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Filing date: **08/24/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91191016
Party	Defendant Sheets, Kendal M.
Correspondence Address	SHEETS, KENDAL M. Sheets Law Office, LLC 1855 Macarthur Drive McLean, VA 22101  ken@sheetspatent.com
Submission	Answer and Counterclaim
Filer's Name	Kendal M. Sheets
Filer's e-mail	ken@sheetspatent.com
Signature	/Kendal M. Sheets/
Date	08/24/2009
Attachments	91191016_Applicants_answer_counterclaim.pdf ( 44 pages )(784331 bytes )

**Registrations Subject to the filing**

Registration No	3239919	Registration date	05/08/2007
Registrant	Intellectual Reserve, Inc. 50 East North Temple Salt Lake City, UT 84150 UNITED STATES		

**Goods/Services Subject to the filing**

Class 041. First Use: 1920/00/00 First Use In Commerce: 1920/00/00 All goods and services in the class are requested, namely: Educational services, namely, providing classes, conferences, and institutes in the fields of history and religion
Class 042. First Use: 1833/06/01 First Use In Commerce: 1833/06/01 All goods and services in the class are requested, namely: genealogy services

Registration No	2883572	Registration date	09/14/2004
Registrant	Intellectual Reserve, Inc. 50 East North Temple Salt Lake City, UT 84150 UNITED STATES		

**Goods/Services Subject to the filing**

Class 009. First Use: 1977/00/00 First Use In Commerce: 1977/00/00 All goods and services in the class are requested, namely: pre-recorded audio and video cassette tapes and compact discs featuring religious content
Class 016. First Use: 1830/00/00 First Use In Commerce: 1830/00/00 All goods and services in the class are requested, namely: Printed matter; namely religious books, religious instructional pamphlets, and brochures; photographs, artist materials, instructional and teaching material, posters, engravings, prints of paintings, books



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

INTELLECTUAL RESERVE, INC.	)	
Plaintiff	)	Cancellation No. 91191016
v.	)	
SHEETS, KENDAL M.	)	
Defendant	)	

**APPLICANT'S ANSWER TO NOTICE OF OPPOSITION  
AND COUNTERCLAIM**

Applicant, Kendal M. Sheets (Applicant) for his answer to the Notice of Opposition filed by Intellectual Reserve, Inc. (Opposer) against application for registration of Applicant's trademark SECRET MORMON, Serial No. 77337325 filed November 27, 2007 and published in the Official Gazette on June 30, 2009, pleads and avers as follows:

1. Answering paragraph 1 of the Notice of Opposition, Applicant admits the allegations thereof.
2. Answering paragraph 2 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
3. Answering paragraph 3 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
4. Answering paragraph 4 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
5. Answering paragraph 5 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
6. Answering paragraph 6 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
7. Answering paragraph 7 of the Notice of Opposition, Applicant admits the allegations

thereof.

8. Answering paragraph 8 of the Notice of Opposition, Applicant admits the allegations thereof.

9. Answering paragraph 9 of the Notice of Opposition, Applicant admits the allegations thereof.

10. Answering paragraph 10 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

11. Answering paragraph 11 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

12. Answering paragraph 12 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

13. Answering paragraph 13 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

14. Applicant affirmatively alleges that the “Mormon marks” are generic, and therefore never should have been registered. Alternatively, the “Mormon marks” are merely descriptive and Opposer has no exclusive association with the term “Mormon” in the relevant streams of commerce. “Mormon” is a generic name for a religion practiced by many different sects; it is not the name of Opposer’s parent church. Numerous other religious groups refer to themselves as, and are known by third parties as, “Mormon.” Applicant further presents arguments and evidence for the answers above in Applicant’s Counterclaim for Cancellation of Marks, which is hereby incorporated by reference.

## **APPLICANT'S COUNTERCLAIM FOR CANCELLATION OF MARKS:**

1. Counter-Plaintiff, Kendal M. Sheets, is a resident of the city of McLean, Virginia, having an address at 1855 Macarthur Drive, Mclean, Virginia, 22101.

2. Counter-Defendant, Intellectual Reserve, Inc., is a Corporation organized under the laws of the State of Utah, having an address as indicated on the subject registrations of 60 East North Temple, Salt Lake City, Utah, 84150. Defendant is indicated as the owner of the following registrations:

- 3239919 for “MORMON” issued May 8, 2007 in Class 041 having a services description “Educational services, namely, providing classes, conferences, and institutes in the fields of history and religion,” and in Class 042 for “genealogy services.”
- 2883572 for “BOOK OF MORMON” issued September 14, 2004 in Class 009 having a goods and services description “pre-recorded audio and video cassette tapes and compact discs featuring religious content,” and in Class 016 for Printed matter; namely religious books, religious instructional pamphlets, and brochures; photographs, artist materials, instructional and teaching material, posters, engravings, prints of paintings, books.”
- 2766231 for “MORMON TABERNACLE CHOIR” issued September 23, 2003 in Class 009 having a goods and services description “Pre-recorded audio and audio-video cassette tapes and compact discs featuring musical entertainment incorporating religious, family, and educational themes,” and in Class 041 having a goods and services description “entertainment services, namely, live performances by a musical performance group.”
- 2913694 for “MORMON TABERNACLE CHOIR” issued December 21, 2004 in Class 009 having a goods and services description “prerecorded audiotapes, videotapes, compact discs, and digital video discs featuring musical entertainment incorporating religious, family, and educational themes,” in Class 016 having a goods and services description “publications, namely, books featuring musical performances and featuring religious, family, and educational themes,” and in Class 041 having a goods and services description “entertainment services, namely, live performances by a musical performance group.”
- 1524555 for “MORMON HANDICRAFT” issued February 14, 1989 in Class 024 having a goods and services description “fabrics, linens, bats, towels, dish cloths, pillowcases, afghans, lap robes, quilts, quilt kits, and wall hangings, table covers,

soft gifts, and hem-stitched items of textile material.”

- 1527447 for “MORMON HANDICRAFT” issued February 28, 1989 in Class 042 having a goods and services description “retail catalog mail order and telephone order services for craft items and materials, dolls, baby clothes, toys, young girls’ clothing, quilts, personal gifts, needlework, porcelain statues and the like.”

3. Counter-Defendant is indicated as the owner of the application serial number 77179068 for “MORMON.ORG” with application date May 11, 2007 and allowance as intent-to-use on Apr 7, 2009 in Class 041 for Providing information and instruction in the fields of religion, ethics, and moral and religious values; providing on-line religious instruction promoting family values; providing information in the field of parenting concerning education and entertainment of children; and providing courses of instruction in the field of marital relations.”

4. The word “Mormon” comprising all or part of each of the “Mormon marks” listed above is generic. It is not distinctive nor does it refer only to Counter-Defendant; that is, it refers to “a member of any of several denominations and sects, the largest of which is the Church of Jesus Christ of Latter-Day Saints, that trace their origins to a religion founded by Joseph Smith in the United States about [sic] 1830,” (Merriam-Webster’s Encyclopedia of World Religions, ed. Wendy Doniger, pub. Merriam-Webster, Inc., Springfield, MA (1999)). Further, “The religious movement popularly known as Mormonism encompasses several denominations and sects, the largest of which is the Church of Jesus Christ of Latter-day Saints, which is headquartered in Salt Lake City...the second largest is the Community of Christ (formerly known as the Reorganized Church of Jesus Christ of Latter Day Saints) with headquarters in Independence, Missouri....perhaps the smallest of numerous Mormon splinter groups is the Church of Jesus Christ of Latter Saints (Strangite) in Burlington, Wisconsin....all of these churches trace their origins to founder Joseph Smith, Jr. (1805-1830) (Encyclopedia of Religion, 2d Ed., ed. Lindsay Jones, pub. Thomson Gale, Detroit (2005)). Fundamentalist Mormon sects also use the term “Mormon” for their religion (See Exhibit A). Plaintiff intends to use this term in such a generic, or functional, context in his business operations.

5. “Mormon” is also commonly used by third parties to refer to a type or category of a religion (See Exhibit B: “... offshoot Mormon polygamists...” (New York Times, April 12, 2008), “...the second-largest Mormon group (the Community of Christ, formerly known as the Reorganized Latter Day Saints in Independence...(St. Louis Post-Dispatch Aug. 16, 2009), “the fundamentalist Mormon group based in Hildale, Utah...(The Salt Lake Tribune, Aug. 14, 2009), “the state’s Safety Net Committee has released a guide to understanding so-called fundamentalist Mormon communities in Utah, Arizona...Missouri, and Canada,” (The Salt Lake Tribune, Aug. 20, 2009), “Representatives of other fundamentalist Mormon groups and organizations, such as Principle Voices...” (The Salt Lake Tribune, Aug. 21, 2009)). Plaintiff intends to use this term in such a generic, or functional, context in his business operations.

6. A representative of Counter-Plaintiff’s parent ( Intellectual Reserve, Inc., is the entity which holds intellectual property used by The Church of Jesus Christ of Latter-day Saints “the

Church”) has attempted to distance the Church from the term “Mormon,” stating that it is actually a misleading term when used by its members. (see Exhibit C, “Thus Shall My Church Be Called, Elder Russell M. Nelson, Ensign Magazine, pub. 1990)

7. Alternatively, the word “Mormon” comprising all or part of each of Defendant’s above-listed registrations and application is merely descriptive; that is, it describes “a member of any of several denominations and sects, the largest of which is the Church of Jesus Christ of Latter-Day Saints, that trace their origins to a religion founded by Joseph Smith in the United States about [sic] 1830,” and it is commonly used by third parties to describe a type or category of a religion. Plaintiff intends to use this term in such a merely descriptive context, in his business operations.

8. On November 27, 2007, Counter-Plaintiff filed an intent to use application to register the mark SECRET MORMON for goods and services description “magnetic tape cassettes, high definition digital disks featuring non-fictional content of history and religious doctrine; computer software for database management and interactive reading and research of electronically formatted books of history and religion; downloadable electronic publications and publications on recordable media, namely, books, magazines, newsletters, manuals, pamphlets, multimedia files, and magazine columns featuring non-fictional content of history and religious doctrine; audio and video recordings provided in analog and digital format featuring non-fictional content of history and religious doctrine; audio and video recordings that are downloadable to recordable media featuring books, seminars, movies, documentaries, and interviews of non-fictional content of history and religious doctrine; computer game software and DVDs, CD-ROMs, and downloadable digital media files containing such software featuring non-fictional content of history and religious doctrine” in Class 009, and for good and services description publications, namely, books, magazines, newsletters, pamphlets, guides, manuals, and syndicated newspaper columns featuring non-fictional content of history and religious doctrine; screenplays, books, guides, and manuals featuring fictional and non-fictional content of historical and religious events, persons, and activities; posters, calendars, note cards, greeting cards, stationery items, namely, pens, pencils, notebooks, notepads, stickers, binders, folders, writing paper and envelopes” in Class 016 and received serial number 77337325.

9. Shortly thereafter, Counter-Plaintiff was informed by Examiner Peete that a disclaimer was required for the word “Mormon” in the application because the term likely described the field/subject matter of the applicant’s goods,” further stating “The Office can require an applicant to disclaim exclusive rights to an unregistrable part of a mark, rather than refuse registration of the entire mark.” Plaintiff filed a disclaimer, disclaiming the term “MORMON.”

10. The word “Mormon” is a well-known, generic term and accordingly should have never been registered under 15 U.S.C. 1052(e)(1) or (5), Lanham Act section 2(e)(1), and should be cancelled under of the Lanham Act, Section, 14(1) or (3); or 15 U.S.C. 1064(1) or (31), et seq or should be disclaimed as an unregistrable part of a mark under Trademark Act Section 6(a), 15

U.S.C. 1056(a).

