

20 July 2007 - Salt Lake City | News Release

Elder Oaks Interview Transcript from PBS Documentary

The following is an edited transcript from the interview [Elder Dallin H. Oaks](#), a member of the Quorum of the Twelve Apostles — the second highest governing body of The Church of Jesus Christ of Latter-day Saints — gave for the PBS documentary [The Mormons](#):

Helen Whitney (HW): Could you just tell me a little about the grandmother running in to get the pewter as a self-contained story.

Dallin H. Oaks (DHO): Every fourth- or fifth-generation Mormon grows up with stories of their pioneer ancestors. I remember stories of burnings of homes and the expulsion from homes, the risking of life and sometimes the loss of life. That was part of my growing up as a Latter-day Saint boy. In fact, I have nothing but pioneer ancestors on either side of my ancestry. The last ancestor to join the Church joined in the 1850s and some joined as early as 1831 and 1832.

One of the stories that I grew up with that means a lot to me involves that period after Joseph Smith was murdered, when the mobs were trying to force Mormons to flee Illinois. And in that setting, several ancestors had their homes burned by mobs. A particularly poignant experience of my great-grandmother, 6-year-old Louisa Hall, later Louisa Hall Harris, tells how she and her mother fled into a cornfield

as a mob burned their home. Then, as they hid in the cornfield, her mother dashed back into the burning home and told her daughter later that she had gone back to get a pewter pitcher. She said, “I’m not gonna leave that there for them to melt into bullets to kill us with!”

HW: What do you take from that story?

DHO: This kind of experience is an example of dedication and an example of the faith of my ancestors that challenges me to live up to that in faith and dedication.

HW: From your testimony of this, you made it very clear that you felt that no other American group ever endured anything comparable to the officially sanctioned persecution posed on members of your church. If you could just discuss that briefly, I think most people are totally unaware of this story — totally, completely — this is virgin territory for most of the secular audience that is going to be watching this film.

DHO: Religious persecution has been a fact of the American experience. Jews, Catholics, other groups have experienced this, and Mormons experienced that too. But in every case that I’m aware of, that persecution came from neighbors. But in the case of the Mormons, unique to that circumstance is the fact that the persecution of the Mormons was officially sanctioned by at least two different state governments. The governor of Missouri activated militia units and issued an order that the Mormons should be driven from the state or exterminated if they could not succeed in driving them out. Later, the governor of the state of Illinois activated militia units, and those militia units had united to drive the Mormons from the state. They protected

those who were burning the Mormon homes, and they brought the official power of the government in the form of militia — military action to drive the Mormons out of Nauvoo. Earlier, a disbanded Illinois militia unit murdered the Prophet Joseph Smith.

HW: A range of people [Richard Bushman, Jan Shipp and others] talk about the varying reasons — not justifications — for why the Mormons were perceived as a threat. When I interviewed Richard Bushman, off-camera he said, “When I come to the end of all those explanations, there’s a mysterious other layer I can’t quite get to, can’t wrap my arms around, about why the Mormons were so feared and hated” in that period. Do you, in the end, come against a mystery when you look at the reasons for the persecution? Or does it seem comprehensible, looking at the 19th century at that point?

DHO: I think the persecution of the Mormons is largely comprehensible by the factors that existed at that time, but not entirely. There is an element in the fervency and persistency of it that is hard to explain on rational grounds.

On rational grounds, this was a new religion with at least two elements that were hard to digest in the religious community of that time. The nature of God and the claim of revelation, or prophetic leadership, together with the fact that that opened the canon of the Bible (so it seemed to be hostile to the Bible) — those are factors that would excite religious prejudice and persecution.

Easier for me to understand in the Nauvoo and Utah periods is the commercial rivalry. The Saints were a self-contained group; they didn’t trade with others. They were a commercial threat. It hasn’t been

written about as much by the historians as I think it should be. In the Utah period, this is very well known and well understood. In the Nauvoo period, it is less well known. But I think the traffic on the Mississippi River helps to explain, because there were rapids right near Nauvoo, the Des Moines rapids, which at low water prevented shipping from going from the upper Mississippi to the lower Mississippi. There was a lot of freight, including the lead from the Galena, Illinois, mines. You had to transship in low water. That meant hiring wagons and drivers and horses and so on. And the transshipment traffic would be commercially very significant. It could be located in Nauvoo, at the upper part of the Des Moines rapids, or the commercial center could be in Warsaw, the lower part of the Des Moines rapids. The Mormons were competing with the people from Warsaw. Significantly it was a militia unit from Warsaw that murdered Joseph Smith. The anti-Mormonism of that time was focused strongly in Warsaw, where Thomas Sharp had a defamatory newspaper. So I've always felt that commercial rivalries were a very important part of that.

One of the major reasons for conflict between the Mormons and their neighbors was political rivalry — the fear that the Mormons would vote as a block as their leaders told them to. I see that factor beginning in Kirtland. It comes to focus sharply in the Missouri conflicts. It's a very large factor in Nauvoo, in the expulsion from Illinois, and it was a major concern all through the Utah period. It culminated in the compromise that was worked out in connection with the seating of Senator Smoot after the turn of the century.

HW: And what about this “mysterious other layer?” Did you ever reflect on that or did you take those factors that you've spoken about

to explain it?

DHO: I have a religious explanation for it. It's unlike the other, which can be quantified in objective terms. I just think that this is the work of the Lord. The devil opposes it and moves people to oppose it by whatever means possible and on whatever grounds will pass muster in the court of public opinion. I think the fervency may come from this.

After you talk about all of the objective reasons for this persecution, there is still another layer necessary to explain the persistence of it and the fervency of it. I have to fall back on my belief that in this world there is good and there is evil. And some of the things that I see happening in the world like the Holocaust are only explainable by a manifest evil force, and I think some of that evil force was at work against the Mormons in this period.

HW: The question of religious freedom that we were addressing: I guess my question is, everybody has a different take on this. When the supreme courts finally weighed in and defined religious freedom and boundaries of it in relation to the Mormons, do you feel *then* that the Supreme Court ruling was overreaching, flawed or inappropriate, given the situation? There's a range of opinions, as you well know as a Mormon and as a scholar of religious freedom and as a legal mind.

DHO: I am of two minds on whether the *Reynolds* case overreached the proper bounds of religious freedom. On one hand it was a terribly prejudiced ruling and as a result of it, some of my relatives went to prison, and I can't ignore hostility to the ruling for that reason.

On the other hand, it was a development in formulating how religious organizations would relate to government, putting limits on how far

religious practice could be permitted to go. And there have to be some limits to religious *practice*, even though it's based on belief that is protected by the Constitution. There have to be limits on practice, and the *Reynolds* case was a first cut at putting limits on religious freedom, and those limits had to be placed. While you can argue with where the limits are placed — and they've been adjusted for more than a century since that ruling — it was a legitimate thing for the government to try to define them.

HW: In two or three sentences, please recap what that case was about. It was a really important case.

