San Francisco]: Smith Research Associates, 1998), which has phrase-search capability.

women, "the penalty, under the law of God, is death on the spot."⁵⁸ President Young's published sermon gave official encouragement for Mormons to kill black men, and I believe that he was morally responsible for this 1866 murder.

Likewise, in an 1881 sermon on Salt Lake's Temple Square, Southern States Mission President John Morgan spoke approvingly of hanging Negro males "to a lamp-post" for "impudence." This appeared in the officially published *Deseret News* and *Journal of Discourses*, and Morgan became an LDS general authority a year after a Salt Lake City mob lynched an African-American male on a lamp-post in 1883 for killing an LDS bishop.⁵⁹ Apostle Heber J. Grant wrote that "the citizens" hanged "the nigger."⁶⁰

A similar kind of social hysteria propelled the popular campaign against Mormon polygamy. For example, claiming that they were defending the family, seven million Americans signed petitions for the U.S. House of Representatives to exclude Brigham H. Roberts from his elected office in 1900, solely because he was a Mormon polygamist.⁶¹ Historians view the anti-polygamy campaign of the 1860s to the early 1900s as a hysteric reaction of Victorian America against a tiny minority who advocated non-traditional marriage.⁶²

58. "REMARKS by President BRIGHAM YOUNG, Tabernacle, March 8, 1863," *Deseret News* [weekly], 18 March 1863, 298; reprinted in *Journal of Discourses*, 10:110 (B. Young/1863). See also note 128.

59. *Journal of Discourses*, 23:43 (J. Morgan/1881), reprinted from the *Deseret News*. See also Larry R. Gerlach, "Vengeance vs. the Law: The Lynching of Sam Joe Harvey in Salt Lake City," in *Community Development in the American West: Past and Present, Nineteenth and Twentieth Century Frontiers*, eds., Jessie L. Embry and Howard A. Christy (Provo: Charles Redd Center for Western Studies, Brigham Young University, 1985), 204-14; Quinn, *Extensions of Power*, 259 (for quotes and sources about the 1883 lynching of Harvey for killing a Mormon bishop, after which a crowd of at least 2,000 cheered those who dragged this African-American's corpse through the streets of Salt Lake City), 675 (for biographical sketch of general authority John Morgan). See also note 128.

60. Heber J. Grant journal, 26 August 1883, LDS archives.

61. Brigham H. Roberts, *A Comprehensive History of the Church of Jesus Christ of Latter-day Saints*, 6 vols. (Salt Lake City: Church of Jesus Christ of Latter-day Saints, 1930), 6:636-68; Robert H. Malen, *B. H. Roberts: A Biography* (Salt Lake City: Deseret Book, 1966), 68-77; R. Davis Bitton, "The B. H. Roberts Case of 1898-1900," *Utah Historical Quarterly* 25 (January 1957): 27-46; Alan Elmo Haynes, "Brigham Henry Roberts and Reed Smoot: Significant Events in the Development of American Pluralism," master's thesis, Catholic University of America, 1966, iii-38; William Griffith White, Jr., "The Feminist Campaign for the Exclusion of Brigham Henry Roberts from the Fifty-Sixth Congress," *Journal of the West* 17 (January 1978): 45-52; Truman G. Madsen, *Defender of the Faith: The B.H. Roberts Story* (Salt Lake City: Bookcraft, 1980), 241-68; Bergera, *Autobiography of B. H. Roberts*, 212-19; Davis Bitton, "The Exclusion of B. H. Roberts from Congress," in Bitton, *The Ritualization of Mormon History and Other Essays* (Urbana: Univ. of Illinois Press, 1994), 150-70.

62. Hardy, *Solemn Covenant*, 39-126; M. Paul Holsinger, "For God and the American

TRADITIONAL MARRIAGE THREATENED?

Would "social hysteria" also be an appropriate term to describe current claims that the existence of heterosexual marriage is threatened by allowing same-sex marriages? I believe so, particularly since various non-western cultures (including more than one hundred Native American tribes) have sanctioned same-sex marriages for centuries, and perhaps even millennia. Anthropologists have observed that many of these cultures have given same-sex marriages the same status as heterosexual marriages.⁶³ Traditional marriage didn't decline in these cultures, but bigotry did.⁶⁴ Likewise, during early medieval times, the Catholic Church performed unions for same-sex friends who seemed to be given

Home: The Attempt to Unseat Senator Reed Smoot, 1903-1907," *Pacific Northwest Quarterly* 60 (July 1969): 154-60; Charles A. Cannon, "The Awesome Power of Sex: The Polemical Campaign against Mormon Polygamy," *Pacific Historical Review* 43 (February 1974): 61-82; Terry L. Givens, *The Viper on the Hearth: Mormon Myths and the Construction of Heresy* (New York: Oxford Univ. Press, 1997), which adopted its title from the anti-Mormon and anti-polygamy article by Alfred H. Lewis, "The Viper on the Hearth," *Cosmopolitan Magazine* 50 (March 1911): 439-50

63. For samples from an extensive literature, see George H. Von Langsdorff, *Voyages and Travels in Various Parts of the World during the Years 1803, 1804, 1805, 1806, and 1807*, 2 vols. (London: Henry Colburn, 1813-14), 2:47-48, 64; Waldemar Bogoras, "The Chukchee," *Memoirs of the American Museum of Natural History* 11 (1904-09): 449-57; A. Bernard Deacon, *Malekula: A Vanishing People in the New Hebrides* (London: George Routledge and Sons, 1934), 260-61, 267; George Devereaux, "Institutionalized Homosexuality of the Mohave Indians," *Human Biology* 9 (December 1937): 498-527; Niel Gunson, "Great Women and Friendship Contract Rites in Pre-Christian Tahiti," *Journal of the Polynesian Society* 73 (March 1964): 66; E.E. Evans-Pritchard, "Sexual Inversion among the Azande," *American Anthropologist* 72 (December 1970): 1428-29; Eileen Jensen Krige, "Woman-Marriage, with Special Reference to the Lovendu: Its Significance for the Definition of Marriage," *Africa* 44 (January 1974): 11-37, esp. 25, 34; Denise O'Brien, "Female Husbands in Southern Bantu Societies," in *Sexual Stratification: A Cross Cultural View*, ed. Alice Schlegel (New York: Columbia Univ. Press, 1977), 109; Regina Smith Oboler, "Is the Female Husband a Man?: Woman/Woman Marriage among the Nandi of Kenya," *Ethnology* 9 (January 1980): 69-88, esp. 69; Harriet Whitehead, "The Bow and the Burden Strap: A New Look at Institutionalized Homosexuality in Native North America," in *Sexual Meanings: The Cultural Construction of Gender and Sexuality*, eds. Sherry B. Ortner and Harriet Whitehead (Cambridge, Eng.: Cambridge Univ. Press, 1981), 80-115; Charles Calender and Lee M. Kochems, "The North American Berdache," *Current Anthropology* 24 (August-October 1983): esp. 445 (list of 113 tribes); Andrea Sankar, "Sisters and Brothers, Lovers and Enemies: Marriage Resistance in Southern Kwangtung," *Journal of Homosexuality* 11 (Summer 1985): 69-81; Ifi Amadiume, *Male Daughters, Female Husbands: Gender and Sex in an African Society* (London: Zed Books, 1987); Bret Hinsch, *Passions of the Cut Sleeve: The Male Homosexual Tradition in China* (Berkeley: Univ. of California Press, 1990), 127-33; Stephen O. Murray and Will Roscoe, eds., *Boy-Wives and Female-Husbands: Studies of African Homosexualities* (New York: St. Martin's Press, 1998).

64. While it is admittedly too early to comment about long-term effects on heterosexual marriage and on "traditional families" (allegedly the primary concern of Americans

the status of marriage. The Eastern Orthodox Church continued performing same-sex unions until the 1500s. Heterosexual marriages neither declined nor suffered by the co-existence of these same-sex unions in early Christianity.⁶⁵

It does not make sense to blame the small number of homosexuals for the problems of heterosexual marriage. If there are declines in the rate and quality of heterosexual marriage, it is the fault of heterosexuals, who comprise at least 90 percent of the population.

Nearly twenty years ago, a Roman Catholic task force astutely observed: "In contemporary America, family has become a shibboleth of internal national security. . .with homosexuality as the scapegoat."⁶⁶ Likewise, the BYU Religious Studies Center in 1988 published a woman's essay which commented on the lack of "legalized marriage" for "those homosexual men and women who wish to maintain an on-going, monogamous same-sex relationship." She then asked: "Why should an expanded definition of family, which makes room for many more categories of persons who are longing for closeness, be considered threatening and harmful to family life?"⁶⁷ In 1999, BYU sociology professor Tim B. Heaton observed, "The legitimization of same-sex relationships has been viewed by some as a major threat to the family. I have yet to see compelling evidence for this claim."⁶⁸

who oppose legal unions for homosexuals), during recent years same-sex unions have gained legal recognition in several European countries. See note 42.

65. John Boswell, *Same-Sex Unions in Premodern Europe* (New York: Villard/Random House, 1994), 291-336, for standardized texts of the church's ceremonies for same-sex unions from the tenth century to the sixteenth century.

66. *Homosexuality and Social Justice: Report of the Task Force on Gay/Lesbian Issues, July 1982* (San Francisco: Commission of Social Justice, Archdiocese of San Francisco, 1982), 59. See also Don S. Browning, et al., *From Culture Wars to Common Ground: Religion and the American Family Debate* (Louisville, Ky.: Westminster/John Knox Press, 1997). As an example of the Armageddon-like sense of doom with which current Mormons regard "the family" and their belief that the LDS church is the world's best hope for saving "traditional marriage," see the official statement of the First Presidency and Quorum of the Twelve Apostles, "The Family: A Proclamation to the World," *Ensign* 25 (Nov. 1995). See also Ester Rasband and Richard Wilkins, *A Sacred Duty* (Salt Lake City: Bookcraft, 1999), subtitled on the dustjacket: "The true account of a BYU law professor's journey to defend the world's families." Gay rights and same-sex marriage are undercurrents in the LDS hierarchy's joint "proclamation" and throughout most of Wilkins's personal narrative. Compare with statements quoted for notes 67 and 68.

67. Letha Dawson Scanzoni, "Contemporary Challenges for Religion and the Family from a Protestant Woman's Point of View," in *The Religion and Family Connection: Social Science Perspectives*, ed. Darwin L. Thomas (Provo: Religious Studies Center, Brigham Young University, 1988), 129.

68. Tim B. Heaton, "Social Forces That Imperil the Family," *Dialogue: A Journal of Mormon Thought* 32 (Winter 1999): 26.

MARRIAGE AS A CIVIL RIGHT

Is full access to marriage a civil right for American minorities? Not according to the thirty-eight state legislatures which passed miscegenation laws against various races and ethnic minorities prior to 1967.⁶⁹ Likewise, is non-traditional marriage a civil right for a despised minority? Not according to Congress which passed several laws against Mormon polygamy from 1862 onward, nor according to the U.S. Supreme Court which validated these laws from 1879 to 1890.⁷⁰

Yet African-Americans, Asian-Americans, Polynesians, and Mormons all clearly felt that these marriage exclusions denied them a civil right. For this reason, Georgia's African-American congressman John Lewis made the following observation about prohibiting same-sex marriage: "I have known racism. I have known bigotry. This bill stinks of the same fear, hatred and intolerance. It should not be called the Defense of Marriage Act. It should be called the defense of mean-spirited bigots act."⁷¹

Nevertheless, in the topsy-turvy mind-set of bigotry, racial segregationists accused African-Americans of "prejudice" and "bigotry" for condemning segregation as "racist,"⁷² just as opponents of same-sex marriage now accuse gays and lesbians of "intolerance" and "bigotry" for condemning Defense of Marriage laws as "homophobic."⁷³ Regarding civil discrimination generally, one author has observed: "In cases of

69. Sickels, *Race, Marriage, and the Law*, 64.

70. Orma Linford, "The Mormons and the Law: The Polygamy Cases," *Utah Law Review* 9 (Winter 1964/Summer 1965): 308-70, 543-91; James L. Clayton, "The Supreme Court, Polygamy, and the Enforcement of Morals in Nineteenth Century America: An Analysis of Reynolds v. United States," *Dialogue: A Journal of Mormon Thought* 12 (Winter 1979): 46-61; Edwin B. Firmage, "The Judicial Campaign Against Polygamy and the Enduring Legal Questions," *BYU Studies* 27 (Summer 1987): 91-117; Firmage and R. Collin Mangrum, *Zion in the Courts: A Legal History of the Church of Jesus Christ of Latter-day Saints* (Urbana: Univ. of Illinois Press, 1988), 160-260; Davis, "Antipolygamy Legislation."

71. Statement made during the congressional debates about the national Defense of Marriage Act in the *Congressional Record*, as quoted in Kevin H. Lewis, "Equal Protection after *Romer v. Evans*," 175n2. See also biographical sketch of Congressman John Lewis in Salzman, Smith, and West, *Encyclopedia of African-American Culture and History*, 4:1608.

72. For example William D. Workman, Jr., *The Case for the South* (New York: Devin-Adair, 1960).

73. For example Timothy R. DeBeaumont, Sr., "Don't Be Intolerant: Vote Yes on Prop. 22," *Daily Bulletin* (Ontario, Calif.), 28 February 2000, and "Opposition to 22 Based on Bigotry," *Daily Bulletin*, 3 March 2000. The LDS church also gave all its high school seminary students in California a handout entitled, "Some Ideas to Help Explain Our Support of Proposition 22," which concluded: "When they attack us saying that we are intolerant or bigoted, ask yourself, 'Who is being mean-spirited?' 'Who is being intolerant?' They should also be tolerant of our values" (also referred to in Combe, "Proposition 22, California, and the Mormon Church"). As an example of this attitude among Utah's conservative

civilized oppression the victims may have to face not only the suppression of protest but also dangerous misdescriptions of the overall situation."⁷⁴

For example, one argument used to incite fear against same-sex marriage is the warning that its legalization would result in ministers being "forced to perform same-sex marriages."⁷⁵ This statement appeared in a brochure issued in 1999 by LDS headquarters which said that "if DOMA fails in California" an "obvious" consequence will be "civil penalties for churches who refuse to perform gay marriages." However, in March 1995, the Circuit Court of Hawaii ruled that this was a false claim in the LDS church's petition to the Hawaii court.⁷⁶ State licensing law permits churches to perform civil marriages but does not *require* them to do so.

