



ON SAVING THE CONSTITUTION OR WHY SOME UTAH MORMONS SHOULD BECOME DEMOCRATS

By Eugene England

N EARLY ONE HUNDRED YEARS AGO, IN SEPTEMBER 1891, there occurred, in Huntsville, Utah, a very strange scene for a town in the United States. Almost exactly 100 years before, in 1791, this country had ratified a unique and daring Constitution. The framers, at the close of the Constitutional Convention in 1787, had believed that their document, then but a government in words, could only succeed because of "the genius of our people" by which they meant the average American's independent political wisdom and love of their independence. But here, in an American town, on a bright Indian summer morning with the young cottonwoods and Lombardy poplars turning bright yellow along the streets and pockets of gold aspen and deep-red maples visible on all the surrounding hills, Church leaders were going from door to door,

assigning one acquiescent family to be Democrats, the next to be Republicans.

An established part of Mormon folklore are such accounts of how in 1891 various local authorities divided congregations into the two acceptable national parties, as part of the process of accommodation to Gentile political ways that was necessary for Utah statehood. Many report having heard David O. McKay, later one of the most openly Republican of Mormon Church presidents, tell the story of how Huntsville was divided by alternate houses. Joseph Nelson, later head of the Saltair Corporation, claims he was present when his bishop stood at the head of the chapel in Sacrament Meeting in his Salt Lake ward and declared all the Saints on one side of the aisle Democrats and those on the other Republicans.¹ In Rockville, in southern Utah, the leaders simply divided the community down Main Street.² Whatever the mechanism, in the early 1890s Mormon leaders, from the First Presidency through many General Authorities and stake presidents

EUGENE ENGLAND is a professor of English at Brigham Young University. A version of this paper was given at the Sunstone Symposium IX.

down to bishops and other local leaders, were energetically engaged in a remarkably paradoxical enterprise: They were proving the *independence* of Mormons from the political influence of their leaders by using Mormon leaders to influence Mormons toward joining the Republican Party.

As everyone in Utah well knew, a wholesale onslaught on Mormon beliefs and civil rights had been led by the national Republican Party since its initial platform, in the 1850s, had promised to eradicate what it termed the “twin relics of barbarism”—slavery and polygamy. In response, the Mormons formed the People’s Party, which became anti-Republican as its efforts for statehood were denied and increasingly punitive measures were passed against the Mormons by the Republican-controlled national government. But by 1891 Church leadership had become convinced it must disband the Mormon party in order to gain statehood and thus independence from “carpetbaggers,” Republican appointees from Washington who, as they did in the devastated South, exercised insensitive, even immoral and tyrannous, control that essentially disenfranchised many of the local people. Church leaders knew that if things were left to chance most Mormons would simply become Democrats, and in reaction Gentiles would become Republicans, perpetuating the same bitter political/religious division that had plagued Utah since the formation of the anti-Mormon Liberal party in 1870.

The insight and intentions of the First Presidency are revealed in a letter written in May 1891 to John W. Young, who had long served as an unofficial liaison to national Democratic party leaders. President Wilford Woodruff, and his counselors George Q. Cannon and Joseph F. Smith, inform Young that the political field in Utah is now “ripe ready to harvest,” but that Mormons are anti-Republican in their sympathies and thus likely to “rush into the Democratic ranks.” They believe it is “of the highest importance that this not be the case.” Consider their reason, which helps explain their controversial and still sometimes maligned actions in dividing Mormon congregations and encouraging many people who were natural Democrats to become Republicans: “The more evenly balanced the parties become the safer it will be for us [Mormons] in the security of our liberties; and . . . our influence for good will be far greater than it possibly could be were either party overwhelmingly in the majority.”³

That statement shows remarkable, inspired, foresight. It also demonstrates, I believe, greater insight into the basic strength of our political system than that of the anti-Mormons of that time, mostly Republicans, who were willing to use any means, however unconstitutional, to destroy Mormonism as supposedly un-American. And it shows better insight into the nature and value of political parties than that of many Mormons today, mostly Republicans, who believe the Truth resides with their party and that salvation will come with its supremacy.

Yes, I believe some Utah Mormons should become Democrats, not because the Democratic platform is “truer,” certainly not because its leaders and candidates are “better,” as political rhetoric of those in both parties would claim for themselves. I believe Utah Mor-

mons should become Democrats simply because for about twenty years the Democrats have been a steadily dwindling minority in Utah, and thus Republicans are developing the attitudes and practices of one-party rule. Those attitudes and practices are much more dangerous than the particular beliefs or programs of either party. I believe some Utah Mormons should become Democrats for precisely the same reason the First Presidency encouraged some to become Republicans in 1891: “The more evenly balanced the parties become the safer it will be for us in the security of our liberties; and . . . our influence for good will be far greater than it possibly could be were either party overwhelmingly in the majority.”