DHO: Well, if I can speak roughly, in the *Reynolds* case, you have a man who had married more than one wife — a violation of federal law which was enacted deliberately to prevent Mormons who lived in the United States territory from pursuing their religious practice of having more than one wife. And he was prosecuted and sentenced to prison for a violation of that law. And in the *Reynolds* case, the constitutionality of the law was challenged on the basis that religious freedom guaranteed the right to practice plural marriage.

HW: I asked a legal scholar about the repercussions of that case, and she said something very interesting, that it was like Protestant America is going after the Mormons and polygamy and thinking, “Do we want the government involved because it'll set those limits that are our limits.” She said, “What we learn from those polygamy cases was that the Constitution protects the freedom of belief but not necessarily the freedom to act. And as the 20th century progressed and as believers began to feel themselves the new secularism biting at their heels, and to learn to live by rules that they themselves had opposed on

amendments ...”

DHO: That’s the limit.

HW: I’m all over the place right now. I don’t need a comment on it, but a quote by Jan Shipps (who’s one of the consultants on the show, early on the show about Joseph Smith and revelation), she says, and I’m sure you’re well aware of this quote, that “the only way you can solve the mystery of Mormonism is by coming to understand the enigma at its core. In the end, that mystery lies in Joseph Smith. He is the endlessly fascinating prophet puzzler.” What made him so puzzling and why was he in his time so controversial?

DHO: Joseph Smith was puzzling to those around him because they could not explain what he was doing or why he was doing it. He was an uneducated, uncultured [man], unconnected to any powers that be, who was organizing a church and telling people that God had spoken to him and told him that all of the churches of that day fell short and that the fullness of the gospel of Jesus Christ had to be restored and along with it the authority to act in God’s name in performing ordinances that would be binding in eternity. That position of Joseph Smith was a threat to every Christian religious faith in the American continent. I don’t think it was perceived by non-Christians to be a threat, but it was to them too, if they had thought about it. He challenged the whole religious establishment of his day, and he did it from a point of obscurity, without an education, or prominence, or position, or power or property.

HW: What were those bold ideas that got people really nervous?

DHO: At the root of Joseph Smith’s mission and claims is revelation

from God, in the same sense that God spoke to Moses or to other prophets of the Old Testament, in the same sense that God spoke to and through the Twelve Apostles of Christ's time and those who succeeded Him. Revelation from God to man, which the Christian world generally said ceased with the apostles at the time of Christ, and which Joseph Smith affirmed continued in our day, is at the root of Joseph Smith's mission and his claim to the world.

HW: Would you agree the other huge idea is an embodied God?

DHO: The first revelation received by Joseph Smith was the appearance to him of the Father and the Son — embodied, separate, identifiable, tangible Beings who appeared to him in what we refer to as the First Vision. And that first revelation, concerning the nature of God as an embodied, glorified, resurrected Being, challenged the creeds of Christianity. Christianity describes God as a disembodied, incomprehensible, spiritual entity that fills the whole universe, and an indistinguishable Father and Son.

HW: A big idea! Any other idea that was startling and got people's attention?

DHO: Before the close of his ministry, in Illinois, Joseph Smith put together the significance of what he had taught about the nature of God and the nature and destiny of man. He preached a great sermon not long before he was murdered that God was a glorified Man, glorified beyond our comprehension, (still incomprehensible in many ways), but a glorified, resurrected, physical Being, and it is the destiny of His children upon this earth, upon the conditions He has proscribed, to grow into that status themselves. That was a big idea, a

challenging idea. It followed from the First Vision, and it was taught by Joseph Smith, and it is the explanation of many things that Mormons do — the whole theology of Mormonism.

HW: Is it the core of it?

DHO: That is the purpose of the life of men and women on this earth: to pursue their eternal destiny. Eternal means Godlike and to become like God. One of the succeeding prophets said: “As man is, God once was. And as God is, man may become.” That is an extremely challenging idea. We don’t understand, we’re not able to understand, all [about] how it comes to pass or what is at its origin, but it explains the purpose of The Church of Jesus Christ of Latter-day Saints, which is to put people’s feet on the pathway to a glorified existence in the life to come that is incomprehensible, but far closer to God than the Christian world generally perceives.

We have the idea of heaven and hell, of course. Hell is a place where people go that have not done well in keeping God’s commandments. But even that is a kingdom of glory. After people have suffered for their sins, God has a place for them as His children, which is a kingdom of glory. And then the people who are good and honorable people go to a higher kingdom, likened in the scriptures to the glory of the moon in contrast to the glory of the stars for the first group.

Then there’s a third kingdom, which so little is known of that the Mormons are unique in speaking about it. It’s the celestial kingdom, where God and His Son, Jesus Christ, dwell. And the purpose of The Church of Jesus Christ of Latter-day Saints, the purpose of the ordinance of baptism, the purpose of the commandments and the

purpose of the temple and its ordinances, is to qualify people for that celestial kingdom.

HW: Joseph, the man. I've read so much about him, talked to people who spent their lives looking at him. He's clearly a man who is human and rich in contradictions and layered, and a man when he's a man and a prophet when he's a prophet. How do you see Joseph the man, and what do you perceive as his contradictions?

DHO: I begin by trying to imagine a 14-year-old boy having the vision that he had and then having a period of three or four years where he pondered what it meant, tried to grow up, and then having put upon him in his teen years the responsibility of beginning to translate the Book of Mormon and to organize a church. I think of the physical and emotional and spiritual immaturity of this young man. And so I cut a lot of slack for immature actions, incomplete understandings in the early years of this fledgling prophet. As he grows older, I marvel at what a quick study he is, how quickly he learns how to do the common things of relating to people, trying to earn a living for his family, making an organization, and defining positions and judging associates and delegating authority. I am amazed at every stage of his development. As I said, I cut him a lot of slack for what I would consider to be mistakes of immaturity or inexperience. I don't see any moral deviations in this man. I don't feel to apologize. People have charged him with things, but I think the record and the reliability of accusations that are made against him is questionable on the available evidence. So I exercise all doubts upon conflicting evidence in favor of the man who did what he did, who must've been a pure vessel for God to do so much through him.

HW: Joseph's death (I've asked very few people to recount the events of the death). I sense it's a powerful moment for you. I have some questions about it. I'd love it if you could just briefly tell the events leading up to his death. This is a powerful story. The night of his death he was with his friends.

DHO: The week that culminated in Joseph Smith's death was a time of great stress for the Mormons in the city of Nauvoo. The governor had activated militia units; they were threatening to march on Nauvoo, and war, great loss of life, was in prospect. The Prophet Joseph Smith was seeking ways to take the steam out of this kettle. He agreed to surrender himself at the county seat of Carthage, some 20 miles from Nauvoo. He knew that his life would be in danger by doing that. His friends counseled him not to do it. He did it nevertheless in order to save his people. He surrendered himself on a charge of riot for the destruction of an opposition newspaper in Nauvoo. That was a relatively trivial charge, and he immediately had a hearing and was discharged. But in order to keep him in custody, the enemies charged him with treason, which was not aailable offense so that the charge of treason, however frivolous it was, kept him in confinement.