Both ministers and lawyers knew this for decades before the controversy about same-sex marriage. In the years since the Supreme Court legalized all interracial marriages in 1967, no minister has been "forced" to perform an interracial marriage, either in the South or elsewhere. Likewise, although interfaith marriages have always been legal in the United States, Roman Catholic priests and orthodox Jewish rabbis have traditionally refused to perform such marriages. LDS bishops have never

academics, as well as among some of its "liberal" professors, see Bryce J. Christensen, who wrote: "Even 'the love that dare not speak its name' (Oscar Wilde's famous characterization of homosexuality) has come out of the closet, militantly accusing all its foes of 'homophobia'" ("Love in the Ruins?: The Future of Marriage in Modern America," in *Charting A New Millennium: The Latter-day Saints in the Coming Century*, eds. Maureen Proctor and Scot Proctor [Salt Lake City: Aspen Books, 1998], 208).

74. J. Harvey, *Civilized Oppression* (Lanham, Md: Rowman & Littlefield, 1999), 79.

75. "As a minister, without support of Proposition 22, others and I could, in the future, be forced to perform same-sex marriages" (DeBeaumont, "Don't Be Intolerant: Vote Yes on Prop. 22").

76. For LDS brochure issued in California, see "Defense of Marriage Act: An Initiative," with answers to five questions, referred to in Combe, "Proposition 22, California, and the Mormon Church." Compare with the same argument in "Church Joins Hawaii Fight over Same-Sex Marriages," *Deseret News*, 24 February 1995, A-2, and with contrary decision in "Judge Bars LDS Church from Same-Sex Lawsuit," *Deseret News*, 29 March 1995, B-1. See also Crapo, "Mormon/LDS Chronology of Involvement In Same-Sex Marriage Politics," entries for February/March 1995 and March 1995.

Another example of the hysteric, misleading homophobia in publications aimed at the LDS rank-and-file is John L. Harmer, *A War We Must Win: A Frontline Account of the Battle Against the Pornography Conspiracy* (Salt Lake City: Bookcraft, 1999). In his argument against legalizing same-sex marriage on page 88, Harmer writes against the "right" of any parent "to bring the children from a previously heterosexual union into a homosexual one" because of "the *very probable* use of the child in pedophilia, or the sexual abuse of children of either sex" (emphasis added). This statement is not substantiated by any of Harmer's source-citations, nor by any statistical study of children who have been raised by lesbian couples or by gay male couples.

been legally required to perform a marriage for a non-Mormon. Although licensed by the state to perform civil marriage, ministers have always had the right to refuse any person for any reason.

THE MORALITY ARGUMENT AND SELECTIVE MEMORY

LDS president Hinckley proclaimed in October 1999: "Some portray legalization of so-called same-sex marriage as a civil right. This is not a matter of civil rights; it is a matter of morality."⁷⁷ Yet "morality" was also the principal argument of America's vast majority for legally prohibiting polygamy, or what BYU professor Brent A. Barlow once called Mormonism's "alternative family lifestyle."⁷⁸

Public morality was also the Mormon argument in April 1836 against the marriage of whites with African-Americans. An editorial in the official LDS magazine at Kirtland, Ohio, proclaimed: ". . . and low indeed must be the mind, that would consent for a moment, to see his fair daughter, his sister, or perhaps, his bosom companion in the embrace of a NEGRO!"⁷⁹ This had nothing to do with Utah Mormonism's decades-later policy of denying priesthood ordination to African-Americans.⁸⁰ In fact, a month before this editorial, Mormon founder Joseph Smith had

77. Gordon B. Hinckley, "Why We Do Some of the Things We Do," 54. Compare with his statement quoted for note 157. See also the University of Utah student editorial on President Hinckley's conference talk in "LDS Church Leaders Are Hypocrites," *Daily Utah Chronicle*, 13 October 1999: "Several of today's arguments against same-sex marriages and unions ('It's against God's will' or 'It's morally wrong') are startlingly similar to ones used against interracial marriage in the late '60s when the United States Supreme Court ruled several states' interracial marriage-ban laws unconstitutional."

78. For anti-polygamy citations, see note 62. "Alternative lifestyle" was the most common 1970s reference to homosexuality, but see Rosemary Jacobson and Brent A. Barlow, "Alternative Family Lifestyles: Mormon Polygamy," videocassette, Department of Human Development, Family Living and Community Educational Service, University of Wisconsin-Stout, 1976, cited in the computerized WorldCat of 40 million published titles and archived manuscripts on the internet.

As an example of the many double-think reversals in the LDS campaign against same-sex marriage, Barlow was one of the professors in "3 BYU Professors Sign Paper Upholding Traditional Marriage," *Deseret News*, 14 July 2000.

79. "The Abolitionists," *Latter Day Saints' Messenger and Advocate* 2 (April 1836), 300.

80. Manuscript versions of discourse by Brigham Young, 5 February 1852, in Young papers, LDS archives, and in Kenney, *Wilford Woodruff's Journal*, 4:97; published and quoted in Matthias F. Cowley, *Wilford Woodruff: His Life and Labors* (Salt Lake City: Deseret News Press, 1909), 351; Joseph Fielding Smith, *The Way to Perfection* (Salt Lake City: Genealogical Society of Utah, 1931), 106; Daniel H. Ludlow, *Latter-day Prophets Speak* (Salt Lake City: Bookcraft 1942), 204; Lester E. Bush, Jr., "Mormonism's Negro Doctrine: An Historical Overview," *Dialogue: A Journal of Mormon Thought* 8 (Spring 1973): 26; Ronald K. Esplin, "Brigham Young and Priesthood Denial to the Blacks: An Alternative View," *BYU Studies* 19 (Spring 1979): 400-01; Bringhurst, *Saints, Slaves, and Blacks*, 124-25.

authorized the ordination of free black Elijah Abel as an elder in Kirtland, and to the priesthood office of Seventy eight months after it.⁸¹ This LDS editorial (apparently written by Associate President Oliver Cowdery)⁸² simply reflected the prevailing bigotry of America. George Santayana was only partly right when he said: "Those who cannot remember the past are condemned to repeat it."⁸³ The African-Americans, Asian-Americans, Jews, Mormons, Native American Indians, and Polynesian-Americans who now oppose the legalization of same-sex unions are re-living their persecuted past in a different way—this time as the persecutors claiming to protect society while denying a despised minority the choice of marriage partners. However, of all those currently promoting laws against same-sex marriage, only the Mormons have adopted the same argument used by their former persecutors. The target has changed to gays and lesbians, but the pattern is the same.

THE ROLE OF CHURCHES IN RESTRICTING CIVIL RIGHTS

Because various churches have actively campaigned against the legalization of marriage for gays and lesbians, a related question is the historic role of churches in denying civil rights to minorities. For example, the Protestant and Catholic churches of the South led the pro-slavery rhetoric before the American Civil War. In fact, Protestant clergy, Catholic priests, Catholic bishops, and members of the Jesuit order even

81. Andrew Jenson, *Latter-day Saints Biographical Encyclopedia*, 4 vols. (Salt Lake City: Deseret News/Andrew Jenson Historical, 1901-36), 3:577; Journal History of the Church of Jesus Christ of Latter-day Saints (1830-1972), 31 May 1879, 246 reels, microfilm, Special Collections, Marriott Library, University of Utah; Bush, "Mormonism's Negro Doctrine," 16-21; Newell G. Bringhurst, "Elijah Abel and the Changing Status of Blacks Within Mormonism," *Dialogue: A Journal of Mormon Thought* 12 (Summer 1979): 23-36; Bringhurst, *Saints, Slaves, and Blacks*, 37-38; entry for "Mormons," in Salzman, Smith, and West, *Encyclopedia of African-American Culture and History*, 4:1854-55.

82. Although "Associate President" is a term unfamiliar to most current Mormons, it is the conventional way of describing the joint role of presiding over the LDS church (with founding prophet Joseph Smith) which Oliver Cowdery held from 1834 to 1837 and which Hyrum Smith held from 1841 to 1844. See Joseph Fielding Smith, "The Divine Law of Witnesses," *Deseret News Church Section*, 8 April 1939, 6, 8; Bruce R. McConkie, *Mormon Doctrine* (Salt Lake City: Bookcraft, 1958), 53; Joseph Fielding Smith, "Forward," in Pearson H. Corbett, *Hyrum Smith, Patriarch* (Salt Lake City: Deseret Book, 1963), xiii-xv; Robert Glen Mouritsen, "The Office of Associate President of the Church of Jesus Christ of Latter-day Saints," master's thesis, Brigham Young University, 1972, 33-112; Richard Lloyd Anderson, "Cowdery, Oliver," in Ludlow, *Encyclopedia of Mormonism*, 1:338; Quinn, *Origins of Power*, 44-45, 47, 52, 56, 189, 622 (app. 7, entry for 5 December 1834), 631 (app. 7, entry for 19 January 1841), 645 (app. 7, entry for 15 June 1844).

83. James B. Simpson, *Simpson's Contemporary Quotations: The Most Notable Quotes From 1950 to the Present* (New York: Harper Collins, 1997), 387, no. 7306.

owned African-American slaves.⁸⁴ Southern white churches also supported racial segregation in the American South afterwards.⁸⁵ During the same time, the South African Dutch Reformed Church and the Rhodesian Anglican Church supported race-segregation by the white supremacist governments in their respective countries, either actively or by silence.⁸⁶ Likewise, the Roman Catholic Church was allied with repressive

84. Robert A. Baker, *The Southern Baptist Convention and Its People, 1607-1972* (Nashville, Tenn.: Broadman Press, 1974), 158-59, 227; John Francis Maxwell, *Slavery and the Catholic Church: The History of Catholic Teaching Concerning the Moral Legitimacy of the Institution of Slavery* (Chichester and London: Barry Rose Publishers, 1975), 110-15; Lester B. Scherer, *Slavery and the Churches in Early America, 1619-1819* (Grand Rapids, Mich.: William B. Eerdmans Publishing, 1975), 31-33; Charles Reagan Wilson, *Baptized In Blood: The Religion of the Lost Cause, 1865-1920* (Athens: Univ. of Georgia Press, 1980), 4-5, 10, 102-06 (for pro-slavery rhetoric after the Civil War); A. V. Huff, Jr., "Methodist Church," Randall M. Miller, "Roman Catholic Church (in the South)," and Thomas Virgil Peterson, "Slavery," in *Encyclopedia of Religion in the South*, ed. Samuel S. Hill (Macon, Ga.: Mercer Univ. Press, 1984), 468, 654, 694-95; David T. Bailey, *Shadow on the Church: Southwestern Evangelical Religion and the Issue of Slavery, 1783-1860* (Ithaca, N.Y.: Cornell Univ. Press, 1985); John B. Boles, *Masters & Slaves in the House of the Lord: Race and Religion in the American South, 1740-1870* (Lexington: Univ. Press of Kentucky, 1988), 9, 68, 100, 121-22, 128-31 (for pro-slavery rhetoric and actions), 12-13, 51, 81, 83, 85, 89, 95, 135, 144, 151 (for pre-1865 segregation within churches); Kenneth J. Zanca, comp. and ed., *American Catholics and Slavery, 1789-1866: An Anthology of Primary Documents* (Lanham, Md.: Univ. Press of America, 1994), 110-11, 127-29, 153-56, 159-62, 171, 191-99, 201-13, 217-20, 235-38.

85. Dwight W. Culver, *Negro Segregation in the Methodist Church* (New Haven: Yale Univ. Press, 1953); Kenneth K. Bailey, *Southern White Protestantism in the Twentieth Century* (New York: Harper & Row, 1964), 4-7; I. A. Newby, *Jim Crow's Defense: Anti-Negro Thought in America, 1900-1930* (Baton Rouge: Louisiana State Univ. Press, 1965), 84-109; Huff, "Methodist Church," Miller, "Roman Catholic Church (in the South)," and Gaines M. Foster, "Segregation," in Hill, *Encyclopedia of Religion in the South*, 469, 654-55, 681-84; Joel Williamson, *The Crucible of Race: Black-White Relations in the American South Since Emancipation* (New York: Oxford Univ. Press, 1984), 278-79, 281-82; Ralph McGill, *No Place to Hide: The South and Human Rights*, 2 vols. (Macon, Ga.: Mercer Univ. Press, 1984), 1:511-13.

86. Susan Rennie Ritner, "The Dutch Reformed Church and Apartheid," *Journal of Contemporary History* 2 (October 1967): 17-37; Alan Paton, "Church and State in South Africa," *Christianity and Crisis* 34 (30 September 1974): 205-07; Leonard T. Kapungu, *Rhodesia: The Struggle for Freedom* (Maryknoll, N.Y.: Orbis Books, 1974), 90; Norman E. Thomas, ed., *Rise Up & Walk: The Autobiography of Bishop Abel Tendekai Muzorewa* (Nashville, Tenn.: Abingdon, 1978), 44, 57, 68; Enda McDonagh, *Church and Politics: From Theology to a Case History of Zimbabwe* (Notre Dame, Ind.: Univ. of Notre Dame Press, 1980), 94-95; Marjorie Hope and James Young, *The South African Churches in a Revolutionary Situation* (Maryknoll, N.Y.: Orbis Books, 1981), 45-48; Chris Loff, "The History of a Heresy," and David Bosch, "Nothing But a Heresy," in *Apartheid Is a Heresy*, eds. John de Gruchy and Charles Villa-Vicencio (Capetown, South Africa: David Philip, 1983; Guildford, Eng.: Lutterworth Press, 1983), 10-23, 30-35; Brian M. DuToit, "Missionaries, Anthropologists, and the Policies of the Dutch Reformed Church," *Journal of Modern African Studies* 22 (December 1984): 617-20, 623-30; Zolile Mbali, *The Churches and Racism: A Black South African Perspective* (London: SCM Press, 1987), 41-43, 80-91; Charles Villa-Vicencio, *Trapped in Apartheid: A Socio-Theological History of the English-Speaking Churches* (Maryknoll, N.Y.: Orbis Books, 1988; Capetown, South Africa: David Philip, 1988), 22-24, 145-50.

regimes in Germany and Latin America.⁸⁷ In such instances, the religious leaders sincerely and devoutly regarded the suppression of minorities as part of a divinely approved *status quo*.