Some of you are thinking by now that you are hearing simply a partisan plea by a disgruntled Democrat. Not so! I am a life-long Republican, a descendant of Willkie and Dewey supporters. I voted twice for Nixon (though not a third time) and twice for Reagan. I grew up hearing how my grandfather was kept in near starvation conditions through the latter part of the Depression by anti-Mormon Democrats in Idaho. They swept in with Franklin D. Roosevelt and gave all his work painting state buildings to their incompetent cronies, who, as he said, besides depriving him of a living, “couldn’t paint worth a tinker’s damn.” I often heard my father fulminate about Roosevelt’s federal farm agents, many the sons of pork-barrel politicians. With no knowledge of local people and land conditions, they wasted lots of money and tried to impose useless or even destructive controls.

Despite all this I sincerely believe the time has come for me and lots of other Utah Mormons to become Democrats—at least until the parties are nearly equal in strength again in most of the state.

In fact, it might be good for our Church leaders to encourage us to do some shifting. This would have to be behind the scenes of course and mainly by example, but there could be some old-fashioned dividing of congregations or at least some quiet assignments to even-numbered stake presidents and bishops. At the very least such action would make clear to Mormons the fundamental Constitutional principle that American freedoms are based upon: separation of powers and prescribed checks and balances, strongly aided by the development of the two-party system. If those checks and the party system are kept strong and balanced, they create a *process* of government that is the surest guarantee—in fact, the God-inspired guarantee—of our liberties, much more sure than the particular *content* of any person’s or party’s ideas about what our government should do.

Political parties have generally had just the opposite effect of that anticipated by the framers, who deplored partisan politics as too polarizing to society and made no mention of them in the Constitution. Instead, parties have *reduced* partisan polarization; they have helped keep politics in the United States mainly non-ideological, forcing partisans to compromise their demands, trade favors, unite with strange bedfellows to get *part* of what they wanted and in turn help those strange people get part of what *they* wanted. This has provided a basis for coopera-

tion between people of different religions, races, and sectional interests; it has tended to shrink volatile dogmatisms into manageable issues and has effectively translated what I think was the most profound and inspired insight of James Madison, truly the “father” of the Constitution, into reality.

In August 1786, just ten years after the Declaration of Independence and only five after the Articles of Confederation had been ratified, America’s great experiment in creating a “new order of the ages” was failing so seriously that George Washington wrote John Jay, “What a triumph for the advocates of despotism to find that we are incapable of governing ourselves.”¹ But at about this same time, Madison, an intellectual and political leader from Virginia who had come to exactly the same conclusions as Washington, moved to do something. He had been engaged in six months of intense study of books on history and government sent him from Paris by Thomas Jefferson. He now took time off from his studies to attend a convention at Annapolis on regulating trade among the states. There, together with two friends, the strong federalist Alexander Hamilton of New York and Governor Edmund Randolph of Virginia, he successfully led the delegates in making a unanimous call for yet another convention. It was to be held the next May in Philadelphia and with a greatly expanded agenda: essentially to amend the Articles of Confederation.

In the meantime Madison wrote two papers based on his studies and shared those and other ideas extensively with Washington and Randolph and the rest of the Virginia delegation. When business began on May 28, 1787, Randolph rose with a prepared sketch for a new Constitution, what became known as the Virginia Plan and mainly the work of Madison. That written plan immediately moved the Convention beyond its announced purpose and gave the affirmative edge to those favoring a strong national government.

However, by the second week, in a reconsideration of the means of selecting members to the proposed two-house Congress, a basic roadblock became visible: Some worried that states with small populations like Rhode Island would be “subject to faction,” rent by the passions of minorities, while others found the large states like Massachusetts impervious to effective democratic government, but inclined to anarchy and misrule. Madison turned these apparently mutually supportive arguments against each other: Drawing on his long study of republics and confederacies he pointed out, in the argument he later developed fully in *The Federalist*, letter 10, that all civilized societies are divided into numerous sects, factions, and interests; that whenever a majority is united by a common interest or passion, the rights of the minority are in danger; and that neither honesty, respect for character, nor conscience had succeeded in restraining the majority in past societies from infringing on the rights of the minority—in fact, he reminded his colleagues in a sentence that should burn with memory and caution for every Mormon, “Religion itself may become a motive to persecution and oppression.”

What remedy then? It was brilliantly simple, original—and crucial in removing the roadblock to an acceptable Constitution: To *enlarge* the sphere and thereby divide the community into so great a number of interests and parties that, in the first place, a

majority will not be likely at the same moment to have a common interest from that of the whole or of the minority and, in the second place, that in case they should have such an interest, they may not be able to unite in the pursuit of it.²

Madison thus provided the delegates a way to believe that the evils they all had seen flowing from an *excess* of democracy, rather than being increased in a national government and large growing country, would actually be decreased as they counteracted each other. And as the delegates acted on that faith to create our country, Madison became a prophet of how a huge pluralistic society has in fact worked with unique success for over 200 years. The unusual stability and internal peacefulness of our country results from its government structure and what the noted writer on our political and educational systems Daniel Bell calls America’s “constitutional culture,” with its many checks and balances, including the two-party system.³ Our system encourages the formation of shifting coalitions in ways that safeguard the liberties of all citizens, particularly minority groups, whose rights are always most at risk in any society.