While he was in the Carthage Jail for several days, plans were laid to murder him. The governor, whether he was part of the plan or not, facilitated the plan by discharging from state discipline the Warsaw militia. They were close enough to Carthage that when they were discharged from military discipline they simply took their militia arms and put their wet hands in a powder keg, blackening their faces so that it would make it difficult to recognize them, and went to Carthage. Some 100-plus stormed the jail and murdered Joseph Smith. Their

leaders were subsequently charged but acquitted of the crime. Later, their counsel argued that the jury should not convict them because they had simply done what the people wanted them to do, and the people were sovereign. It was an argument later used in civil rights cases in the southern United States, in circumstances better known to this audience, but it originated in what an associate and I call “the Carthage Conspiracy.”

HW: Any details of his last hours?

DHO: He was in jail with his brother Hyrum with several other leaders of the Church. It's hot in Illinois late in June. They were in a second-floor cell, more of a room than a cell. They had forebodings of death, and it was a very poignant time for men who, I think, assumed that their death was imminent. At one point in the afternoon Joseph asked associate John Taylor to sing the song “A Poor Wayfaring Man of Grief,” which is a ballad that tells of a person who encounters people in various extreme circumstances, starving or in jail or in persecution, who ministers to their needs and then later in a vision realizes that he's ministered to the Savior Himself. And He said unto him, “Fear not, if ye have done it unto the least of these, ye have done it unto Me,” an essential biblical message. It's a poignant kind of story and a fitting conclusion to a life of service in ministering to the needs of people in extreme circumstances and an affirmation that he had the benediction of his Savior on his life.

HW: Contrary to a range of people's views about the destruction of that press, you've felt strongly Joseph was well within his rights to destroy that press.

DHO: A triggering circumstance that led to the death of Joseph Smith was the so-called riot in the destruction of the *Nauvoo Expositor*. It was the charge of riot that took him to Carthage. The *Nauvoo Expositor* was a newspaper that published only one issue. It was published in Nauvoo by disaffected Mormons and enemies of Joseph Smith. It made a lot of charges that were very inflammatory about sexual behavior, about political repression, a variety of things. The city council of Nauvoo was very concerned about that press and felt that it would raise mobs to come to Nauvoo and destroy the city and murder the inhabitants. They, as government officials, had a very legitimate concern. They debated what to do about it. They read Blackstone, which was a major source of law on the frontier. In Blackstone's commentaries on law, it says that the government officials had authority to destroy a nuisance. And they felt that the press was a nuisance. After two days of debate (this was not a sudden thing, and opposition was heard in the council), they finally decided to abate, which is to destroy, a nuisance.

A nuisance is something like a stinking carcass or a chemical spill, something of this sort that poses a danger to the health and welfare of society. They gave an order to the city marshal to abate the nuisance. He went out and took the press and removed the type and threw it to the four winds, and destroyed the remaining copies, though there were many of them circulated. That was the suppression of the *Nauvoo Expositor*. I'll now talk about the legal side of it.

Mormons have generally apologized — including official Mormon historians — for the destruction of the newspaper, deeming it an interference with freedom of the press, a sacred American

Constitutional right. The problem with that, I found as I researched this according to the law of Illinois and the United States in 1844 (the year this took place), was that the freedom of the press in the First Amendment did not apply to state action or to city action at that period. It only came to apply to state action or city action by the amendments adopted after the Civil War, the 14th Amendment, and it was so declared by the United States Supreme Court in the 1930s in a 5-4 decision. Well, if it took the United States Supreme Court 100 years to declare that the freedom of the press protected the press against city or state action, [I can easily sympathize with] the people that struggled with that issue in 1844 in Illinois, a time when history shows us a lot of newspapers were destroyed on the frontier, mostly along abolitionist issues, pro-slavery or anti-slavery. It seems to me like it's pretty extreme to say that Joseph Smith and his associates were violating the freedom of the press by what they did. They debated for two days, they fell back on Blackstone, they had no other precedents, and they thought it was legitimate to abate a nuisance, including a newspaper that they thought could bring death and destruction upon their city.

It's hard for us to imagine [sympathy] today, but I don't think it's fair to judge the 1844 city officials — including Joseph Smith — by our refined notions of law and public policy in this day.

HW: Leaving legality aside, was it wise for him to do that? It led directly to his death.

DHO: It's hard to judge the wisdom of what he did without being in the circumstances he was in without the benefit of the hindsight. I assume he didn't know it would lead directly to his death. I assume that before him was the possibility that mobs and militia would, as a

result of the newspaper, come into Nauvoo and many would die, perhaps including him, but he was concerned about his people. And so it's hard for us with the benefit of hindsight to make a clear judgment on what he should have done with the circumstances visible to him.

HW: I've been struck with how absolute certain claims are and that there is no middle ground seemingly. Why does it seem to be no middle ground? Why is it either/or? What is that either/or situation and what do you feel about that?

DHO: Now you've asked me a very important question. Ironically, I think it has a very simple answer. The Church of Jesus Christ of Latter-day Saints cannot be just another church. We cannot be wishy-washy about our mission or our place in the world because we are a restoration of the true gospel of Jesus Christ, and if a restoration were not necessary we would have no reason to be. If we are not true to the claims of the Restoration, we have no reason for being.

HW: What is the question then, the either/or, for people?

DHO: If the Father and the Son did not appear to Joseph Smith, he was not called as a prophet to restore the fullness of the Gospel of Jesus Christ. If Peter, James and John did not appear to restore the Melchizedek Priesthood, then the authority to perform the ordinances that define the uniqueness of this Church is not in this Church. There's no room to say "perhaps" or [to use] metaphor in that circumstance.

HW: Resurrection — for some it became more of a central truth than a literal one.

DHO: Sure, but you see, that's a position [non-literal resurrection] that

people who believe in the God they believe in have to have that position, because how do you get from the literal, resurrected Christ to the spirit essence that defines God in their minds? For us, that's not an issue. We believe in a literal resurrection and a continued embodied identity of the Father and the Son. And that's why the First Vision is so fundamental to us.

HW: Take that thought once again. The stories must be believed in the physical entirety. It's a bold idea, and that's what gives strength. It's perilous as well.

DHO: The First Vision is something we take on faith because of the witness who has spoken of it. The Book of Mormon is something you can hold in your hand. It came from somewhere; it is not imaginary. It is there. Where did it come from and what is it? We put that forth to the world as a second witness of Jesus Christ, affirming that Christ is the Being we worship. He is our Savior. This is the second witness, given in our day, and we say, "We believe this book literally, and we believe that it shows that he who brought it forth was a prophet, just as the books of Genesis, Exodus, Leviticus and Deuteronomy show that Moses, who brought them forth, was a prophet."

