

# How Pro-Life Moral Principles Have Been Nurtured in the Mormon Faith Community\*

*Lynn D. Wardle\*\**

ABSTRACT: This article describes and discusses how one particular faith community – the Church of Jesus Christ of Latter-day Saints and its members (herein “LDS” or “Mormon Christians” or “Mormons”) – has responded to the challenge of social acceptance and legitimation of elective abortion. It will describe and discuss both formal LDS Church policies and doctrines and informal “Mormon” social values and behaviors.

*“I teach them correct principles, and they govern themselves.”*  
– Joseph Smith<sup>1</sup>

## I. Introduction: The Challenge

This article describes and discusses how one particular faith community – the Church of Jesus Christ of Latter-day Saints and its members (herein “LDS” or “Mormon Christians” or “Mormons”) – has responded to the

---

\* An expanded version of this essay was published in the *Ave Maria Law Review* 11/2 (2013): 299-365. The portions of that article that appear in this essay are reprinted with the permission of the author.

\*\* *Lynn D. Wardle* is the Bruce C. Hafen Professor of Law at the J. Reuben Clark Law School at Brigham Young University. He teaches Family Law and Biomedical Ethics & Health Law, and publishes regularly in those fields. He is a member of the American Law Institute, and a member of University Faculty for Life. He is a past-President of the International Society of Family Law, and also the immediate past-President of the International Academy for the Study of the Jurisprudence of the Family.

<sup>1</sup> “The Organization of the Church,” *Millennial Star*, Nov. 15, 1851, at 339, available at <http://jesuschrist.lds.org/josephsmith/v/index.jsp?vgnextoid=dd2f001cfb340010VgnVCM1000001f5e340aRCRD&vgnnextfmt=tab2> (visited June 28, 2011). See also *Three Messages of the First Presidency* (James R. Clark comp., 1965-1975), p. 54.

challenge of social acceptance and legitimation of elective abortion.<sup>2</sup> It will describe and discuss both formal LDS Church policies and doctrines and informal “Mormon” social values and behaviors. The latter refers to “cultural phenomena”<sup>3</sup> reflecting the customary values and beliefs of members of the Mormon Christian community. It will show how important and effective “teaching correct principles” can be in cultivating a culture of life in a particular faith community, whether in pro-choice or pro-abortion times.

Part II provides context with a brief review of the history of the legalization and social acceptance of elective abortion in the United States. In *Roe v. Wade*<sup>4</sup> and *Doe v. Bolton*,<sup>5</sup> the U.S. Supreme Court mandated the legalization of abortion-on-demand throughout the United States in 1973, and the legal dogma has expanded in dozens of major cases since them. The movement to legalize abortion-on-demand was well-underway long before *Roe* was decided, and since 1973 abortion has become widely-accepted and widely-practiced in the United States. During the past half-century, views about abortion in society and in religious communities generally have shifted toward being more accepting of abortion.

Part III summarizes the history of how LDS Church leaders have treated elective abortion in Church principle, policy, and doctrine. Since the early days of the Church, the practice of elective abortion has been consistently and emphatically condemned by Church leaders as a very grave personal sin and very serious social evil. In the last half of the nineteenth century, abortion was the subject of repeated, strong condemnations in sermons by General Church Authorities. In the past half-century, official Church policy statements and multiple, repeated teachings and sermons by the highest Church leaders continue to assert clearly and repeatedly that abortion is a severely immoral and

---

<sup>2</sup> The term “elective abortions” is used herein to mean abortions that are done for reasons of personal preference and not because of medical necessity or a comparably rare and severe moral dilemma entailing extreme dangers such as (1) irremediable and grave threat to the life of, (2) extreme and severe risk to the health of, the mother; (3) irreversible, imminent, terminal condition of the unborn child; or (4) rape or incest.

<sup>3</sup> John W. Welch, “Towards a Mormon Jurisprudence,” *Regent University Law Review* 21 (2009): 81. “The term ‘Latter-day Saint’ is better reserved to describe official doctrines, policies, or programs of the Church of Jesus Christ of Latter-day Saints.”

<sup>4</sup> 410 U.S. 113 (1973).

<sup>5</sup> 410 U.S. 179 (1973).

socially destructive act and that those who submit, procure, perform, or assist abortion are subject to Church discipline, including possible excommunication. These doctrines and policies emanate from and reflect deep principles of both Mormon theology and Judeo-Christian history. In contrast to elective abortion, the Church's "neutral" public policy position regarding Embryonic Stem Cell (ESC) research reflects the LDS Church's normal reluctance to take positions on political issues and underscores the rare nature of the LDS position on elective abortion.

In Part IV this article examines how ordinary members of the Church view abortion and shows that there is little dissonance between the official Church doctrine and the views and practices of ordinary Mormons. Most Mormon Christians believe, support, and practice the moral principles and positions espoused by their Church leaders regarding the immorality and social evils of elective abortion. Eight elements appear to have contributed to the successful effort by LDS church leaders to support a strong culture of life that is reflected in the actual beliefs and practices of the members of the Church regarding elective abortion despite strong cultural dissonance. Of course, every religious community is unique and the approach that succeeds in one community may not succeed as well in another community. However, the experience of the Mormon community indicates that some combination of constant, clearly-espoused, principle-based factors and expectation of sacrificial discipleship may be effective in creating and maintaining support within a religious community for values and behaviors that reflect and embody the principles espoused by Church leaders.

Part V notes with appreciation the magnificent leadership role that the Catholic Church, its leaders, and many Catholic laity have taken in the public abortion-policy controversy. It appears that consistent teaching of pro-life values, principles, and behavioral standards in faith communities has had some positive effect on people outside of those faith communities as well. The recent revival of public support for pro-life viewpoints in public opinion polls and the recent proposal of long-unprecedented numbers of pro-life bills suggest that the persistent expression of pro-life values and views in faith communities may impact views and attitudes about abortion in society at large as well.