Two other moments stand out for me, in that four-month process of compromise and shifting coalitions that produced the miraculous document we have honored this past year. They are particularly important to my argument for political pluralism. The two moments are the decision to give the war-making power to Congress, not the president, and the decision not to give either Congress or the president the power to impose what were called “sumptuary laws.”

I begin with the second: In late August, as the Convention moved into its final stages, George Mason of Virginia moved to enable Congress to enact laws designed to regulate personal behavior on moral and religious grounds. He argued, in a way that sounds reasonable to most Mormons and conservative religious people generally, “No government can be maintained unless the manners [by which he meant private moral behavior] be *made* [my emphasis] consonant to it.”⁴ After a few speeches in opposition, the Convention voted down the proposal, and, except for the unfortunate fourteen year experience with Prohibition from 1919 to 1933, our system has generally avoided wholesale infringement upon people’s private morality.

Why would I, a teetotaling Mormon, who believes that smoking and drinking and sexual promiscuity and perversity are among civilization’s most destructive evils, want government to stay entirely away from trying to control those things except as they directly victimize others? For two reasons: First, I want freedom of conscience in areas of personal morality and faith for *myself* and therefore must protect it for others. Second, I do not want to live in a society, like most of those in the world, driven by the conflict and violence that always result from attempts to coerce faith and personal morals—as we can see it clearly did in Prohibition, as well as in the earlier attempt to control Mormon polygamy.

Daniel Bell has a twofold explanation for the remarkable, even unique, stability of our government for over 200 years: First, the unexpected stability in pluralism that Madison predicted, built

on coalition-forming between interest groups and thus protection of the interests of potentially rebellious minorities. And second, the way we have reduced conflict by largely avoiding legislation in areas of personal morality. As Bell points out, for most people those areas are nonnegotiable. They involve the deepest personal convictions, which cannot be adjusted or compromised, and when compliance is forced, it gives rise to the deepest resentments and eventual rebellion. The arena of law should be reserved for procedural matters and areas where we directly harm others or restrict *their* rights. These matters are generally clear and acceptable—or are at least negotiable, meaning we can compromise and live with the compromises. When we cannot compromise

our consciences or we feel personally infringed upon, conflict is the result. As Apostle Brigham Young, Jr., reflecting, I am confident, his father's view, confessed during the polygamy persecutions of 1884, "I am willing, in political matters, to . . . let the majority rule But in the things pertaining to conscience no man, no set of men . . . can control me before my God I am a free man in relation to these matters, not bowing to any majority nor to any party."

Majority control over matters of conscience was precisely what happened in polygamy, and Mormons should remember it well. As Bell pointed out to a BYU audience in the fall of 1986, well aware of whom he was speaking to, "Cultural conservatives should be political liberals."⁹ In other words, those who want the freedom to practice their strong and unusual personal religious beliefs and ethics should be among the most active in promoting a system where *all* are free to do so, even "evil people" whose beliefs and actions are deeply repugnant to them, as long as those beliefs and actions do not unavoidably and significantly infringe on the rights of others.

Mormons should be among the most active opponents to anything like George Mason's sumptuary laws, such as Prohibition, blue laws of any kind, such as Sunday closing, laws that try to control private morality or activities between consciously consenting adults, no matter how perverse. We should be against any

governmental coercion upon teachers or curriculum—as is often made against teaching of particular religious views and is now being attempted in the South against teaching evolution. Yes, we should even be against prescribed school prayer, even so-called "moments of silence" whenever; however subtly, those publicly mandated forms act to coerce young minds. Spiritual and moral coercion not only violate the most central value of the Constitution but the central values of the Mormon religion, the very ones that lead us to revere the Constitution.

Mormons are perhaps the only remaining religious body which believes the U.S. Constitution was literally inspired by God. The crucial scriptural passage is Doctrine and Covenants 101:77-80, a revelation to Joseph Smith in 1833, only forty years after ratification and not long before Madison died, the last surviving framer and certainly one of those the Lord refers to in saying to Joseph, "I established the Constitution of this land, by the hands of wise men whom I raised up unto this very purpose" (Doctrine and Covenants 101:80).

Knowledgeable non-Mormons—and some Mormons—may laugh at such a description of those fifty-five mortal men, mostly quite secular,

few of them pious, and many quite dissolute. But after reading the story of their accomplishment in William Peters's excellent history, *A More Perfect Union* (Crown Publishers, 1987), I cannot laugh. By devising the first government in history which allowed a group of people consciously to place themselves under the rule of law—and then convincing them to do just that, these men have proven to be extremely courageous and wise. At the same time they achieved a structure that promotes the most fundamental goal of inspired prophets through the ages, that individuals be able to assume moral responsibility for their own actions.