HW: Job, arguably, for me, is the most profound scripture ever written. Some say that none of [the book's] truths are undermined that there may not have been a Job. Why is it all right to believe in that in a metaphorical, middle-ground way, but not your story?

DHO: The book of Job is one of the books of the Old Testament. I do not know which prophet brought it forth. We know that Moses brought forth what's called the Pentateuch, and it is part of the great

religious tradition of Judaism and Christianity. The book of Job I cut quite a bit of slack in where that came from and how literal one takes it because its provenance is quite different than the provenance of the first five books of the Old Testament. The first five books of the Old Testament I give as an example like the New Testament. We know their provenance. Subject to a lot of questions we'd like to have answered, we know who wrote the book of Luke, and who wrote John, and Paul wrote his letters, and so on — a lot about their provenance. They originate with prophets; so did the Pentateuch, so did the Book of Mormon. They're on the same footing.

HW: There's so much in biblical studies right now about what we don't know. I think Mormons' faith is tied to certain events. While some vulnerability is possibly felt with other faiths, that's not the case with Mormons.

DHO: We see some things as metaphorical. Clearly there's some metaphorical expressions that have been used by prophets. And that's a continuing struggle to know what is metaphorical (like the four corners of the earth — that's a scriptural expression, I take as metaphorical) and what is literal. That's on a continuum. I think it's clear that Latter-day Saints consider that the index is very close to the literal side. It doesn't exclude some metaphors, but it's much closer to the literal side with respect to scriptures than many Christians or Jews read those same scriptures.

HW: What would you say to faithful, liberal (in the absence of a better word) Mormons who are searching for “the middle way” to look at the Book of Mormon as an inspired text with profound spiritual meaning?

DHO: To people who have a hard time with the literal claims of scripture, I would say: “Keep your life in balance between reliance on history, so-called, or geology or science, so-called, and reliance on spiritual witnesses and the testimony of the Holy Ghost. There are two ways to truth: science and revelation. If you find things that trouble you, don’t dismiss the spiritual explanation and hold with the scientific one. Keep your life in balance by continuing to do the things necessary to keep open the channels of communication to heaven as well as to scholarly journals.”

HW: Describe what that middle way or middle ground is.

DHO: It’s hard for me to define a middle ground because I don’t believe in a middle ground when it comes to morality. I don’t believe in situational ethics. I believe that truth is a knowledge of things as they are. I think we’re dealing with religious truth, and I don’t think that religious truth can be understood by scientific methods.

Whenever science dilutes a religious truth or the revelation of God, it demeans it. While I understand the sincerity of those who are looking for a middle way, I think that God has the final answer on the purpose of life. He has the final answer on what is right and wrong. I don’t think there’s a middle way. I think that science and scholarship can lead us toward truth, but I think that people in the end must be willing to surrender their best judgment to revelation from God.

HW: Could you use the middle way, though, in terms of the approach, let’s say the Book of Mormon? Is there a middle way?

DHO: I don’t know what kind of middle way there could be on the

Book of Mormon. Either it is a translation of an ancient record under the gift and power of God, or it was written by a mortal. What's the middle way on that? I don't think there is a middle way. I think where it came from is either this or that. It's either what it claimed to be or somebody wrote it. If somebody else wrote it, we don't have a scrap of evidence, not a viable theory remaining after the facts have been looked at, that anybody wrote it other than Joseph Smith. And the theory that Joseph Smith had the capacity to write it is even discredited by the people who don't accept what he said about where it came from!

What is the middle way on where the Book of Mormon came from?

HW: Possibly the "problem" the Book of Mormon has to a modern person is that there are no precedents [to the plates].

DHO: A book that has no origin, of course that's a problem! Of course a book, translated from plates that you can't examine to authenticate it is a terrible problem to anyone who approaches this in a scientific way. There have been other visionaries, but I don't know of any who have written a book. So Joseph is unique in saying, "I had a vision, and it led to this book, and here's the book! Read it, put it to the spiritual test." Well, it can be put to the spiritual test. Millions have done that and have joined the Church. But it can't be put to scientific test — that really bothers a scientific age! If I wanted science to draw on, it would bother me too.

I suppose that we're in a scientific age, but surely in human history there have been times when people would have said, "Visions in the age in iron? Visions in the age of sailboats?" [Slight laughter.] Any age

could take its own marvels and use them to reject the simpler revelatory experiences of an earlier time.

HW: I've wondered in your own journey whether you had your questioning moments of faith.

DHO: No, I didn't. Whether a person or how a person gets over the road in the development of their faith is suited to their own unique circumstances. I know for some the mountain of their faith originated in a volcanic eruption. The hot lava suddenly flowed, and then the mountain was constructed. For other people, it's a sedimentary deposit — a little bit at a time over time, trying this, trying that, learning this and learning that, challenging this and challenging that. And then one day it has accumulated a mountain. That's my experience, so I don't have a specific defining moment.

I came along raised by Mormon parents. Then I went to graduate school. There I met a lot of new ideas. I just tried to keep learning, and everything that I learned along the way affirmed my faith. I never found anything better. It accumulated gradually until one day I knew that I knew, and it has continued to accumulate since that time, and now I know better than I ever knew before.

HW: Let's talk a little bit about Mountain Meadows. [Others] have set the context. When did you first hear about it?

DHO: I don't remember when I first heard about the Mountain Meadow Massacre. It was, I think, in a classroom, probably high school level, maybe college, I heard that the terrible atrocity was perpetrated by the Indians in southern Utah. I didn't grow up in southern Utah and wasn't immediate to it, so it was just something,

and it wasn't a matter of concern. Later on, in my readings of Church history (this would be college, graduate-school level), I learned that local Church leaders had been participant with the Indians in this exercise. Later, the more I learned about it the more responsible the local Church leaders were. I also heard that Brigham Young heard about it when it was being planned and sent word, "Don't do it!" and the rider didn't get there in time to stop it.

That's controverted; people are arguing about the level of responsibility of Brigham Young, and I think we'll know more about that when current scholarly work comes out. But my knowledge of that and concern with that is marginal over the years.

HW: [Reads a statement.] "I think that Mountain Meadows will continue to come up until it can be explained." What do you take away from it?

DHO: I think we can only understand Mountain Meadows by understanding the context in which it happened. And part of that context was the frontier, where people had to fight for their lives, where relatives had been killed. I'm not talking about persecutions at Haun's Mill or in Illinois, but I'm talking about Indian wars and conflicts with the Indians and conflicts with a lawless element of the frontier. People were much more ready to take a gun and go out and solve the problem along the frontier. That's not just Mormons; that's western America. That's part of the context.

Part of the context was the Utah War. The president of the United States was sending one-sixth of the U.S. Army out to subdue the Mormons, and there was a lot of talk about killing the Mormons and

driving them out. Most of these people had been driven out of one place, some of them two and three places. They were beleaguered.