UTAH MORMON DISCRIMINATION AGAINST BLACKS

Even after federal emancipation of America's slaves in the 1860s, LDS church president Brigham Young referred to African-American slavery as a religious necessity.⁸⁸ Earlier, as both church president and governor, he had instructed the Utah legislature in 1852 to legalize the slavery of African-Americans.⁸⁹ This directly contradicted Joseph Smith's proposal in 1844 "to abolish slavery by the year 1850" by financially compensating Southern slave-owners through the sale of federal lands in the West.⁹⁰ Utah Mormonism's reversal of Joseph Smith's social policy toward Negroes was mirrored by the refusal of LDS presidents after 1844 to follow the founding prophet's example of giving the priesthood to blacks who were not slaves.⁹¹

For more than a century, Utah restricted African-Americans from patronizing white restaurants and hotels, prohibited them from public swimming pools, and required them to sit in the balconies of theaters.⁹²

87. Guenter Lewy, *The Catholic Church and Nazi Germany* (New York: McGraw-Hill, 1964), 37-56, 94-112, 176-242, 309-13; Emilio F. Mignone, *Witness To the Truth: The Complicity of Church and Dictatorship in Argentina, 1976-1983*, trans. Phillip Berryman (Maryknoll, N.Y.: Orbis Books, 1988).

88. *Journal of Discourses*, 10:250 (B. Young/1863). See also Quinn, *Extensions of Power*, 762, for context.

89. Jack Beller, "Negro Slaves in Utah," *Utah Historical Quarterly* 3 (October 1929): 122-26; Roldo V. Dutson, "A Study of the Attitude of the Latter-day Saint Church in the Territory of Utah Toward Slavery As It Pertained to the Indian As Well As To the Negro From 1847 to 1865," master's thesis, Brigham Young University, 1964; Dennis L. Lythgoe, "Negro Slavery in Utah," *Utah Historical Quarterly* 39 (Winter 1971): 40-54; Ronald Gerald Coleman, "A History of Blacks In Utah, 1825-1910," Ph.D. diss., University of Utah, 1980; Bringham, *Saints, Slaves, and Blacks*; Ronald G. Coleman, "Blacks in Utah History: An Unknown Legacy," in *The Peoples of Utah*, ed. Helen Z. Papanikolas (Salt Lake City: Utah State Historical Society, 1976), 116-20; Ronald G. Coleman, "African Americans in Utah," in *Utah History Encyclopedia*, ed. Allan Kent Powell (Salt Lake City: Univ. of Utah Press, 1994), 2.

90. *History of the Church*, 6:205.

91. See note 81. See also First Presidency statements in John J. Stewart, *Mormonism and the Negro: An Explanation and Defense of the Doctrine of the Church of Jesus Christ of Latter-day Saints In Regard to Negroes and Others of Negroid Blood* (Orem, Utah: Bookmark/Community Press Publishing, 1964).

92. Armand L. Mauss, "Mormonism and Secular Attitudes Toward Negroes," *Pacific Sociological Review* 9 (Fall 1966): 91-99; David Leslie Brewer, "Utah Elites and Utah Racial Norms," Ph.D. diss., University of Utah, 1966; Margaret Judy Maag, "Discrimination Against the Negro in Utah and Institutional Efforts to Eliminate It," master's thesis, University of Utah, 1971; Douglas Monty Trank, "A Rhetorical Analysis of the Rhetoric

During World War II, African-Americans wearing their nation's uniform had to sit in the balcony of Utah theaters, while German prisoners-of-war sat on the main floor with white servicemen and civilians.⁹³ Utah law also prohibited marriage between a white person and a black (including persons only one-eighth Negro).⁹⁴

Utah's racial discrimination did not occur by happenstance nor did it continue into modern times by accident. It was promoted by the highest leaders of the state's dominant church. As late as 1941, Counselor J. Reuben Clark used the word "nigger" in his First Presidency office diary.⁹⁵ In 1944, the First Presidency authorized local LDS leaders to join "as individuals a civic organization whose purpose is to restrict and control negro settlement" in Salt Lake City.⁹⁶ A year later, LDS president George Albert Smith wrote: "Talked to Pres Clark & Nicholas [G. Smith, an Assistant to the Quorum of the Twelve Apostles] about the use of [LDS] meeting houses for meetings to prevent Negroes from becoming neighbors."⁹⁷ The church president's diary did not indicate whether he endorsed or opposed this activity, but his brother Nicholas G. Smith described it as "race hatred."⁹⁸

President Smith's counselors soon extended their support of racial segregation to states beyond Utah. In 1947, when discussing the site of the future Los Angeles temple, Counselor Clark asked the LDS church's attorney in that area "to purchase as much of that property as we can in order to control the colored situation."⁹⁹ A month later, during the meet-

Emerging from the Mormon-Black Controversy," Ph.D. diss., University of Utah, 1973; "Interviews with Blacks in Utah, 1982-88," Marriott Library, Special Collections, University of Utah.

93. "Stepping Back?: The Racial Situation in Utah's Homogenous Culture Today Is Threatening To Minorities," *Deseret News*, 23 February 1997, B-1.

94. Wallace R. Bennett, "The Negro in Utah," *Utah Law Review* 3 (Spring 1953): 340-41, 347; Utah, *Utah Code Annotated* (1953), Replacement Volume 3, Title 30-1-2.2.

95. J. Reuben Clark office diary, 5 November 1941, Clark papers, Lee Library, Brigham Young University.

96. J. Reuben Clark office diary, 30 August 1944, emphasis in original.

97. George Albert Smith diary, 16 June 1945, George A. Smith Family papers, Marriott Library, University of Utah.

98. Nicholas G. Smith diary, 16 June 1945, microfilm, LDS archives (non-restricted). Nicholas also did not indicate whether President George Albert Smith: a) approved of using LDS chapels for meetings to promote residential segregation; or b) approved of residential segregation, but disapproved of using LDS meeting houses to promote it; or c) disapproved of any efforts to segregate African-Americans residentially. The latter option is not likely, since (as indicated in following quote) two years later George Albert Smith's first counselor, J. Reuben Clark, was trying to prevent "colored" people from living near the site of the Los Angeles Temple.

99. J. Reuben Clark to Preston D. Richards at Los Angeles, 16 September 1947, folder 17, box 376, Clark papers.

ing of the First Presidency and Quorum of the Twelve Apostles in the Salt Lake Temple, "President Clark called attention to the sentiment among many people in this country to the point that we should break down all racial lines, [and] as a result of which sentiment negro people have acquired an assertiveness that they never before possessed and in some cases have become impudent."¹⁰⁰ In 1949, while criticizing the legislative efforts in Arizona to "guarantee rights of Negroes," LDS presidency counselor David O. McKay said, "The South knows how to handle them and they do not have any trouble, and the colored people are better off down there—[but] in California they are becoming very progressive and insolent in many cases."¹⁰¹ Likewise, in 1950 Counselor

100. Minutes of Council Meeting of the First Presidency and Quorum of the Twelve Apostles, Salt Lake Temple, 9 October 1947, folder 7, box 78, George A. Smith Family papers, Marriott Library; also in folder 15, box 5, H. Michael Marquardt papers, Marriott Library. A similar document (with entries into the 1950s) was in the Adam S. Bennion papers donated by his family to BYU's library shortly after his death in 1958. This document remained available to researchers until shortly after Lester E. Bush quoted from these minutes in his 1973 publication (see note 80). Bush has recently written: "A few months later I heard from the special collections staffer at BYU that 'Some time after your statement that you used the Bennion papers at the University, the Library was contacted in behalf of the First Presidency stating that we should not have copies of the councils' minutes and requested [that the library] send them up. . .'" (Lester Bush, "Writing 'Mormonism's Negro Doctrine: An Historical Overview' [1973]: Context and Reflections, 1998," *Journal of Mormon History* 25 [Spring 1999]: 260). However, a transcription of this document remains available at BYU in Bush's "Compilation on the Negro in Mormonism," photocopied typescript of 386 pages (catalog number: Americana BX 8643.622/C738/1970z), Special Collections, Lee Library.

101. David O. McKay office diary, 25 Feb. 1949, LDS archives; also quoted in Quinn, *Extensions of Power*, 97, 835. As late as 1967, Fawn McKay Brodie wrote that "bigotry is endemic in the Church" and commented about her uncle David O. McKay: "I know. . . something of his private prejudices and would be astonished to see him abandon them at this late date" (Brodie to Stewart L. Udall, 4 Apr. 1967, folder 3, box 209, Udall papers, Archives, University of Arizona, Tucson, quoted in F. Ross Peterson, "'Do Not Lecture the Brethren': Stewart L. Udall's Pro-Civil Rights Stance, 1967," *Journal of Mormon History* 25 [Spring 1999]: 279).

Concerning African-Americans, David O. McKay apparently said whatever he thought his listener wanted to hear. In contrast with his 1949 statement to the Arizona segregationist, he wrote the following in a 1947 letter to a Mormon who was disturbed about the LDS church's denial of priesthood to those of black African ancestry: "This is a perplexing question, particularly in the light of the present trend of civilization to grant equality to all men irrespective of race, creed, or color. . . . George Washington Carver was one of the noblest souls that ever came to earth. He held a close kinship with his heavenly Father, and rendered a service to his fellowmen such as few have ever excelled. For every righteous endeavor, for every noble impulse, for every good deed performed in his useful life George Washington Carver will be rewarded, and so will every man be he red, white, black or yellow, for God is no respecter of persons." In the first sentence of this same letter, David O. McKay referred in a noncommittal way to the current "trend of civilization to grant equality" to blacks, thus allowing his reader to think McKay agreed with it. However, the 1949

Clark wrote: "*Race tolerance: the trend is just terrible*" (emphasis in original).¹⁰²

There was no mystery about why Utah law continued to prohibit interracial marriage. In 1947, the First Presidency wrote that "the intermarriage of the Negro and White races, [is] a concept which has heretofore been most repugnant to most normal-minded people from the ancient patriarchs till now."¹⁰³ In other words, the First Presidency condemned interracial marriage as abnormal. In 1950, Counselor Clark added that "anything that breaks down the color line leads to marriage."¹⁰⁴ Five years later, on behalf of the Quorum of the Twelve Apostles, Joseph Fielding Smith wrote to the First Presidency about African-American members of the LDS church in Utah and referred to the "danger of intermarriage."¹⁰⁵

In 1953, a First Presidency secretary also informed a white Mormon about the less-obvious extent of Utah's racial segregation: "The L.D.S. Hospital here in Salt Lake City has a blood bank which does not contain any colored blood."¹⁰⁶ According to presidency counselor J. Reuben Clark, this policy of segregating African-American blood from the blood donated by so-called "white people" was intended "to protect the purity of the blood streams of the people of this Church."¹⁰⁷

During this era of Utah's racial segregation, the First Presidency also repeatedly affirmed that no African-American could stay at the LDS church-owned Hotel Utah (which had maintained this exclusion since its opening in 1911). The LDS president was president of the hotel, and his counselors were its senior vice-presidents. The First Presidency explained this racial exclusion as simply "the practice of the hotel."¹⁰⁸

entry from his office diary showed that he actually opposed such efforts to "guarantee rights of Negroes." The full text of the 1947 letter is found in Llewelyn R. McKay, *Home Memories of President David O. McKay* (Salt Lake City: Deseret Book, 1956), 226-31.

102. J. Reuben Clark office diary, 8 September 1950, emphasis in original.

103. First Presidency to Lowry Nelson, 17 July 1947, quoted in Stewart, *Mormonism and the Negro*, 47, with citation information on 55n20.

104. J. Reuben Clark office diary, 24 October 1950.

105. Joseph Fielding Smith (on behalf of the Quorum of the Twelve Apostles) to "President David O. McKay and Counselors," 30 March 1955, Joseph Fielding Smith folder, CR 1/46, LDS archives.

106. Rowena J. Miller (secretary to J. Reuben Clark in the First Presidency's Office) to O. Boyd Mathias, 3 March 1953, folder 2, box 389, Clark papers; also quoted in Quinn, *Extensions of Power*, 839.

107. J. Reuben Clark to Dr. G. Albin Matson (director of Blood Grouping Laboratory, Department of Bacteriology, University of Utah), 12 April 1948, folder 1, box 378, Clark papers; also quoted in Quinn, *Extensions of Power*, 839. For the background of this blood-segregation, see D. Michael Quinn, *J. Reuben Clark: The Church Years* (Provo: Brigham Young Univ. Press, 1983), 229-32.

108. Harold B. Lee diary, 29 November 1949, private possession. For members of the

Internationally renown singer Marian Anderson endured this racial discrimination in Utah. When she gave her first recital at the University of Utah's Kingsbury Hall, this African-American was denied entry to any of Salt Lake City's hotels and had to stay with one of the concert's promoters. When she returned in March 1948 to participate in a concert at the LDS church's Salt Lake Tabernacle, the First Presidency relented. America's beloved contralto "was allowed to stay at the Hotel Utah on condition that she use the freight elevator." This world-famous black woman was not allowed to use the main entrance and lobby.¹⁰⁹ Likewise, invited to speak at the University of Utah, Nobel Peace Prize recipient Ralph Bunche was allowed to stay at the LDS church's hotel in 1951 only after this black man agreed to use the freight elevator, "have his meals in his room and not come to the dining room."¹¹⁰

Due to their international fame, Anderson and Bunche were exceptions to the Mormon rules of race. As Hotel Utah's senior vice-president, J. Reuben Clark explained: "Since they are not entitled to the Priesthood, the Church discourages social intercourse with the negro race. . . ."