The revelation I have quoted from also says that the American Constitution and laws are acceptable to the Lord only as they are "established and . . . maintained for the rights and protection of



all flesh, according to just and holy principles" (D&C 101:77). The principles which are then stated, as Noel Reynolds has pointed out,¹⁰ are precisely what we mean by the rule of law: "That every man may act in doctrine and principle pertaining to futurity, according to the moral agency which I have given unto him, that every man may be accountable for his own sins in the day of judgment" (D&C 101:78). The framers wanted a system where people could be free to pursue wealth and happiness and personal salvation in whatever form they chose and could do so with confidence that the laws would apply consistently and equally to all, whatever their private goals.

There would be absolutely no intervention by the whims and arbitrary commands of rulers that would prevent them making moral choices as well as legal contracts with reasonable ability to predict the future consequences.

Such a system uniquely guarantees that all persons can be held morally responsible, both before the law where appropriate and always before their consciences and God: They are accountable for their actions and choices since they are free from compulsion. As Hugh Nibley has written: "The best of human laws leaves every man free to engage in his own pursuit of happiness, without presuming for a moment to tell him where that happiness lies; that is the very thing the laws of God can guarantee. At best, the political prize is negative."¹¹

Mormons have trouble with this. Natural utopians, we tend to want more from the system than it can give. Republicans also tend to want to legislate private morality, to use law to *make* people good, to get them not just to refrain from harming each other but *be* good. Such an effort by Republicans to do God's work for him, to use the power of the state to do what only churches and other non-coercive social and cultural forces should ever try to do, once led the party into one of the most outrageous intrusions upon human rights in American history, one that ranks with Jim Crow laws and our internment in concentration camps of U.S. citizens of Japanese ancestry during World War II.

I mean, of course, the antipolygamy crusade against the Mormons. That crusade was doubly pernicious in that it not only violated the fundamental principle that government should not intrude into matters of personal belief and morality, but it let that end justify blatantly unconstitutional means. Perhaps most repugnant is that it employed two ancient enemies of the rule of law that the framers explicitly renounced: *ex post facto* laws, which make *past* actions criminal and thus remove predictability and moral responsibility (see *Journal of Discourses* 4:39 for Brigham Young's denouncement of this) and bills of attainder (declarations of guilt and punishment of specifically targeted individuals or groups by legislative bodies rather than by fair trial in court).

Led mainly by Republicans, the government passed, declared constitutional, and then brutally enforced a series of laws designed to coerce Mormons into conformity with Victorian America. The Morrill Act of 1862 forbade people from "cohabitation" in plural marriage. The Edmunds Act of 1882 imposed five-year sentences on polygamists and deprived them forever of the right to vote and

hold office, and the infamous Utah Commission, appointed by Republican President Chester Arthur to enforce that Act, imposed a religious test oath by requiring that voters and office seekers swear they did not practice polygamy and then made that oath retroactive (both actions directly violate the framers' express intentions). In Idaho, mere membership in the Church was used as a religious test to disenfranchise *all* Mormons, whether polygamous or not!

In 1887 the Republican Congress, angry about Mormon resistance, moved directly to attack the *organization* behind the practice of polygamy. The Edmunds-Tucker Act disincorporated the Church, took over most of its properties, disenfranchised all polygamists and all Utah women (Mormon or not), abolished the Perpetual Emigrating Fund that subsidized immigration from Europe, and took over the Mormon-dominated public school system. No wonder that James Henry Moyle, who witnessed this period as a young man, could write that reading the Liberal Republican-controlled *Salt Lake Tribune* for that time demonstrated that "there was no fundamentally American political principle that [the crusaders] would not have sacrificed to achieve their ambition and determination to secure the political control of the Utah Territory and the destruction of Mormonism. . . . Not a few of them placed no limit on the executive and judicial action which they would take to secure for the minority control of the majority and to deprive the majority of its most fundamental political rights."¹²

Moyle was an ardent, lifelong Democrat and devout Mormon. Though he eventually served as a mission president for the Church, he suffered much humiliation under the cloud of anti-Democrat feeling that strangely developed among Mormons after the partitions of 1891. Mormons soon forgot their former evil treatment at the hands of Republicans, and he was amazed and sorrowful that the Church leadership, in trying to prevent Utah Mormons from going overwhelmingly Democrat (which, in a moving passage of devotion to his leaders, Moyle says they were right to do), made Utah Mormons overwhelmingly Republican. He regrets mainly the great confusions and personal tragedies these efforts produced, especially those that came to Mormon Democratic leaders B. H. Roberts and Moses Thatcher. He feels deeply the "great injustice to the Democratic Party that was perpetuated" in the ingratitude and partisan excesses that followed. He concludes, in a lesson for Mormons and non-Mormons today, that it is futile for even great men "to be both political and ecclesiastical leaders at the same time in a government where political parties are controlling and voters divide on political lines. . . . In America politics and religion should never be entangled."¹³

My concern is that religion and politics are beginning to be entangled again in Mormonism, not among the General Authorities so much as among local leaders and in Mormon popular culture. It is no longer merely a joke that a good Mormon cannot be a Democrat, and Mormon Democrats are constantly on the defensive, seeming to feel a need to apologize for being Democrats. The natural reaction feared by Church leaders in 1891 is also occur-

ring, though now in the opposite direction: Non-Mormons are gravitating to the Democratic Party as the Republican Party in Utah becomes identified with Mormonism.