Then there were provocations reported of this group that was coming through. The provocations are insignificant compared to what was done about them, but there were provocations. And they were in the context of a violent society and in the context of what later came to be called the Utah War. Now none of that comes close to justifying what was done, but it is beginning wisdom to realize that these local leaders, without the capacity to communicate clearly with those that presided over them, quickly cleared it. They went ahead and made some very bad decisions. And that's the only way I can put a face on it.

As a fourth- or fifth-generation Mormon growing up in Utah — but not in the area where the Mountain Meadow Massacre happened — I have learned about that tragic episode, and my heart has gone out to the descendants of those who perpetrated that atrocity and to the relatives of those who suffered it. I can only imagine the kind of pain that comes from contemplating the involvement of those that you love in such a tragic episode in the history of the West, so unexplainable. I have no doubt on the basis of what I have studied and learned that Mormons were prime movers in that terrible episode and participated in killing. What a terrible thing to contemplate, that the barbarity of the frontier and the conditions of the Utah War, whatever provocations were perceived to have been given, would have led to such an extreme episode, such an extreme atrocity perpetrated by members of my faith. I pray that the Lord will comfort those that are still grieved by it and I pray that He can find a way to forgive those who took such a terrible action against human beings.

HW: Another subject. Take me back to the time just before the ban on the priesthood was lifted.

DHO: I can't remember any time in my life when I felt greater joy and relief than when I learned that the priesthood was going to be available to all worthy males, whatever their ancestry. I had been troubled by this subject through college and my graduate school, at the University of Chicago where I went to law school. I had many black acquaintances when I lived in Chicago, the years '54 through '71. I had many times that my heart ached for that, and it ached for my Church, which I knew to be true and yet blessings of that Church were not available to a significant segment of our Heavenly Father's children. And I didn't understand why; I couldn't identify with any of the explanations that were given. Yet I sustained the action; I was confident that in the time of the Lord I would know more about it, so I went along on faith.

Nobody was more relieved or more pleased when the word came. I remember where I was when I learned that the priesthood would be available to all worthy males, whatever their ancestry. I was at a mountain home that our family had purchased to have a place of refuge. I had my sons up there, and we were digging something. We had a big pile of dirt there. I've forgotten what it was now, but the phone rang in the house. I went inside, and it was Elder Boyd K. Packer. He said: "I have been appointed to advise you as a representative of the academic people, many of whom have been troubled by the ban on the priesthood, professors, and students, and so on. As president of Brigham Young University and as their representative [Elder Oaks was president of BYU at this time], I've

been appointed to advise you that the revelation has been received that all worthy male members will be eligible to receive the priesthood, whatever their ancestry.” I thanked him, and I went outside and I told my boys, and I sat down [voice cracks with emotion] on that pile of dirt and cried. And I still feel emotion for that moment. I cried for joy and relief that the Lord had spoken through His prophet, that His blessings were now available to all: the blessings of the priesthood, the blessings of the temple, the blessings of eternity. That’s what we desired. I praise God for it.

HW: I know you weren’t there, but you’ve obviously talked to people who were there. Is there anything that you could vivify for us?

DHO: What I heard about the revelation on the priesthood can’t add anything to the eyewitnesses that were there. But I would like to speak of that in terms of what I know about revelation. Revelation comes in a lot of different ways. God speaks to His children in many ways. A face-to-face vision of God is very rare. That was the First Vision of God to Joseph Smith. Another way that revelation comes is by the appearance of an angel. The Apostle Paul had that kind of experience. Revelation can also come in a dream or a vision. None of those were the experience in the revelation on the priesthood. Other ways that revelation comes are in comfort, (feeling of comfort), information, communicating restraint, or impeling one to do something, or to give a feeling.

I think in the context of the descriptions that I have heard from my Brethren in the Quorum of the Twelve about the revelation on the priesthood, that was revelation that confirmed what they desired and gave them a feeling of rightness about the time. The prophet of the

Lord, President Spencer W. Kimball, had pleaded with the Lord for guidance on this problem the Church faced as it became a worldwide church. It came in contact with more and more good and worthy and wonderful people who desired the blessings of the restored gospel and were blocked by the Church's position that they could not receive the priesthood. And I think everyone in that room desired and wished and hoped that the Lord would say, "This is the time."

So they went to the Lord, I think with a semi-proposal, that this be done. But I was not there. I didn't hear the words spoken. But I have the feeling that everyone felt the need, everyone felt the rightness of it. I say a "semi-proposal" because often when we pray for guidance we say, "I'm inclined to do this, is this right?" We look for confirmation. I've had that experience many times of confirming an action. Sometimes I'll feel a restraint. I propose to do something and the feeling is profound: "Don't do it!" And I think that as I've heard the explanations that this was a profound feeling to confirm the rightness and the timing of what was being asked, and the feeling was sufficiently profound and sufficiently individual that people have described it in different ways. But it fits for me within many revelatory experiences I've had in my life.

HW: President Kimball really put extensive effort into this, didn't he?

DHO: But that's the way revelation works on many subjects. On difficult, complex subjects the Lord tells us to "study it out in our mind." We reach a conclusion, we ask Him if it is right, we wait upon these feelings. I've done that many, many times in the selection of a stake president, for instance, over 100 times. I've interviewed 25 to 30 people, studied it out in my mind and felt this person or that person

might be the leader, and then gone to the Lord. And my narrowing work has been useful, but in the end the Lord says who it should be.

HW: Polygamy was a spiritual, if not essential, principle — it was tied to many things. It was extremely important. Could you just describe that revelation and its spiritual logic?

DHO: I am too far removed from polygamy to give a credible explanation of the importance of that practice to those who received it from the Prophet Joseph Smith or Brigham Young. I've just wondered about this, but I'm too far removed from it to explain it. But I know how important it was. I feel it in my own ancestry. I see it in the decisions made by my ancestors who practiced polygamy and in others whose lives I've read about. I have perfect faith in the doctrine and will understand more about it in time to come.

HW: Did you have relatives who were pursued by federal agents? Do you know something about that, the hardship people went through?

DHO: My great-grandfather, Charles Harris, was one of the last men imprisoned for polygamy. He was sentenced to three months in prison in 1893, which was very late in the prosecution of people for having more than one wife. He was on the run for a long time before that and finally, probably, surrendered himself just so he could live a more normal life.

It disrupted his family; it was a terrible hardship. And that one was close to me because my mother grew up in the household of one of his sons (her father). And the mother lived with them [in] the closing years of her life. So my mother was a firsthand observer of the disruptions that took place as a result of polygamy.

My grandfather's sister, the daughter of the man who was imprisoned for polygamy, went to prison — one of the few women who were sent to prison for the practice of polygamy. Her case was this: she was the second or third wife of a man who was being prosecuted for cohabitation. She was summoned, put on the witness stand and ordered to answer whether she had received a plural marriage relationship and was with him. She refused to answer, on the ground that she was protected by the husband-wife privilege. The judge ruled that privilege didn't apply to a subsequent wife, and that case went to the Utah Supreme Court.

