

THE MORMON CONGRESSMAN AND THE LINE BETWEEN CHURCH AND STATE

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We gratefully acknowledge the skillful editing of Mary Frederickson and the assistance of Georgia B. Smith, Garth L. Mangum, and Dean E. Mann who kindly read and commented on the manuscript.

We are in an era of significant problems relative to Church-State relations. Federal aid to education, civil rights legislation, prayer in public schools, and a host of other contemporary issues are closely connected with both religious philosophy and the practice of organized religion. This is especially true of the Church of Jesus Christ of Latter-day Saints because it has a comparatively well-developed body of doctrine, some of which has to do with secular and semi-secular matters, and because of its long tradition of both self-government and involvement in general government. Because recent Congressional consideration of legislation regarding Federal aid to education, civil rights, prayer in public schools, and labor legislation has concerned Church leadership, the whole issue of Church-State relations is of immense current importance.

L.D.S. Church members tend to have strong views about a host of government programs and questions. The strength of their views of government sometimes approaches the strength of their testimony of the Gospel. While there is generally agreement between members on basic Gospel doctrine, there is frequently pronounced disagreement regarding the "goodness" or "badness" of government programs and legislation. And, not infrequently, one's testimony of the Gospel and one's views of government activity are equated, with resulting passionate disagreement between Church members on secular questions. In the words of Dallin Oaks, with respect to Church-State relations, "We need more dialogue, less diatribe."¹

In an effort to increase dialogue on this important subject, we think that much could be gained by a consideration of those persons who are most critically affected by questions of Church-State relations — the Mormon members of Congress. We begin with a general description of L.D.S. senators and representatives, followed by a report on the results of interviews with these men which attempted to get their views on a series of questions relative to Church-State relations. Particular emphasis is placed on Taft-Hartley 14 (b) because that is the most recent public policy question about which the issue of Church-State relations has been raised. We conclude by presenting our views on this subject in the form of recommendations regarding the stance of the Church on questions of public policy.²

¹Dallin H. Oaks, ed., *The Wall Between Church and State* (Chicago: University of Chicago Press, 1963), p. 1.

²This essay is not seen as a definitive discussion of all the theory and philosophy connected with the question of Church-State relations. It is, rather, a focused consideration of some Church State relations issues coupled with our personal views and those of the L.D.S. members of Congress on this subject. All of the L.D.S. members of Congress were personally interviewed in the summer of 1966 except Sherman P. Lloyd, who was seen in the summer of 1967.

THE MORMON CONGRESSMEN

The 89th Congress (1964-66) included three L.D.S. senators and eight L.D.S. representatives and the 90th Congress (1966-68) three senators and seven representatives:

<i>name (party and state)</i>	<i>year of birth</i>	<i>term</i>	<i>education</i>	<i>occupation</i>	<i>per cent of constituents who are L.D.S.*</i>
<i>Senators</i>					
Wallace F. Bennett (R-Ut.)	1889	3rd	U. of Utah	Business	75-80
Howard Cannon (D-Nev.)	1912	2nd	Ariz. and Ariz. St.	Attorney	20
Frank E. Moss (D-Ut.)	1911	2nd	U. of Utah G. Washington	Attorney	65-70
<i>Representatives</i>					
Laurence J. Burton (R-Ut.)	1926	3rd	Weber U. of Utah Utah St.	Educator	60-65
Delwin M. Clawson (R-Cal.)	1914	3rd	Gila Col.	Business	3-5
Kenneth W. Dyal** (D-Cal.)	1910	1st		Business	very small
Richard T. Hanna (D-Cal.)	1914	3rd	UCLA	Attorney	3-5
George V. Hansen (R-Ida.)	1930	2nd	Ricks	Business	50 or more
David S. King*** (D-Ut.)	1917	3rd	U. of Utah Georgetown	Attorney	50 or more
Sherman P. Lloyd (R-Ut.)	1914	2nd	Utah St. G. Washington	Attorney	50 or more
John E. Moss (D-Cal.)	1913	8th	Sacramento	Business	no idea
Morris K. Udall (D-Ariz.)	1922	4th	U. of Ariz.	Attorney	20-30

*Legislators' own estimates.