One of the most troubling elements of this polarization is the growing Mormon tendency to find absolute or at least superior, even divine, truth in the Republican Party platform. At the practical level our system depends, I believe, on a difficult skill, suited to that quality the framers called "the genius of our people." It is the ability to energetically pursue a program or idea in the political marketplace and then calmly accept its defeat or modification through compromise. It is a skill based on the recognition that the finest truth or law or program is never the creation of one person or partisan group but is rather the result of the passionate conflict and combining of ideas and proposals in a democratic context. It is based on the notion articulated by Milton in *Areopagitica*, his great defense of freedom of the press and of expression, which freedom was among the first listed in the Bill of Rights, right after free exercise of religion, and is perhaps the most cherished American freedom. Milton's surprising idea is that virtue and truth are made pure and whole, not by being cloistered and protected from exposure to contrary, even "evil" actions and ideas, but by the opposite: full engagement in a tempting world and a full marketplace of ideas.

Three hundred years after Milton's essay, Walter Lippmann, writing in August 1939, just as liberty was under worldwide assault at the beginning of World War II, reminded us that our vaunted ideal of freedom of speech and political opposition is not merely an abstract virtue or matter of simple neighborly toleration but an absolute practical necessity: "We must protect the right of our opponents to speak because we must hear what they have to say. . . . because freedom of discussion improves our own opinions."¹⁴ He points out that in our system we pay the opposition salaries out of the public treasury, because like a good doctor, who tells us things that are unpleasant and may have to be changed, operated on, in our bodies, an opponent can help us be more healthy.

Lippmann shows how dictatorships defeat themselves by liquidating or at least terrifying into silence the very voices that would help them avoid or correct their inevitable errors. It is precisely such opposition and debate, especially concerning such a crucial matter as making war, which our Founding Fathers placed firmly in an open, contentious body like Congress, because they knew that there, rather than in the patriotic but narrow vision of a single person like Oliver North or H. R. Haldeman, the best decisions would be made and most effectively changed if they needed to be. It is there where what Lippmann calls "the indispensable opposition" most effectively operates and where Reagan, as well as Nixon, should have turned to tell and hear the truth, because, as Lippmann concludes: "A good statesman, like any other sensible human being, always learns more from his opponents than from his fervent supporters. For his supporters will push him to disaster unless his opponents show him where the dangers lie."

Good Democrats or good Republicans are *not* those who believe their party has all truth and goodness and who yearn for com-

plete victory and one-party government control. They are rather those who rejoice in the compromise, enlightening debate, checks on natural aggrandizement of power, etc., that the process of inter-party conflict makes possible. They are like Todd Britsch, Dean of Humanities at BYU, who recently said to me, "I do not feel good when I have power to implement my ideas without argument and opposition. I've learned that without strong rebuttal and rethinking they are likely not to be very *good* ideas—and may be very bad ones." Good Democrats and Republicans are those who realize that the political process is strongest when the parties are nearly equal in strength. If necessary they work, or even change affiliations, to bring that about.

Let me illustrate the danger I feel in Mormon devotion to supposed one-party truth. In the spring 1987 run-off election for BYU student body officers, two students who had had some experience in using negative methods in state political campaigns used such methods to defeat a student they found objectionable simply because he was a liberal Democrat. The candidate, who had led strongly in the primary and thus was likely to win, had been president of Response, a club that sponsors the Peace and Human Rights symposium held at BYU each year. He had participated in an on-campus anti-Contra demonstration, and he had signed a petition published in the *Daily Universe* calling for U.S.-Soviet arms reduction.

The two students, according to a report in BYU's independent *Student Review*, "were committed to the perpetuation of a conservative political philosophy at BYU through the perpetuation of politically conservative [student] leaders."¹⁵ Their campaign consisted solely of allegations about the candidate's financial management and criticism of his bringing to campus "leftist speakers." The candidate, and other people in a position to know, responded, in a *Universe* article, with statements such as: Yes, he brought liberal speakers to campus, but along with conservative and moderate speakers, as part of the intended and approved function of the symposia to educate the BYU community to a range of views, and Yes, there was an \$800 deficit listed on the Response account, but it was simply an accounting error and had been removed.

The two students then printed an illegal but apparently very effective flyer, which quoted only the admissions but not the explanations. When asked why they did this they responded that to print the explanations as well would have limited the "rhetorical effectiveness" of their flyers.¹⁶ These actions were probably the reason the candidate lost, and they reveal a profound and dangerous misunderstanding of our political process (as well as Christian morality) by some young Mormons.