While I was serving on that court I read that opinion. It was the case of Belle Harris, reported in the official report. She did not have the privilege because she was a plural wife. The judge ordered her to answer. She refused. He sent her to jail for contempt. She went to jail with her baby and served about three or four months in the Utah State Penitentiary. She was something of a cause celebre at the time (it was in the 1880s) because the eastern press couldn't imagine that there was a woman who was not oppressed by polygamy. Here was a woman who went to jail to defend her husband and to defend the practice. She was a heroine and served her time. [When] the time [of] the grand jury was up, they couldn't hold her any longer. There was no more order for her to testify, and she went back to her life. That woman, Belle Harris, then lived in Provo. She was a dear aunt of my mother. When my mother was pregnant with me, she went to her aunt's place, and I was born in that woman's home — a home birth with doctors in attendance, so I feel kind of close to Belle Harris. In fact, Harris is my middle name, the maiden name of my mother. So polygamy is very close to

me.

HW: Is there any way to find the middle ground to soften the blow with people who are practicing polygamy today, who feel like they have so much in common?

DHO: As to those people who are still practicing polygamy, I have immense sympathy for them. But I don't see any common ground of doctrine between them and The Church of Jesus Christ of Latter-day Saints because revelation is the bedrock of our faith, we follow the prophet, and sexual morality is very important to us. They don't follow the prophet, and they engage in relationships that we deem today [to be immoral as] the Lord has defined the law, and as the law has defined criminal conduct.

HW: Do you have a favorite "big beat" in the 20th century, one which helped turn not just public perception but also self-perception of the Church?

DHO: For me, one of the turning points in the relation of Mormons with their nation was the Spanish-American War, when the government called for volunteers, and Utah militia units came forward to join the Army which had been sent west to pacify their parents and their grandparents. And they fought under the flag. Notably I think of a militia unit that went to the Philippines, Utah National Guardsmen. There was extreme patriotism during that Spanish-American War at the turn of the century. My wife June's grandfather was a corporal in that unit, and I've heard many stories about the patriotism that was felt.

I think for Mormon feelings toward the nation that was probably one

of the turning points. And then of course that same feeling carried into World Wars I and II, where that same manifestation of patriotic fervor and fighting for our nation was strong among our people as with the rest of the country.

HW: From the time of the Manifesto to a hundred years later, it's not something that's known very much.

DHO: It's an extraordinary moment. There are other such moments in the nation, [such as] the persecution of Catholics to having a Catholic president. But probably the Mormon experience of opposition to being prototypical Americans is a unique experience. The three elements that I think trigger that, or bring it about, are the abandonment of Mormon communal economy, the abandonment of separate Mormon political parties, and the abandonment of polygamy. All those came about because of, or triggered by, the Manifesto. They all became effective during the administration of President Joseph F. Smith, at the turn of the century. Those are the big ones. There are a lot of others that become part of it, but I think they're all triggered by or are a result of those three. And it's a "Mormon compromise," as Kathleen Flake says in her book. It's a result of a Mormon compromise — and the Mormons retained their religious freedom. They won the right to propagate without persecution. They preserved their unique doctrines and so on. Those [remain] with us today, but other things that were essential to and a cause of earlier persecution were abandoned in that compromise as we entered the 20th century.

HW: Extraordinary moment.

DHO: The best thing ever written on it was by Kathleen Flake. I have

to say I've been a lifetime student and writer of Mormon legal history, at least. I learned many, many things in her book that I didn't know. She captured it very, very well, and was able to stress also what remained unimpaired by the compromise.

HW: Yes, but I would imagine that that challenge at that moment for Joseph F. Smith was, "How will I reach out to the flock and tell them that I might have been up on the stand saying things I didn't quite believe in, or that I've abandoned the law of the land, or that I'm not really a revelator and I'm abandoning a central principle ..." and tell them that the real stuff still is there. You know, how do I reassure?

DHO: Oh, yes. She wrote about that so movingly, and I'd never thought of it. That was something that was new to me, but it rang true.

HW: And the "it" being just that dilemma that the Church faced, about reassuring the Saints that abandoning polygamy would not adversely affect the doctrine.

DHO: That's right. And I'm sure my ancestors would have wanted to be reassured.

HW: Tell me in your own words that critical moment when you're to be reassured about. How do you do it? It's an amazing moment.

DHO: I'm just kind of parroting Kathleen Flake and I hate to do that.

HW: Just use your own take on it. You've got ancestors as well.

DHO: Oh yes, they were all involved in it. But most of my ancestors were not involved in polygamous marriages. No one on my father's

side, though they had joined the Church as early as the 1830s, was involved in practicing polygamy. So I know there were plenty of Mormons that didn't practice polygamy. It was a minority, actually, whoever had plural wives. No one on my father's side did. Two marriages on my mother's side were polygamous marriages, very vivid in our recollection of the persecution that came about as a result of that.

But I think when the Manifesto was declared, it was an immense relief to anyone who was not then practicing plural marriage, because it took a load off their backs. To people then practicing plural marriage it was an immense burden because the Church no longer advocated or permitted what was a central purpose and identity of their marriages. And then there was the practical problem of continuing to provide support for families you're no longer privileged to live with. And so there was a generation, a very difficult generation, following the Manifesto. I've seen some of that in my ancestry. But I guess for every Mormon there was the problem of, "If it was right then, why is it not right now?" That was a burden that fell on President Joseph F. Smith to explain, and that's where the essential Mormon loyalty to a prophet was tested and used. It was tested to see if people would follow it, in a manner that meant "hold onto it." The evidence is there in my ancestry and in the Church as a whole. They got through it, but it must not have been easy.

HW: There still is some confusion that polygamy is definitively and unequivocally disallowed in this world. What will happen in the next? There is a perception that polygamy is part of the afterlife. Could you talk a little about that?

DHO: If I talked about that I'd be making doctrinal statements where the prophet has not chosen to make doctrinal statements, so I think I shouldn't say anything except to affirm that a lot of people, myself included, are in multiple-marriage situations. Look at the significance of that. There are a lot of people that live on this earth that have been married to more than one person. Sometimes those marriages have ended with death; sometimes they've ended with divorce. What does the next life mean to them in relation to a covenant they once made and so on? I don't think those people have much of an answer for that question. It might not bother them because they don't believe that people will live as married couples in the next life. And if they don't make and live for the covenants to do that, [as for themselves] they're right! But for people who live in the belief, as I do, that marriage relations can be for eternity, then you must say, "What will life *be* in the next life, when you're married to more than one wife for eternity?" I have to say I don't know. But I know that I've made those covenants, and I believe if I am true to the covenants that the blessing that's anticipated here will be realized in the next life. How? Why, I don't know.

HW: The afterlife. I was struck right from the beginning of my research by the concreteness and specificity of the Mormon afterlife. I'm asking a personal question. I just finished reading one of C.S. Lewis' books, a book he wrote after his wife died.

For a good year or so he lost his faith because the grief was so profound in losing his wife. Has your faith ever been so tested?