**Defeated in his try for reelection to the 90th Congress.

***Defeated by Sherman P. Lloyd in his try for reelection to the 90th Congress.

From this table of the Mormon Congressmen who were interviewed several observations can be made. First, on a party basis the L.D.S. Congressmen are divided fairly evenly between Democrats and Republicans. This fact flies in the face of the generally Republican stereotype non-Mormons tend to have of Mormons.³ In addition, this fact stands in rather sharp contrast to the contention of some Latter-day Saints that Mormon theology is more akin to Republican ideology than it is to Democratic ideology. If such is the case it certainly is not reflected in the ratio of Mormon Democrats to Republicans in Congress.

Second, the Latter-day Saints in Congress are rather young, the oldest being 78, and the youngest 37. The average age is 52. They are all well educated. This suggests the possibility that the views and attitudes of most of these men are more compatible with younger rather than older generations of the Church.

Third, it is most interesting that in the 89th Congress four of the eight representatives were from California. Three of these four are Democrats and they are all rather young. This clearly is an indication of the contemporary

³See the *Wall Street Journal*, August 8, 1966, pp. 1 and 12.

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character of the Church member: being geographically dispersed; being only a small segment of a generally non-Mormon environment, and with strong feelings of attachment to *their* state, although they all have ties with the predominantly Mormon sections of Utah, Idaho, and Arizona.

Fourth, only five of the ten Mormons now in Congress represent constituencies that are predominantly L.D.S. Two represent districts in which there are substantial Mormon populations, but by no means forming the majority. Three represent constituencies in which the Mormon population is negligible. It is interesting that there is a generally even distribution of political party affiliation, with Utah having one Democrat and three Republicans, Arizona, Nevada, and Idaho having two Democrats and a Republican, and California having three Democrats and one Republican.

L.D.S. members of Congress also show great diversity in political opinions. Several organizations rank legislators according to their votes on legislation before the House and Senate, the two most notable being the Americans for Democratic Action and the Americans for Constitutional Action. The former is generally liberal and the latter conservative. Therefore, the ADA ranks highly those legislators who most frequently vote liberally, while the ACA ranks these same legislators low. The following list presents the ADA "liberal quotient" and the "ACA index" for the L.D.S. legislators:⁴

		ADA	ACA
Representative Dyal	(D.—Calif.)	1.00	.00
Senator Frank Moss	(D.—Utah)	.88	.18
Representative John Moss	(D.—Calif.)	.84	.00
Representative Hanna	(D.—Calif.)	.84	.05
Representative King	(D.—Utah)	.84	.11
Representative Udall	(D.—Ariz.)	.74	.12
Senator Cannon	(D.—Nev.)	.59	.42
Senator Bennett	(R.—Utah)	.12	.74
Representative Burton	(R.—Utah)	.11	.71
Representative Lloyd	(R.—Utah)	.08	.83
Representative Hansen	(R.—Idaho)	.05	1.00
Representative Clawson	(R.—Calif.)	.00	.95

From this ranking it appears that L.D.S. legislators range all the way from very liberal to very conservative. It also appears that there is a rather close relationship between the legislator's party identification and his liberal or conservative voting pattern. All of the Mormon Republicans rank from .12 to .00 on the ADA scale and from .71 to 1.00 on the ACA scale, and could safely be categorized as having conservative voting records in Congress. All the Mormon Democrats, save two, rank from .84 to 1.00 on the ADA scale and all but one rank from .18 to .00 on the ACA scale, and can be fairly categorized as liberal in their voting records. Two, Senator Cannon and Representative Udall, appear to be "less liberal," or "more moderate" Democrats, judged on the basis of their voting records. The voting records of these men

⁴The ADA ratings are taken from the *ADA World*, XX (November 1965), No. 7. The ACA ratings are taken from the *ACA Index, First Session, 89th Congress* (1965), pp. 7-35.

indicate that the Church encompasses all political ideologies ranging from the very liberal to the very conservative, and that it is therefore inaccurate to categorize the Church as one or the other — at least on the basis of its members who are in Congress.