11. Alternatively, “Mormon” merely describes or is merely descriptive of the services or goods being offered under Counter-Defendant’s registrations, and thereby should not have been registered under 15 U.S.C. 1052(e)(1), Lanham Action section 2(e)(1), and should be cancelled under the Lanham Action, section 14(1), or 15 U.S.C. 1064(1) et seq.

12. Based upon information and belief, Counter-Defendant knew or should have known that the term “MORMON” was generic, functional, or merely descriptive at the time of application for registration.

13. Counter-Defendant and its parent’s particular sect of the Latter-Day Saint religion simply cannot appropriate, from the public domain, the common name of a religion and somehow gain an exclusive right to its use and right to prevent others from using it. This principle is fundamental to the law of trademarks, under which Counter-Plaintiff seeks relief. Generic names are regarded by the law as free for all to use. They are in the public domain. To grant an exclusive right to one firm of use of the generic name of a product would be equivalent to creating a monopoly in that particular product, something that the trademark laws were never intended to accomplish.

14. Counter-Plaintiff, Kendal M. Sheets would be damaged by the continued registration of the generic, functional, or merely descriptive term “Mormon” as it inappropriately hinders his ability to use said generic, functional, or merely descriptive term.

15. Counter-Plaintiff Kendal M. Sheets thereby has a “direct and personal stake” in the present controversy.

WHEREFORE,

Counter-Plaintiff requests relief as follows:

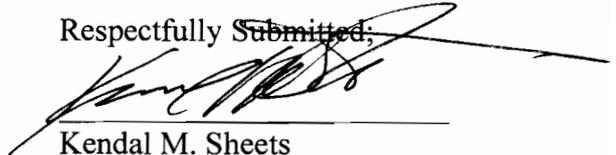
1) For cancellation of the marks 3239919 for “MORMON”, 2883572 for “BOOK OF MORMON”, 2766231 for “MORMON TABERNACLE CHOIR”, 2913694 for “MORMON TABERNACLE CHOIR”, 1524555 for “MORMON HANDICRAFT”, 1527447 for “MORMON HANDICRAFT”, and serial number 77179068 for “MORMON.ORG” under section 14 of the Lanham Act, 15 U.S.C. 1064(1) or (3) et seq; or alternatively

2) For cancellation of the marks 3239919 for “MORMON”, 2883572 for “BOOK OF MORMON”, 2766231 for “MORMON TABERNACLE CHOIR”, 2913694 for “MORMON TABERNACLE CHOIR”, 1524555 for “MORMON HANDICRAFT”, 1527447 for “MORMON HANDICRAFT”, and serial number 77179068 for “MORMON.ORG” on the ground that such

are "merely descriptive" under Section 14 the Lanham Act, 15 U.S.C. 1064 (1) et seq.; and

3) For such further relief as the Commissioner deems appropriate.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Kendal M. Sheets', is written over a horizontal line.

Kendal M. Sheets  
1855 Macarthur Drive  
McLean, Virginia 22101  
ken@sheetspatent.com  
703-489-8937

Applicant

# **EXHIBIT A**

Merriam-Webster's  
ENCYCLOPEDIA  
*of* WORLD  
RELIGIONS

Wendy Doniger, Consulting Editor



Merriam-Webster, Incorporated  
Springfield, Massachusetts



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## MORE, SIR THOMAS

stream of exiles from Bohemia and Moravia, as well as Pietists from Germany and beyond.

With the count's help Herrnhut became the mother community of what came to be called the Moravian church and the center for a network of societies on the established Pietist pattern, working for the nurture of spiritual life within the state churches, mostly Lutheran, but also including some Reformed churches. This latter phase of Moravianism in Europe came to be known as the "diaspora," and its members far outnumbered those who belonged to the Moravian church as a denomination. The first diaspora evangelists began their itinerations in 1727, and the first foreign missionaries left Herrnhut to work among African slaves in the West Indies in 1732. Within two decades MISSIONS to Greenland, Suriname, South Africa, Algiers, and among the Native Americans followed.

Herrnhut developed a unique type of community in which civic and church life were integrated into a theocratic society, a prototype for about 20 settlements in Europe and America, including those in Bethlehem, Pa., and Salem [now Winston-Salem], N.C.). Fellowship groups, daily worship featuring both singing and instrumental music, boarding schools, and concentration on foreign missions and diaspora evangelism characterized these exclusive Moravian villages. They supported themselves and their projects by handicraft industries.

Each of the regional administrative units of the worldwide Moravian church is self-governing through its provincial synod with administration by a provincial elders' conference. All are linked by a general synod of elected representatives, meeting every 10 years, which is authoritative in all matters of doctrine and constitution common to the whole church.

The Moravian church adheres to its original principle of the BIBLE as the only rule of faith and practice, subscribing to both the Apostles' and NICENE CREEDS. Worship is liturgical and follows the traditional church year. German chorales figure prominently in the HYMNS used. Strongly Christocentric, the Moravian church places emphasis upon the sufferings of Christ during HOLY WEEK.

**MORE, SIR THOMAS** \mōr, 'mōr\, also called Saint Thomas More (b. Feb. 7, 1477, London, Eng.—d. July 6, 1535, London; canonized May 19, 1935; feast day June 22), humanist and statesman, chancellor of England (1529–32), who was beheaded for refusing to accept King Henry VIII as head of the Church of England. He is recognized as a saint by the ROMAN CATHOLIC church.

**MORMON**, a member of any of several denominations and sects, the largest of which is the CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, that trace their origins to a religion founded by JOSEPH SMITH in the United States about 1830. The religion these churches practice is often referred to as Mormonism.

The Church of Jesus Christ of Latter-day Saints, the principal formal body embracing Mormonism, had more than 9,700,000 members in the late 20th century and is headquartered in Salt Lake City, Utah. The next-largest Mormon denomination, the REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, is headquartered in Independence, Mo., and had a membership exceeding 250,000 in the late 20th century.

Mormons accept the BIBLE "as far as it is translated correctly." In addition they accept Smith's BOOK OF MORMON, which is largely similar in style and themes to the OLD TES-

TAMENT. Smith's other revealed scriptures were later incorporated into the *Pearl of Great Price*, together with his translation of papyri that he declared to be the *Book of Abraham* and the *Book of Moses*. *Doctrines and Covenants* is a selection of revelations to Smith and one given to BRIGHAM YOUNG.

Mormon doctrine diverges from orthodox CHRISTIANITY, particularly in affirming that God has evolved from man and that men might evolve into gods, that the persons of the TRINITY are distinct beings, and that human souls have preexisted. JUSTIFICATION is by faith and obedience to the ordinances of the church, repentance, BAPTISM by immersion, and laying on of hands for the spirit gifts (including PROPHECY, revelation, and speaking in tongues).

The Mormons believe that faithful members of the church will inherit eternal life as gods, and even those who had rejected God's law would live in glory. Additionally, they believe that the return of Christ to earth will lead to the first RESURRECTION and the MILLENNIUM, the main activity of which will be "temple work," especially baptism on behalf of the dead. After the millennium and second resurrection, the earth will become a celestial sphere and all people will be assigned to the eternal kingdoms.

Mormons eliminate most distinctions between the PRIESTHOOD and laity. At the age of 12, all worthy males become deacons in the AARONIC PRIESTHOOD; they become teachers when 14 years old and priests at the age of 16. About two years later they may enter the MELCHIZEDEK PRIESTHOOD as elders and may be called upon for 18 months of missionary work. A Mormon man may afterward become a "seventy" (a member of a larger priesthood quorum composed of 70 members) and ultimately a HIGH PRIEST in the church's First Quorum of Seventy.

Adult baptism, signifying repentance and obedience, has acquired additional importance as a ritual that may be undertaken by a proxy for the salvation of those who died without knowledge of the truth. The Mormons' interest in genealogy proceeds from their concern to save dead ancestors. Baptism for the dead, endowment, and sealing (which may also be undertaken by proxy for the dead) are secret but essential ceremonies. At endowment, the person is ritually washed, anointed with oil, and dressed in temple garments. Initiates witness a dramatic performance of the story of creation, learn secret passwords and grips, and receive a secret name. The sealing ceremony, which was of special importance in the period when Mormons practiced polygamy, seals men and women in marriage for eternity. Despite prohibitions (on alcohol, tobacco, tea, and coffee) and a vigorous work ethic, Mormonism is not ascetic; recreation, sport, and education are positive values.

In the main Mormon body, the First Presidency (church president and two councillors), the Council of the Twelve, the First Quorum of Seventy, and the presiding bishop and two councillors (who control the Aaronic priesthood) constitute the General Authorities of the church. They are "sustained in office" by the regular and now ritualized vote of confidence of the semiannual General Conference, which is open to all Mormons.

The Reorganized Church of Jesus Christ of Latter Day Saints holds firmly to the *Book of Mormon* but rejects the evolutionary conceptions of deity and the POLYTHEISM implicit in it, the new covenant of celestial marriage, baptism on behalf of the dead, polygamy, and tithing. The *Book of Abraham* is not accepted as of divine origin. The church's presidents continue to be lineal descendants of Smith, beginning with Joseph Smith (1832–1914).

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**MORMON, BOOK OF**, work accepted as holy SCRIPTURE, in addition to the BIBLE, in the CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS and other Mormon churches. First published in 1830 in Palmyra, N.Y., Mormons hold that it is a divinely inspired work revealed to and translated by the founder of their religion, JOSEPH SMITH.

The Book of Mormon relates the history of a group of Hebrews who migrated from Jerusalem to America about 600 BCE, led by a prophet, Lehi. They eventually split into two groups. One group, the Lamanites, forgot their beliefs and were the ancestors of the American Indians. The other group, the Nephites, developed culturally and built great cities but were eventually destroyed by the Lamanites about 400 CE. Before this occurred, however, JESUS had appeared and taught the Nephites (after his ASCENSION). The history and teachings were abridged and written on golden plates by the prophet Mormon. His son, Moroni, made additions and buried the plates in the ground, where they remained about 1,400 years, until Moroni, a resurrected being or ANGEL, delivered them to Joseph Smith; subsequently Smith returned them to Moroni.

**MORPHEUS** \ˈmɔr-fē-əs, -,fyūs\, in Greco-Roman mythology, one of the sons of HYPNOS (Somnus), the god of sleep. Morpheus sends human shapes (Greek *morphai*) of all kinds to the dreamer, while his brothers Phobetor (or Icelus) and Phantasus send the forms of animals and inanimate things, respectively.

**MORTUARY TEMPLE**, in ancient Egypt, place of worship of a deceased king and the depository for food and objects offered to the dead monarch. In the Old and Middle Kingdoms (c. 2575–c. 2130 BCE; and 1938–c. 1600? BCE) the mortuary temple usually adjoined the PYRAMID and had an open, pillared court, storerooms, five elongated shrines, and a chapel containing a false door and an offering table. In the chapel, priests performed the daily funerary rites and presented the offerings to the dead king's KA (protective spirit). In the New Kingdom (1539–1075 BCE) the kings were buried in rock-cut tombs, but separate mortuary temples continued to be built nearby.

**MOSES** \ˈmō-zəz, -zəs\, Hebrew Moshe (fl. 14th–13th century BCE), Hebrew prophet, teacher, and leader who delivered his people from Egyptian slavery and founded the religious community known as ISRAEL, based on a COVENANT relationship with God. As the vehicle and interpreter of the covenant, including the TEN COMMANDMENTS, he exerted a lasting influence on the religious life, moral concerns, and social ethics of Western civilization.