But lest anyone think that such intolerance and misunderstanding of our system occurs only at BYU or among conservatives, let me tell about my alma mater, the University of Utah. Because the "U" was founded by Mormons and remained predominantly Mormon until well into this century, there was much Church influence, and the increasing non-Mormon faculty at times felt

somewhat beleaguered. In some departments there is probably still a Mormon clique that sometimes controls things unfairly. But when I was a student there in the 1950s, I found in all the humanities and most of the social science departments an almost completed swing to the opposite condition: Nearly all the teachers were non-Mormons or had left the faith, and I found in many classes and most public occasions a subtle but unmistakable disdain for things Mormon.

Sometimes the disdain wasn't so subtle. Naive or pious freshman themes and term papers by Mormons were belittled, among the faculty and graduate students and even directly to the authors. The local culture was openly stereotyped as ignorant, repressive, and prejudiced. A faculty member even seriously asserted at a public forum that it was inconsistent for a Mormon bishop to be a university professor because commitment to any particular set of beliefs precluded the necessary scholarly skepticism and objectivity. Which left unspoken the interesting question of what professors were to profess—apparently only criticism of religious or conservative beliefs or fostering of particular liberal political and moral crusades. And this was usually done under what I believe is the most dangerous cloak for unexamined beliefs and assumptions, the *claim* and aura of objectivity.

In 1975 I found that things were getting worse. My visits to the U., and a stint teaching a class in the extension division, revealed that many professors thought of the University as a small island of light in the great darkness of Mormon country. Their mission was to disabuse the Mormon students of their conditioned naiveté and to belittle their church and culture—if in no other way by simply not taking it seriously. Even though 70 percent of their students were LDS, many professors and graduate assistants seemed to feel no obligation to respond to that reality in their teaching, the way their liberal convictions would have led them to respond in any university with predominantly black or Jewish students—that is, by learning about and engaging in respectful dialogue with the ideas and art and institutions and people of the local culture.

One of my revered former professors, in genuine sorrow, admitted that his department simply would not hire an active Mormon into a tenure-track position. It was extremely hard for me to believe that such blatant prejudice was possible at a modern state university, but as I looked more closely I could see he was right—they hadn't hired an active Mormon in twenty years (and still haven't twelve years later). I also found that friends had similar experiences with other departments, one even finding that he had been mistaken for a non-Mormon and invited to the separate non-Mormon party for candidates, where he was being told frankly about the majority's anti-Mormon convictions and determination not to hire such an intrinsically handicapped creature.

Since anything a *Mormon* president or academic vice-president would do about this embarrassing and costly blot on Utah's remarkably fine higher education system would be immediately suspect, it seems to me that it is high time for *non-Mormon* leaders of stature in the administration and faculty to approach the question as an educational rather than a religious issue. They could set the example, showing respect for their Mormon colleagues and stu-

dents by engaging openly in serious dialogue with them. Then they could act (including legal action) on the assumption that undergirds our Constitution, that *all* individuals and groups, ethnic or religious or whatever, are potentially equal in the value of their ideas and feelings and must be accorded equal opportunity to work and learn and teach, without being impeded by anything irrelevant to the matter at hand, whether race, sex, or their religion or lack of it.

There may be some still not convinced, so let me return to the other of the two actions by the Constitutional Convention that I said were so important to my argument that some Utah Mormons should become Democrats. Republicans have recently participated in the massive erosion of a central constitutional principle, the restriction of war-making to *Congress*, not the president. They need some principled, even religiously passionate, opposition.

On August 6, 1787, the Committee on Detail distributed a printed draft of the proposed Constitution to the Convention, which provided, "The legislature of the United States shall have the power . . . to make war . . ." Pierce Butler of South Carolina suggested that the war power be given to the president, who, he said, "will not make war [except] when the Nation will support it." But he was the only delegate, then or ever, to suggest that the executive branch be given power to initiate war. In fact, the danger of a too-powerful executive was perhaps the chief concern of the delegates in forming a strong federal government. "It has been observed that in all countries," one warned, when they were first deciding in May whether to have a one-person or three-person executive, "the executive power is in a constant course of increase."¹⁷ John Rutledge of South Carolina said, "I am for vesting the executive power in a single person, though I am not for giving him the power of war and peace."¹⁸

In the 6 August 1787 review of the document, Madison moved to replace "make war" with "declare war" in the provision giving Congress that power, "leaving it to the Executive the power to repel sudden attacks." And the discussion that followed makes perfectly clear that the general concern of the delegates was not thus to *narrow* the power of the Legislature but simply to allow the Executive to respond quickly to *invasion*. George Mason of Virginia, the records of the Convention tell us, "was against giving the power of war to the Executive, because not [safely] to be trusted with it. . . . He was for clogging rather than facilitating war; but he was for facilitating peace."¹⁹

We have come to a condition, 200 years later, where the president has effectively taken over the power of initiating war, with almost no opposition from Congress. Until recently presidents (such as Lincoln in 1861 and Truman in 1950) have initiated hostilities with some assurance that the American people would agree and Congress would ratify the action. But this unconstitutional encroachment has reached such arrogance that President Johnson intentionally misled the country and Congress in order to carry on a war in Vietnam, and President Reagan and his executive branch supporters have continued the war they began in Nicaragua by secret and illegal means, even when polls consist-

ently showed that a majority of Americans were against it and Congress had expressly forbidden such actions.