First Presidency as the hotel's senior officers, see Leonard J. Arrington and Heidi S. Swinton, *The Hotel: Salt Lake's Classy Lady: The Hotel Utah, 1911-1986* (Salt Lake City: Publishers Press/Westin Hotel, 1986), 96-97.

109. For Marian Anderson's exclusion from all of Salt Lake City's hotels during her first concert at the University of Utah's Kingsbury Hall, see "Famous Contralto Had to Use Freight Lift in Hotel Utah," *Salt Lake Tribune*, 9 April 1993, A-3, as related by Elva Plummer, widow of Gail Plummer, manager of Kingsbury Hall. Mrs. Plummer remembered Anderson's initial visit as being in 1937, but the first concert was apparently in 1943, as described in the university's student newspaper, "Contralto Singer Impresses With Voice, Sincerity," *Daily Utah Chronicle*, 4 March 1943, 1. Mrs. Plummer accurately remembered that the second concert, involving the restricted stay at the LDS church's hotel, occurred in 1948 ("'Ave Maria' Will Be an Encore," *Salt Lake Tribune*, 19 March 1948, 18, which referred to "the Hotel Utah suite housing Marian Anderson," but did not mention the freight elevator). See also Salzman, Smith, and West, *Encyclopedia of African-American Culture and History*, 1:133-34. Furthermore, when Mick Duncan, founder of Utah's chapter of the ACLU, learned that "the black diva was forced to take the freight elevator to her room in the Hotel Utah," he unsuccessfully lobbied the Utah legislature to outlaw racial discrimination by hotels. He claimed this occurred in 1955, which was actually seven years after Marian Anderson was required to use the freight elevator during her first stay at the Hotel Utah ("Mormon's Mission Led Him to Fight for Civil Rights," *Salt Lake Tribune*, 19 April 1993, B-1).

110. David H. Oliver, *A Negro on Mormonism* (Salt Lake City: By author, 1963), 23, in which this Salt Lake lawyer inaccurately dated this visit as "during World War II." Compare with "UN Mediator, Nobel Winner to View 'Peace Prospects,'" *Daily Utah Chronicle*, 25 April 1951, 1; also Salzman, Smith, and West, *Encyclopedia of African-American Culture and History*, 1:469-71.

When I researched the office diaries of J. Reuben Clark and David O. McKay, I did not realize the significance of the visits by Anderson and Bunche, so I overlooked the references in their First Presidency office diaries at the time. However, as the senior executive officers for the Hotel Utah, McKay and Clark must have approved these exceptions to the policy against allowing African-Americans to stay there.

Therefore, African-Americans were denied equal access to the LDS church's hotel in order "to preserve the purity of the race that is entitled to hold the Priesthood."¹¹¹

With such beliefs, the LDS First Presidency did what it could to block national efforts for the civil rights of African-Americans. As previously noted, Counselor McKay in 1949 instructed an Arizona stake president against that state's proposed legislation to "guarantee rights of Negroes." Making specific reference to the desegregation controversy in Little Rock, Arkansas,¹¹² Counselor Clark in 1957 instructed Belle Smith Spafford "that she should do what she could to keep the National Council [of Women] from going on record in favor of what in the last analysis would be regarded as negro equality." At that time, Spafford was a vice-president of the National Council of Women.¹¹³

As American views began changing toward race relations from the 1940s onward, the Mormons of Utah continued to follow the example of LDS leaders against civil rights for African-Americans. There was widespread use in all-white neighborhoods of Utah's Uniform Real Estate Contract, Form 30, which prohibited the purchaser of real estate and his/her heirs from reselling the property "to any person not of the Caucasian race."¹¹⁴ The Salt Lake City School District prohibited blacks from being teachers and from fulfilling student-teaching requirements of their university training.¹¹⁵ In addition, 40 percent of Utah's employers refused to hire Negroes. Employers who did hire blacks also discriminated against them in job assignment, promotion, and salary.¹¹⁶ Blacks were prohibited from eating at the lunch counter of Salt Lake's City-County Building. All of Utah's bowling alleys excluded African-Americans, and LDS hospitals segregated black patients, sometimes requiring them to pay for private rooms. This was also the policy at Utah's Catholic hospitals.¹¹⁷

111. Rowena J. Miller (secretary to J. Reuben Clark in the First Presidency's Office) to Mrs. Guy B. Rose, 20 September 1949, folder 8, box 380, Clark papers. See also Clark office diary, 29 November 1949: "Pres. Clark read to him (Apostle Harold B. Lee) the letter he wrote to Mrs. Rose in New York about the negro question."

112. Tom Cowan and Jack Maguire, *Timelines of African-American History: 500 Years of Black Achievement* (New York: Roundtable/Perigee, 1994), 230; Charles M. Christian and Sari J. Bennett, *Black Saga: The African American Experience* (Boston: Houghton Mifflin, 1995), 395; Roy Reed, *Faubus: The Life and Times of an American Prodigal* (Fayette: Univ. of Arkansas Press, 1997), 205-32.

113. J. Reuben Clark office diary, 2 Dec. 1957. For Spafford's election to the National Council of Women, see Quinn, *Extensions of Power*, 834.

114. Elmer R. Smith, *The Status of the Negro in Utah* (Salt Lake City: National Association for the Advancement of Colored People, 1956), 12.

115. Bennett, "Negro in Utah," 341.

116. Utah Legislature, *Report of Senate Committee to Investigate Discrimination Against Minorities in Utah*, 27th Sess. (1947), *Senate Journal*, 66.

117. James Boyd Christensen, "A Social Survey of the Negro Population of Salt Lake

In these respects, Utah and the Mormons were representative of the rest of America's white society until the 1960s.¹¹⁸ In 1961, a survey of Salt Lake City by the NAACP showed that 12 percent of cafes, restaurants, and taverns declined to serve blacks, while 80 percent of the city's beauty shops and barber shops refused to do so. Likewise, 72 percent of Salt Lake City's hotels and 49 percent of its motels refused accommodations to African-Americans that year.¹¹⁹

After Counselor Clark's death in 1961, Apostle Ezra Taft Benson became the Mormon hierarchy's strident voice against the national crusade for African-American civil rights. Benson's Negrophobic rhetoric intensified after the federal Civil Rights Act of 1964 drastically changed Utah's patterns of racial discrimination.¹²⁰ In 1965 and 1967, he stated in televised meetings on Temple Square in Salt Lake City that "the so-called civil rights movement as it exists today is a Communist program for revolution in America."¹²¹ In 1967, Apostle Benson also approved the use of

City, Utah," master's thesis, University of Utah, 1948, 51, 53-55; Bennett, "Negro in Utah," 341-43; Smith, *Status of the Negro in Utah*, 6-7; Trank, "Rhetorical Analysis"; Bringham, *Saints, Slaves, and Blacks*, 167-69; "Interviews with Blacks in Utah, 1982-88"; Coleman, "African Americans in Utah," in Powell, *Utah History Encyclopedia*, 2; "Utah," in Salzman, Smith, and West, *Encyclopedia of African-American Culture and History*, 5:2729.

118. See various entries and articles in Lester A. Sobel, ed., *Civil Rights, 1960-66*, 2 vols. (New York: Facts on File, 1967). See also photographs of "Jim Crow Signs," in Langston Hughes, Milton Meltzer, and C. Eric Lincoln, *A Pictorial History of African Americans*, 4th rev. ed. (New York: Crown, 1973), 298-99; C. Vann Woodward, *The Strange Career of Jim Crow*, 3rd rev. ed. (New York: Oxford Univ. Press, 1974); Franklin and Moss, *From Slavery to Freedom*, 147-48, 238, 280, 296-97, 314-15, 379, 420-21. For comparison of LDS and non-LDS American attitudes, see Mauss, "Mormonism and Secular Attitudes Toward Negroes," 91-99; and Mauss, *Angel and the Beehive*, 52-53.

119. Maag, "Discrimination Against the Negro in Utah," 34.

120. However, it would be an overstatement to say Utah's racial discrimination "ended" at this time. For example, see "Mormon Decision to End Ban on Blacks in Priesthood to Have Wide Impact on Utah," *New York Times*, 18 June 1978, 49 (African-American "Marvin Davis, however, waits for a revelation about equal hiring for jobs. Look around [Utah]. No black firemen, no blacks in the Sheriff's department, no city, state, or county black division heads"); "Stepping Back?: The Racial Situation in Utah's Homogenous Culture Today Is Threatening to Minorities," *Deseret News*, 23 February 1997, B-1; "Utah Is Unwelcoming to Blacks, NAACP Says," *Deseret News*, 10 December 2000, B-4. For context of the Civil Rights Act of 1964, see *The Encyclopedia Americana: International Edition*, 30 vols. (Danbury, Conn.: Grolier, 2000), 6:778-79. For Civil Rights Act text and provisions, see Anthony J. Cooper, ed., *The Black Experience, 1865-1978: A Documentary Reader* (Dartford, Eng.: Greenwich Univ. Press, 1995), 254-55.

121. "Mormon Leaders Heard by 25,000," *New York Times*, 2 October 1967, 52. See also "Elder Benson Links Reds to [Civil] Rights Furor," *Deseret News*, 14 December 1963, B-5; "Benson Ties Rights Issue to Reds in Mormon Rift," *Washington Post*, 13 April 1965, A-5. These statements were softened in their official publication in *Improvement Era* 70 (December 1967): 35, and in Ezra Taft Benson, *Civil Rights: Tool of Communist Deception* (Salt Lake City: Deseret Book, 1968), 3.

one of his talks as the forward to the overtly racist book *Black Hammer*, which featured the decapitated (and profusely bleeding) head of an African-American male on its cover. Subtitled *White Alternatives*, this book warned about the "well-defined plans for the establishment of a Negro Soviet dictatorship in the South."¹²² In 1968, Apostle Benson also instructed BYU students about "black Marxists" and "the Communists and their Black Power fanatics."¹²³

At this time, LDS president David O. McKay had a Democrat (Hugh B. Brown) as a counselor, who was mystified that McKay allowed Benson to endorse the speeches and activities of nationally known segregationists. This politically liberal counselor was unaware of the LDS church president's private views about "insolent" African-Americans who wanted equal rights.¹²⁴

In 1963, Utah ended its restrictions on interracial marriage, and Counselor Brown officially endorsed civil rights for persons of all races that year.¹²⁵ However, until that year, every living prophet of the LDS church since Brigham Young either actively opposed the civil rights of African-Americans or passively endorsed the existing civil discriminations against them in Utah.

122. Wes Andrews and Clyde Dalton, *The Black Hammer: A Study of Black Power, Red Influence and White Alternatives* (Oakland, Calif.: Desco Press, 1967). See especially the front cover (for illustration of decapitated head of an African-American male), dedication page (to "all the Elders of the California North Mission for their interest and prayers"), 13 (for statement that Ezra Taft Benson "has generously offered this address as the basis for the introductory remarks to 'The Black Hammer'"), 35 ("well-defined plans for the establishment of a Negro Soviet dictatorship in the South"). For the political context of Apostle Benson's participation in this racist publication (e.g., the ultra-conservative John Birch Society's effort to put him on the U.S. presidential ticket with racial segregationist Strom Thurmond as vice-presidential candidate), and for Benson's own interest in becoming vice-presidential running mate of George C. Wallace, the segregationist governor of Alabama, see Quinn, *Extensions of Power*, 98-99.

123. Ezra Taft Benson, "The Book of Mormon Warns America," address at BYU devotional, 21 May 1968, transcript, 5, 6, Vertical File, Special Collections, Marriott Library, University of Utah. See also "Road to Anarchy: Benson Blisters Supreme Court," *Standard-Examiner* (Ogden, Utah), 22 May 1968, A-11; "Benson Warns on Commies in Talk at BYU Assembly," *Daily Herald* (Provo, Utah), 22 May 1968, 24.

124. David O. McKay office diary, 25 February 1949. For the Benson-McKay-Brown situation, see also Quinn, *Extensions of Power*, 96-101.

125. Coleman, "History of Blacks in Utah," 197-98; "Stepping Back?: The Racial Situation in Utah's Homogenous Culture Today Is Threatening To Minorities," *Deseret News*, 23 February 1997, B-1; "Give Full Civil Equality to All, LDS Counselor Brown Asks," *Salt Lake Tribune*, 7 October 1963, 1; Hugh B. Brown, "The Fight Between Good and Evil," *Improvement Era* 66 (December 1963): 1058; Bush, "Mormonism's Negro Doctrine," 44-45; Eugene E. Campbell and Richard D. Poll, *Hugh B. Brown: His Life and Thought* (Salt Lake City: Bookcraft, 1975), 256; Sterling M. McMurrin, "A Note on the 1963 Civil Rights Statement," *Dialogue: A Journal of Mormon Thought* 12 (Summer 1979): 60-63.

In that same year, Apostle Joseph Fielding Smith told *Look* magazine's editor: "'Darkies' are wonderful people, and they have their place in our Church."¹²⁶ At best, this revealed the racial paternalism that governed LDS headquarters. However, this platitude was also a smoke-screen for the worst of what Utah Mormon leaders had done against African-American rights for the previous 116 years.

FROM ANTI-BLACK TO ANTI-GAY

Just as President Gordon B. Hinckley has said that same-sex marriage has no legitimate claim as a "civil right" in Utah or anywhere else, previous First Presidencies also stated that African-Americans had no legitimate right to unrestricted access to marriage, nor to unrestricted blood transfusions, nor to rent a room in the LDS church's hotel, nor to reside in Utah's white neighborhoods, nor to live near the Los Angeles Temple, nor to be in a hospital bed next to a white patient. Just as the First Presidency previously condemned interracial marriages as abnormal, it has recently condemned same-sex marriages as abnormal. The LDS church's opposition to gay rights is consistent with its historical opposition to African-American rights.