According to the biblical account in EXODUS and NUMBERS, Moses, a Hebrew foundling adopted and reared in the Egyptian court, somehow learned that he was a Hebrew and killed an Egyptian taskmaster who was beating a Hebrew slave. He fled to Midian (mostly in northwest Arabia),

where he became the shepherd and eventually the son-in-law of a MIDIANITE priest, JETHRO. While tending his flocks he saw a burning bush that remained unconsumed and heard there a call from the God—YAHWEH—of ABRAHAM, ISAAC, and JACOB to deliver his people, the Hebrews, from their bondage in Egypt. Because Moses was a stammerer, his brother AARON was to be his spokesman, but Moses would be Yahweh's representative.

Ramses II (reigned 1279–13 BCE) was probably the pharaoh of Egypt at the time. He rejected the demand of this unknown God and responded by increasing the oppression of the Hebrews. The biblical text states that Moses used plagues sent by Yahweh to bend Ramses' will. Whether the Hebrews were finally permitted to leave Egypt or simply fled is not clear; according to the biblical account, the pharaoh's forces pursued them eastward to the Sea of Reeds, a papyrus lake (not the Red Sea), which the Hebrews crossed safely but in which the Egyptians were engulfed. Moses then led the people to MOUNT SINAI (Horeb) at the southern tip of the Sinai Peninsula. Yahweh appeared to Moses there in a terrific storm, out of which came the Covenant between Yahweh and the people of Israel, including the Ten Commandments; and Moses began issuing ordinances for specific situations, instituted a system of judges and hearings of civil cases.

After leaving Mount Sinai and continuing the journey toward CANAAN Moses faced increasing resistance and frustration and once got so angry at the people that, according to tradition, Yahweh accounted it a lack of faith and denied him entrance into Canaan. As his last official act, Moses renewed the Sinai Covenant with the survivors of the wanderings and then climbed Mount Pisgah to look over the land that he would not enter. The Hebrews never saw him again, and the circumstances of his death and burial remain shrouded in mystery.

Tradition states that Moses wrote the whole PENTATEUCH, but this is untenable. Moses did formulate the Decalogue, mediate the Covenant, and begin the process of rendering

and codifying interpretations of the Covenant's stipulations. In a general sense, therefore, the first five books of the Hebrew BIBLE can be described as Mosaic. Without him there would have been no Israel and no collection known as the TORAH.

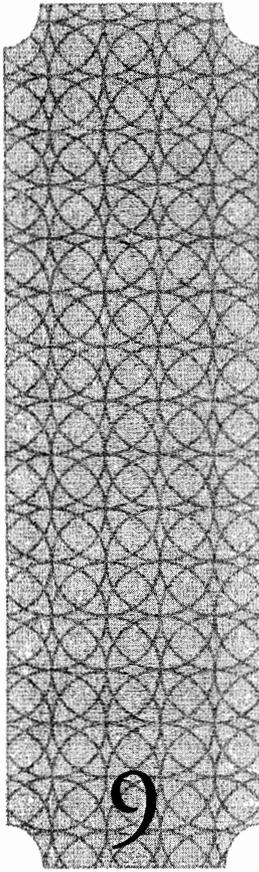
**MOSES DE LEÓN** \ˈmō-sās-thā-lā-ˈōn\, original name Moses ben Shem Tov (b. 1250, León [Spain]—d. 1305, Arevalo), Jewish Qabbalist and presumably the author of the SEFER HA-ZOHAR ("Book of Splendor"), the most important work of Jewish mysticism; its influence among Jews once rivaled that of the OLD TESTAMENT and the TALMUD.

Until 1290 Moses de León lived in Guadalajara (the Spanish center of adherents of the QABBALAH). He then traveled a great deal and finally settled in Ávila. On a trip to Valladolid, he met a Palestinian Qabbalist, Isaac ben Samuel of



Moses Showing the Tables of the Law to the People, oil painting by Rembrandt, 1659

By courtesy of Staatliche Museen Preussischer Kulturbesitz Gemaldegalerie, Berlin



ENCYCLOPEDIA OF  
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RELIGION

LINDSAY JONES  
EDITOR IN CHIEF

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## Encyclopedia of Religion, Second Edition

Lindsay Jones, Editor in Chief

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The church has continued to honor many of its traditions of worship and practice. While eschewing a formal dogmatic theological tradition of its own, it affirms the historic creeds of the Christian faith, continues to emphasize the believer's relationship with Christ, and to encourage fellowship among its members. Both men and women are ordained as pastors. The church's historical ecumenical stance is reflected in its participation as a founding member of the World Council of Churches and in the activities of the various provinces in regional councils of churches. Total worldwide membership in the late 1990s was around 720,000.

**SEE ALSO** Comenius, Johannes Amos; Hus, Jan; Pietism; Zinzendorf, Nikolaus.

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#### MORDVIN RELIGIONS SEE MARI AND MORDVIN RELIGION

**MORMONISM.** The religious movement popularly known as Mormonism encompasses several denominations

and sects, the largest of which is the Church of Jesus Christ of Latter-day Saints, which is headquartered in Salt Lake City, Utah, and had a worldwide membership of about twelve million in 2003. The second largest organization is the Community of Christ (formerly known as the Reorganized Church of Jesus Christ of Latter Day Saints) with headquarters in Independence, Missouri, and a membership of about 250,000. Perhaps the smallest of numerous Mormon splinter groups is the Church of Jesus Christ of Latter Day Saints (Strangite) in Burlington, Wisconsin—composed of followers of James T. Strang (1813–1856)—with about two hundred members. All of these churches trace their origins to founder Joseph Smith Jr. (1805–1844).

**ORIGINS OF MORMONISM.** Mormonism began in western New York in the 1820s, a time when the fires of the Second Great Awakening were sweeping across the "burned-over district," and America's most important nineteenth-century waterway, the Erie Canal, was being completed there. Such a mingling of spiritual and physical developments was a perfect expression of the symbiosis between evangelical religion and an emerging industrial order that radically transformed American society, leaving many Americans bewildered and confused. Among those passed by in the rush for progress was the family of Joseph and Lucy Mack Smith, who had left New England with their children in 1816 in search of better economic opportunities in western New York. They settled in the village of Palmyra, directly on the canal route. Though skeptical of the religious enthusiasms of the revivalists, the Smiths were persuaded of the need for religious affiliation. However, they found it difficult to make a choice among competing denominations. Their third eldest son, Joseph Smith Jr., was particularly confused in his search for the one true church. According to a later official church account, in the spring of 1820 the boy, aged fourteen, retired to a grove on his father's farm, where he prayed for divine guidance. In a vision he beheld two personages. One of these spoke to him, pointing to the other, saying "This is my beloved son, hear him!" He was told to join none of the existing denominations, for they were "all wrong."

As young Joseph matured, he had a number of subsequent visions and revelations that convinced him that God had chosen him as his instrument to restore the true church of Christ, which through the course of history had been corrupted by fallible and evil people. In preparation for this restoration, Smith was directed by an angel to unearth a set of golden records from a hill near his parents' farm. He then translated these records with divine aid and published them in 1830 as the *Book of Mormon*, a sacred history of three groups of pre-Columbian migrants to America, including the ancestors of some American Indian tribes. According to the *Book of Mormon*, Christ had visited the inhabitants of the Western Hemisphere after his crucifixion, taught the gospel, and instituted a church "to the convincing of the Jew and Gentile that Jesus is the Christ, the Eternal God, manifesting himself to all nations" (*Book of Mormon*, title page). Although accepted as scripture by believing Mormons, and

popularly called the Mormon Bible by nonbelievers, Smith regarded the *Book of Mormon* as a supplement rather than a substitute for the Bible.

Smith also believed that no scripture, ancient or modern, was sufficient for the restoration of the gospel. More than anything else, mankind needed divine authority to act in the name of God, an authority that had vanished after a great falling away in the early days of Christianity. This authority was restored in the spring and summer of 1829, when the powers of the priesthood of the early church—which included the authority to baptize and the gift of the Holy Ghost—were conferred upon Smith and his associate Oliver Cowdery by John the Baptist and the apostles Peter, James, and John. Smith now felt authorized to restore the church of Christ, which he officially organized under the laws of the state of New York on April 6, 1830, shortly after publication of the *Book of Mormon*. In 1838 the name was changed from Church of Jesus Christ to Church of Jesus Christ of Latter-day Saints.

Although the new religion initially met with skepticism and persecution, it succeeded in attracting a substantial following among restorationists, who saw in Mormonism the fulfillment of the awaited return of the true church of Christ led by a divinely ordained priesthood. Perhaps the most prominent and influential of these early converts was Sidney Rigdon (1793–1876), erstwhile associate of Alexander Campbell (1788–1866). Rigdon brought virtually his entire Ohio congregation over to the new religion, thus inducing Smith and most of his New York followers to establish a Mormon settlement in 1831 in Kirtland, Ohio. There Smith greatly amplified and broadened his theological and organizational principles in a series of revelations first published in 1833 as *A Book of Commandments* and later enlarged into the canonical *Doctrine and Covenants*. The Saints were enjoined to gather in communities as God's chosen people under an egalitarian economic order called the Law of Consecration and Stewardship and to build a temple that was, literally and symbolically, the sacred center of the community. Jesus, Moses, Elias, and Elijah then appeared to Smith and Cowdery in the temple in 1836. These revelations initiated a patriarchal order that harkened back to Old Testament traditions and established the nucleus of a kingdom of God in which the temporal and the sacred became indistinguishable.

These innovations—radical departures from traditional Protestantism—while attracting many new converts, strained the loyalty of some early Saints and also began to arouse the hostility of non-Mormons. When the Saints were forced to leave Kirtland in 1838, it was largely the result of internal conflict; however, as early as 1833 a Mormon settlement in Jackson County, Missouri, had to be abandoned because of persecution. When the Mormons were completely driven out of Missouri in 1839, it was primarily because of opposition to their kingdom. Internal conflict also intensified as Smith continued to move beyond his early restorationist impulse in favor of a kingdom of God that achieved

its fullest expression in Nauvoo. Founded in 1839 for refugees from Missouri, Nauvoo became Illinois's largest city in its day, with a population of about eleven thousand by 1844. It was a city under the full religious, social, economic, and political control of the Mormon kingdom. Much of this development was the result of the spectacular success of missionaries in Great Britain who, beginning in 1837, sent a steady stream of converts to the American settlements.

The success of Nauvoo may well have led Smith to overreach himself. He assumed the leadership of the Mormon militia and announced his candidacy for the presidency of the United States. Smith ostensibly made this gesture to avoid having to make an inexpedient choice between the Whigs and the Democrats, who attracted the majority of voters, but he was also imbued with the millennial belief that, if God wished him to become president and establish Mormon dominion over the United States, who would hinder him? The temple in the center of Nauvoo was much more Hebraic in design and ritual (with Masonic borrowings) than the one in Kirtland, which resembled a New England meetinghouse. Innovative doctrines and ordinances, such as baptism for the dead and especially plural marriage for time and eternity, with Smith and his closest associates secretly taking numerous wives, offended the religious sensibilities of many Saints, who believed they had joined a more traditional, more Protestant kind of Mormonism. Similarly controversial doctrines, such as belief in the preexistence of humans, metaphysical materialism with its attendant denial of the belief in creation *ex nihilo*, eternal progression, a plurality of gods, and the capacity for humans to achieve divinity through obedience to the principles of Mormonism, outraged not only nonbelievers but tested the faith of some of the more traditionally oriented Latter-day Saints. A group of alarmed anti-Mormons effectively capitalized on internal dissent and formed a mob that killed Smith and his brother Hyrum on June 27, 1844.