Congress is far from faultless. For forty years it has abrogated its constitutional and morally sensible responsibility to debate carefully, decide cautiously, and then announce clearly to the world a declaration of war by this great nation. Many Congressmen have made this violation of their promise to defend the Constitution, it seems, out of a misguided loyalty to their president when he is of their same party. Such partisans fail to understand the basic constitutional principle of separation of powers, which means that to fulfill their oath of office they *must* oppose improper actions by the president, especially infringement of the separation of powers, even when he is of their own party.

The fault is certainly shared quite equally by both parties, just as they share about equally the number of imperial presidents, beginning with FDR, who have most blatantly and improperly taken to themselves the war power. But right now Republicans seem most guilty, which is another reason I think more Mormons, who have particular reason to respect the Constitution and oppose war, should be Democrats.

Perhaps Mormon Democrats would have enough independence from loyalty to our Republican president to point out that this country has not been attacked, in the sense clearly intended by the framers in giving some power to presidents to initiate defensive action, since Pearl Harbor. They might ask why, given this fact, we have had a series of horribly costly wars. They might be willing to point out that the excuse usually offered for unilateral presidential action—that in a smaller and more technological world we cannot wait until the enemy is at our shores (which has been used concerning Vietnam and Grenada and Nicaragua)—makes just as much sense if carried all the way to a first strike on Russia. They might suggest the unlikelihood that God would bless and protect a nation that engages in illegal activities and lying. They might be willing to renounce rather than defending such actions by functionaries—and even the president—from the branch of government directly charged to execute the law. They might find impeachable offense in presidential condoning of assassination, preemptive strikes, secret building of permanent bases in Honduras in violation of law and treaties, and continued, arrogant disregard of the judgment of the World Court that we should stop interfering in Nicaragua.

Mormon Democrats, since our Mormon Republicans will not, might be willing to ask why our government assumes it can use illegal and underhanded means to support the Contras, a group we have essentially created, who are trying to overthrow a legal government which has committed no illegal or even aggressive act directly against the United States and with whom we are certainly in no state of declared war. What possible legal or moral right do we have to insist, as we are continuing to do, in ways that work against the peace plan recently developed by five central American nations, that Nicaragua become as democratic as we wish or even that they exclude all Russian strategic weapons? It simply will not do to cite the Monroe Doctrine, which has no

basis in international law or rational morality—certainly no more than does the Brezhnev Doctrine (in which he claimed the right of Russia to support socialist revolutions), which we rightly condemn without seeing that it exactly parallels the Monroe Doctrine.

What if Russia were to insist that West Germany, a nation that is nearer to their borders than Nicaragua is to ours and is, on historical evidence, much more a threat to them, must install a government to their liking and exclude all American weapons? Such a demand would lead to World War III. Yet our Mormon Congressman have raised no objection to our similar demands concerning Nicaragua. They have apparently become more Republicans than legislators or Mormons. They seem to be more committed to the obsessive anti-communism of their party, which has allowed them to endorse violent efforts to overthrow governments we do not like, than they are to the clear teachings of Mormon prophets, which categorically reject such means. The Book of Mormon is perfectly clear on this, generally condemning *all* violence and only justifying as acceptable to God warfare that is *purely* defensive, warfare that is a measured response to a direct attack on a people's own territory and is carried out within its own borders (See Alma 24:17-19; 25:32-33; and 43:45-46). But in case that was not clear enough, David O. McKay, speaking for the First Presidency, at the beginning of World War II, outlined for modern nations the conditions under which such purely defensive war is justified, emphasizing carefully the limitations, especially this one: "Nor is war justified in an attempt to enforce a new order of government . . . however better the government . . . may be."²⁰

The United States directly violated that prophetic principle in Vietnam and Grenada and is now doing so in Angola and Nicaragua. Yet most Mormon Republicans approve, apparently willing to accept the argument of government and party leaders, "We're for peace in Nicaragua, but you can't have peace without democracy." That is simply a way of saying we will use force to make other governments do what we want them to do and makes as much sense as a reason for invading Russia or China as for supporting the Contras. Such an argument could be used, as rationally and probably more morally, to support intervention in South Africa for the disenfranchised black majority—or any number of other places in the world we might want to enforce a government more to our liking. But, as our prophets have insisted, the argument is morally wrong, and as history has shown, it merely leads to perpetuation of violence, not to either peace *or* freedom.