THE QUESTION OF CHURCH-STATE RELATIONS AND 14(b)

The Church has taken a stance on certain questions of public policy. On civil rights the First Presidency has said:

We would like it to be known that there is in this Church no doctrine, belief or practice that is intended to deny the enjoyment of full civil rights by any person, regardless of race, color or creed.

We say again, as we have said many times before, that we believe that all men are the children of the same God and that it is a moral evil for any person to deny any human being the right to gainful employment, to full educational opportunity and to every privilege of citizenship⁵

The 1965 Voting Rights Bill was legislation designed to enhance the civil rights of Negroes in certain parts of the United States. On this bill all L.D.S. legislators, except Congressman Hansen of Idaho, voted yes. Here we see strong agreement between the position taken by the First Presidency (their position was stated generally and not specifically tied to the Voting Rights Bill) and the voting patterns of L.D.S. legislators.

On the 14(b) matter, the Mormon legislators were split, with Congressmen King, Hanna, Moss, and Dyal favoring repeal. In the Senate, Moss favored a cloture on a filibuster being conducted to prevent voting on the bill, while Cannon and Bennett were opposed to cloture.⁶ There was, then, substantial disagreement among L.D.S. legislators on this subject. They tended to vote in accord with their political ideologies and their party affiliations — those being Republicans voting for retention of that section of the law. (Morris Udall is an exception, as he explains below.) From this it is apparent that on some issues Mormon legislators will follow their own political beliefs even if the Church has taken a stance which is contrary to theirs.

The effect of the First Presidency's letter was twofold: (1) it caused a great deal of concern among the L.D.S. members of Congress, and (2) it has reopened in the national press the general question of the Mormon Church's relationship to the State.⁷

The reaction of the Mormons in Congress to the First Presidency's letter on repeal of 14 (b) was strictly partisan. The Republicans did not see the

⁵See *The Deseret News*, editorial page, March 9, 1965; and Hugh B. Brown, "October Conference Address," *The Improvement Era*, LXVI (December 1963), 1058.

⁶Senator Cannon stated that he voted against cloture because he was opposed to stopping debate as a principle, not because he was opposed to the repeal of 14 (b).

⁷See specifically "The Right To Vote," *Newsweek Magazine* (July 26, 1965); "House Liberals Win First Round in Fight to Repeal 'Right-to-Work'," *The Washington Post* (July 27, 1965); and Robert L. Morlan, "Separation of Church and State: The Mormon Congressmen and 14(b)," *Frontier Magazine* (July 1966).

letter as an attempt to influence their votes but rather as a simple statement of the First Presidency's position. They described the communication as "a tempered letter," "certainly appropriate," "most kind, prudent, and reasonable." Representative Clawson said, "the letter was not telling me how to vote." Laurence Burton's reply was similar: "It did not tell me how to vote!" Senator Bennett indicated that "the letter didn't bother me, but it probably bothered the Democrats."

Both of them it did. The Democrats^s replied to the First Presidency with the following letter (June 29, 1965):

Dear Brethren:

We endorse with enthusiasm the statement by President McKay "we stand for the Constitution of the United States, and for all rights secured thereby to both sovereign states of the Union and to the individual citizen." In consonance with our commitment to that principle, we have determined that re-establishment of Federal dominance in the area of labor relations legislation is in the interest of the people who work for wages.

A doctrine long revered in our Federal system, commonly known as the doctrine of pre-emption, holds that wherever the Federal Government enters into an area of legislation, it pre-empts that area and the states may not again act contrary to Federal law. Section 14(b) of the national Labor Relations Act constituted a unique exemption from the working of that doctrine. It is our opinion that justification for such an exemption has never been shown.

We yield to none of our brothers in our dedication to the protection of the God-given rights of our fellow citizens. Our entry into public office was predicated upon a desire to better serve them. Our judgement, thoughtfully arrived at, is contrary to that expressed by you in your letter to us of June 22, 1965.

While we respect and revere the offices held by the members of the First Presidency of the Church, we cannot yield to others our responsibilities to our constituency, nor can we delegate our own free agency to any but ourselves. We know that each of you will agree that in this instance we act in conformity with the highest principles of our church in declining to be swayed by the view expressed in the communication of June 22nd under the signatures of the First Presidency.