DHO: I think my faith in the afterlife was profoundly *affirmed* by the death of my wife, June, because I immediately felt the reality of what I

had believed all my life, that this life is simply a stage of eternal progression and that when she died she didn't cease to exist. Her spirit left her body. She was close by. I could feel her presence. I could feel a sense of communication with her. I felt a sense of rightness in the plan of God with the fact that He had taken her home at this particular time. It was a time of grief, a time of profound sadness, but never a time of feeling doubt about the gospel, or rejection from the love of God; rather, a time to draw closer to it and rely on it more completely.

HW: I must admit I wish that for myself!

DHO: I understand. I'm uniquely gifted in that because of my religious faith and because of the faith of my wife, June, and because of many experiences that I have had and the revelations affirming the truth of the principle of the resurrection, affirming to me the truth of the principle of eternal marriage, I felt prepared.

HW: Dissent in the Church. You mentioned in your interview with *Newsweek*, you said, "You know, I find myself constantly policing the perimeters."

DHO: You know, I didn't know that I had said that. I read that in some notes about questions I'd be likely to be asked and I thought, "My, that's a nice phrase." I didn't know that I ever did say it!
[Laughter.]

HW: You did! And by the way, every religion has to establish its own values and make those difficult decisions. Sometimes the question is raised about the intensity of that within the Mormon Church. So just tell me a little of what you meant by that phrase that you apparently don't remember you said! [Laughter.]

DHO: The words “policing the perimeters” of legitimacy or orthodoxy carry the implication that we’re constantly “on the prowl,” that there are police out there running a circle like guards around the ground. That is not the sense in which I speak of policing the perimeter. Policing is the word that carries the defective connotation. Its *defining* the perimeters, really. We constantly have to be thinking about how to define the perimeters of orthodoxy and the perimeters of permissible action within it. And I’m constantly thinking about that and worrying about that, but I have no sense when I hear a report of something irregular — I have no sense that I am responsible to go out and look after that, determine the facts or whatever. That’s really the role of the local bishop. My role is to attempt to define as best one can define in principle what one tolerates, and what one seeks to change by counsel, and what one must challenge with discipline.

HW: Is there a general overview you could give to me about when dissent moves into excommunicable offense?

DHO: We have the concept of apostasy. It is grounds for Church discipline. It is far less frequently grounds for Church discipline than immoral behavior. I think if you had 100 Church excommunications, 98 of them would be for immoral behavior. Two of them, perhaps, or one of a hundred, would be for apostasy.

Apostasy, being rare, has to be carefully defined. We have three definitions of apostasy: one is open, public and repeated opposition to the Church or its leaders. *Open, public, repeated opposition to the Church or its leaders* — I’ll come back to that in a moment. A second one is to teach as doctrine something that is not Church doctrine after

one has been advised by appropriate authority that that's false doctrine. In other words, just teaching false doctrine is not apostasy, but [it is] teaching persistently after you've been warned. For example, if one were to teach that the Lord requires you to practice plural marriage in this day, it would be apostasy. And the third point would be to affiliate and belong to apostate sects, such as those that preach or practice polygamy.

So, we go back to the first cause of apostasy — open, public and repeated opposition to the Church and its leaders. That does not include searching for a middle ground. It doesn't include worrying over a doctrine. It doesn't include not believing a particular doctrine. None of those are apostasy. None of those are the basis of Church discipline. But when a person comes out publicly and opposes the Church, such as by saying, "I do not think anyone should follow the leaders of the Church in their missionary program, calling these young people to go out and preach the gospel," or whatever the particular issue of the day. And when you go out and begin to "thump the tub" and try to gather opposition and organize opposition and pronounce and preach against the Church — that can be a basis for Church discipline.

HW: What about articles questioning the historicity of the Book of Mormon? What are the lines that are drawn about those?

DHO: I don't know of a case of Church discipline for that. That is to exercise opposition to the Church in a certain sense [and it] surely causes a lot of discomfort. It may cause people to question their testimony, so I guess that that's opposition. But I don't know of any cases where bishops have decided to take Church discipline on that

basis. There is quite a wide range of academic freedom in the Church, and [some] people hold positions different from the Church's official positions. When they begin to publicly question the core truths, it poses a greater danger.

HW: I'm often told that there has been caution exercised regarding certain "dangers" to the Church. Particularly, some 10 years ago, there was a specific caution as to three dangers.

DHO: There are different dangers, but the leaders of the Church are always responsible to try to identify things that pose a danger to the faith and the will and the spiritual well-being of members. And at different times in the Church different dangers have been identified. I've identified a few myself.

I thought that public misunderstandings and possibly public persecution as a result of the ban on the priesthood were a major problem. I used to worry about it, but I wasn't a leader of the Church at that time. I remember worrying about it, but obviously we don't worry about that anymore. Feminism is clearly a point of danger to the Church because it draws the daughters of God away from a perception — or it distorts perceptions — about things that are very important eternally — marriage and family and responsibilities to posterity and so on. It has some very favorable effects in encouraging people to maximize their service to mankind [and] to develop a talent. All of this I've had with my own daughters, of whom I have four, and I've felt the benefits of feminism. But also it has some troublesome aspects. If a person grows up saying, "Well I don't want a family, I want a career," that goes against eternal values — so I think there's a danger there.

Now intellectualism is also perceived as a danger. I suppose it has been for at least a century. I read some history of some of the early confrontations with science — creation of the earth and so forth. In fact at Brigham Young University in some of its earliest years, [there] was [such a] manifestation. There'll be other manifestations at different times. The life of the mind, which is a great, defining object of universities in our day, of which I've been the beneficiary in my own life, can be seen or practiced to be in flat-out opposition to the spiritual characteristics of one's faith. Revelation stands in opposition to science in some aspects according to some understandings. So I think in any day the watchmen on the tower are going to say intellectualism is a danger to the Church. And it *is* at extreme points, and if people leave their faith behind and follow strictly where science leads them, that can be a pretty crooked path. ([The] science of today is different than the science of yesterday.) We encourage the life of the mind. We establish and support universities that encourage education. But we say to our young people: "Keep your faith. Do the things necessary to hear the promptings of the Spirit. If you're getting too far off the line in the latest scientific theory or whatever, you will get a spiritual warning." And I believe that.

HW: You used an interesting phrase, "Not everything that's true is useful." Could you develop that as someone who's a scholar and trying to encourage deep searching?

DHO: The talk where I gave that was a talk on "Reading Church History" — that was the title of the talk. And in the course of the talk I said many things about being skeptical in your reading and looking for bias and looking for context and a lot of things that were in that

perspective. But I said two things in it and the newspapers and anybody who ever referred to the talk only referred to [those] two things: one is the one you cite, “Not everything that’s true is useful,” and that [meant] “was useful *to say or to publish*.” And you tell newspapers any time (media people) [that] they can’t publish something, they’ll strap on their armor and come out to slay you! [Laughs.]