History has shown that the killers of the Mormon prophet were wrong in thinking that they had delivered a mortal blow to Mormonism. Although Smith's energy and genius started the new religion and kept it going in the face of nearly insurmountable external and internal opposition, a number of able leaders had been attracted to the young religion. They helped ensure its survival after Smith's death. As early as 1834, Smith had organized some of his most loyal lieutenants into a council of twelve apostles in restorationist emulation of the primitive church. In 1840, Brigham Young (1801–1877) became president of this powerful and prestigious group. In this capacity Young was sustained as leader by those Mormons who had unquestioningly accepted Smith's Nauvoo innovations. Most of those devotees followed Young to the Rocky Mountains, while most of the more traditional Saints, who rejected plural marriage and kingdom building, remained in the Midwest. In 1860, Smith's son Joseph Smith (1832–1914) became president of the Reorganized Church of Jesus Christ of Latter Day Saints,

which established its headquarters in Independence, Missouri.

**SETTLEMENT IN UTAH.** Young's advance pioneering party arrived in the valley of the Great Salt Lake in July 1847 and immediately began to survey a site for a city with a temple at the center. Aided by a steady stream of immigrants, Young built an inland empire, including Utah and parts of present-day Idaho, Wyoming, Arizona, Nevada, and California, which boasted a population of over 100,000 by the time of his death in 1877. A practical leader not given to visions and revelations, he insisted throughout his life that he was implementing the plans that Smith had been unable to realize fully in Nauvoo. Plural marriage, practiced secretly in Nauvoo, was publicly announced to the world from Salt Lake City in 1852. Most of the church leaders took numerous wives to set an example for their somewhat reluctant followers, and by the 1860s more than 30 percent of the Mormon population lived in polygamous households. Temporal government was placed in the hands of ecclesiastical leaders under the auspices of a political kingdom of God whose theocratic model was ancient Israel. An ambitious attempt to establish a Mormon State of Deseret failed, but home rule for the Mormons was only partly thwarted, as the federal government, under the Compromise of 1850, created the Utah Territory with Young as governor.

In 1857, however, President James Buchanan (1791–1868) felt compelled to act on reports by territorial officials, who had accused Young and his followers of disloyalty to the United States and of immoral polygamous liaisons. The president sent an expeditionary force of the U.S. Army to Utah to prove to a reform-minded North that the Democrats were at least against one of the “twin relics of barbarism” (meaning slavery and polygamy), whose elimination had been the rallying cry of the Republican Party platform in 1856. “Buchanan’s blunder,” however, did not gain him any political advantage and ended in a negotiated settlement. Although Alfred Cumming, a non-Mormon, was officially installed as the new governor, the Mormons regarded Young as *de facto* governor of Utah. Nevertheless, the handwriting was on the wall for Young’s Mormon kingdom; further government attacks on polygamy and the political kingdom were delayed only by the Civil War. Beginning in the 1870s, the U.S. Congress exerted increasing pressure on the Mormons, who in 1890 were forced to relinquish polygamy and the political kingdom as the price of their religion’s survival. Mormon president Wilford Woodruff (1807–1898) issued a manifesto disavowing any further sanctioning of plural marriages by the church, symbolizing the passing of an era and the beginning of the reconciliation of Mormonism with the world—a transformation reinforced by a “second manifesto” issued by church president Joseph F. Smith (1838–1918), a grandnephew of the founding prophet, in 1904.

**MODERN MORMONISM.** Throughout most of the nineteenth century, Mormonism had been an antimodern, antipluralist religious movement in a modernizing, pluralistic world. The

latter was represented perhaps most significantly by the symbiosis between evangelical religion, entrepreneurial capitalism, and political pluralism. Religion, like politics, had become a commodity in the free marketplace of ideas and beliefs. Democrats and Whigs might disagree about means but not about ends. The same was true of Protestant religious denominations, who agreed that ultimately they would all arrive at the same truth, if by different routes. This was a world alien to Smith and most of those who became Mormons. Smith’s original quest, which had sent him to pray in his father’s grove, was for the one true church. Because truth ultimately could not be divided, “correct principles” also applied to economics, society, and government—principles that were incompatible with an emerging, competitive, capitalist American society. Here then was a fundamental source of conflict between the Saints and their adversaries, in which the former were sustained by their millennial expectations of the near advent of their Savior and the eventual triumph of the kingdom of God over its enemies.

When the Saints voted on October 6, 1890, to accept Woodruff’s manifesto, they may not have perceived the full significance of their decision. Yet this event was a watershed in Mormon history, as the Saints then had to jettison some of their most distinctive institutions and beliefs: economic communitarianism, plural marriage, and the political kingdom. Mormons now followed their erstwhile evangelical adversaries into the pluralistic American cultural mainstream, joining what the historian Martin Marty has called “a nation of behavers.” In search of new boundaries and symbols of identification, the Mormons, much like the evangelicals, placed greater emphasis on strict codes of behavior: abstinence from alcohol, tobacco, tea, and coffee; acceptance of regulated dress norms; and more intensive monitoring of sexual morality. These codes reflect the very values that had aided nineteenth-century evangelicals in their adaptation to an emerging capitalist industrial order requiring work discipline that was effectively sustained by internalized behavioral norms. Nevertheless, the question of how close modern Mormonism has moved to the Protestant mainstream remains controversial. In spite of Mormon protestations to the contrary, major conservative evangelical groups continue to reject the Mormon claim to be Christian.

In any case, Mormons found modern values congenial in their own adaptation to a competitive, individualistic social and economic order. They prepared the rising generation to meet this change not only through the family but also through a growing number of church auxiliaries: primary associations for the very young, young men’s and women’s organizations, Sunday schools, priesthood quorums, and women’s auxiliaries. Such institutions were all designed to keep Mormons active in their church from the cradle to the grave, while at the same time allowing them to become productive members of the larger American society. Religion thus became a springboard for social and economic success in the world (though not intentionally so), which was further

facilitated by the Mormons' increasing commitment to education. In the early years of the third millennium CE some fifty thousand Latter-day Saints (LDS) attended church-sponsored institutions of higher learning, such as the flagship Brigham Young University as well as church colleges in Idaho and Hawai'i. Many thousands more studied at secular universities throughout the United States and the Western world, receiving religious instruction at LDS institutes adjacent to such campuses. Mormons serve in prominent positions in the federal government, in the military, in major business corporations, and in major universities.

Many of these Mormons are third- to fifth-generation Latter-day Saints who have a strong cultural identification with their religion that is enhanced by closely-knit family ties. The strong Mormon emphasis on family solidarity finds theological and institutional expression in the belief in the eternal nature of the family when family ties have been solemnized within the sacred precincts of the temple. Temple ordinances, conducted not only for the living but also vicariously for the dead, are intended to bind families and ultimately the entire human race through sacred covenants. Only those Mormons who observe their religion's strict rules of conduct are allowed to enter the temple and participate in these ordinances and rituals. Temples, then, are not ordinary church buildings but are regarded as special edifices and are found only in major population centers. There are more than a hundred of these in various parts of the world. Meetinghouses, on the other hand, are functional buildings where congregations of several hundred members hold simple worship as well as social and athletic events—all open to non-Mormon visitors. Often two congregations share one building.

Modern Mormonism has succeeded in extending its appeal to members of diverse racial, social, and cultural backgrounds around the world. Missionaries who serve the church at their own expense for two years (mostly young men and women of college age) are increasingly successful in attracting converts in Asia, Latin America, and Africa. Many of these converts are attracted by a lay church that offers active participation to all of its members and provides an instant, socially cohesive group whose authoritarian male leaders set boundaries while providing recognition for behavior that conforms to group standards. Many converts are especially drawn to the Mormon family ideal.

This rapid expansion of Mormonism beyond its traditional culture region as it becomes a world religion brings with it some potential for conflict. Some multigenerational Mormons are apprehensive about the erosion of traditional symbols, such as architecture, in favor of a generic utilitarian building style. Others see this as a necessary accommodation of their religion to the cultural needs of new converts. Prophet President Spencer W. Kimball's 1978 revelation extending the lay priesthood to all Mormon males, irrespective of race or color (blacks had been denied the priesthood prior to that date), can be seen as a clear message indicating recognition

of the need for major change. This is not to say, however, that tradition had suddenly lost its hold on a conservative hierarchy. Rather, it could be said Mormonism is cautiously backing into the future. A telling example of continuing conservatism is the persistent opposition to changes in the role of women, who are admonished to remain at home to raise children while partaking of the priesthood only through the male heads of families. (By contrast, the Community of Christ, which had never withheld the priesthood from blacks, announced that women were eligible for ordination to the priesthood.) This emphasis on "family values" is also reflected in continuing resistance to tolerance of homosexuality. At the same time, while not condoning abortion, Mormon leaders are less visible in their opposition than the Catholic hierarchy. They have also refrained from getting involved in the public controversy over stem-cell research, having adopted a wait-and-see attitude. Thus, if their history is a reliable guide to the future, the Mormon hierarchy in Utah will not allow its conservatism to hinder the progress of the Church of Jesus Christ of Latter-day Saints in the twenty-first century.

SEE ALSO Smith, Joseph; Young, Brigham.

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KLAUS J. HANSEN (1987 AND 2005)

# Mormon fundamentalism

From Wikipedia, the free encyclopedia

**Mormon fundamentalism** (also called **fundamentalist Mormonism**) is a belief in the validity of selected fundamental aspects of Mormonism as taught and practiced in the nineteenth century, particularly during the administration of Brigham Young, an early president of The Church of Jesus Christ of Latter-day Saints (LDS Church). Mormon fundamentalists seek to uphold tenets and practices no longer held by mainstream Mormons (members of the LDS Church). The principle most often associated with Mormon fundamentalism is plural marriage, a form of polygyny first taught by Joseph Smith, Jr., the founder of the Latter Day Saint movement. A second and closely associated principle is that of the United Order, a form of egalitarian communalism. Mormon fundamentalists believe that these and other principles were wrongly abandoned or changed by the mainline LDS Church in its efforts to become reconciled with mainstream American society.



A dozen teens from polygamous families along with over 200 supporters demonstrate at a pro-plural marriage rally in Salt Lake City in 2006<sup>[1]</sup>

There is no central authority for all Mormon fundamentalists and the viewpoints and practices of individual groups vary. Fundamentalists have formed numerous small sects, often within cohesive and isolated communities in the Western United States, Western Canada, and northern Mexico. At times, sources have claimed there are as many as 60,000 Mormon fundamentalists in the United States,<sup>[2][3]</sup> with fewer than half of them living in polygamous households.<sup>[4]</sup> However, others have suggested that there may be as few as 20,000 Mormon fundamentalists<sup>[5][6]</sup> with only 8,000 to 15,000 practicing polygamy.<sup>[7]</sup> The largest Mormon fundamentalist groups are the Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS Church) and the Apostolic United Brethren (AUB).

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## History

The LDS Church began prohibiting the contracting of plural marriages within the United States in 1890 after a decree by the president of the church, Wilford Woodruff. It is claimed, however, that the church allowed the practice to continue underground in the U.S. and openly in Mormon colonies in northern Mexico and southern Alberta. According to some sources, many polygamous men in the United States continued to live with their plural wives with the approval of church presidents Woodruff, Lorenzo Snow, and Joseph F. Smith.<sup>[6][8]</sup>

Some fundamentalists have argued that the 1890 Manifesto was not a real revelation of the kind given by God to Joseph Smith, Jr., Brigham Young, John Taylor and others, but rather was a politically expedient document intended by Woodruff to be a temporary measure until Utah Territory gained statehood. They make their argument based upon textual evidence and the fact that the "Manifesto" is not worded in accordance with similar revelations in the LDS scriptures. This argument further holds that after joining the Union, Utah would have had the authority to enact its own laws with respect to marriage, rather than being bound by U.S. territorial laws that prohibited polygamy. Before statehood could be granted in 1896, however, the federal government required Utah to include a provision in its state constitution stating that "polygamous or plural marriages are forever prohibited".<sup>[9]</sup> Fundamentalists (and many scholars of Mormon history) also believe that a primary impetus for the 1890 Manifesto was the Edmunds-Tucker Act of 1887, a stringent federal law that legally dissolved the LDS Church, disenfranchised women (who had been given the vote in Utah in 1870), and required voters to take an anti-polygamy oath before being permitted to vote in an election.