Even when a general authority publicly apologized in September 2000 for "the actions and statements of individuals who have been insensitive to the pain suffered by the victims of racism," he claimed that the LDS leadership had an admirable history of race relations. Elder Alexander B. Morrison said: "How grateful I am that The Church of Jesus Christ of Latter-day Saints has from its beginnings stood strongly against racism in any of its malignant manifestations."¹²⁷ This was a by now

126. Joseph Fielding Smith statement to managing editor William B. Arthur during an interview at Smith's "office in the Mormon Church's office building in Salt Lake City," as quoted in "Editor's Note," *Look*, 22 October 1963, unnumbered page 78 or 80. Lester Bush quoted this statement differently (i.e., a paraphrase which maintained the original meaning) and called it "a notorious Joseph Fielding Smith quotation" ("Writing 'Mormonism's Negro Doctrine,'" 268). Like other white Americans raised in the nineteenth century, Apostle Smith in the 1960s still regarded "darkies" as an affectionate reference to Negroes. However, see Franklin and Moss, *From Slavery to Freedom*, for the fact that twentieth-century African-Americans regarded "darkies" as an "insulting" description which perpetuated the paternalism of slave-owners who regarded their slaves as childlike.

127. Alexander B. Morrison, "'No More Strangers': Racism is an offense against God and a tool in the devil's hands," *Ensign* 30 (September 2000): 16. Morrison's statement begins: "In common with other Christians, members of The Church of Jesus Christ of Latter-day Saints regret the actions and statements of individuals who have been insensitive to the pain suffered by the victims of racism and ask forgiveness for those guilty of this grievous sin." This reflected his personal view and ministry as demonstrated in Alexander B. Morrison, *The Dawning of a Brighter Day: The Church in Black Africa* (Salt Lake City: Deseret Book, 1990).

familiar smoke-screen for the previous behavior of Mormon prophets, seers, and revelators. LDS headquarters has never apologized for the legalization of Negro slavery by Brigham Young in pioneer Utah, nor for the official LDS encouragement to lynch Negro males,¹²⁸ nor for the racial segregation policies of the First Presidency until 1963, nor for Ezra Taft Benson's 1967 endorsement of a book which implied that decapitating black males was a "White Alternative."

Furthermore, although the Utah press reported hundreds of "hate" attacks annually against gays and lesbians,¹²⁹ the First Presidency in 1992 orchestrated the defeat of proposals to include "sexual orientation" as a

128. Some may claim that LDS headquarters did not "officially" encourage Negro lynchings but merely published the sermons of those who did. However, LDS president Brigham Young did nothing to avoid the possibility of some fanatic carrying out his 1863 statement that the "law of God" required "death on the spot" for Negro males who associated with white women. By publishing his statement in the *Deseret News*, the church president officially encouraged its implementation. The same holds true for LDS president John Taylor, who allowed the *Deseret News* to publish John Morgan's 1881 endorsement of lynching. As a comparison, I doubt that today's Mormons would hold guiltless a Catholic cardinal who gave a sermon in Dublin, Ireland (where Catholics are the 90-percent majority) praising the assassination of Irish Protestants. Nor would they regard the publication of such a sermon in the official Catholic newspaper of Dublin as a matter of little consequence. They would also not accept the excuse that it was "mere coincidence" when Protestants were assassinated in Ireland after such a sermon and its official publication. Likewise, for the physical assaults and murders of homosexuals by Mormons after the repeated publication of an LDS apostle's praise for beating up a homosexual, see discussion in text.

129. "Utah Group Notes 377 Assaults on Gays," *Deseret News*, 22 January 1991, B-10; "377 Anti-Gay/Lesbian Acts of Violence in Utah," *The Signpost* (Ogden, Utah), 29 January 1992, 8-9; "5 Murders, 11 Attempted Murders, 18 Rapes, 31 Acts of Vandalism, 35 Chasings, 43 Death Threats by Mail or Telephone, 104 Beatings, 195 Acts of Verbal Harassment [during one year]," in Christian P. Brown, "Anti-Gay and Lesbian Violence," *Pillar of the Gay and Lesbian Community for Utah* (Salt Lake City), October 1993, 7; *Anti-Violence Project Newsletter* (Salt Lake City), 1994-present. For news coverage of violence by Utah's young men against those they suspected of being homosexual, see "Gays Claim Lack of Protection," *Salt Lake Tribune*, 14 December 1978, B-6; "Murder Suspect in Mental Ward: Alarms Gays," *Salt Lake Tribune*, 15 December 1978, B-4; "Violence Charges Mostly Paranoia," *Deseret News*, 15 January 1979, A-5; "'Gay Bashing?': Utahn Guilty of Assault," *Salt Lake Tribune*, 24 November 1988, B-3; "Two Men Get Zero-Five Years for Near Fatal Beating," *Deseret News*, 28 December 1988, D-5; "Death of Hitchhiker in Utah Is Linked to a Similar Slaying in Pennsylvania," *Deseret News*, 9 December 1989, B-5; "Hatch Criticized in Hate-Crimes Bill," *Deseret News*, 11 February 1990, B-12; "Jury Finds Wood Guilty of 1988 Torture-Slaying," *Salt Lake Tribune*, 11 March 1990, B-1; "Police Accused of Failing to Aid Gay Crimes Victims," *Deseret News*, 21 March 1990, B-1; "Hate Crimes Prompt Gays to Form Patrols," *Salt Lake Tribune*, 10 April 1990, B-1; "Jury Acquits Salt Lake Men in Slaying," *Deseret News*, 14 April 1990, G-5; "Three Face Assault Charges in 'Gay-Bashing' Incidents," *Deseret News*, 1 August 1990, B-3; "Gay, Lesbian Leaders at U. of U. Receiving Anonymous Threats," *Salt Lake Tribune*, 2 November 1990, B-1; "Three Supremacists Sentenced, Fined," *Deseret News*, 14 January 1991, D-6; "Democratic Leader Wants State to Keep Track of Hate Crimes," *Salt Lake Tribune*, 22 January 1991, A-4; "Inmate Gets Probation in '88 Beating,"

protected category in Utah's law against hate crimes.¹³⁰ While President Hinckley has recently condemned hatred and violence against "those who profess homosexual tendencies."¹³¹ The First Presidency from 1976 onward has also repeatedly published Apostle Boyd K. Packer's talk praising a Mormon missionary for beating up his homosexual companion. This official church pamphlet, titled *To Young Men Only*, encourages teenage boys to assault any males "who entice young men to join them in

Deseret News, 25 January 1991, B-10; "S.L. Policeman May Be Linked to Gay-Bashing," *Deseret News*, 14 March 1991, B-1, B-2; "Gay Bashing?: Lawman on Suspension: Police Chief, Officer Offer Apologies," *Salt Lake Tribune*, 29 March 1991, B-1; "Hate Crimes Do Occur on WSU's Campus," *The Signpost* (Ogden, Utah), 29 January 1992, 7, 9; "Was Slaying in Park City a Hate Crime?: Sources Close to Probe Say Killer May Have Believed Victim Was Gay," *Deseret News*, 27 August 1993, B-1, B-2; "Gang Rapes of 2 Men Spark S.L. Fears of Gay-Bashing Attacks," *Salt Lake Tribune*, 28 August 1993, B-1; "Incidents of Hate Crime Cast Shadow over Salt Lake," *Deseret News*, 28 August 1993, B-3; "Was August Shooting a Hate Crime?" *Deseret News*, 12 September 1993, B-6; "Violence Against Gays Hinders Effort For Civil Rights, Speaker Claims," *Daily Utah Chronicle*, 15 October 1993, 1, 3; "Boy, 16, Will Stand Trial for Capital Murder in Shooting," *Salt Lake Tribune*, 16 October 1993, D-3; Mark Jensen; "Gordon," *Sunstone* 17 (June 1994): 20; "Killer's Sentence Too Light, Says Family of Gay Victim," *Salt Lake Tribune*, 16 August 1994, C-1; "Judge Draws Protests After Cutting Sentence of Gay Man's Killer," *New York Times*, 17 August 1994, A-15; "Driver Gets Probation for Role in Park City Slaying," *Salt Lake Tribune*, 23 August 1994, C-1; "Utah Hate-Crimes Law Sees Its First Case: S.L. Man Who Admits Beating Women Says Lifestyle Wasn't Issue," *Salt Lake Tribune*, 23 October 1994, B-1; "Man Averts Hate-Crime Prosecution For Assault," *Salt Lake Tribune*, 13 December 1994, C-1; "Suspect May Face Charge of Hate Crime In Beating," *Deseret News*, 22 April 1995, B-1; "Questions Linger After Store Fire: St. George Police Say Arson Caused Blaze; Was It a Hate Crime?" *Salt Lake Tribune*, 25 September 1995, B-2; "Attackers on Skateboards Targeting Gays," *Salt Lake Tribune*, 4 October 1995, B-2.

130. "Hate-Crime Bill Opponents Lash Out at Homosexuality during Capitol Hill Debate," *Deseret News*, 29 January 1992, B-12; "Hate-Crimes Bill Now Excludes Gays," *Salt Lake Tribune*, 1 February 1992, B-11; "Reason Falls by Wayside in Fight over Hate Crimes," *Deseret News*, 2 February 1992, A-1; "Pass Utah 'Hate Crimes' Bills," editorial in *Deseret News*, 2 February 1992, A-14 (asking support for the downgraded protections of gays and lesbians); "Diluted Hate-Crimes Bill Will Condone Violence against Gays, Say Activists," *Salt Lake Tribune*, 3 February 1992, B-1. See also discussion preceding note 139 and citations in note 156.

For decades LDS headquarters has used editorials in the church-owned *Deseret News* to orchestrate votes by Mormons (Quinn, *Extensions of Power*, 358, 362, 369, 377). The most dramatic example of this tactic's success occurred in 1975 when an editorial in the *Deseret News* gave the first indication that LDS headquarters opposed the proposed Equal Rights Amendment for women. In response, the sponsor of the bill for Utah to ratify the ERA reversed himself and voted (with the other Mormon legislators) to defeat his own bill. Referring to the editorial, this Utah legislator explained: "It is my church and as a bishop, I'm not going to vote against its wishes" (M. Byron Fisher statement in "ERA Effort Fails to Take Hold," *Salt Lake Tribune*, 22 January 1975, A-4, referring to editorial, "Equal Rights Amendment" *Deseret News* "Church News," 11 January 1975, 16).

131. Gordon B. Hinckley, "Why We Do Some of the Things We Do," 54.

these immoral acts."¹³² Yet President Hinckley (who was a senior apostle in 1976) expresses bewilderment regarding the literally thousands of violent attacks against gay males in Utah during the decades since the First Presidency began publishing Apostle Packer's talk. This endorsement of gay bashing continues to be printed in pamphlet form and is currently distributed by LDS headquarters. From 1976 to the present, local LDS leaders have been encouraged to give this pamphlet to young males in their teens and twenties, those most likely to commit hate crimes against gays and lesbians.¹³³

LDS headquarters has never promoted a similar distribution of statements opposing violence toward homosexuals.¹³⁴ Recent public statements by LDS leaders against gay bashing have the appearance of a smoke-screen to conceal the ongoing private endorsement of gay bashing in Apostle Packer's pamphlet. In fact, because it has officially pro-

132. This pamphlet was reprinted from a talk given at the general priesthood meeting for all LDS males from age twelve and older, broadcast by close-circuit to the assembled Mormon males in every congregation of the United States and Canada. Since it discussed masturbation as an abuse of a young man's "little factory," the talk was not printed in the official conference report in the November 1976 *Ensign*, possibly due to concern at headquarters that LDS girls might read it (*Conference of the Church of Jesus Christ of Latter-day Saints, October 1, 2, 3, 1976, with Report of Discourses* (Salt Lake City: Church of Jesus Christ of Latter-day Saints, 1976), 100-01). For the actual pamphlet, see Boyd K. Packer, *To Young Men Only* (Salt Lake City: Church of Jesus Christ of Latter-day Saints, 1976), 9-10, reprinted by the LDS church in 1980 and thereafter into the 1990s (see following note). For his continued public emphasis on homosexuals as a danger, see "Apostle Packer Says 'So-Called' Scholars, Gays, Feminists Are Leading LDS Astray," *Salt Lake Tribune*, 24 July 1993, B-1; "Packer Keeps Tough Stance against Homosexuality," *Standard-Examiner* (Ogden, Utah), 9 October 2000.

133. "Mormon Pamphlets on Gays Criticized," *Salt Lake Tribune*, 6 August 2000, B-2; Mac Madsen presentation, "Homosexuality and the Church: Perspectives of an LDS Father," Sunstone Symposium, Salt Lake City, 5 Aug. 2000, in which Madsen describes seeing this pamphlet on sale recently in the LDS church's central distribution center in Salt Lake City. See also "Parents of Gay Children Call LDS Pamphlets 'Insensitive,'" *Salt Lake Tribune*, 7 Oct. 2000, in which an LDS spokesman acknowledges that Apostle Packer's pamphlet is still available, implies that it is still being distributed to LDS young men, and denies that it encourages violence against homosexuals. For analysis and statistical profiles of those involved in such hate crimes, see Gary David Comstock, *Violence against Lesbians and Gay Men* (New York: Columbia Univ. Press, 1991).