I also said something else that has excited people: that it’s wrong to criticize leaders of the Church, even if the criticism is true, because it diminishes their effectiveness as a servant of the Lord. One can work to correct them by some other means, but don’t go about saying that they misbehaved when they were a youngster or whatever. Well, of course, that sounds like religious censorship also.

But not everything that’s true is useful. I am a lawyer, and I hear something from a client. It’s true, but I’ll be disciplined professionally if I share it because it’s part of the attorney-client privilege. There’s a husband-wife privilege, there’s a priest-penitent privilege, and so on. That’s an illustration of the fact that not everything that’s true is useful to be shared.

In relation to history, I was speaking in that talk for the benefit of those that *write* history. In the course of *writing* history, I said that people ought to be careful in what they publish because not everything that’s true is useful. See a person in context; don’t depreciate their effectiveness in one area because they have some misbehavior in another area — especially from their youth. I think that’s the spirit of that. I think I’m not talking necessarily just about writing Mormon history; I’m talking about George Washington or any

other case. If he had an affair with a girl when he was a teenager, I don't need to read that when I'm trying to read a biography of the Founding Father of our nation.

HW: Just one more question on that. In every church, in every person, there's a shallow territory usually explained away through context. Many find information through the Internet — some would rather find things out about the Church history, doctrine through *teachings*, rather than the Internet, or other resources.

DHO: It's an old problem, the extent to which official histories, whatever they are, or semi-official histories, get into things that are shadowy or less well-known or whatever. That's an old problem in Mormonism — a feeling of members that they shouldn't have been surprised by the fact that this or that happened, they should've been alerted to it. I have felt that throughout my life.

There are several different elements of that. One element is that we're emerging from a period of history writing within the Church [of] adoring history that doesn't deal with anything that's unfavorable, and we're coming into a period of "warts and all" kind of history. Perhaps our writing of history is lagging behind the times, but I believe that there is purpose in all these things — there may have been a time when Church members could not have been as well prepared for that kind of historical writing as they may be now.

On the other hand, there are constraints on trying to reveal everything. You don't want to be getting into and creating doubts that didn't exist in the first place. And what is plenty of history for one person is inadequate for another, and we have a large church, and that's a big

problem. And another problem is there are a lot of things that the Church *has* written about that the members haven't read. And the Sunday School teacher that gives "Brother Jones" his understanding of Church history may be inadequately informed and may not reveal something which the Church has published. It's in the history written for college or Institute students, sources written for quite mature students, but not every Sunday School teacher that introduces people to a history is familiar with that. And so there is no way to avoid this criticism. The best I can say is that we're moving with the times, we're getting more and more forthright, but we will never satisfy every complaint along that line and probably shouldn't.

HW: Why was it [the Equal Rights Amendment] a moral issue?

DHO: Let me give a legal explanation. I think the best explanation of the ERA subject came very late in the day from Rex Lee, the first dean of the J. Reuben Clark Law School at Brigham Young University, and later the university's president, who was an acknowledged legal scholar and a very, very wise and faithful man. If you go back and read his explanation, you will get the best explanation, in my opinion. My own feeling about the Equal Rights Amendment is that [the words] "moral issue" did not adequately communicate why the Church was getting into it. The moral issue is the content of the law of marriage and family, which is of immense importance to the Church. That law, at that time, was made by state legislators who are close to the people and who make the laws of marriage and divorce. It's simply a fact that the federal government had no voice in what the law of marriage and divorce would be. As a matter of federalism, it was very important to keep the law of marriage and divorce at the state level. As a matter of

separation of powers, it was very important to keep that law in the legislatures, the law-making bodies, and not having it in the hands of judges.

Now, 30 or 40 years later, federal judges have gotten into that so completely that the law of marriage is starting to be made by life-tenured federal judges. Now we have the irony that after 30 or 40 years, The Church of Jesus Christ of Latter-day Saints is supporting a [Federal] constitutional amendment to declare what marriage will be. And people say, “Why has the federal government made law on it?” Well, the federal government today is making law through life-tenured judges, not through popularly elected legislators. And what used to be a state question for legislative lawmaking is now a federal question for judge decision, and that’s why there’s support for a constitutional amendment.

HW: What was the perceived threat at that point for the ERA?

DHO: The Church opposed the ERA because of a prophetic judgment that this would take us in a direction we do not want to go for the law of marriage and divorce. And that could not be explained. It’s terribly difficult to put reasons to revelation, and that’s, I think, why the Church may not have done well in putting reasons to it. I think they didn’t have reasons — they had revelation! But I have assigned reasons having to do with separation of powers and federalism that make sense to me, as one who was a lawyer and a judge during that period. But I think the truth of the matter is the Church couldn’t put a reason to its opposition to the Equal Rights Amendment because it was a prophetic judgment of where that amendment would lead.

HW: And would it be a destruction of the family as it was known?

DHO: It would be a deterioration of the law that governed the most essential relationship in life, that is, the relationship of husband and wife to children, and making that a matter of federal law. At that point, putting it in the hands of the Congress and federal judges was a very, very dangerous thing. That's the best I can do to explain something that was not explained officially.

HW: It's such a simple, little law. What is it, just one sentence?

DHO: Back in the Civil War period we adopted a constitutional amendment that no state should deny due process of law or equal protection of the laws to any citizen within its boundaries. In those few words, you have the source of a major fraction of the legal controversies and legislation and social contests of the last century and a half.

The fact that there are only a few words doesn't mean it's not going to make a very large change.

HW: What are the words in the ERA? Do you remember them?

DHO: No, I don't remember them, but the effect of it was to make a federal constitutional principle — to make something that bore on the rights of women a federal constitutional principle instead of a matter for legislation by individual states. You can make out of that a solution for almost every one of the social contests of the last several decades. And who's to know what an individual federal judge is going to say to that? I'd rather rely on the judgment of a majority of a legislature in this, that and the other state. It was a wild card in an area that would

include family, but it would also include a lot of other things. But the inclusion of family, I think, was the part that made it of concern to the leadership of the Church. It wasn't the [possible] inclusion of working conditions or separate bathrooms or any of the hundreds and hundreds of things that would be entailed in that. Service in the military, of course, is an obvious one. It would make it impossible to draft men and not women. But there are hundreds of things that would follow from that, but who's to know until a federal judge gets through defining the Constitution.

HW: So it's about what it would do to the family, that's what I'm hearing in the end?

DHO: In the end I think it was what it would do to the family. I think it was a prophetic judgment about what it would do to the family. But it was heard as an opposition to every aspiration that a woman might have in life.

HW: Thank you very much for a most enlightening interview. This has been a sincere pleasure. I'm very grateful for your time.

DHO: Thank you for taking the time to look at some of these things in a depth that I think will give people a much clearer picture of who we are, what we believe, and how we see our role in the world. I'm personally thankful for the opportunity to have had this discussion with you.

STYLE GUIDE NOTE: When reporting about The Church of Jesus Christ of Latter-day Saints, please use the complete name of the Church in the first reference. For more information on the use of the name of the Church, go to our online [Style Guide](#).