In conclusion, Part VI underscores the importance of clearly, constantly teaching moral principles, policies, and personal behavior standards and cultivating within faith communities general understanding of, support for, and adherence to those values by the members of the community when those views

and standards have become unpopular in society. The LDS experience with elective abortion is one example of how the clear and persistent expression of pro-life viewpoints can effectively nurture pro-life values and action in a particular community and influence the values of the overall community for good. It notes the great contributions of other faith communities in standing for the sanctity of life and the importance of faith communities with common pro-life values standing together in defense of the unborn.

## II. The Transformation of the Social-Acceptance and Legality of Elective Abortion in the United States of America, 1960-2010

### A. The Transformation in American Public Opinion

Social attitudes have become dramatically more tolerant of elective abortion in the United States over the past half-century.<sup>6</sup> Fifty years ago, elective abortion was widely condemned and rarely practiced. It was illegal and had been prohibited at common law from at least the twelfth century in England and from colonial times in America.<sup>7</sup> As medical developments in the middle of the twentieth century lessened the risks of abortion to the woman, a movement to legalize abortion began. In 1962 the American Law Institute proposed that laws totally prohibiting abortion except to save maternal life be modified to allow

---

<sup>6</sup> The transformation of the moral rating of abortion has been a world-wide phenomenon, not limited to the United States alone. See generally Susan A. Cohen, "Guttmacher Responds to Critics of Global Abortion Study," *RH Reality Check* (Oct. 20, 2009), <http://www.rhrealitycheck.org/blog/2009/10/20/a-response-critics-guttmacher-study-global-abortion-trends> (last visited Aug. 22, 2012): "Nineteen countries have significantly reduced restrictions in their abortion laws since 1997, while only three countries have substantially increased legal restrictions." See also "World Publics Reject Criminal Penalties for Abortion," *WorldPublicOpinion.org*, [http://www.worldpublicopinion.org/pipa/articles/btjusticehuman\\_rightsra/492.php?nid=&id=&pnt=492](http://www.worldpublicopinion.org/pipa/articles/btjusticehuman_rightsra/492.php?nid=&id=&pnt=492) (last visited Aug. 13, 2012): 11 of 18 countries oppose efforts to discourage abortion; 17 out of 18 oppose criminal penalties for such. Stanley K. Henshaw, Susheela Singh, & Taylor Haas, "The Incidence of Abortion Worldwide," *International Family Planning Perspectives* 25 (1999, Supp.): S30-38, reporting on numbers and rates of abortion in most nations worldwide. However, as this paper focuses on the LDS faith community in the United States, the discussion of the history of abortion is limited to the U.S.

<sup>7</sup> See generally Joseph W. Dellapenna, *Dispelling the Myths of Abortion History* (Durham NC: Carolina Academic Press, 2006), pp. 185-406; Lynn D. Wardle & Mary Anne Wood, *A Lawyer Looks at Abortion* (Provo UT: Brigham Young Univ. Press, 1982), pp. 27-49.

exceptions for therapeutic legal abortion in three additional “hard case” circumstances of risk to maternal health, risk of fetal deformity, and instances of rape or incest.<sup>8</sup> By 1972 thirteen states had adopted abortion reforms based on that ALI proposal.<sup>9</sup> The ALI proposal and the state law reforms based on it did not legalize *elective* abortion generally, but they reflected a lessening of social disapproval of abortion. More significantly, in 1970, four other states (Alaska, Hawaii, New York, and Washington) legalized abortion-on-demand for a limited period during pregnancy (ranging from twelve to twenty-four weeks of pregnancy).<sup>10</sup>

Nonetheless, frustrated by the slow pace of merely reforming laws that prohibited elective abortion to expand exceptions to them, advocates of elective abortion and the nascent abortion industry began a litigation campaign to strike down those old laws. On January 22, 1973, the U.S. Supreme Court announced its decisions in *Roe v. Wade*<sup>11</sup> and *Doe v. Bolton*,<sup>12</sup> declaring unconstitutional (in *Roe*) the nineteenth-century Texas abortion law that, codifying the common law, prohibited abortion except when necessary to save the life of the mother and also declaring unconstitutional (in *Doe*) most of the provisions of the moderately progressive 1962 ALI Model Penal Code that maintained the general prohibition on elective abortion.<sup>13</sup> The rulings in *Roe* and *Doe* effectively invalidated the abortion laws in all fifty states and required all states to repeal all laws restricting elective abortion before the third trimester of pregnancy. Moreover, the expansive *Roe* opinion (1) rejected claims that protection of maternal health justified restricting elective abortions generally, (2) declared that the fetus or embryo victim of abortion was not a constitutional “person” and did not possess any constitutionally protectable “right to life,” (3) declared the decision of a woman whether to have an abortion a private matter, protected as a fundamental constitutional right of privacy against state regulation, and (4) concluded that the state may not prohibit abortion before the fetus is viable (which it suggested was after twenty-four to twenty-eight weeks of gestation). Thus, *Roe* and *Doe* not only invalidated virtually nearly all

---

<sup>8</sup> American Law Institute, *Model Penal Code* § 230.3 (1962).

<sup>9</sup> See Wardle & Wood, *supra* n8 at 42-43.

<sup>10</sup> *Ibid.*

<sup>11</sup> 410 U.S. 113 (1973).

<sup>12</sup> 410 U.S. 179 (1973).

<sup>13</sup> See *supra* n9 and accompanying text.

existing abortion laws in the nation, but constitutionalized elective abortion as a fundamental value in our constitutional order.