134. In addition to the previously quoted statement of Gordon B. Hinckley in "Why We Do Some of the Things We Do," Dallin H. Oaks also made the following statement in "Same-Gender Attraction," *Ensign* 25 (October 1995): 8: "Our doctrines obviously condemn those who engage in so-called 'gay bashing'—physical or verbal attacks on persons thought to be involved in homosexual or lesbian behavior." Nevertheless, until LDS headquarters instructs local bishops to distribute such statements to all teenage boys, it will never overcome their indoctrination for violence against gay males which has occurred through the intensive distribution of *To Young Men Only* since 1976.

moted this endorsement of violence against homosexuals for twenty-five years, I believe the First Presidency has been morally responsible whenever LDS young men have attacked or killed homosexuals from 1976 to the present. This includes the brutal murder of Matthew Shepard in Wyoming in 1998.¹³⁵

Moreover, by repeatedly issuing this pamphlet and other homophobic statements since the beginning of the anti-ERA campaign in 1975, the Mormon church has encouraged a climate of revulsion which fills most LDS families. Therefore, I believe the First Presidency has also been morally responsible whenever Mormon parents have rejected their children for being gay, lesbian, bisexual, or transgender. Even when the LDS church's *Ensign* magazine published a statement in 1997 advising parents not "to disown" their homosexual children, the general authority merely noted that such tactics "do not help."¹³⁶ Public-relations statements of such timidity have little hope of undoing the spiritual damage to families caused by decades of stridently homophobic indoctrination by LDS headquarters.¹³⁷

135. See note 129 for Utah attacks. See also "S.F. Killing of Gay: Suspect's Mother Talks," *San Francisco Chronicle*, 10 August 1984 (in which the suspect's mother says: "Homosexuals are excommunicated according to Mormon religion"); "Mormon Hate," *Bay Area Reporter*, 23 August 1984; "Man Pleads Guilty to Killing Gay Student," *Dallas Morning News*, 6 April 1999, A-3 (describing the Mormon background of one of the young men who murdered Matthew Shepard in Wyoming in 1998); JoAnn Wypijewski, "A Boy's Life: For Matthew Shepard's Killers, What Does It Take to Pass As a Man?" *XY Magazine* 22 (October-November 1999), 67 (the murderer "was prayerful in the Mormon tradition").

136. John K. Carmack, "When Our Children Go Astray," *Ensign* 27 (February 1997): 10.

137. See for example, "Crime against Nature" in Spencer W. Kimball, *The Miracle of Forgiveness* (Salt Lake City: Bookcraft, 1969), 77-89; "Mormon President Kimball Demands Homosexuals Avoid Their Obscene Past and Conform to Church," *Vanguard, Portland State University* 31 (28 October 1975): 3; "Hotel Utah Cancels Homosexual Parley," *Salt Lake Tribune*, 9 June 1977, A-13; "Relief Society Leader Hails Anita Bryant's Homosexuality Stand," *Salt Lake Tribune*, 11 June 1977, B-3; "Salt Lake: Sister Smith Praises Anti-Gay Effort," *Church News*, 18 June 1977, 5, 11; Editorial, "Unnatural, without Excuse," *Church News*, 9 July 1977, 16; "LDS Leader Hails Anti-Gay Stand [of Anita Bryant]," *Salt Lake Tribune*, 5 November 1977, D-3; Editorial, "Calling the Kettle Clean," *Church News*, 18 March 1978, 16; "Store for Gays Denied License," *Deseret News*, 22 July 1978, B-1; Editorial, "Is It a Menace?" *Church News*, 29 July 1978, 16; "Church Leaders Reaffirm ERA Stand," *Church News*, 26 August 1978, 2-3; "First Presidency Re-affirms Opposition to ERA," *Ensign* 8 (October 1978): 63; Editorial, "Sin Is No Excuse," *Church News*, 16 December 1978, 16; "Mormons Excommunicate Editor of ADVOCATE," *Advocate* 273 (9 August 1979): 10-11; "Brigham Young U. Admits Stakeouts on Homosexuals," *New York Times*, 27 September 1979, A-16; "Hunted Down by LDS Church, Gays Say," *San Francisco Examiner*, 22 October 1979; "Mormons rapped for purge of gays," *Chicago Sun-Times*, 26 October 1979, 36; *The Church and the Proposed Equal Rights Amendment: A Moral Issue* (Salt Lake City: ENSIGN Magazine, 1980), 9; "Mormon Church Elder Calls Homosexuality an Addiction," *New York Times*, 6 April 1981, A-12; "Mormons Call Homosexuality a Detestable Sin," *Daily Utah Chronicle*, 9 January 1985, 1, 5; "Mormons Excommunicate Repentant AIDS Victim: He Is Asked Not to Attend

For example, in its official editorial against allowing Utah's high schools to have clubs for gay and lesbian students, the *Deseret News* commented in 1996: "It is still appalling that more than half the identified hate crimes in Utah are aimed at homosexuals."¹³⁸ Again, this has the appearance of a smoke-screen to conceal the anti-gay agenda of LDS headquarters. Four years earlier, the same newspaper had successfully persuaded Utah's legislature *not* to include gays and lesbians in the state law against hate crimes.¹³⁹ Moreover, the 1996 editorial then adopted the very attitude which propels these hate crimes it professed to regret: "homosexual activities and practices are an abomination, not just some 'alternative lifestyle' no better or worse than others."¹⁴⁰ Echoing the role of LDS headquarters in preventing Utah from giving homosexuals legal protection from hate crimes, the *Deseret News* in June 2000 regretted that Utah Senator Orrin G. Hatch was "unable to stop hate-crime legislation" in Congress.¹⁴¹

There is yet another example of the LDS church's official homophobia, which subverts its public platitudes about loving those who regard themselves as gay or lesbian. Since 1998, church headquarters has

Church," *Salt Lake Tribune*, 10 January 1986, B-1; "Apostle Reaffirms Church's Position on Homosexuality," *Church News*, 14 February 1987, 10, 12; Ronald C. Kershaw, "AIDS, Leprosy, and Disease: The Christian Response," *Sunstone* 12 (May 1988): 6-7 (for statement at LDS stake conference in Davis, California, by general authority John H. Groberg concerning a Mormon male who died of AIDS: "Of course, many of us would say he got what he deserved"); "Schools to See True Picture of Holocaust?: Officials Say Exhibit Can't Mention Gays," *Salt Lake Tribune*, 11 March 1990, B-1, B-4; "Exhibit Packet Won't Exclude Material on Nazis' Gay Victims," *Deseret News*, 13 March 1990, B-1, B-2; "Going Straight?: New Therapy May Help Gay Men and Women Alter Sexual Orientation but It Faces a Wave of Opposition," *Deseret News*, 3 May 1990, C-1; "Gay Community Speaks Out against 'Reorientation Therapy' [of] Evergreen Conference: Homosexuals Call the Approach Unscientific and Potentially Dangerous," *Deseret News*, 5 May 1990, B-1, B-2; "S.L. Club That Was Accused of Catering to Homosexuals Will Appeal Shutdown," *Deseret News*, 23 October 1990, B-3; "The LDS Church Is Committed to Changing Homosexuals," *Salt Lake Tribune*, 12 January 1992, A-8; "Apostle Packer Says 'So-Called' Scholars, Gays, Feminists Are Leading LDS Astray," *Salt Lake Tribune*, 24 July 1993, B-1; "Top Court Throws Out Efforts to Preserve U.S. Sexual Mores," *Deseret News*, 22 May 1996, A-10; "Packer Keeps Tough Stance against Homosexuality," *Standard-Examiner* (Ogden, Utah), 9 October 2000.

138. Editorial, "Clubs for Homosexuals Are No Clubs at All," *Deseret News*, 11 February 1996, AA-2.

139. See note 130.

140. Editorial, "Clubs for Homosexuals." See also "Editorial Blasts Proposed Gay Club," *Salt Lake Tribune*, 14 February 1996, B-2.

141. "Hatch Unable to Stop Hate-Crime Legislation," *Deseret News*, 21 June 2000. With such clear signals from LDS headquarters, the Utah legislature, which is usually more than 85 percent Mormon, has steamrolled over every effort to introduce such bills. See "Hate-Crime Bill Is Back Again," *Deseret News*, 18 January 2001, A-17; "A Blow to Hate Crimes Efforts: HB 50 Rejected; Suazo Delays Vote in Senate," *Deseret News*, 26 January 2001, B-1.

instructed all local LDS leaders to put notations on the membership record of every Mormon who receives church discipline for homosexual behavior. Applicable even to teenagers, this ecclesiastical stigma will follow young men and women into every LDS congregation for the rest of their lives.¹⁴²

For persons who believe that these various actions of the LDS First Presidency were God's will for suppressing minorities, I suggest they rethink a passage in *The Book of Mormon*: "For none of these iniquities come of the Lord; for he doeth that which is good among the children of men; and he doeth nothing save it be plain unto the children of men; and he inviteth them all to come unto him and partake of his goodness; and he denieth none that come unto him, black and white, bond and free, male and female; and he remembereth the heathen; and all are alike unto God, both Jew and Gentile" (2 Nephi 26:33).

Furthermore, Counselor Clark told the general conference of April 1940 that the First Presidency "is not infallible in our judgment, and we err."¹⁴³ He also instructed LDS educators in 1954 that "even the President of the Church has not always spoken under the direction of the Holy Ghost."¹⁴⁴ I believe this applies to the statements and actions of several "living prophets" and First Presidencies in restricting the civil rights of African-Americans and other minorities. According to LDS doctrine, the statements and actions of the church's president can be wrong, even sinful,¹⁴⁵ and historically the LDS First Presidency has often been profoundly wrong with regard to the civil rights of American minorities.

In fact, when an end came to the various tyrannies of the majority against racial groups in America, LDS policies changed as well. What various "living prophets" had defined as God's doctrine turned out to be

142. *Handbook of Instructions* (Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 1998), 129.

143. *April 1940 Conference Report of The Church of Jesus Christ of Latter-day Saints* (Salt Lake City: Church of Jesus Christ of Latter-day Saints, 1940), 14. All sermons in *Conference Reports* (1897-1970) are available in *New Mormon Studies CD-ROM*, which has phrase-search capability.

144. "President Clark's Lecture: When Are Church Leader's Words Entitled to Claim of Scripture?" *Church News*, 31 July 1954, 11. This sermon was reprinted in all of the following: *When Are Church Leader's Words Entitled to Claim of Scripture?* (Provo: Department of Seminaries and Institutes, 1966); *Melchizedek Priesthood Course of Study, 1969-1970: Immortality and Eternal Life* (Salt Lake City: First Presidency of The Church of Jesus Christ of Latter-day Saints, 1969), 215-25; *Dialogue: A Journal of Mormon Thought* 12 (Summer 1979): 68-81; David H. Yam, Jr., ed., *J. Reuben Clark: Selected Papers on Religion, Education, and Youth* (Provo: Brigham Young Univ. Press, 1984), 95-112.

145. In discussing the revelation published as D&C 43:3-4, the 1951 revision of *Doctrine and Covenants Commentary* by Apostles Joseph Fielding Smith, Harold B. Lee, and Marion G. Romney referred to the possibility that the LDS president, who is "the living

a Mormon social policy which reflected the majority's world view. I submit that the same applies to the LDS church's campaign against any law which benefits or protects gays and lesbians.

LDS president Gordon B. Hinckley has dismissed Mormonism's earlier race-based policies as "those little tricks of history" which are irrelevant now.¹⁴⁶ However, his twenty-five years of promoting political campaigns against the possibility of gay rights is one more example of the LDS hierarchy's discrimination against minorities who are not its "kind of people."¹⁴⁷

THE SINCERITY OF PREJUDICE AND CIVIL DISCRIMINATION

LDS leaders have repeatedly opposed civil rights for blacks and gays while denying that such action is "anti-Negro" or "racist," "anti-gay" or "homophobic." The previous quotes show that First Presidency counselor J. Reuben Clark, for one, defended wholesale restrictions against

prophet" in Mormon doctrine, could be in a "fallen condition" due to "apostasy." See Hyrum M. Smith and Janne M. Sjodahl, *Doctrine and Covenants Commentary*, rev. ed. (Salt Lake City: Deseret Book, 1951), 241. Another revelation (D&C 107:82-84) provided for the trial and excommunication of the LDS president in such a circumstance. Of this, the church's official centennial history stated: "Therefore if the time should ever come that the church should be so unfortunate as to be presided over by a man who transgressed the laws of God and became unrighteous, a means in the church system of government is provided for deposing him without destroying the church, without revolution, or even disorder" (Roberts, *Comprehensive History*, 2:376). In other words, Joseph Smith's revelations maintain that there are no limits on the ability of the LDS president and prophet to be in error and to commit sin.

146. "Hinckley Takes LDS Case to the Nation," *Salt Lake Tribune*, 8 April 1996, D-1.

147. After he began directing the LDS church's anti-ERA campaign nationally in 1977 (see note 29), Gordon B. Hinckley was also on the executive committee of Seattle radio station KIRO when it supported anti-gay Initiative 13, which would have revoked Seattle's city ordinance protecting gays and lesbians from civil discrimination in housing and employment. The co-sponsor of this ballot initiative was a Mormon policeman, who said he and his John Birch Society partner-policeman had launched the anti-gay petition for it because a "homosexual applied for a job as a King County police officer." (See "The Cops Who Lead the Fight Against the Gays," *Seattle Post-Intelligencer*, 6 August 1978.) *The Blade* (Washington, D.C.), October 1978, 9, also commented: "KIRO, the Mormon-owned station, continues to broadcast anti-Gay ads, and the local station manager has editorialized against Gays, even calling for Gays to be placed in 'concentration camps,' according to a source in the Seattle mayor's office." After voters defeated the anti-gay initiative by a two-to-one margin, "Initiative 13 loses big," *Seattle Times*, 8 November 1978, B-5, referred to "Pro-13 editorials broadcast by KIRO's president, Lloyd Cooney." For Hinckley's role as KIRO director and member of its executive committee, see also Sheri Dew, *Go forward With Faith: The Biography of Gordon B. Hinckley* (Salt Lake City: Deseret Book, 1996), 304. For a similar effort in Colorado after Hinckley became counselor and subsequently LDS president, see discussion and sources in note 156.

the civil rights of African-Americans. Nevertheless, at the same time, he regarded himself as compassionate toward blacks.¹⁴⁸

In this paper I have tried to acknowledge the sincere beliefs and fears of those who oppose same-sex marriage. However, an "Appeal to Sincerity" is legitimate only when attempting to understand the personal motivation for various behaviors. Sincerity cannot logically be invoked to assess the legitimacy or ethical value of those behaviors.¹⁴⁹

The past and present are filled with actions which most of us condemn, despite the fact that their perpetrators claimed they acted out of their sincere beliefs in a religion, or race, or social class, or country. If we regard slavery as wrong, the sincerity of slave-owners is irrelevant to the issue, even when the slave-owners were our revered national leaders, George Washington and Thomas Jefferson.¹⁵⁰ If denial of rights and protections for African-Americans was wrong, the sincerity of the oppressors is irrelevant to the issue, even if we otherwise admire the oppressors as religious leaders. Likewise, the sincerity of the heterosexual majority's anxieties and fears is not an ethical justification for denying rights and protections to the homosexual minority.