We hasten to assure you that we stand ready at any time to receive your views, that they will be considered and evaluated as the good faith expression of men of high purpose, but we cannot accept them as binding upon us.

Sincerely,

/s/ Frank E. Moss, U.S.S.

/s/ John E. Moss, M.C.

/s/ Richard T. Hanna, M.C.

/s/ Ken W. Dyal, M.C.

Addendum: On three occasions the electorate of Arizona has voted by large margins in favor of the principle of so-called right-to-work laws. I have publicly stated at several times that I deem myself bound by these referenda to vote against repeal of Section 14(b) of the Taft-Hartley Law, though I have serious personal reservations about its wisdom and effectiveness.

Along with many L.D.S. members I have been sharply critical of Catholic and other religious leaders on occasions when they have ad-

vised legislators of their faiths on pending secular legislations. Many of these legislators have complained privately that such actions have a tendency to place in doubt the basis of their official votes. I fear that publication of your June 22nd communication may cause such doubts among my non-Mormon constituents who disagree with my position.

For the above reasons I cannot join my colleagues in the second and fifth sentences of the above letter, but I do vigorously endorse and join in the remainder.

Sincerely,

/s/ Morris K. Udall, M.C.

Two Congressmen stated flatly that the letter was “an attempt to influence my vote.” Another member of the House said, “The letter was totally inappropriate. It should not have been sent.” Another commented that “the letter was out of order.” Another said that he “felt agitated and offended when I received the letter. I felt it would reflect [unfavorably on the Church].”

In defending the First Presidency’s letter, the Republican Congressmen quickly pointed out that the Seventh Day Adventist Church as well as the National Council of Churches had communicated with them on this same issue. Senator Moss pointed out, however, that “the letter purportedly⁹ from the First Presidency was *only* to L.D.S. members of Congress. It was the First Presidency speaking *only* to Mormons.” The question here, then, is not should the First Presidency speak, but should ecclesiastical leaders bring pressure *only* upon legislators who are dependent upon them for spiritual guidance.

It was universally agreed, on *both* sides of the aisle, that there is nothing wrong or inappropriate about religious leaders giving guidance on moral questions. John E. Moss pointed out that “throughout the history of the western world religious leaders have given leadership to promote human rights and dignity. They should continue to do so.” George V. Hansen referred to Dante — “the hottest place in hell is reserved for those who don’t take a stand.” He concluded that the Church should definitely “take a stand on issues of freedom and relations of men with their fellow men.” David S. King agreed that the “Church has every right to involve itself in issues — what is Christianity for? — the Church should give guidance on broad spiritual issues.”

However, on specific legislation pending before the Congress, both Republicans and Democrats tended to agree that this is where the Church should draw the line. Congressman King stated, “If the Pope had sent such a letter to John F. Kennedy, or even the Catholic Congressmen, there would have been a major crisis.” In a letter Kenneth W. Dyal pointed out:

. . . when President Kennedy was a candidate for the presidency . . . I had a picture of him on my front lawn . . . I remember

⁹Senator Cannon (Nevada) and Congressman King (Utah) sent separate letters to the First Presidency.

⁹In the interviews several members of Congress seriously doubted that the letter originated with the First Presidency or that the entire First Presidency did in fact sign the letter.

how the ward members and others used to stop me and say, "How can you support that man? Don't you know that the Pope will give him orders and we will be under the domination of Rome?" Well, I supported him because he was the best man, but I also know that he was steadfastly his own person, and not under domination of Rome or his party, the unions, or business or any pressure group. He acted as we knew he would. He opposed some of the prelates of his church on the subject of education. He had courage.