*Roe* and *Doe* were only the tip of the iceberg of judicial protection of elective abortion in American law. As Appendix I shows, in just four decades, the U.S. Supreme Court has decided at least forty-six significant abortion cases, including at least thirty-seven major constitutional decisions that have dealt with some aspect of constitutional protection for elective abortion. The Court has dramatically expanded the abortion doctrine to regulate such issues as parental consent, spousal notification, disposition of fetal remains, abortion funding, sidewalk “counseling,” anti-abortion demonstrations, routine health clinic regulations, restriction of partial-birth abortion (more accurately, infanticide), etc. Chief Justice Burger joined in the original *Roe* and *Doe* opinions with a separate concurring opinion optimistically suggesting that those decisions did not endorse “abortion on demand” and would not have the “sweeping consequences attributed to them by the dissenting Justices.”<sup>14</sup> Thirteen years later, he wrote a strong dissent in *Thornburg v. American College of Obstetricians and Gynecologists* conceding that “I regretfully conclude that some of the concerns of the dissenting Justices in *Roe*...have now been realized.”<sup>15</sup>

While it is clear that the trend toward acceptance of elective abortion as morally approved had begun and increased in the decade before *Roe* and *Doe*, those 1973 decisions (collectively “*Roe*”) can be identified as the pivotal fulcrum in the social transformation of the moral acceptance of elective abortion.<sup>16</sup> A study by Judith Blake, published in *Science* magazine, reporting on three specially-commissioned Gallup polls between 1962-1969 and a 1965 National Fertility study to track public opinion regarding abortions for four specific reasons found that during the decade preceding *Roe*, disapproval of abortion “where the health of the mother is in danger” fell from 16% to 13%; disapproval of abortion “where the child may be born deformed” fell from 29% to 25%; disapproval of abortion “where the family does not have enough money to support another child” fell from 74% to 68%; and disapproval of abortion simply because the parents do not want more children fell from 91%

---

<sup>14</sup> 410 U.S. 208 (Burger, C.J., concurring).

<sup>15</sup> 476 U.S. 747, 782-83 (1986) (Burger, C.J. dissenting).

<sup>16</sup> After 1970, only one state liberalized its abortion law, adopting the moderate ALI Model Penal Code principles. See Wardle & Wood, *supra* n8 at 43.

(in 1965) to 79%.<sup>17</sup> Another study by Blake of public opinion surveys from the mid-1960s to the mid-1970s (ending four years after *Roe*) found, *inter alia*, that disapproval of permissive legal abortion fell from 85% to 63% in one set of surveys, and from 91% to 76% in another set (covering a five-year period).<sup>18</sup> A set of Gallup surveys showed that “opposition to elective abortion...clearly declined...from the high of 85% in 1968 to 63% in 1974 and 1977.”<sup>19</sup>

The first public Gallup Poll about the legality of abortion, just two years after *Roe*, found that nearly 60% of those polled thought abortion should be legal only in some – but not all – circumstances, while those who thought that all abortions should be illegal and those who thought that all abortions should be legal were about 20% each. However, over the next two decades support for legalized abortion-on-demand first grew while opposition to all abortion fell, then the trends reversed, and now the two polar positions are less than 10% apart.<sup>20</sup> Most of the change in public opinion recorded by the Gallup Poll organization has been on the polar extremes, the percentage of persons thinking that all abortions should be allowed or prohibited.<sup>21</sup> The pro-abortion-on-demand polar extreme swelled for over a decade then deflated, and today the polar positions are roughly equal again.<sup>22</sup>

Interestingly, however, the majority of Americans consistently have reflected the belief that abortion should be allowed only in certain (e.g., generally only in “hard case”) situations. Thus, the Gallup Poll organization reported in 2002 that “A notable aspect of Gallup’s long-term measure of public opinion on abortion is *the consistency in Americans’ outlook over the last quarter century*. From 1975 through today, a majority of Americans have almost continually held that abortion should be legal ‘only under certain

---

<sup>17</sup> Judith Blake, “Abortion and Public Opinion: The 1960–1970 Decade,” 171 *Science* 540, 541, tbl. 1 (Feb. 12, 1971).

<sup>18</sup> Judith Blake, “The Supreme Court’s Abortion Decisions and Public Opinion in the United States,” 3 *Population & Development Review* (1977): 45, 47-49.

<sup>19</sup> *Ibid.* at 50. However, most of the rise in approval of elective abortion came *before* the Supreme Court decision in *Roe* (*ibid.* at 57-58). She also suggests that “the cause of elective abortion” might have been better served if the Court had not intervened in the state legislative liberalization.

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.* at 1: “Most recently Gallup has found about a quarter of Americans (26%) saying abortion should be legal in all cases, a little over half (56%) saying it should be legal in certain cases and 17% saying it should be illegal in all cases.”

<sup>22</sup> *Ibid.* at 1-3.

circumstances.”<sup>23</sup>

Another measure of the social acceptance of abortion (and the impact of, *inter alia*, *Roe* and *Doe*) is in the number, rate, and ratio of abortions performed. As the table in Appendix II shows, the number of reported abortions (using the best available data,<sup>24</sup> rose from 1972 until 1980 (when 30% of all known pregnancies in the United States were aborted), plateaued for about a decade, then began a slow but steady decline that seems to be continuing (with only a small rebound in recent years).<sup>25</sup>

Religiosity has long been correlated with opinions about abortion. For example, a special Gallup report in 2002 noted: “The overwhelming majority of people who say religion is very important in their lives believe abortion should either be illegal or legal in only a few circumstances. Similarly, most people who say today that religion is not very important in their lives believe abortion should be legal in most or all circumstances.”<sup>26</sup> Other demographic factors “largely overlap with the underlying religiosity [factor].”<sup>27</sup> However,

<sup>23</sup> Ibid.