With the selection of Latter-day Saint Reed Smoot to be one of Utah's representatives to the U.S. Senate in 1903, national attention was again focused on the continuation of plural marriage in Utah, which culminated in the Reed Smoot hearings. In 1904, LDS Church president Joseph F. Smith issued a "Second Manifesto", after which time it became LDS Church policy to excommunicate those church members who entered into or solemnized new polygamous marriages.<sup>[10]</sup> The seriousness with which this new measure was taken is evinced in the fact that no less eminent an LDS member than apostle John W. Taylor, son of the third president of the church, was excommunicated in 1911 for his continued opposition to the Manifesto.

Today, the LDS Church continues to excommunicate members who advocate early Mormon doctrines such as plural marriage, enter into or solemnize plural marriages (whether in the United States or elsewhere), or actively support Mormon fundamentalist or dissident groups. Although some LDS Church members continue to *believe* in the doctrine of plural marriage without *practicing* it,<sup>[11]</sup> Joseph Smith's teachings on plural marriage remain part of the scriptural canon of the LDS Church.<sup>[12]</sup> The LDS Church prevents any of its members who sympathize with Mormon fundamentalist teachings from entering its temples.<sup>[13]</sup>

During the 1920s, a church dissenter named Lorin C. Woolley claimed a separate line of priesthood authority from the LDS Church's hierarchy, effectively setting in motion the development of Mormon fundamentalism.<sup>[14]</sup> Most of the Mormon polygamous groups can trace their roots to Woolley's legacy.<sup>[15]</sup>

For the most part, the Utah state government has left the Mormon fundamentalists to themselves unless their practices violate laws other than those prohibiting bigamy. For example, there have been recent prosecutions of men who belong to fundamentalist groups for marrying underage girls. In one highly publicized case, a man and one of his polygamist wives lost custody of all but one of their children until the wife separated herself from her husband.<sup>[16]</sup> The largest government effort to crack down on the practices of

fundamentalist Mormons was carried out in 1953 in what is today Colorado City, Arizona, which became known as the Short Creek Raid.

Other fundamental doctrines of the Latter Day Saint movement besides polygamy, notably the United Order (communalism), while equally important in the practices of some fundamentalist sects, have not come under the same scrutiny or approbation as has plural marriage, and the mainline LDS Church has mostly ignored this aspect of fundamentalism; in any case, no revelation or statement condemning it has ever been issued.

## Distinctive doctrines and practices

Most Mormon fundamentalists embrace the term *Fundamentalist* (usually capitalized).<sup>[6]</sup> Mormon fundamentalists share certain commonalities with other fundamentalist movements, but also possess some clear distinctions of their own.

Fundamentalists within the Mormon tradition do see religious authority as inerrant and unchanging, but tend to locate this authority within their view of "Priesthood," which is conceived of as more of a charismatic authority and often physical lineage than an external organization. In this view, ordination lineage becomes all-important and an external organization such as a church may "lose" its theological authority while the "priesthood" (conceived in this abstract and individualistic sense) may continue via an alternative lineage. Mormon fundamentalists frequently assert that priesthood is prior to the Church.<sup>[17]</sup>

Unlike more prevalent Biblical (non-Mormon) fundamentalist groups, who generally base their authority upon an unchanging and closed canon of scripture, Mormon fundamentalists generally hold to a concept of "continuing revelation" or "progressive revelation," in which the canon of scripture may be continually augmented. This is a doctrine they still share with the mainline LDS Church, at least in principle.

Another of the most basic beliefs of Mormon fundamentalist groups, already alluded to, is that of plural marriage, which many of them view as essential for obtaining the highest degree of exaltation in the celestial kingdom. Mormon fundamentalists dislike the term *polygamy* and view *polygyny* as a term used only by outsiders.<sup>[6]</sup> They also refer to plural marriage generically as "the Principle", "celestial marriage",<sup>[18]</sup> "the New and Everlasting Covenant", or "the Priesthood Work".<sup>[6]</sup>

The practice of plural marriage usually differs little from the manner in which it was practiced in the nineteenth century. However, in some fundamentalist sects it is considered acceptable for an older man to marry underage girls as soon as they attain puberty. This practice, which is illegal in most states, apart from polygamy itself, has generated public controversy. Examples include the Tom Green case, and the case in which a man from the Kingston clan married his 15-year-old cousin, who was also his aunt.<sup>[19]</sup> Other sects, however, do not practice and may in fact vehemently denounce underage or forced marriages and incest (for example, the Apostolic United Brethren.)

In addition to plural marriage, Mormon fundamentalist beliefs often include the following principles:

- the law of consecration also known as the United Order
- the Adam–God teachings taught by Brigham Young and other early leaders of the LDS Church
- the principle of blood atonement
- the exclusion of black men from the priesthood
- the belief that missionaries should teach "without purse or scrip"<sup>[20]</sup>

Mormon fundamentalists believe that these principles were wrongly abandoned or changed by the LDS Church, in large part due to the desire of its leadership and members to assimilate into mainstream American society and avoid the persecutions and conflict that had characterized the church throughout its early years.

## Terminology and relationship with the LDS Church

The term "Mormon fundamentalist" appears to have been coined in the 1940s by LDS Church apostle Mark E. Petersen<sup>[21]</sup> to refer to groups who had left the LDS Church. However, Mormon fundamentalists do not universally embrace this usage and many simply consider themselves to be "Mormon."<sup>[22][23]</sup> Today the mainline LDS Church considers the designation "Mormon" to apply only to its own members and not to members of other sects of the Latter Day Saint movement. The LDS Church claims that there is no such thing as a "Mormon fundamentalist," and that using the two terms together is a "contradiction."<sup>[24]</sup> The LDS Church suggests that the correct term to describe Mormon fundamentalist groups is "polygamist sects".<sup>[25]</sup>

In rebuttal to this nomenclature argument, certain Mormon fundamentalists have argued that they themselves are in fact more correctly designated as "Mormons" in so far as they follow what they consider to be the "true" and/or "original" Mormon teachings as handed down from Joseph Smith and Brigham Young. Within this context, the mainline LDS Church is often regarded by such fundamentalists as having abandoned several foundational aspects of Mormonism as noted above.<sup>[26][23]</sup>

## Mormon fundamentalist sects

The majority of Mormon fundamentalists belong to sects that have separated themselves from the LDS Church. As such, most are considered to be "Brighamite" sects within the Latter Day Saint movement.

### Apostolic United Brethren

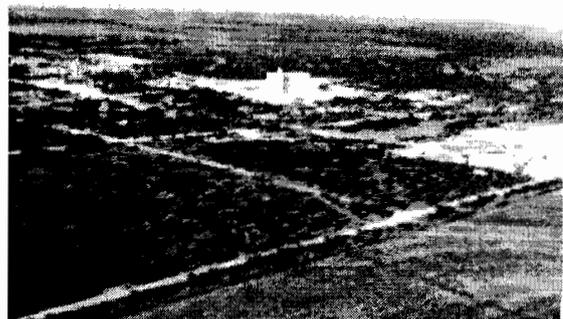
The Apostolic United Brethren (AUB) is estimated to have about 5000 to 9000 members throughout Utah, Montana, Arizona, Wyoming, Missouri, and Mexico. Several of its towns are organized into United Orders; the church has established a temple in Mexico, an Endowment House in Utah, and operates several schools.

The AUB emerged when their leader, Joseph W. Musser, ordained Rulon C. Allred as an apostle and counselor, which led to a split between Mormon fundamentalists in Salt Lake City and those in Short Creek, Arizona. The AUB is currently headed by J. LaMoine Jenson and a priesthood council of seven men.

The AUB is one of the more liberal of the Mormon groups practicing plural marriage. The leaders of the AUB do not arrange marriages nor do they authorize plural marriages for people under 18 or for those who are closely related.

### Fundamentalist Church of Jesus Christ of Latter Day Saints

The Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS Church) is estimated to consist of 6000 to 8000 members. A succession crisis has been brewing in the church since 2002, when Warren Jeffs, recently convicted of accessory to rape and who could be sentenced to life in prison, became president of the church. There has been extensive litigation regarding the church for some time, as property rights of disaffected members are weighed against the decisions of church leaders who hold trust to the land their homes are built upon. A large concentration of members lives in the twin cities of Colorado City, Arizona, and Hildale, Utah, as well as in Bountiful, British Columbia. The church has built a temple near Eldorado, Texas. The members of the



A view of the FLDS compound in Eldorado, Texas

FLDS Church tend to be very conservative in dress and lifestyle.

Beginning April 4, 2008, over a four day period, troopers and child welfare officials searched the church's YFZ Ranch and removed 416 children into the temporary custody of the State of Texas.<sup>[27]</sup> Originally officials from the Texas Department of Family and Protective Services took 18 girls into temporary custody of the state, after responding to a phone call from the YFZ ranch alleging physical and sexual abuse of a 16-year-old girl, who also claimed to have been married at age 15 to a 49-year-old man.<sup>[28]</sup> On the following day, Judge Barbara Walther of the 51st District Court issued an order authorizing officials to remove all children, including boys, 17 years old and under out of the compound.<sup>[29]</sup> The children were being held by the Child Protective Services 45 miles away, north of the ranch. 133 women also voluntarily left the ranch with the children.<sup>[30]</sup> On May 29, 2008 the Texas Supreme Court ruled that CPS must return all of the children. The court stated, "On the record before us, removal of the children was not warranted."<sup>[31]</sup> Investigators suspect that the call that provoked the raid was a hoax.<sup>[32]</sup>

### **Latter Day Church of Christ (Kingston clan)**

The Kingston clan, officially known as the Latter Day Church of Christ, includes approximately 1200 members. This secretive group runs several businesses including pawnshops, restaurant supply stores, and a coal mine. The Kingston clan is one of the fundamentalist groups that have allowed marriage to girls just attaining puberty.

### **Righteous Branch of the Church of Jesus Christ of Latter-day Saints**

The Righteous Branch of the Church of Jesus Christ of Latter-day Saints is a group of about 100 to 200 people; most live near Modena, Utah or Tonopah, Nevada. The Righteous Branch was organized in 1978 by Gerald Peterson, Sr., who claimed that, after AUB leader Rulon C. Allred was murdered, he appeared to him as an angel to pass on the presiding keys of the priesthood. This church has built a pyramid-shaped temple and Gerald Peterson, Jr. is their current leader. Like the AUB they are modern in their dress and do not allow girls under 18 to be married.

### **True and Living Church of Jesus Christ of Saints of the Last Days**

The True and Living Church of Jesus Christ of Saints of the Last Days (TLC) is headquartered in Manti, Utah. Membership is estimated at 300 to 500. Organized in 1994, the TLC was a new "restoration" for the "very last days" before the Second Coming of Jesus. While the church initially grew rapidly, it has since stagnated and declined in numbers and converts since it ceased missionary efforts in 2000.