. . . what would you have said . . . if an encyclical had been issued by Pope Paul ordering, or requesting (as does the letter of June 22) all of the Catholic members of the Congress to repeal Section 14(b)? What would the people of our nation have said?¹⁰

Most of the Mormons on Capitol Hill, regardless of their partisan affiliation, felt that integrity demands independent judgment on pending legislation. Morris Udall stated, "I represent Arizonians, not just Mormons; therefore I must look at the entire record." Representative Moss of California stated that "legislators do not represent churches and Church pressure should not be used on the legislator. This job is interesting only as long as I can remain independent." Senator Bennett stated that his judgments must remain independent, and he therefore does not go to the Church for advice on pending pieces of legislation. "I must treat the Church like any other constituent," he said. Representative Burton also pointed out that on all legislation "I must follow my own conscience."

The Republican legislators all indicated that had the letter from the First Presidency *supported* repeal of section 14(b) they would still have voted as they did.¹¹ Senator Moss said, "No, I don't think they changed a vote." Representative Burton said, "I would have voted against repeal regardless of the Church's position." Moreover, he indicated that when the question of Federal Aid to Education was before the Congress, he had voted in favor of that legislation because "it was in the best interests of Utah" even though the Church had taken a different position (on the general question).

David S. King indicated "that on all the many occasions in which I have met with the brethren they have always told me, 'Brother King, use *your own* judgment.'" Frank Moss pointed to the many statements of Church leaders indicating that the Church does not take partisan stands but requires its members to exercise their wisdom.¹² Apparently, the General Authorities hope to maintain the American political tradition of separation of Church and State and expect the Mormons in Congress to make independent decisions.

Unfortunately, some members of the Church do not see this independence as desirable and expect Latter-day Saints in Congress to conform to the policy statements of the General Authorities. The Democrats, especially those with a large proportion of Latter-day Saints in their constituencies, reported very

¹⁰From a letter to a constituent, July 26, 1965.

¹¹George Hansen of Idaho was not asked this question.

¹²The latest statement of this nature may be found in *The Improvement Era*, LXIX (June 1966), 477, 580.

violent reactions to their support of the repeal of 14(b). Many Mormons accused them of ignoring Church doctrine. Kenneth W. Dyal indicated that nearly 90 per cent of the mail he received on the 14(b) issue was comprised of "hate letters" from Latter-day Saints. He was accused of apostasy and disloyalty to the Church. Senator Moss and Representative King also received many similar communications. One Democrat even reported receiving a letter from a member of the Council of the Twelve advising him that his upcoming vote on 14(b) was his "opportunity to stand up and be counted." This letter, furthermore, indicated that his loyalty to the *Church* would be judged on this issue. Another Democrat reported similar letters from prominent leaders of the Church.

SOME CONCLUSIONS AND RECOMMENDATIONS

The First Presidency evidently feels strongly about the need for its views to be made known, and in a democratic system such as ours all organizations and individuals are entitled to this right. Churches, however, because of Church-State separation, are in a delicate position with respect to airing their opinions and attempting to secure their points of view. Congressman Sherman P. Lloyd observed that in all his years as a Utah State legislator and a member of the United States House of Representatives, the Church has "always been very restrained in questions of public policy." He noted that the First Presidency's 14(b) letter was the only instance in which the Church formally communicated its position on a specific piece of pending legislation. In doing this, Dr. Robert Morlan of Redlands University contends, the Church "on the 14(b) issue . . . perhaps unknowingly, stepped across this ill-defined boundary [between church and state]."¹⁸ While Mormons recognize the well-meaning and sincere intentions of the First Presidency, many of those outside the Church do not. For this reason it is important for the Church to "play by the rules of the game." We feel the following recommendations will enable the Church to continue its dynamic role in society, and at the same time refrain from even the appearance of breaching the delicate partition separating Church and State:

1. When policy positions are taken by the Church on secular matters it is preferable that they be stated as generally as possible and be focused on broad moral principles or basic social questions. Specific statements by the Church on pending pieces of legislation can be interpreted by non-members as the dictation of votes from Salt Lake City, and by members as the prohibition of L.D.S. legislators' right to take a contrary position.

2. When Church leaders do make statements on secular questions and particularly when these questions relate to pending legislation, distinctions should be made between "opinion" statements and "thus saith the Lord" statements. For instance, during the 14(b) controversy, President Hugh B.

¹⁸Robert L. Morlan, "Separation of Church and State: The Mormon Congressmen and 14(b)," *Frontier Magazine* (July 1966).