<sup>24</sup> Ironically, the best data about abortion incidence and practice comes from the pro-choice private Alan Guttmacher Institute rather than the government Centers for Disease Control. See Guttmacher Institute, “The History of the Guttmacher Institute,” <http://www.guttmacher.org/about/history.html> (last visited Aug. 13, 2012). It was originally a subsidiary of Planned Parenthood. “Abortion in The United States” <http://www.youtube.com/watch?v=rY-bQ6UzhNI&feature=plcp>, Pro-abortion ad put out by the Guttmacher Institute.

<sup>25</sup> The rate of abortions per 1000 women 15–44 peaked in 1980 (at 2.93%) as did the ratio of abortions per known pregnancies number of abortions (at 30%), while the raw number of abortions peaked in 1990 (at 1,609,000). See *infra* Appendix II and Appendix III.

<sup>26</sup> Lydia Saad, “Americans Still Split Along ‘Pro-Choice,’ ‘Pro-Life’ Lines,” *Gallup Politics*, May 23, 2011, at 1-2, available at <http://www.gallup.com/poll/147734/americans-split-Along-Pro-Choice-Pro-Life-Lines.aspx> (seen 29 May 2012).

<sup>27</sup> Ibid. Religion has been a major influence upon attitudes about abortion for millennia, and rejection of abortion has distinguished Judeo-Christian believers from pagans since Old Testament times. See also John W. Mahaffy, “Abortion and the Bible,” a study presented to the Committee on Abortion of the Presbytery of the Dakotas, March 1971, available at <http://mahaffynet.net/Mahaffynet/Writings/JWM/abortion%0and%20the%20bible.pdf> (last visited May 30, 2012): “[A]lthough relatively few passages say much directly about abortion or the status of unborn children, the assumption of Scripture is that the fetus is a human being and an image of God. Thus the life of the fetus may not be taken without destroying someone who is the image of God.”



membership in a religious community is no guarantee of acceptance of or conformity to the moral teachings of the faith regarding disapproved practices for which there is strong support in society in general. Religious Americans are also influenced by the same factors that influence other members of the national society. Thus, research has revealed that opposition to elective abortion by members of mainstream religions fell by 10–20 per cent in the dozen years following *Roe*.<sup>28</sup>

One contributing cause of the change in social views about abortion has been the emergence of a culture of intolerance of the expression of pro-life views.<sup>29</sup> Because communication of pro-life perspectives and opinions may be not only unpopular but also provoke hostile, dangerous, punitive responses, it is hardly surprising that pro-life expressions are heard less frequently today than in earlier times. Such censorial, hostile responses to pro-life views chill pro-life expressions and makes it harder to create and sustain within any subgroup of society (including faith communities) pro-life values, principles, and behavioral standards that defy the socially popular views of the times.

### III. Pro-Life Doctrines, Teachings, and Policies in the History, Doctrine, Theology, and Practices of the Church of Jesus Christ of Latter-Day Saints

How do leaders of a faith community create and maintain within their community support for high pro-life moral standards in principle and practice in this pro-abortion age? How do they cultivate strong values and behavior standards that deviate so clearly from the values and practices that have become accepted and popular in society generally? This section looks at experience of the Church of Jesus Christ of Latter-day Saints and its members (Mormons).

#### A. Organization of the LDS Church, Leadership, and Teaching

Some background explanation of the organization of the LDS Church is important in order to understand the Church's response to elective abortion and

---

<sup>28</sup> Lyman A. Kellstedt, "Abortion and the Political Process" in *Abortion: A Christian Understanding and Response*, ed. James A. Hoffmeier (Grand Rapids MI: Baker Book House, 1987), p. 212.

<sup>29</sup> See generally Lynn D. Wardle, "Instilling Pro-Life Moral Principles in Difficult Times: The Experience of One Faith Community," *Ave Maria Law Review* 11/2 (2013): 299-365,

the effect of that response upon members of the Church. Members of the Church are usually organized into local geographic “wards” consisting of about 150 families (like local parishes or congregations), “stakes” (clusters of about a dozen wards, like dioceses) and “areas” (comprised of many stakes), all led by lay priesthood holders who are unpaid ordinary members with day jobs as teachers, lawyers, doctors, businessmen, government officials, farmers. They give about twenty-five hours of service per week, mostly at night and on weekends, in their lay ministry assignments. Additionally, nearly all adult members of the church are expected to have an assigned “calling” in the local church unit, such as playing the piano or organ in the weekly Sunday Sacrament Meeting, caring for toddlers in the nursery, teaching children in the Primary, serving as a Scoutmaster, teacher, or adviser in the Sunday School, Relief Society, or priesthood quorums. Time spent in such callings can range from about two to twenty hours per week, depending on the calling and situation.

Once a month all men and boys aged fourteen and older are asked to visit (in pairs) all of the families in their ward (each pair usually assigned to visit from two-to-four families) and give them a short, spiritual message, and all women over eighteen are paired and asked to visit all of the adult women and share a short message. Members also are asked to participate in occasional service projects such as helping someone move, or laboring for a few hours on a welfare project (ranch, cannery, orchard), or in a city or school district service day. Working together to give service to each other and to others is an integral part of the identity and mission of Mormon faith communities.<sup>30</sup>

The top priesthood leadership of the Church, called “General Authorities” (about ninety in number), serve full-time to supervise the work of the ward, stake, and area lay leaders, to direct the worldwide support work of the large staff of tens of thousands of paid and volunteer employees and volunteer missionaries, and to speak for the church. Fifteen of the General Authorities

---

<sup>30</sup> See Michael Otterson, “What Makes Mormons Tick?” in *The Washington Post* (Aug. 6, 2012), [http://www.washingtonpost.com/blogs/guest-voices/post/what-makes-mormons-tick/2012/08/06/828d4780-e019-11e1-8fc5-a7dcf1fc161d\\_blog.html](http://www.washingtonpost.com/blogs/guest-voices/post/what-makes-mormons-tick/2012/08/06/828d4780-e019-11e1-8fc5-a7dcf1fc161d_blog.html) (last visited Aug. 9, 2012): “The overarching goal [in a Mormon ward] which everybody works for is to lift others in a way that reflects a community of latter-day, Christian disciples. Everyone needs help from time to time, and everyone also needs to give help. Wards and stakes...also try to reach out and serve with others of goodwill in the community.”