### **Centennial Park group**

About 1500 people are members of a group located in Centennial Park, Arizona, called The Work of Jesus Christ. In the early 1980s there was a conflict of leadership in the FLDS Church. Some of the members were very unhappy with the changes being made by various influential men in the community. When the FLDS Church abandoned leadership by council and instituted a "one-man rule" doctrine, those who wanted to maintain leadership by a priesthood council founded Centennial Park in 1986, approximately 3 miles (5 km) south of the twin communities of Colorado City, Arizona and Hildale, Utah. (Location of Centennial Park) (<http://atlas.mapquest.com>)



A community event in Centennial Park

[The name "Centennial Park" is a reference to the 1886 events surrounding Lorin C. Woolley, which serve as the basis for fundamentalist claims of priesthood authority. Members of this group \(referred to by members as "The Work"\) denounce all violence and abuse, do not permit marriage of young girls, and disavow the extreme practices of the FLDS Church. However, like the FLDS Church, they practice a form of arranged marriage. They dress in modern, modest attire.](http://maps.map.adp?address=1635%20S%20Berry%20Knoll%20Bld&city=Colorado%20City&state=AZ&zipcode=86021&country=US&title=%3cb%20class%3d%22fn%20org%22%3e1635%20S%20Berry%20Knoll%20Bld%3c%2fb%3e%3cbr%20%2f%3e%20%3cspan%20style%3d%22display%3ainline%3bmargin%2dbottom%3a0px%3b%22%20class%3d%22locality%22%3eColorado%20City%3c%2fspan%3e%2c%20%3cspan%20style%3d%22display%3ainline%3bmargin%2dbottom%3a0px%3b%22%20class%3d%22region%22%3eAZ%3c%2fspan%3e%20%3cspan%20style%3d%22display%3ainline%3bmargin%2dbottom%3a0px%3b%22%20class%3d%22postal%2dcode%22%3e86021%3c%2fspan%3e%2c%20%20%3cspan%20style%3d%22display%3ainline%3bmargin%2dbottom%3a0px%3b%22%20class%3d%22country%2dname%22%3eUS%3c%2fspan%3e%3c%2fspan%3e&cid=lfmaplink2&name=&dtype=h) .</a></p>
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The Centennial Park group has built a meetinghouse for weekly services and a private high school. A charter school was built in 2003 for the town's growing elementary-age population. About 300 members of this group live in the Salt Lake Valley, where they hold meetings monthly. Members living in Salt Lake City often travel to Centennial Park every month to help in building the community. This group is led by a Priesthood council.

The group was profiled on the ABC television program *Primetime* in a story entitled, *The Outsiders*, and also on *The Oprah Winfrey Show*.

## Nielsen / Naylor Group

The Naylor group is based in the Salt Lake Valley, and has around 200 members. They trace their authority through Alma Adelbert Timpson and Frank Naylor. Most—if not all—of the members of this group were previously associated with the Centennial Park or FLDS Church.

## Independent Mormon fundamentalists

There is a large movement of independent Mormon fundamentalists. Independents do not belong to organized fundamentalist groups and do not generally recognize any man as their prophet or leader. Because Independents are not one cohesive group, they are very diverse in their beliefs and interpretations of Mormonism; therefore, their practices vary. Many Independents come from a background in the LDS Church, while others come from other Christian or Mormon fundamentalist backgrounds.

Independents rely upon personal inspiration and revelation to guide them; there is no ecclesiastical structure among the Independents, although Independents often socialize with each other and may meet together for religious services.

Statistically, it is difficult to estimate how many Independents there are, but a recent estimate indicates that there may be more independent fundamentalists than there are in any one of the formally organized polygamous groups and may number as many as 15,000.<sup>[33]</sup> According to this informal survey, about half of Mormon fundamentalists, both those in groups and those outside of groups, currently practice polygamy. There is a large concentration of Independents in Utah, Arizona, and Missouri.

## See also

- Alex Joseph
- *Big Love* HBO series about a fictional independent polygamous Mormon fundamentalist family
- Ervil LeBaron
- Messenger magazine – a fundamentalist publication
- *Under the Banner of Heaven*, a non-fiction novel by John Krakauer
- *Polygamy: What Love Is This?*

## Notes

1. ^ Teens defend polygamy at Utah rally. [http://web.archive.org/web/20060902171217/http://news.yahoo.com/s/ap/20060820/ap\\_on\\_re\\_us/polygamy\\_rally](http://web.archive.org/web/20060902171217/http://news.yahoo.com/s/ap/20060820/ap_on_re_us/polygamy_rally)
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7. ^ Stephen Eliot Smith, "'The Mormon Question' Revisited: Anti-Polygamy Laws and the Free Exercise Clause", LL.M. thesis, Harvard Law School, 2005.
8. ^ Authorized Plural Marriage 1835-1904 (<http://www.mormonfundamentalism.com/NEWFILES/PluralMarriage1835to1904.htm>)
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10. ^ Church Educational System. Church History in the Fulness of Times Student Manual, Chapter 36 ([http://www.ldsces.org/inst\\_manuals/chft/chft-36-40.htm#36](http://www.ldsces.org/inst_manuals/chft/chft-36-40.htm#36)) . (Salt Lake City, Utah: The Church of Jesus Christ of Latter-day Saints).
11. ^ For example, one LDS Church commentator has said regarding plural marriage that "[o]bviously the practice will commence again after the Second Coming" of Jesus Christ: see Bruce R. McConkie, *Mormon Doctrine*, p. 578.
12. ^ Doctrine and Covenants Section 132 (<http://scriptures.lds.org/en/dc/132>) .
13. ^ Anderson, Lavina F. (ed) (Spring 1998). *"History of LDS Temple Admission Standards: Plural Marriage"* Journal of Mormon History. Layton, UT: Mormon History Association. p. 144-146.
14. ^ Biography of Lorin C. Woolley (<http://www.mormonfundamentalism.com/NEWFILES/LorinCWoolleyBio.htm>)
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- Shield and Refuge Ministry (<http://www.shieldandrefuge.org>) Information & Resources on Mormon fundamentalism from evangelical Christian perspective

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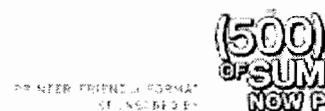
Categories: Mormon fundamentalism | Polygamy and the Latter Day Saint movement | Reclaimed words

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# **EXHIBIT B**

**The New York Times****April 12, 2008**

## **Texas Polygamy Raid May Pose Risk**

**By KIRK JOHNSON**

ELDORADO, Tex. — The raid last week on a polygamist compound here is complicating law enforcement efforts in Utah and Arizona, where there are far more offshoot Mormon polygamists but where the authorities try to avoid such large-scale confrontations.

Officials in those states have dealt for many years with the tangled and delicate problem of opening communications with polygamist groups while also winning the confidence of girls who are taken as under-age wives. The Texas authorities say the raid here was prompted by a 16-year-old who called on a cellphone from the compound in a cry for help.

But the raid's scale — 416 children were removed, making it the largest raid in more than a half century in the West — and the fact that the 16-year-old has not been identified, has sharply eroded trust in the government among polygamist groups, according to law enforcement officials in several states.

“They were reaching out, opening up,” Mark L. Shurtleff, the attorney general in Utah, said of the polygamist communities. “Now they’ve kind of pulled back. Everybody’s going to wait and see how this thing plays out in Texas.”

Mr. Shurtleff, a Republican who has led rescue and prosecution efforts in his state, emphasized he was not criticizing the authorities in Texas; a complaint came, he said, and officials had to act. Nonetheless, he said, it will be harder to persuade another under-age, coerced bride to come forward if the message resonates that Texas was not able to protect or identify the girl here after her call.

“If we can’t promise protection, they’re not going to talk,” Mr. Shurtleff said in telephone interview.

Texas state officials said Friday at a news conference that they believed that the girl was among the children taken into protective custody, but that she had not identified herself so they could not be sure.

Arizona’s attorney general, Terry Goddard, a Democrat, was also blunt about the possible consequences of the raid.

“We’re in uncharted territory,” Mr. Goddard said. “The last time something of this scale happened was Short Creek, and connections with the communities broke off for almost 50

years after that. I personally think we will have to redouble our efforts now.”

In both Utah and Arizona there have been recent cases in which the authorities have won the confidence of under-age coerced brides who have cooperated with state prosecutions, most notably in the criminal case last year against Warren S. Jeffs, the prominent polygamist leader in Utah. In other instances, the authorities in those states have managed to persuade polygamist families to allow state officials and social services into their communities.

In the world of fundamentalist polygamy, the phrase “Short Creek” has resonated since 1953, when the police descended on the twin communities of Hildale, Utah, and Short Creek, Ariz., now Colorado City. More than 30 men were arrested, and hundreds of children were rounded up and taken into custody. Psychological walls went up as the communities retreated and taught the young to believe that the government was the enemy.

“The state became the bogymen,” Mr. Goddard said.

Since then, the problems associated with fundamentalist polygamy, especially the practice of taking under-age wives, have become more glaring, and the numbers of polygamists have grown, as well, elevating and complicating the issue. Though still small in the number of participants — the biggest group has an estimated 10,000 members — the issues are often front-page politics in the West.

The Texas lawmaker who represents Eldorado, Representative Harvey Hilderbran, a Republican, said the authorities had been looking for a tool, if not a spark, to combat the particular form of polygamy that arrived here in 2003, when the group’s members came from Utah and Arizona.

Mr. Hilderbran led the push in 2005 to raise the marriage age in Texas to 16 from 14, a legislative process in which Mr. Shurtleff, the Utah prosecutor, came to testify in support of the change.

“We’ve been fighting this for awhile, trying to do something about it,” Mr. Hilderbran said. “But we needed a complaint. You can’t just say: ‘Golly, I can’t get into that ranch, I bet you lots of awful stuff is going on in there.’”

Mr. Hilderbran said that based on recent conversations with law enforcement officials, they had been poised to respond if and when a cry for help came.

“There was some anticipation, at least some preparation,” Mr. Hilderbran said.

“There was great concern not to have something like Waco,” he added, referring to the raid on the Branch Davidian compound near Waco in 1993, in which more than 80 people were killed. “So we want to know how to handle it, to have our ducks in a row.”

“I think our agencies and law enforcement did a good job,” Mr. Hilderbran said of the raid last week.

Mr. Shurtleff has become deeply identified with the polygamy issue, taking his advocacy even beyond Utah's borders.

Last month, he spoke to a group of civic and business leaders in Austin, Tex. He was accompanied by a former child bride from the Fundamentalist Church of Jesus Christ of Latter-day Saints, which owns the ranch here.

Mr. Shurtleff's message was that polygamy had victims.

When it was over, Mr. Shurtleff said, more than a few people promised to help.

"They and their wives were saying, 'I know this person, this legislator, and I'm going to use our influence, to try and get something done over there,'" he said.

Mr. Shurtleff said he had no idea whether that day in Austin influenced the events of last week, when 700 state law enforcement and child welfare officials arrived here and surrounded the Yearning for Zion ranch, as the F.L.D.S. compound here is called.

Mr. Hilderbran, the legislator, said he was unaware of any recent pressure to take action beyond the girl's call. The business executive who organized the event in Austin did not return calls on Friday.

In Eldorado, a dusty and remote spot in the Hill Country where goat herds line the sides of the road and free-range chickens are not just a description on a supermarket package, tolerance for the secretive sect members — mixed with suspicion — seems to have been the norm.

The newcomers kept to themselves, neither giving to the community nor asking much in return. But that is a trait most people here respect, no matter the rumors of what went on behind closed gates.

"They haven't bothered anybody," said Jerry Swift, a sheep, goat and cattle rancher. When they came to Eldorado to buy supplies, which was rare, the men dressed in work clothes, "not any differently than us," Mr. Swift said.

Members of the sect have practiced "plural marriage," as they call it, since they split more than a century ago from the mainstream Mormon church, which is based in Salt Lake City.

Both groups look back to Joseph Smith as their founder and first prophet. But the main branch of the faith, the Church of Jesus Christ of Latter-day Saints, disavowed polygamy more than a century ago and excommunicates polygamists today.

That Utah and Arizona would take leadership in combating polygamy is not surprising, because those states also have two of the highest percentages of mainstream Mormons in the nation, many of whom bristle at the long-outdated association with polygamy. That animosity complicates interfaith relations and politics.