The recent success of the Defense of Marriage Act in California (America's most populous state) was yet another example of the tyranny of the majority, but there is a silver lining to this dark cloud: Thirty-nine percent of California's electorate voted against DOMA.¹⁵¹ While most

148. "He [J. Reuben Clark] repeated he did not think they should make fun of them. He said that he had a deep sympathy for the negroes, but that did not mean he would want one of his children to marry one, and he did not want them to dance with them, and he did not approve of the breaking down of the color line because anything that breaks down the color line leads to marriage" (J. Reuben Clark office diary, 24 October 1950, Clark papers). Also, "President Clark said that his heart bleeds for the negroes, that he had had them in his home and some of them were very fine people, that he felt we should give them every right and blessing to which they are entitled" (Minutes of Council Meeting of the First Presidency and Quorum of the Twelve Apostles, Salt Lake Temple, 9 October 1947, folder 7, box 78, Smith Family papers; also in folder 15, box 5, Marquardt papers, both collections in Marriott Library).

149. What I call "The Appeal to Sincerity" is a combination of the "fallacy of Emotional Appeals" and the "fallacy of *Argumentum ad Populum*," (or "the fact that so many people believe C isn't decisively relevant to the truth or falsity of C"). See Francis Watanabe Dauer, *Critical Thinking: An Introduction to Reasoning* (New York: Oxford Univ. Press, 1989), 82, 80.

150. James Thomas Flexner, *Washington: The Indispensable Man* (Boston: Little, Brown, 1974), 54, 385-94; Richard Norton Smith, *Patriarch: George Washington and the New American Nation* (Boston: Houghton Mifflin, 1993), 27, 148-49; Lucia C. Stanton, "'Those Who Labor for My Happiness': Thomas Jefferson and His Slaves," in *Jeffersonian Legacies*, ed. Peter S. Onuf (Charlottesville: Univ. Press of Virginia, 1993), 147-80; Annette Gordon-Reed, *Thomas Jefferson and Sally Hemmings: An American Controversy* (Charlottesville: Univ. Press of Virginia, 1997).

151. "Those Opposed to 2 Initiatives Had Little Chance from Start," *New York Times*, 9 March 2000, A-27), for 38.6 percent voting against California's Prop. 22.

gays and lesbians believe we counted for 10 percent of the vote,¹⁵² many homophobes claim that no more than one percent of humanity has homosexual feelings.¹⁵³ Therefore, LDS leaders and their religious allies in the political sphere must acknowledge that about a third of California's *heterosexual* electorate voted against their campaign of fear, social hysteria, prejudice, and minority exclusion. This is nearly three times higher than the percentage of white Southerners who opposed segregation in

152. For example, surveys during a twenty-year period showed that 10 percent of BYU's male students admitted to homoerotic experiences. See Wilford E. Smith, "Mormon Sex Standards on College Campuses, Or Deal Us Out of the Sexual Revolution" *Dialogue: A Journal of Mormon Thought* 10 (Autumn 1976): 77. This was the finding of questionnaires distributed by Professor Smith from the 1950s to 1970s to BYU sociology students whom he identified on page 77 as "Mormons in a large church university." While I was enrolled in a BYU sociology course during the 1962-63 school year, I took this survey (which was identified as Wilford E. Smith's questionnaire on the day my class received it). I was one of those homosexually inclined persons who had remained celibate when I took this survey, but I did not answer "Yes" when this survey asked if I had homosexual feelings without homoerotic experience. I also talked with other males who declined to report on such surveys the fact that they'd actually had homoerotic experiences. Therefore, Smith's article underreported the percentage of those who privately regarded themselves as homosexual (even if celibate) and under-reported those BYU students who had had homoerotic experiences.

Compare this 10-percent finding with "Homosexual Sheep?" *Parade Magazine* (March 1992): 10, concerning a four-year study of the sexual behavior of male sheep by the U.S. Sheep Experiment Station at Dubois, Idaho: "The study showed that about 8.5% of the rams under observation were homosexuals—close to the estimate of 10% for homosexuals in the U.S. male population." However, because 10 percent of the population are "different" does not mean they should be considered "abnormal." The exceptional in nature is still "natural," such as the homosexual orientation of erotic desire in humans and other animals. It does not occur to blue-eyed people who label homosexuality as "abnormal" and "unnatural" to think of themselves as "unnatural," or "abnormal," or "mistakes of nature" merely because blue eyes occur in less than 10 percent of the world's population. Such selective use of "abnormal" and "unnatural" would also apply to left-handed people.

153. See for example Richard G. Howe, *Homosexuality in America: Exposing the Myths* (Tupelo, Miss.: American Family Association, 1994), 9-10. Even if homosexuals did constitute only one percent of the population, we would still deserve civil rights. Christians constitute less than one percent of the population in most countries of Asia, Africa, and the Near East, yet they condemn any limits on their civil rights in these countries. For 1500 years, this self-serving hypocrisy has characterized the Christian tradition of denying civil rights to various minorities living in Christian countries. In Europe, these legally repressed minorities included Jews, Muslims, and "Gypsies" (Roma), as well as minority Christians in the political domain of a dominant Christian church. Aside from my discussion of the Christian suppression of civil rights for African-Americans and Mormons in the United States, most states (even after the affirmation of freedom in the Declaration of Independence and the Bill of Rights) also had legal restrictions against Jews, Muslims, and atheists until the late nineteenth century. See Anson Phelps Stokes, *Church and State In the United States*, 3 vols. (New York: Harper and Brothers, 1950), esp. 1: 601, 621, 788, 874-77, 878, 3: 873; Daniel R. Ernst, "Church-State Issues and the Law, 1607-1870," in John F. Wilson, ed., *Church and State in America: A Bibliographical Guide, The Colonial and Early National Periods* (New York: Greenwood Press, 1986), esp. 338.

the decades before Congress passed the Civil Rights Act of 1964,¹⁵⁴ yet minority rights eventually triumphed there.

In view of the fears, prejudices, and hatreds which existed both then and now, American society's sense of fairness is far greater today than it was fifty years ago. As the U.S. Supreme Court ruled in 1996 when *Romer v. Evans* invalidated the LDS church's behind-the-scenes victory against civil rights for gays and lesbians in Colorado, "a state cannot so deem a class of persons a stranger to its laws."¹⁵⁵

This Colorado case had nothing to do with marriage. LDS leaders and their allies were attempting to invalidate those laws which protected gays and lesbians from hate crimes, as well as from civil discrimination in housing and employment.¹⁵⁶ Gays and lesbians are the glaring excep-

154. See note 120. According to Gallup polls, from 1948 to 1949 only 12-14 percent of white Southerners said that Negroes "should not be required to occupy a separate part of a train or bus when traveling from one state to another"; in 1955 only 16 percent of white Southerners approved of laws that "all children, no matter what their race, must be allowed to go to the same school"; in 1955 only 19 percent of white Southerners approved of laws ending "racial segregation on trains, buses, and in public waiting rooms"; in 1963 only 12 percent of white Southerners approved of laws "which would give all persons—Negro as well as white—the right to be served in public places such as hotels, restaurants, theaters, and similar establishments" (George H. Gallup, ed., *The Gallup Poll: Public Opinion, 1935-1971*, 3 vols. [New York: Random House, 1972], 1:748, 2:810, 2:1401, 2:1402, 3:1827).

155. Concluding sentence of the U.S. Supreme Court's decision in *A. Roy Romer, Governor of Colorado v. Richard G. Evans, et al*, 116 S. Ct. 1620 (1996), printed fully in Jay S. Sigler, *Civil Rights in America: 1500 to the Present* (Detroit, Mich.: Gale, 1998), 655-59; also "Gay Rights Get Major Legal Boost," *Deseret News*, 20 May 1996, A-1 (for same quote).

156. At issue was Colorado's Amendment 2, which invalidated municipal laws protecting gays and lesbians from various forms of civil discrimination. (See "The Christian Right versus Gay Rights in Colorado, 1992-1996," in Didi Herman, *The Antigay Agenda: Orthodox Vision and the Christian Right* [Chicago: Univ. of Chicago Press, 1997], 137-69.) In an action that required specific approval from the First Presidency and Quorum of the Twelve Apostles (and probably per their instructions), BYU president Rex E. Lee submitted an *amicus* brief to the U.S. Supreme Court in support of Colorado's anti-gay Amendment 2. See "Colorado Petitions Supreme Court to Let Amendment 2 Go Into Effect as Trial Proceeds in Denver," *Lesbian/Gay Law Notes* (November 1993): 80 ("former U.S. Solicitor General Rex E. Lee, who has apparently been retained by the state to argue this case in the U.S. Supreme Court"); "Gays and Lesbians Are Coming Out Into Controversy: Decision in Colorado Case Could Threaten Civil Rights of Utahns," *Salt Lake Tribune*, 12 October 1995, D-2; "Supreme Court to Rule on Anti-Gay Rights Law in Colorado," *New York Times*, 22 February 1995, A-17; "High Court Breaks Silence: Steps Into Gay-Rights Arena," *Denver Post*, 22 February 1995, A-14; "Amendment 2 Arguments Filed: U.S. High Court Sets Oct. Hearings," *Denver Post*, 22 April 1995, A-11; Vera Titunik, "Sidley Braces for Fallout from Colorado Case," *American Lawyer*, September 1995, 13; Lewis, "Equal Protection after *Romer v. Evans*," 175-224; Stephen M. Rich, "Ruling by Numbers: Political Restructuring and the Reconsideration of Democratic Commitments after *Romer v. Evans*," *Yale Law Review* 109 (December 1999): 587-626; Evan Gerstmann, *The Constitutional Underclass: Gays, Lesbians, and the Failure of Class-Based Equal Protection* (Chicago: Univ. of Chicago Press, 1999), 91-139

tion to President Hinckley's public-relations statement to the LDS general conference in 1995: "We must be willing to defend the rights of others who may become the victims of bigotry."¹⁵⁷ With regard to homosexuals, this is a slogan which LDS headquarters tries to subvert in every possible way.

For example, after President Hinckley's statement, Mormon leadership successfully opposed adding sexual orientation to Salt Lake City's anti-discrimination ordinance.¹⁵⁸ This is understandable in light of reports that LDS headquarters actively discriminates against gays and lesbians in employment. With no claim of due process, this discrimination extends to completely secular jobs and requires no proof of "inappropriate" sexual behavior. For example, when the Joseph Smith Memorial Building opened in 1993 as added office-space for the LDS bureaucracy at headquarters, this multi-story building had two fine-dining restaurants for the general public. The human resources director instructed the manager of these church-owned restaurants not to hire as waiters any males who "seem gay."¹⁵⁹ Similar to visual profiling for racial discrimination,¹⁶⁰ LDS headquarters apparently denies employment on the basis of stereotypical views about masculine appearance and homosexual characteristics, or stereotypical views about feminine appearance and lesbian

(discussion of Colorado's Amendment 2 and the resulting decision of the Supreme Court). Lewis, Rich, and Gerstmann did not cite Lee's *amicus* brief, but did cite the arguments of BYU law professor Lynn Wardle in support of Colorado's anti-gay Amendment 2, although they inaccurately assumed that Wardle is a woman. Internet websites are not as permanent as print publications, but Lee's opening brief was posted at www.clam.rutgers.edu/remarks/romerpetitioner.html and his responding brief was posted at www.clam.rutgers.edu/remarks/romerreply.html. For other comments on Wardle, see note 9. For the LDS church's opposition to including gays and lesbians in Utah's anti-discrimination laws, see the sources in note 130 and following discussion.

157. Gordon B. Hinckley, "This Is the Work of the Master," *Ensign* 25 (May 1995): 71.

158. Editorial, "S.L. Should Protect All Equally," *Deseret News*, 8 December 1997, A-10 (despite the title, this spoke out *against* Salt Lake City Council's proposal to protect gays and lesbians from civil discrimination); Editorial, "Don't Repeal Gay Ordinance," *Salt Lake Tribune*, 11 January 1998, AA-1; "LDS Leader Urges Attendance at Meeting," *Salt Lake Tribune*, 13 January 1998, B-6 (requesting local Mormons to express their opposition to including gays and lesbians in the city's anti-discrimination ordinance); "Anti-Gay Bias Ordinance Has A Short Life," *Deseret News*, 14 January 1998; John Harrington, "Morality Plays: Repealing Salt Lake City's Gay-Protection Ordinance Is an Outcome of Mormon Politics," *Salt Lake City Weekly*, 15 January 1998, 6-7; Editorial, "Bringing Sense Back to City Hall," *Deseret News*, 17 January 1998, A-8 (congratulating the Salt Lake City council for removing sexual orientation from the city's anti-discrimination law).

159. My telephone interview on 4 September 2000 with a person who has asked to remain anonymous, but who had direct knowledge of the hiring practices in the Joseph Smith Memorial Building's new Roof Restaurant and Garden Restaurant in 1993.

160. David Harris, *Driving While Black: Racial Profiling on Our Nation's Highways* (New York: American Civil Liberties Union, 1999).

characteristics.¹⁶¹ As indicated in the above example, this has nothing to do with "morality" or the actual sexual behavior of persons who are subjected to this discrimination. In fact, completely heterosexual persons may also be misidentified as lesbian or gay on the basis of speech or appearance, and then suffer employment discrimination in Utah.¹⁶² This contributes to the climate of fear, which is why anti-discrimination laws are necessary.