(the President of the Church and his two counselors who constitute the First Presidency, together with the Council of Twelve Apostles) are sustained by the members as “prophets, seers, and revelators.”<sup>31</sup> The President of the Church is sustained as God’s living Prophet who, when speaking in his prophetic role, reveals the mind and will of God to His people on the earth.<sup>32</sup>

Twice each year, in the first weekend of April and of October, about thirty of the General Authorities speak to all members in General Conferences held in Salt Lake City. Their talks are widely broadcast over television, cable, internet, and radio channels around the world and then redistributed in full in broadcast and DVD forms and print forms, including the next month’s issue of the Church’s monthly *Ensign* magazine, which all church members are encouraged to read. Summaries of the conference sermons are published immediately in the weekly *Church News* newspaper (available in print and online versions),<sup>33</sup> and the full texts of the sermons are quickly posted online on the Church’s official website.<sup>34</sup> Great effort and resources are devoted to disseminating the General Conferences sermons to all members of the church.

The official policy positions of the Church institutionally (for both internal Church governance as well as for public policy issues) are set forth in official Statements and Handbooks issued by the First Presidency and/or the Council of the Twelve Apostles. They are also widely distributed and most are easily accessible in print form and online.<sup>35</sup>

---

<sup>31</sup> “The Sustaining of Church Officers,” *Ensign*, May 2012, at 30, available at <http://www.lds.org/general-conference/2012/04/the-sustaining-of-church-officers?lang=eng> (last visited Aug. 7, 2012). See generally *The Doctrine & Covenants of the Church of Jesus Christ of Latter-Day Saints* (herein “Doctrine and Covenants”) 124: 94 (president of the Church called “a prophet, and a seer, and a revelator”).

<sup>32</sup> “Wherefore, meaning the church, thou shalt give heed unto all his words and commandments which he shall give unto you as he receiveth them, walking in all holiness before me; For his word ye shall receive, as if from mine own mouth, in all patience and faith.” *Documents and Covenants* 21:4–5.

<sup>33</sup> The Church of Jesus Christ of Latter-day Saints, *Church News*, available at <http://www.ldschurchnews.com/home>. It presents itself as the “Authorized News Web site of the Church of Jesus Christ of Latter-day Saints.”

<sup>34</sup> For example, the sermons delivered in the April 2012 semi-annual General Conference are available at <http://www.lds.org/general-conference/sessions/2012/04?lang=eng> (last visited Aug. 7, 2012).

<sup>35</sup> For example, the *General Handbook of Instructions*, Handbook 2: Administering the Church (herein “HAC-II”) is available at <http://www.lds.org/handbook/hand>

All members are expected to attend a three-hour block of worship and instructional meetings every Sunday. All single youth of high school and college age are encouraged to study standardized gospel lessons in “seminary” classes each school-day during high school years, and in weekly “institute” classes during their college years.

## B. Teaching Correct Principles

As shown by the great emphasis upon and significant apparatus created and used to disseminate to members of the Church the sermons and teachings of the General Authorities, the Church generally follows the approach of Joseph Smith, who replied to a question about how he governed such a large group of people by saying: “I teach them correct principles and they govern themselves.”<sup>36</sup> Likewise, the Prophet Joseph Smith revealed that that the Lord had declared that it is not appropriate that men should be commanded by Him in all things, but that “men should be anxiously engaged in a good cause, and do many things of their own free will, and bring to pass much righteousness....”<sup>37</sup> This creates an environment that fosters individual

---

book-2-administering-the-church?lang=eng (last visited Aug. 7, 2012).

<sup>36</sup> *The Organization of the Church*, supra note 2; *Messages*, supra note 2. When the Mormons were forcibly driven out of Missouri under the infamous “extermination order” of Governor Lilburn Boggs – see William G. Hartley, “Missouri’s 1838 Extermination Order and the Mormon’s Forced Removal to Illinois,” *2 Mormon Historical Studies* 5, available at [http://www.mormonhistoricsitesfoundation.org/publications/studies\\_spring\\_01/MHS2.1Hartley.pdf](http://www.mormonhistoricsitesfoundation.org/publications/studies_spring_01/MHS2.1Hartley.pdf) (last visited May 30, 2012) – Church leaders bought a large tract of land in Illinois, much of it swampy, on the banks of the Mississippi River, and the religious refugees settled there. Within five years, the new settlement, called “Nauvoo,” became the largest city in Illinois. During that brief period of prosperity, “a member of the [Illinois] Legislature, asked Joseph Smith how it was that he was enabled to govern so many people, and to preserve such perfect order; remarking at the same time that it was impossible for them to do it anywhere else. Mr. Smith remarked that it was very easy to do that. ‘How?’ responded the gentleman; ‘to us it is very difficult.’ Mr. Smith replied, ‘I teach them correct principles, and they govern themselves.’” John Taylor, “The Organization of the Church,” *Millennial Star*, Nov. 15, 1851, p. 339, quoted in *The Church of Jesus Christ of Latter-day Saints, Teachings of the Presidents of the Church: Joseph Smith* 281, 284 (2007), available at [http://www.lds.org/ldsorg/v/index.jsp?hideNav=1&locale=0&sourceId=45f720596a845110VgnVCM100000176f620a\\_&vgnnextoid=da135f74db46c010VgnVCM1000004d82620aRCRD#footnote3](http://www.lds.org/ldsorg/v/index.jsp?hideNav=1&locale=0&sourceId=45f720596a845110VgnVCM100000176f620a_&vgnnextoid=da135f74db46c010VgnVCM1000004d82620aRCRD#footnote3) (visited May 30, 2012).