You can see how important it is for some Utah Mormons to become Democrats: First, it might produce some leaders on the national level who could help restore the badly violated separation of powers that right now most threatens our Constitution and our honor as a nation, our economy, and our very lives. Second, it would produce a vital two-party system in Utah, one that could prevent a destructive Mormon/non-Mormon split and lead, through constructive dialogue and compromise rather than lazy ideology, to much more innovative solutions to our pressing state problems. Third, it might even help us all to learn the basic lesson of our Constitution, that virtue and truth are the province

of no single person or party—in fact, are best found in the process of civil debate, which includes listening because we have to and even want to, adjustment, compromise, and then honest and honorable acceptance of the results until new ones are created in the process. We would oppose, even by those in our own party, illegal, covert means to undermine such things as the Congressional decision to stop aid to the Contras, means that are used simply because we think they know better what's good for our country than the vote of our elected representatives.

But, some readers, perhaps all, are thinking, your argument leads to the conclusion that not only should some Mormons in Utah (and presumably in California's Orange County and Southern Idaho, etc.) become Democrats, but some Mormons in Democratic strongholds like Massachusetts and Chicago should become Republicans. That not only should qualified Mormons be hired in the humanities and social sciences at the University of Utah but a non-Mormon president should be appointed there for the first time—and more non-Mormons hired at BYU. That Mormons should be invited to speak and teach about Mormon literature and culture and even theology at the U. and non-Mormons invited to speak and teach about challenging, even controversial “non-Mormon” subjects at the Y. That not only should Congress rise up and reclaim its Constitutional powers over war-making but that we should renounce all military interference in other governments and lands, even at the risk of communist subversion there. That we should not only switch parties easily to help keep things balanced and the dialogue vital but work *against* the passage of laws about what are clearly private actions, even Sunday closing laws and imposed school prayer. Are you saying that we should be less certain about the truth and virtue of our political positions, more willing to listen to opponents and change our minds, more passionate about the process of give and take in the development of new truths and better virtue than about which side we're on? Are you saying that both religious partisanship and anti-religious partisanship are extremely dangerous forces when mixed with politics or education? And are you even saying that what you have said in this essay, despite your very best efforts to speak the truth, is surely a little and might be a lot wrong, that it ought to be argued with and modified?

Yes, you've got it. That's *exactly* what I'm saying.

NOTES

1. J.D. Williams, "Separation of Church and State in Mormon Theory and Practice," *Dialogue: A Journal of Mormon Thought* 1, 2 (Summer 1966): 37. See also, concerning this period, Thomas G. Alexander, *Mormonism in Transition, A History of the Latter-day Saints, 1890-1930* (Urbana: U of Illinois Press, 1986); Gustive O. Larson, *The "Americanization" of Utah for Statehood* (San Marino, California: The Huntington Library, 1971); and Edward Leo Lyman, *Political Deliverance: The Mormon Quest for Utah Statehood* (Urbana: U. of Illinois Press, 1986).

2. *Ibid.*

3. First Presidency to Joseph W. Young, 29 May 1891, Historical Department Archives, Church of Jesus Christ of Latter-day Saints.

4. Quoted in William Peters, *A More Perfect Union* (New York: Crown Publishers, Inc.: 1987), p. 1.

5. Quoted by Peters, p. 63.

6. See Daniel Bell, "The End of American Exceptionalism," in *The Winding Passage, Essays and Sociological Journeys, 1960-80* (New York, Basic Books, Inc., 1980), especially pp. 264-271.

7. Quoted in Peters, p. 160.

8. Brigham Young, Jr., address given 22 June 1884, *Journal of Discourses* (Liverpool, England: F. D. Richards, 1854-86), vol. 25, p. 191.

9. Daniel Bell, "The Principles of Pluralism and Toleration," Brigham Young University Forum

Assembly, 7 October 1986.

10. Noel B. Reynolds, "The Doctrine of an Inspired Constitution," in *"By the Hands of Wise Men": Essays on the U. S. Constitution*, ed. by Ray Hillam (Provo, Utah: Brigham Young University, 1979), pp. 1-28.

11. Quoted in Reynolds, p. 15.

12. James Henry Moyle, *Mormon Democrat, The Religious and Political Memoirs*, ed. by Gene A. Sessions (Salt Lake City, Utah: LDS Church Historical Department, 1975), pp. 185-86.

13. Moyle, p. 209.

14. Walter Lippmann, "The Indispensable Opposition," *The Atlantic Monthly*, August 1939, p. 221.

15. James Cromar, "When One Man Made a Difference," *Student Review* 2, 13 (May 1987): 1.

16. Cromar, p. 16.

17. Peters, p. 57.

18. Peters, p. 47.

19. Quoted in Edward B. Firmage and Francis D. Wormuth, *To Chain the Dogs of War* (Dallas: Southern Methodist UP 1986), p. 18. This book, co-authored by a prominent Mormon professor of law at the University of Utah, Edward Firmage, is the best history of the gradual abrogation by Congress of its Constitutional war making power and critical review of the consequences.

20. David O. McKay, *One Hundred and Twelfth Annual Conference of the Church of Jesus Christ of Latter-day Saints* (Salt Lake City: Deseret Book, 1942), p. 72.

CALL FOR PAPERS

1989 DOCTRINE & COVENANTS LECTURE SERIES

PROGRAM CHAIR
DAN MARYON

SUNSTONE FOUNDATION
801/355-5926