A more immediate question is how the history of the Texas raid will be told in the cloistered

places of polygamists where sermons and oral tradition rule and where television, radio and newspapers are all alien.

“We have no control over their internal communications,” said Mr. Goddard, the Arizona attorney general. “And right now they feel they’re a target.”

*Gretel C. Kovach contributed reporting.*

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## Why Missouri is fertile ground for right-wing activism.

By Kevin Horrigan

**ST. LOUIS POST-DISPATCH**

Sunday, Aug. 16 2009

"I come from a country that raises corn and cotton, cockleburs and Democrats, and frothy eloquence neither convinces nor satisfies me. I'm from Missouri, and you have got to show me."

With the exception of the part about Democrats, everything that U.S. Rep. Willard Vandiver said in 1899 is still the case. Traditional "Show-Me State" skepticism has morphed into denial and outrage.

Town hall meetings are full of "tea party" activists loudly defending the 37th best-performing health care system in the world. A cadre of "birthers," including leading Missouri politicians, think its worth investigating whether the president of the United States was born in Kenya.

State Rep. Jim Guest, R-King City, campaigns on behalf of people who claim the government has planted microchips in their heads. Ron Boyer of Fair Grove, a member of the Missouri Air Conservation Commission and founder the group Scientists for Truth, argues that global warming is a government hoax.

Add to this the presence of the Missouri militia; extremist religious groups allied with the Christian Identity Movement along the Missouri-Arkansas border; various ultra-conservative publishing operations; black helicopter alarmists worried about a federal takeover in the Ozarks, and you could get the idea that Missouri recently has become a hotbed of far-right activism.

Maybe it's something in the water. Fluoride, maybe.

Some historical perspective was needed, so who better than Jeffrey L. Pasley, who will be teaching HIST 2440, the History of Missouri, this fall at the at the University of Missouri-Columbia. It's not in the water, he said, nor is it recent.

"There has long been a throbbing vein of extreme conservatism here," he said, adding that conservative activism "does seem to grow up in places where you have lots of transplanted southern and rural whites living in a relatively

diverse urban environment.

"That would apply to the post-war St. Louis, L.A., and Detroit suburbs. At the same time, Missouri is a transition zone for just about every social group and demographic trend imaginable, a place where the Rust Belt and Sun Belt, East and West, North and South always have had to confront each other and coexist. .

..

"Extreme conservatism seems to be a way that some white people cling to their rural 'individualist' and, it must be said, mono-racial mentality in the face of modern life and modern institutions, which requires living with different kinds of people and dealing with large organizations: Just deny the legitimacy of the whole thing."

Pasley referred me to Susan Flader, now an emerita professor in Mizzou's history department. As it happens, a long time ago I took one of her courses in environmental history. She said my name sounded familiar, but I think she was just being nice.

She recalled her work in the mid- to late-1990s trying to convince landowners in the Ozarks that a coordinated land management program in parts of the Ozarks wasn't part of a land grab orchestrated by the United Nations.

"There's always been a skepticism about government in Missouri," she said, "but when people are having mass meetings about the fear of black helicopters, that's a bit extreme."

The state's Southern conservative attitudes flourish in the Ozarks, Flader said, but at one point in the 1920s, parts of northern Missouri actually were progressive.

Those days are gone. Today, conservative activism thrives across the state, but is particularly prevalent in the St. Louis suburbs, south into the Ozarks and throughout southwest Missouri.

Pasley suggested that two factors account for this. "One, this was a virtually one-party Democratic state for such a long time, which left 'serious' conservatives with no real home back in the days when the old modern Republican establishment (who had accommodated themselves to the welfare state) still controlled the GOP."

Second, he said, is that a "number of conservative religious groups have their headquarters and powerful establishments here: the Assemblies of God (in Springfield); the Lutheran Church Missouri Synod (in Kirkwood); the

second-largest Mormon group (the Community of Christ, formerly the Reorganized Latter Day Saints in Independence), in recent pro-life times, I would have to count the Archdiocese of St. Louis.

"All of these groups encourage their members to militantly apply church teachings to society (and thus politics), and their churches and hierarchies have become organizing bases for conservative groups and the current GOP."

So it's not just the whole Show-Me thing?

"The Show-Me attitude does exist," he said, "but instead of healthy skepticism, it seems to manifest more often as extreme skepticism or indifference to new ideas or critical social and political thinking.

"Missourians seem to get most upset about someone trying to change the way they imagine things have always been, as good a definition of conservatism as any."

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# The Salt Lake Tribune

<http://www.sltrib.com>

## Two Utah polygamous sects meet to mend fences

By Brooke Adams  
The Salt Lake Tribune

Salt Lake Tribune

Updated:08/14/2009 02:58:37 PM MDT

# The Salt Lake Tribune

<http://www.sltrib.com>

Representatives of two polygamous groups in southern Utah held a historic meeting Tuesday triggered by statements that characterized them as "rivals" squaring off over a disputed piece of property.

The Centennial Park Action Committee spent about five hours with Willie Jessop, spokesman for the Fundamentalist Church of Jesus Christ of Latter Day Saints at his office in Hildale, touching on past and current issues involving the two groups.

The primary purpose of the meeting was to set the record straight after an attorney for the FLDS referred to Centennial Park as a "rival" polygamous group during a recent radio interview.

"We are not in a rivalry," said Susie Timpson of the Centennial Park Action Committee. "I don't want there to be a deep schism driven by" the current controversy involving the United Effort Plan Trust.

The Centennial Park community formed in the mid-1980s following a leadership rift and property dispute in the fundamentalist Mormon group based in Hildale, Utah, and Colorado City, Ariz. Most residents of Centennial Park, located about 3 miles south of the Utah stateline, now belong to The Work of Jesus Christ.

The two groups have followed separate religious and cultural paths since that split.

The latest controversy arose after the court-appointed fiduciary overseeing the UEP Trust offered to sell Berry Knoll Farm, adjacent to Centennial Park, to a developer who lives in that community.

The farm holds economic, historical and religious significance for the both communities and the FLDS have objected to the sale of the trust property.

The potential buyer has since said he does not want to be drawn into the dispute over the farm, and Timpson echoed that Tuesday.

"I don't think we should be put in the middle of it," she said.

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# The Salt Lake Tribune

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## Utah AG's office revises guide to polygamy

Religion » New Primer provides neutral explanation of fundamentalist groups.

By Brooke Adams  
The Salt Lake Tribune

Salt Lake Tribune

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# The Salt Lake Tribune

<http://www.sltrib.com>

After months of haggling over every period, definition, connotation and allusion, the state's Safety Net Committee has released a revised guide to understanding so-called fundamentalist Mormon communities in Utah, Arizona and as far away as Missouri and Canada.

*The Primer*, as the booklet is known, now has a neutral tone that no longer promotes the idea that fundamentalist Mormons, many of whom practice polygamy, are "victims" of groups who experience more domestic violence or abuse than other populations, said Pat Merkley, Safety Net Committee director.

"I think we have produced the best dialogue we possibly could," Merkley said. "It is a true consensus."

*The Primer* is primarily designed for use by law enforcement and social services agencies, but Merkley said it also has been of wide interest to the public.

The first version of *The Primer* was put together by the Utah Attorney General's Office in 2005, and it has been a "sore spot" with many fundamentalist Mormons who did not like its disparaging tone and over-generalizations, Merkley said.

The guide's new introduction is an example of the difference in approach. Previously, it told the story of one woman's "escape" from the Fundamentalist Church of Jesus Christ of Latter Day Saints. Now it attributes the origins of *The Primer* to a recognition that those who "elect to leave" fundamentalist Mormon communities have unique needs.

With that in mind, *The Primer's* section on domestic violence has been rewritten to make it more applicable to issues that arise in fundamentalist Mormon and plural families, Merkley said.

*The Primer* also offers an overview of different groups that, with one exception, were prepared by the communities themselves -- among them, the Apostolic United Brethren or "Allred Group;" Centennial Park; Davis County Cooperative Society and the Nielsen/Naylor Group. A section on the FLDS was prepared without the sect's help.

*The Primer* includes a glossary of definitions, terms and practices, many revised in the new edition. A few terms have been dropped.

Altered explanations now use neutral language and provide fuller descriptions of how the terms are used and by whom. The entry for "reassignment of wives" is now simply "reassignment" and the practice is ascribed to the FLDS rather than all fundamentalist Mormons.

There also are several additions, such as "compound." *The Primer* says that word, like "clan," is an objectionable term.

Merkley said *The Primer* will undoubtedly undergo more changes. "There will be people on both sides who are not happy with it," she said. But, "we have produced the best dialogue we possibly could."

*The Primer* is available online at [http://attorneygeneral.utah.gov/cmsdocuments/The\\_Primer.pdf](http://attorneygeneral.utah.gov/cmsdocuments/The_Primer.pdf).

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## FLDS controversy: Judge to take up sale of polygamous sect's farmland

UEP Trust » Only sure thing is more litigation, Utah Attorney General says

By Brooke Adams  
The Salt Lake Tribune

Salt Lake Tribune

Updated:

# The Salt Lake Tribune

<http://www.sltrib.com>

Nine months after she halted its sale, 3rd District Judge Denise Lindberg will again consider a proposal to sell a farm that has become a battlefield for a controversial polygamous sect, a court-appointed fiduciary and attorneys general in two states.

Lindberg has set a tightly formatted, three-hour hearing Wednesday on the sale of 438 acres from Berry Knoll Farm -- a sale opposed by members of the Fundamentalist Church of Jesus Christ of Latter Day Saints -- at the Matheson Courthouse in Salt Lake City.

Several thousand FLDS members are expected to gather outside the court to signal their objection to the sale and to Lindberg's recent ruling rejecting a proposal that would have returned trust property to the FLDS church.

Representatives of other fundamentalist Mormon groups and organizations, such as Principle Voices, also plan to participate to voice opposition to "any ruling that deprives polygamists of the right to organize or manage trust with their own assets."

The farm is part of the United Effort Plan Trust, which holds virtually all land in the twin towns of Hildale, Utah, and Colorado City, Ariz. It also has holdings in Bountiful, British Columbia. A majority of residents of the twin towns belong to the sect, led by Warren S. Jeffs.

The trust was created in 1942 to support the community's effort to live in a religiously directed "Holy United Effort" and protect properties from seizures during crackdowns on polygamy.

Utah Attorney General Mark Shurtleff requested the court takeover of the trust in 2005 after accusing former trustees of mismanagement and the sect of failing to defend its assets from two lawsuits.

Since then, lawsuits involving the trust have multiplied and it is currently about \$3 million in debt, money owed primarily to fiduciary Bruce R. Wisan and his attorneys.

Wisan wants to sell more than half of the 711-acre farm to Berry Knoll Farms LLC., a holding company created in November by Kenneth C. Knudson, for about \$3 million. Knudson is a resident of a separate polygamous community known as Centennial Park, which abuts the farmland and has historic ties to the FLDS.

Wisan said Tuesday he believes the "highest, best use" of the property is to develop it, but the FLDS say that is contrary to trust beneficiaries' interests and dilutes the trust's holdings -- something the state-orchestrated takeover was supposed to guard against.

Rod Parker, an attorney for the FLDS, sent Shurtleff a letter this week charging him with letting the trust's assets be frittered away while the majority of its beneficiaries have been treated with "outright hostility.

"The beneficiaries have suffered far more detriment than they would have suffered if default judgments had been entered in the original lawsuits," Parker wrote.

As for Berry Knoll, FLDS members donated the farmland to the sect, deeming it consecrated to the church, and over the years used it to support the community. The land also holds historical and religious significance: It was here that members kept watch for Arizona law officers who raided the community in 1953, and a former fundamentalist leader prophesied that a temple would one day be built near the knoll.