<sup>37</sup> *Documents and Covenants* 58:26-27.

responsibility to search, study, and use one's own abilities, resources, and inspiration to understand the gospel and to apply it individually in making important decisions.<sup>38</sup>

Accordingly, in most cases, the Church usually says very little officially about what the law or legal policy should be. Rather, Church policies generally address the moral and spiritual dimensions of the issues, internal institutional concerns (such as the standing within the Church of persons who engage in certain behavior that violates the commandments of God or core moral teachings of the Church), and the core theological and moral principles that might be implicated by a social policy. There are, however, a few exceptions, and Church policy regarding abortion is one of them. But even that operates in a framework in which members of the Church are urged and expected to study the issues for themselves. Referencing and respecting a few landmarks provided by Church leaders, they are generally expected to study and decide for themselves on the particular details and applications to specific social issues.<sup>39</sup>

### C. The Official Position of the Church on Elective Abortion

The current official statement of the Church about abortion, available online, states:

The Church of Jesus Christ of Latter-day Saints believes in the sanctity of human life. Therefore, the Church opposes elective abortion for personal or social convenience, and counsels its members not to submit to, perform, encourage, pay for, or arrange for such abortions.

The Church allows for possible exceptions for its members when:

---

<sup>38</sup> See generally John W. Welch, "Towards a Mormon Jurisprudence," 21 *Regent University Law Review* 79, 95–100, 103 (2009).

<sup>39</sup> *Documents and Covenants* 88:78–80. "Teach ye diligently and my grace shall attend you, that you may be instructed more perfectly in theory, in principle, in doctrine, in the law of the gospel, in all things that pertain unto the kingdom of God, that are expedient for you to understand; Of things both in heaven and in the earth, and under the earth; things which have been, things which are, things which must shortly come to pass; things which are at home, things which are abroad; the wars and the perplexities of the nations, and the judgments which are on the land; and a knowledge also of countries and of kingdoms – That ye may be prepared in all things when I shall send you again to magnify the calling whereunto I have called you, and the mission with which I have commissioned you."

- Pregnancy results from rape or incest, or
- A competent physician determines that the life or health of the mother is in serious jeopardy, or
- A competent physician determines that the fetus has severe defects that will not allow the baby to survive beyond birth.<sup>40</sup>

The Church teaches its members that even these rare exceptions do not justify abortion automatically. Abortion is a most serious matter and should be considered only after the persons involved have consulted with their local church leaders and feel through personal prayer that their decision is correct.

The Church has not favored or opposed legislative proposals or public demonstrations concerning abortion.<sup>41</sup> Official Church administrative policy (also accessible online) clearly states:

The Lord commanded, “Thou shalt not...kill, nor do anything like unto it” (*Doctrine and Covenants* 59:6). The Church opposes elective abortion for personal or social convenience. Members must not submit to, perform, arrange for, pay for, consent to, or encourage an abortion.... Church members who submit to, perform, arrange for, pay for, consent to, or encourage an abortion may be subject to Church discipline.<sup>42</sup>

Such discipline could range from informal probation to being formally disfellowshipped or excommunicated. A member who has had, performed, financed, encouraged, or participated in an elective abortion is ineligible to serve as a missionary for the Church.<sup>43</sup> Since missionary service is very

---

<sup>40</sup> The Church of Jesus Christ of Latter-day Saints, “Abortion” at: <http://newsroom.lds.org/official-statement/abortion> (visited Nov. 7, 2011).

<sup>41</sup> *Ibid.*

<sup>42</sup> HAC-II, at §21.4.1, available at <https://www.lds.org/handbook/handbook-2-administering-the-church/selected-church-policies?lang=eng#214>. See also “The First Presidency, Harold B. Lee, N. Eldon Tanner, & Marion G. Romney,” *Policies and Procedures: Statement on Abortion* (April 1973), available at <http://www.lds.org/new-era/1973/04/policies-and-procedures-statement-on-abortion> (last visited Aug. 22, 2012): “Members of the Church guilty of being parties to the sin of abortion must be subjected to the disciplinary action of the councils of the Church as circumstances warrant.” Spencer W. Kimball, *Ensign*, May 1975, at 7: “Much is being said in the press and in the pulpit concerning abortion. This Church of Jesus Christ opposes abortion, and counsels all members not to submit to nor participate in any abortion, in any way, for convenience or to hide sins.”

<sup>43</sup> See Johnnie Glad, Th.D., “Proclaiming the Message, A Comparison of the Mormon Missionary Strategy with Other Mainstream Christian Missions,” at 5

important and heavily emphasized,<sup>44</sup> and most other transgressions (if repented of) do not make one ineligible to serve a mission, the Church policy of disqualification from missionary service may best exemplify how seriously sinful the LDS Church considers elective abortion to be.<sup>45</sup>

#### D. 19th-Century LDS Condemnation and Rejection of Elective Abortion

Statements and actions rejecting elective abortion have been made by LDS General Authorities since shortly after the church was organized in 1830. The number and tempo of such statements has dramatically increased in recent years. For example, an 1831 revelation to Joseph Smith, canonized as section 59 of the *Doctrine and Covenants*, declares: “Thou shalt not...kill, nor do anything like unto it.”<sup>46</sup> That has consistently been understood and interpreted to include abortion, specifically.<sup>47</sup>

A decade later, in 1841, the issue arose in Nauvoo, Illinois, then the

---

(undated), available at <http://www.irr.org/mit/pdfs/Mormon-Mainstream-Christian-Missions-Compared.pdf> (last visited Aug. 13, 2012), non-LDS minister discussing Mormon missions.