The climate of homophobic antagonism in Mormon-dominated Utah creates constant anxiety for many gays, lesbians, bisexuals, and transgender persons. It is historically similar to being a Christian in pagan Rome, a Protestant Huguenot in Catholic-dominated France, a Quaker in Puritan Massachusetts, a black in Klan-dominated Mississippi, a Jew in Nazi Germany, a Catholic in Protestant-dominated Belfast, a Muslim in Hindu-dominated Kashmir, or a Hindu in Muslim-dominated Islamabad. Its familiarity makes this pattern even more tragic in cultures which claim divine approval for exerting social oppression against their minorities.

Just as Catholics, Protestants, and Mormons once claimed righteousness and God's blessing in denying basic rights to African-Americans and Asian-Americans, they are now claiming righteousness and God's blessing for denying basic rights to gays, lesbians, bisexuals, and transgender persons. It takes a peculiar kind of blindness to currently affirm that the majority's historical discrimination against despised racial minorities was ethically and civilly wrong, yet argue that it is now ethically and civilly right to discriminate against the despised minority of homosexuals and transgender persons.

"THE RIGHT OF EACH INDIVIDUAL TO BE FREE"

Ironically, through its general authorities, its lesson manuals, and its church-owned newspaper, LDS headquarters has condemned other churches and religious leaders for limiting freedom or civil rights.

161. For example, as part of a proposed remedy for male homosexuality, an LDS physician recommended practicing "manly" behaviors. See Victor L. Brown, Jr., *Fred's Story* (Sacramento, Calif.: H.R. Associates, 1985). This is reminiscent of the American psychiatrist's approach toward homosexuality in E. M. Forster's decades-earlier novel *Maurice*.

162. A recent example from Salt Lake City is "Trouble for the Towel Boy" (*Salt Lake City Weekly*, 14 May 1998, 8-9) concerning the University of Utah's student newspaper which printed a hate-filled letter identifying a student as homosexual because he "spoke in a high voice, painted his fingernails purple, and wore an earring." The letter-to-the-editor said this student should be fired from his job in the school's gym: "I would argue that just the sight of a homosexual working in the locker room is suggestive to the point of making an offensive environment." After the university's newspaper published this, the *City Weekly* interviewed the towel-boy: "The irony of it all is that Clayton, in fact, is not gay. So much for appearances."

During the entire twentieth century, the LDS church has criticized leaders of the Roman Catholic Church, of Iran's Shiite Islam, and of the Russian Orthodox Church for limiting the civil rights of various minorities.¹⁶³

As David O. McKay instructed the general conference of April 1950:

This principle of free agency and the right of each individual to be free[,] not only to think but also to act within bounds that grant to every one else the same privilege, are sometimes violated even by churches that claim to teach the doctrine of Jesus Christ. The attitude of any organization toward this principle of freedom is a pretty good index to its nearness to the teachings of Christ or to those of the evil one.¹⁶⁴

Should the LDS church and its leaders be exempt from McKay's standard to guarantee freedom and civil rights? As discussed earlier, McKay's public statement here actually contradicted both his private statements as well as his actions as an executive in the racially segregated Hotel Utah.

However, McKay's equivocation has a parallel that is faith-promoting. When slave-owner Jefferson wrote in the Declaration of Independence that "all men are created equal," this also did not describe the reality of his own life and culture.¹⁶⁵ Yet later Americans and U.S. presidents

163. James E. Talmage, *THE GREAT APOSTASY, Considered in the Light of Scriptural and Secular History* (Salt Lake City: Deseret News, 1909), 155-56; Joseph Fielding Smith, *The Progress of Man* (Salt Lake City: Genealogical Society of Utah/Deseret News Press, 1936), 239-40, 246-48; James L. Barker, *The Divine Church Down through Change, Apostasy therefrom, and Restoration: Being a course of study for the Melchizedek Priesthood Quorums for the year 1952*, 3 vols. (Salt Lake City: Council of the Twelve Apostles, Church of Jesus Christ of Latter-day Saints, 1951), 3:186-87; T. Edgar Lyon, *Apostasy to Restoration: Course of Study for the MELCHIZEDEK PRIESTHOOD QUORUMS OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS* (Salt Lake City: Deseret Book, 1960), 25-26, 89, 252; "Dark Ages," in Bruce R. McConkie, *Mormon Doctrine*, 2nd ed. (Salt Lake City: Bookcraft, 1966), 178. See also the following editorials in the church-owned *Deseret News* about religiously-motivated suppression of freedom: "How Not to Fight an Offensive Book" (16 February 1989); "Stop Human Rights Abuses" (31 March 1991); "In Iran Ruthlessness Still is Status Quo" (31 March 1992); "Russia Takes A Wrong Turn on the Road To Freedom" (16 July 1993); "Uphold Religious Freedom in Russia" (24 January 1997); "Iran and Desires For Freedom" (29 May 1997).

164. April 1950 Conference Report of The Church of Jesus Christ of Latter-day Saints (Salt Lake City: Church of Jesus Christ of Latter-day Saints, 1950), 36; *Improvement Era* 53 (May 1950): 367; *Gospel Ideals: Selections From the Discourses of David O. McKay, Ninth President of The Church of Jesus Christ of Latter-day Saints* (Salt Lake City: Improvement Era, 1953), 303.

165. Paul Finkelman, "Jefferson and Slavery: 'Treason against the Hopes of the World,'" in Onuf, *Jeffersonian Legacies*, 181-211. See also discussion in note 153 regarding restrictions against religious minorities in the U.S.

found inspiration in Jefferson's idealized statement, and they struggled to change their culture in order to achieve the reality of full civil rights for all its minorities. That struggle continues today. Likewise, President McKay stated an ideal in 1950 that can continue to inspire LDS members and leaders to change their culture in order to grant full civil rights to all its minorities.

Some will claim that the historical parallel of legal discrimination against race and religion has nothing to do with today's legal restrictions against social protections and marriage options for gays and lesbians. Such denial seems intended to privilege the current campaign in two ways: First, by denying that homosexuals constitute a minority as legitimate as the minorities of race, ethnicity, nationality, or religion; and second, by denying that legal limitations on this embattled group's social opportunities involve "prejudice," or "discrimination," or "denial of rights." By contrast, various authors have regarded prejudiced discrimination as the unifying characteristic of America's negative responses toward minorities of race, of ethnic group, of physical disability, of religion, and even of Masonic affiliation.¹⁶⁶ To exclude sexual orientation from the category of embattled minorities is itself a sign of heterosexism and homophobia.

Thus, the African-American documentary *All God's Children* has stated: "African Americans were accused of seeking 'special rights' during the Civil Rights Movement of the 1960s. Now, lesbian, gay, bisexual and transgendered (LGBT) people are accused of seeking 'special rights.'"

166. George Eaton Simpson and J. Milton Yinger, *Racial and Cultural Minorities: An Analysis of Prejudice and Discrimination* (New York: Harper, 1953); David Brion Davis, "Some Themes in Counter Subversion: An Analysis of Anti-Masonic, Anti-Catholic and Anti-Mormon Literature," *Mississippi Valley Historical Review* 57 (September 1960): 205-24; Mark W. Cannon, "The Crusades Against the Masons, Catholics, and Mormons: Separate Waves of Common Current," *BYU Studies* 3 (Winter 1961): 23-40; F. James Davis, *Minority-Dominant Relations: A Sociological Analysis* (Arlington Heights, Ill.: AHM Publishing, 1978); Virginia R. Brooks, *Minority Stress and Lesbian Women* (Lexington, Mass.: Lexington Books, 1981); Leslie W. Dunbar, ed., *Minority Report: What Has Happened to Blacks, Hispanics, American Indians, and Other Minorities in the Eighties* (New York: Pantheon Books, 1984); Richard D. Mohr, "Invisible Minorities, Civil Rights, Democracy: Three Arguments For Gay Rights," *Philosophical Forum* 17 (Fall 1985) 1-24; Donald R. Atkinson and Gail Hackett, eds., *Counseling Non-Ethnic American Minorities* (Springfield, Ill.: Thomas, 1988); Ruth Colker, *Hybrid: Bisexuals, Multiracials, and Other Misfits Under American Law* (New York: New York Univ. Press, 1996); Mary B. Harris, ed., *School Experiences of Gay and Lesbian Youth: The Invisible Minority* (New York: Harrington Park Press, 1997); Anita Silvers, David Wasserman, and Mary B. Mahowald, *Disability, Difference, Discrimination: Perspectives on Justice in Bioethics and Public Policy* (Lanham, Md.: Rowman & Littlefield, 1998); Janet K. Swim and Charles Stangor, eds., *Prejudice: The Target's Perspective* (San Diego, Calif.: Academic Press, 1998); Eric Brandt, ed., *Dangerous Liaisons: Blacks, Gays, and the Struggle for Equality* (New York: New Press/Norton, 1999).

Both populations are simply seeking equal justice under the law." With supporting statements by African-American Reverend Jesse Jackson, Reverend Cecil L. Murray, Congresswoman Maxine Waters, Senator Carol Moseley-Braun, and theologian Cornel West against discrimination based on sexual orientation, the documentary adds: "These systems of oppression are all cut from the same cloth of dominance and power over others."¹⁶⁷

Even more significant, the political lobbying group Christian Coalition has demonstrated the linkage between opposing gay rights and limiting the rights of African-Americans. Formed by southern minister Pat Robertson, the Christian Coalition worked throughout the 1990s "at the Local Level to Oppose Homosexual Rights." During this same period, the Christian Coalition's headquarters required its African-American employees to enter through the back door and to use dining facilities separate from white employees.¹⁶⁸

To deny any minority the full access to marriage is to deny the Declaration of Independence statement that the purpose of government is "to secure" the right of all its citizens to "the pursuit of Happiness." As with the pre-1967 limits on the marriage rights of racial minorities, it also violates the Constitution's Fourteenth Amendment provision for "equal protection of the laws" when Congress or any state has denied marriage rights to lesbians and gay males.¹⁶⁹

Nevertheless, to me, the fact that 39 percent of Californians voted

167. Sylvia Rhue and Linda Alband, 1996 *Best Documentary, National Black Arts Festival: All God's Children, A Discussion Guide* (San Francisco: Woman Vision, 1998), 3, 9. Besides ignoring their own religion's historical suppression of African-American civil rights, Mormons also overlook their own duplicity when they complain that gays and lesbians are seeking "special rights" in society. (For example, see Clayton Bret Pope, "Gays Gave up Their Right to Be Married," letter to the editor, *Daily Herald* [Provo, Utah], 23 July 1999, B-6: "I believe that by allowing gay people to marry would somehow be granting them a 'special' right.") By contrast, Mormons applaud professional LDS athletes who break their legal contracts by refusing to play sports on Sunday, clearly a "special right" for violating contract law. Mormons also expect the military to grant them the "special right" of wearing the LDS temple undergarment during basic training, while all other military recruits must wear military-issued undergarments. Although religious beliefs and practices are adopted (not inborn), Mormons routinely expect society to make special exceptions to accommodate religious orientation.

168. "Christian Right Maps Route to Power in Efforts At the Local Level to Oppose Homosexual Rights," *Wall Street Journal*, 25 November 1992, A-16 (for quote); "\$621 Million Racial Bias Suit Against Christian Coalition," *San Jose Mercury News*, 3 March 2001 (for story about lawsuit in 2001).

169. *Encyclopedia Americana*, 8:591 (Declaration of Independence); *Encyclopedia Americana*, 7:670 (Fourteenth Amendment to the U.S. Constitution). See also Michael Nava and Robert Dawidoff, *Created Equal: Why Gay Rights Matter to America* (New York: St. Martin's Press, 1994).

against the Defense of Marriage Act in March 2000 is FAITH-promoting. I can only HOPE that Congress and the Supreme Court will again guarantee a minority the rights which America's majority refuses to confer. In the meantime, I applaud the CHARITY which individual states (like Vermont) have begun to demonstrate in guaranteeing the civil rights of gays and lesbians.¹⁷⁰ As the Apostle Paul wrote, "The greatest of these is charity" (I Cor. 13:13).

This is a civil manifestation of the religious perspective expressed in the *Anglican Theological Review*: "When marriage is properly understood—as Martin Bucer argued over four centuries ago—as being primarily for companionship, not for procreation or parenting or 'the avoidance of fornication,' then its grace is operative equally for all couples who wish to enter into a covenanted relationship, whether they are a man and a woman, two women, or two men."¹⁷¹

The *New Dictionary of Christian Ethics* has also commented: "It is particularly disturbing to find churches which intensify the homosexual's sense of loneliness and isolation by their judgmental attitudes." While not endorsing ministerial ceremonies for same-sex couples, this ethical dictionary was emphatic about the denial of civil rights to homosexuals: "Whenever men and women are victimized because of their sexual orientation, whether formally in the law courts or less formally. . . the Christian duty is clearly to stand alongside the oppressed minority in their struggle for justice."¹⁷²

As a gay male and Christian, I hope this kind of religious ethic will eventually triumph for America's minority of gays, lesbians, bisexuals, and transgender persons.

170. "Gays Achieve Breakthrough In Vermont: Legislation Recognizes Same-Sex Civil Unions," *Washington Post*, 17 March 2000, A-1; "Once Conservative Vermont Now Leads in Giving Gays Equal Rights," *Salt Lake Tribune*, 2 April 2000, A-10; "Vermont Domestic Partnership Bill Stoking Anti-Gay-Union Fire," *Salt Lake Tribune*, 8 April 2000, E-1; "Gay-Rights Law Goes Into Effect in Vermont: Scores Are Expected to Make Unions Official," *Salt Lake Tribune*, 1 July 2000. Vermont's law provides for legal registration of same-sex partnerships, which still lack the technical status of marriage. This was also the status of same-sex unions in Holland until recently; in September 2000 the Netherlands authorized same-sex couples to apply for the full status of marriage (see note 42).

171. Williams, "Toward a Theology for Lesbian and Gay Marriage," 157. See also sources in note 14.

172. David J. Atkinson and David H. Field, eds., *New Dictionary of Christian Ethics and Pastoral Theology* (Downers Grove, Ill.: InterVarsity Press, 1995), 453.