Lindberg froze the sale last November after Shurtleff's office asked for time to pursue a settlement of litigation involving the trust. Lindberg reset the property sale after the FLDS balked at paying court-ordered fees. She also recently rejected settlement proposals put forth by Shurtleff and the FLDS, primarily because they returned most of the trust to the sect and were not, she said, religiously neutral.

Wisan and the Arizona Attorney General's Office also objected to the settlement deals, as did a group of non-FLDS members.

# **EXHIBIT C**

# “Thus Shall My Church Be Called”

Elder Russell M. Nelson  
Of the Quorum of the Twelve Apostles



Russell M. Nelson, “Thus Shall My Church Be Called,” *Ensign*, May 1990, 16

Today I would like to speak about a name. We are all pleased when our names are pronounced and spelled correctly. Sometimes a nickname is used instead of the real name. But a nickname may offend either the one named or the parents who gave the name.

The name of which I shall speak is not a personal name, yet the same principles apply. I refer to a name given by the Lord:

“Thus shall my church be called in the last days, even The Church of Jesus Christ of Latter-day Saints.”  
(D&C 115:4.)

Note carefully the language of the Lord. He did not say, “Thus shall my church be *named*.” He said, “Thus shall my church be *called*.” Years ago, its members were cautioned by the Brethren who wrote: “We feel that some may be misled by the too frequent use of the term ‘Mormon Church.’” (*Member-Missionary Class—Instructor’s Guide*, Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 1982, p. 2.) Before any other name is considered to be a legitimate substitute, the thoughtful person might reverently consider the feelings of the Heavenly Parent who bestowed that name.

Surely every word that proceeds from the mouth of the Lord is precious. So each word in this name must be important—divinely designated for a reason. If we study the key words in that name, we can better understand the name’s full significance.

## Saints

The last word in the title is *Saints*. I smile when I remember a comment made after my call to the Quorum of the Twelve. A doctor friend relayed a report made at a professional meeting that “Dr. Nelson was no longer practicing cardiac surgery because his church had made him ‘a saint.’”

Such a comment was not only amusing but revealing. It evidenced unfamiliarity with the language of the Bible, in which the word *saint* is used much more frequently than is the term *Christian*.

The word *Christian* appears in only three verses of the King James Version of the Bible. One verse describes the historical fact that “disciples were called Christians first in Antioch” (Acts 11:26); another quotes a

sarcastic nonbeliever, King Agrippa (see [Acts 26:28](#)); and the third indicates that one known as “a Christian” must be prepared to suffer ([1 Pet. 4:16](#)).

In contrast, the term *saint* (or *saints*) appears in thirty-six verses of the Old Testament and in sixty-two verses of the New Testament.

Paul addressed an epistle “to the saints which are at Ephesus, and to the faithful in Christ Jesus.” ([Eph. 1:1](#).)

To recent converts there he said, “Ye are no more strangers and foreigners, but fellowcitizens with the saints, and of the household of God.” ([Eph. 2:19](#); see also [Eph. 3:17–19](#).)

In his epistle to the Ephesians, Paul used the word *saint* at least once in every chapter!

Despite its use in ninety-eight verses of the Bible, the term *saint* is still not well understood. Some mistakenly think that it implies beatification or perfection. Not so! A saint is a believer in Christ and knows of His perfect love. The giving saint shares in a true spirit of that love, and the receiving saint accepts in a true spirit of gratitude. A saint serves others, knowing that the more one serves, the greater the opportunity for the Spirit to sanctify and purify.

A saint is tolerant, and is attentive to the pleadings of other human beings, not only to spoken messages but to unspoken messages as well. A saint is different from an individual whose response to a concern might be a selfish “What do *I* care” attitude. A real saint responds, “What? *I do* care!” *Do* is an action verb, and it becomes the driving force in the reply of one who will care for another in need. (See [1 Cor. 12:25–27](#); [2 Cor. 7:12](#).)

A saint “refrain[s] from idleness” ([Alma 38:12](#)) and seeks learning by study, and also by faith. Education not only helps in communication with others, but it enables one to discern truth from error, particularly through studying the scriptures. (See [D&C 88:118](#).)

A saint is honest and kind, paying financial obligations promptly and fully, treating others as she or he would want to be treated. (See [Matt. 7:12](#); [3 Ne. 14:12](#); [D&C 112:11](#).)

A saint is an honorable citizen, knowing that the very country which provides opportunity and protection deserves support, including prompt payment of taxes and personal participation in its legal political process. (See [D&C 134:5](#).)

A saint resolves any differences with others honorably and peacefully and is constant in courtesy—even in traffic at the rush hour.

A saint shuns that which is unclean or degrading and avoids excess even of that which is good.

Perhaps above all, a saint is reverent. Reverence for the Lord, for the earth He created, for leaders, for the dignity of others, for the law, for the sanctity of life, for chapels and other buildings, are all evidences of saintly attitudes. (See [Lev. 19:30](#); [Alma 47:22](#); [D&C 107:4](#); [D&C 134:7](#).)

A reverent saint loves the Lord and gives highest priority to keeping His commandments. Daily prayer, periodic fasting, payment of tithes and offerings are privileges important to a faithful saint.

Finally, a saint is one who receives the gifts of the Spirit that God has promised to all His faithful sons and daughters. (See [Joel 2:28–29](#); [Acts 2:17–18](#).)

## **Latter-day**

The term *latter-day* is an expression especially difficult for translators who labor in languages in which there is not a good equivalent term. Some translations may suggest *last* day.

It is true that scriptures foretell the final days of the earth's temporal existence as a celestial sphere. The earth will then be renewed and receive its paradisiacal, or terrestrial, glory. (See A of F 1:10.) Ultimately, the earth will become celestialized. (See Rev. 21:1; D&C 77:1; D&C 88:25–26.) But its *last* days must be preceded by its *latter* days!

We live in those latter days, and they are really remarkable. The Lord's Spirit is being poured out upon all inhabitants of the earth, precisely as the Prophet Joel foretold. His prophecy was of such significance that the angel Moroni reaffirmed it to the Prophet Joseph Smith. (See Joel 2:28–32; JS—H 1:41.)

For millennia, methods of farming, travel, and communication were largely unchanged from ancient techniques. Developments since the birth of Joseph Smith, however, have risen in remarkable contrast.

Joseph Smith had long been foreordained as God's prophet for the restoration of the gospel in the fulness of times. (See 2 Ne. 3:7–15.) Twenty-five years after his birth, The Church of Jesus Christ of Latter-day Saints was officially organized.

Later in that same century, the telegraph was developed, the Atlantic Ocean was first crossed by a steamship, and the telephone, the automobile, and motion pictures were invented.

The twentieth century has been even more extraordinary. Farming has become mechanized.

Modern transportation allows travel to nearly any destination in the world within a day or two.

Computers have been developed that allow the Church to serve living members and to organize information relative to progenitors who live on the other side of the veil. People throughout the world, once little concerned with family history, now search for roots of their ancestral heritage using technologies unavailable a century ago.

Long-distance telephone, telefax, radio, television, and satellite communications have become routine. In these latter days it is possible for the word of the Lord to be broadcast from world headquarters of His Church and heard in the most remote areas of the globe.

The divine promise is being fulfilled that this restored “gospel shall be preached unto every nation, and kindred, and tongue, and people.” (D&C 133:37.)

Political changes have occurred recently in many countries. Previous restrictions of personal liberties have been relieved. The shell of spiritual confinement has been shattered. Swelling shouts of freedom fill the air. Surely the hand of the Lord is apparent. He said, “I will hasten my work in its time” (D&C 88:73), and that time of hastening is now.

## Jesus Christ

By divine directive, the title of the Church bears the sacred name of Jesus Christ, whose church this is. (See D&C 115:3–4.) He so decreed more than once. Nearly two thousand years ago, the Lord said, “Ye shall *call* the church in my name; ...

“And how be it my church save it be *called* in my name?” (3 Ne. 27:7–8; italics added.)

We worship God the Eternal Father in the name of His Son by the power of the Holy Ghost. We know the

premortal Jesus to be Jehovah, God of the Old Testament. We know Him to be “the chief corner stone” upon which the organization of His Church is based. (Eph. 2:20.) We know Him to be the Rock from whom revelation comes to His authorized agents (see 1 Cor. 10:4; Hel. 5:12) and to all who worthily seek Him (see D&C 88:63).

We know that He came into the world to do the will of His Father, who sent Him. (See 3 Ne. 27:13.) His divine mission was to effect the Atonement, which was to break the bands of death and enable us to receive immortality and eternal life.

The living Lord’s divine mission still continues. One day we will stand before Him in judgment. He has foretold that event:

“Whoso repenteth and is baptized in my name shall be filled; and if he endureth to the end, behold, him will I hold guiltless before my Father at that day when I shall stand to judge the world.” (3 Ne. 27:16.)

We revere the name of Jesus Christ. He is our risen Redeemer.

## The Church

The first two words of the name the Lord chose for His earthly organization are *The Church*.

Note that the article *The* begins with a capital letter. This is an important part of the title, for the Church is the official organization of baptized believers who have taken upon themselves the name of Christ. (See D&C 10:67–69; D&C 18:21–25.)

The foundation of the Church is the reality that God is our Father and that His Only Begotten Son, Jesus Christ, is the Savior of the world. The witness and inspiration of the Holy Ghost confirm those realities.

The Church is the way by which the Master accomplishes His work and bestows His glory. Its ordinances and related covenants are the crowning rewards of our membership. While many organizations can offer fellowship and fine instruction, only His church can provide baptism, confirmation, ordination, the sacrament, patriarchal blessings, and the ordinances of the temple—all bestowed by authorized priesthood power. That power is destined to bless *all* children of our Heavenly Father, regardless of their nationality:

“The keys of the kingdom of God are committed unto man on the earth, and from thence shall the gospel roll forth unto the ends of the earth.” (D&C 65:2; see also Dan. 2:37–45; D&C 109:72.)

Admission into His church is by baptism. This sacred ordinance is reserved only for children after they reach the age of accountability and for adults who are truly converted, prepared, and worthy to pass this scriptural test:

“Ye are desirous to come into the fold of God, and to be called his people, and are willing to bear one another’s burdens, that they may be light;

“Yea, and are willing to mourn with those that mourn; yea, and comfort those that stand in need of comfort, and to stand as witnesses of God at all times and in all things, and in all places that ye may be in.” (Mosiah 18:8–9.)

Through the ordinance of baptism, we take upon ourselves the name of the Lord and covenant to be saints in these latter days. We covenant to live by the doctrines of the Church as recorded in sacred scriptures and as revealed to prophets, ancient and modern.

“We believe all that God has revealed, all that He does now reveal, and we believe that He will yet reveal many great and important things pertaining to the Kingdom of God.” (A of F 1:9.)

These revelations include fundamental truths essential to our everlasting happiness and joy. They teach of priorities with eternal potential, such as love of God, family, mother, father, children, and home; self-mastery; care of the poor and needy; service; and thoughtful consideration for others.

This church, established under the direction of Almighty God, fulfills promises made in biblical times. It is part of the “restitution of all things, which God hath spoken by the mouth of all his holy prophets since the world began.” (Acts 3:21.) It has been restored and given a name by the Lord Himself.

He issued this solemn warning: “Let all men beware how they take my name in their lips.” “Remember,” He added, “that which cometh from above is sacred, and must be spoken with care.” (D&C 63:61, 64.)

Therefore, just as we revere His holy name, we likewise revere the name that He decreed for His church.

As members of His church, we are privileged to participate in its divine destiny. May we so honor Him who declared, “Thus shall my church be *called* ... The Church of Jesus Christ of Latter-day Saints,” I pray in the sacred name of Jesus Christ, amen.

*Gospel topics:* name of Church, obedience