<sup>44</sup> Thomas S. Monson, “As We Meet Together Again,” *Ensign*, November 2010, at 5-6; also available at <http://www.lds.org/general-conference/2010/10/as-we-meet-together-again> (last visited Aug. 21, 2012): “First, to young men.... Missionary service is a priesthood duty – an obligation the Lord expects of us.... [Y]oung sisters: while you do not have the same priesthood responsibility as do the young men to serve as full-time missionaries, you also make a valuable contribution as missionaries, and we welcome your service.”

<sup>45</sup> See *Documents and Covenants* 1:4-13; 4:1-7; 12:1-9; 14:1-7; 16:1-6; 50:14; 71:1-4; The Church of Jesus Christ of Latter-day Saints, “Missionary Service,” <http://www.lds.org/service/missionary-service?lang=eng> (last visited Jun. 4, 2012); The Church of Jesus Christ of Latter-day Saints, “Preach My Gospel: A Guide to Missionary Service” (2004), available at [http://www.lds.org/languages/additional\\_manuals/preachgospel/PreachMyGospel\\_00\\_00\\_Complete\\_36617\\_eng\\_.pdf](http://www.lds.org/languages/additional_manuals/preachgospel/PreachMyGospel_00_00_Complete_36617_eng_.pdf) (visited June 4, 2012); Robert D. Hales, “Couple Missionaries: Blessings from Sacrifice and Service,” *Ensign*, May 2005, at 39, available at <http://www.lds.org/ensign/2005/05/couple-missionaries-blessings-from-sacrifice-and-service?lang=eng> (last visited June 4, 2012).

<sup>46</sup> *Documents and Covenants* 59:6.

<sup>47</sup> See, e.g., Russell M. Nelson, “Abortion: An Assault on the Defenseless,” *Ensign*, Oct. 2008, at 32, 32–33: “This matters greatly to us because the Lord has repeatedly declared this divine imperative: ‘Thou shalt not kill.’ Then He added, ‘Nor do anything like unto it’” (quoting *Documents and Covenants* 59:6. See also notes 43, 71 and 79 and accompanying text.

headquarters of the Church, when John C. Bennett, a prominent physician, briefly became an influential Mormon church leader (including Assistant President with the First Presidency, Major-General of the Nauvoo Legion, and Mayor of Nauvoo).<sup>48</sup> Soon after his rise to prominence, it was discovered that he was committing adultery, engaging in unauthorized polygamy, and performing abortions.<sup>49</sup> Bennett reportedly used his alleged ability to perform abortion in case of pregnancy to persuade some women to engage in immoral sexual relations with him.<sup>50</sup> He was excommunicated and became a bitter enemy of the Church and of Joseph Smith.<sup>51</sup>

In the last half of the nineteenth century, when the main body of the Church had moved *en mass* to the remote and isolated American West, many sermons strongly condemning abortion were frequently made by Church leaders. For example, in response to strong criticisms of and severe persecution for their open practice of biblical “plural marriage,” leaders of the Church sometimes responded with condemnations of abortion, contrasting their love for their families and their children with the hypocrisy of their critics in the Eastern United States who kept mistresses and aborted the children of their

---

<sup>48</sup> Susan Easton Black, “Who’s Who in the Doctrine And Covenants” 13–15 (1997): “John was elected mayor of Nauvoo, Major-General of the Nauvoo Legion, [] Chancellor of Nauvoo University...and was appointed Assistant to Joseph Smith”. B.H. Roberts, *Comprehensive History of the Church* 4 (1930): 341. Bennett was sustained “with the First Presidency as Assistant President until President Rigdon’s health should be restored.” It may have been Bennett to whom Heber C. Kimball referred in his 1857 sermon condemning abortion. See *infra*, note 57.

<sup>49</sup> See Roberts, *supra* n73, at 5 *History of the Church* 71-75 (Affidavit of Hyrum Smith): “[S]everal females...testified that John C. Bennett endeavored to seduce them, ...[saying] it was perfectly right to have illicit intercourse with females, providing no one knew it but themselves, vehemently trying them from day to day, to yield to his passions, ...and that he would give them medicine to produce abortions, provided they should become pregnant.”

<sup>50</sup> Richard and Pamela Price, “Joseph Smith Fought Polygamy” (Testimony of Mrs. Goddard), (updated June 26, 2011) *available at* <http://restorationbookstore.org/articles/nopoligamy/jsfp-visionarticles/sarahprattcase.htm> (last visited May 31, 2012). See also Black, *supra* n49. For example, one witness testified that “Dr. Bennett told her [one victim], that he could cause abortion with perfect safety to the mother, at any stage of pregnancy, and that he had frequently destroyed and removed infants before their time to prevent exposure of the parties, and that he had instruments for that purpose &c.”

<sup>51</sup> *Ibid.*



illicit liaisons.<sup>52</sup> Nearly two dozen public sermons strongly condemning abortion were delivered by Church leaders between 1857 and 1885 that were published in the *Journal of Discourses*.<sup>53</sup> For example, in 1879 Apostle (and later third president of the Church) John Taylor declared:

The standing law of God is, be fruitful and multiply; but these reformers are “swift to shed blood,” even the blood of innocence; and with their pre-natal murders and other crimes, are slaying their thousands and tens of thousands with impunity, to say nothing of that other loathsome, disgusting, filthy institution of modern Christendom “the social evil,” as well as other infamous practices. We must protest against feticide, infanticide, and other abominable practices of Christendom being forced upon us, either in the shape of legislative enactment, judicial decision or any other adjunct of so-called civilization.<sup>54</sup>

Likewise, in 1882, Apostle Joseph F. Smith (also later a President of the Church) declared in a sermon in Salt Lake City:

[W]e are called an immoral people. Well, is the world so very moral? Are our accusers so very pure and holy and so extremely righteous that they should accuse us of being immoral?... [T]here is not a more moral people upon the face of the earth to-day than the Latter-day Saints.... I will venture to say that there are half as many children murdered among [the most virtuous Americans] annually, either before or after birth, by their own mothers or fathers, as are born to the Latter-day Saints in the same period. The Latter-day Saints are proverbial for not murdering their children. They have hosts of them, and they do not try to destroy them neither before nor after birth, but endeavor to rear them to manhood and womanhood, that they may teach them the principles of the Gospel of Christ – the highest code of morals known, that they may be able to bear off the kingdom of God upon the earth, and to regenerate the world. This is the object for which the Latter-day Saints are raising children, that God may have a pure and a righteous people....<sup>55</sup>

---

<sup>52</sup> H.C. Kimball, “Oneness of the Priesthood, Impossibility of Obliterating Mormonism, Gospel Ordinances, Depopulation of the Human Species, The Coming Famine, Etc.” July 26, 1857, 5 *Journal of Discourses* 86, 91–2.

<sup>53</sup> I acknowledge with gratitude the research efforts of one of my former student research assistants, Bryan Thursted, with whose assistance I have compiled a collection of sermons of church leaders era containing statements about abortion during this era published in the *Journal of Discourses* (two sermons delivered in 1857, one in 1867, and twenty between 1879 and 1885).

<sup>54</sup> John Taylor, “Discourse at Provo, Utah,” November 30, 1879, 20 *Journal of Discourses* 348, 354–5 (1880).

<sup>55</sup> Joseph F. Smith, “Discourse Delivered in Salt Lake City,” Oct. 29, 1882, 24

Apostle and Counselor in the First Presidency Heber C. Kimball declared prophetically in a sermon in the Salt Lake City Bowery:

The [religious leaders] of the day in the whole world keep women, just the same as the gentlemen of the Legislatures do. The great men of the earth keep from two to three, and perhaps half a dozen private women. They are not acknowledged openly, but are kept merely to gratify their lusts: and if they get in the family way, they call for the doctors, and also upon females who practice under the garb of midwives, to kill the children, and thus they are depopulating their own species. [Voice: ‘And their names shall come to an end.’] Yes, because they shed innocent blood.

I knew that before I received ‘Mormonism.’ I have known of lots of women calling for a doctor to destroy their children; and there are many of the women in this enlightened age and in the most popular towns and cities in the Union that take a course to get rid of their children. The whole nation is guilty of it. I am telling the truth. I won’t call it infanticide. You know I am famous for calling things by their names.

I have been taught it, and my wife was taught it in our young days, when she got into the family way, to send for a doctor and get rid of the child, so as to live with me to gratify lust. It is God’s truth, and I know the person that did it. This is depopulating the human species; and the curse of God will come upon that man, and upon that woman, and upon those cursed doctors....<sup>56</sup>

Brigham Young, the prophet-leader of the Church in this period, also condemned the “various devices used by married persons to prevent the expenses and responsibilities of a family of children” and decried the act of abortion (which he compared to “infanticide”) as something that had previously been “practiced...in fear and against a reprovng conscience is now boldly trumpeted abroad as one of the best means of ameliorating the miseries and sorrows of humanity.”<sup>57</sup> So, LDS condemnation of elective abortion in the nineteenth century by the Church leaders was a clear, strong and oft-expressed

---

*Journal of Discourses* 8, 11 (1884).

<sup>56</sup> Kimball, *supra* n53 at 91-92. He added: “I am doing the works of Abraham, Isaac, and Jacob; and if I live and be a good man, and my wives are as good as they should be, I will raise up men yet, that will come through my loins, that will be as great men as ever came to this earth, and so will you.” His grandson, Spencer W. Kimball, was the twelfth president of the Church when I discovered this prescient statement of his grandfather.

<sup>57</sup> Brigham Young, “The Word of Wisdom, Degeneracy, Wickedness in the United States, How to Prolong Life,” *Journal of Discourses* 12 (Aug. 17, 1867): 120.

moral value.

#### E. LDS Church's Response to the Movement to Legalize and Socially Accept Elective Abortion since 1960

As noted above, social acceptance of abortion increased markedly in the 1960s and especially after 1972. So has the LDS condemnation of elective abortion. Every President of the Church in the past fifty years has explicitly condemned and specifically warned members of the Church against evil of elective abortion in General Conference and related sermons.<sup>58</sup> All eight men whom Mormons consider to be the Prophet of God on the earth during this era of Church leadership have declared that abortion is a grave sin and rejected the public policy of elective (or "permissive") abortion as immoral and socially dangerous.<sup>59</sup>

For example, President Spencer W. Kimball declared: "Abortion, the taking of life, is one of the most grievous of sins. We have repeatedly affirmed the position of the Church in unalterably opposing all abortions."<sup>60</sup> He described it as an "heinous crime," and said: "Abortion is a calamity..., one of the most revolting and sinful practices of this day..., This Church of Jesus Christ opposes abortion and counsels all members not to submit to nor participate in any abortion, in any way, for convenience or to hide sins.... Those encouraging abortion share guilt."<sup>61</sup> President Ezra Taft Benson called abortion a "damnable practice."<sup>62</sup> President Gordon B. Hinckley re-affirmed that life is a gift, that it "is sacred under any circumstance,"<sup>63</sup> and that "Abortion is an ugly thing, a debasing thing, a thing which inevitably brings remorse and

---

<sup>58</sup> See *infra* nn 62-27 and accompanying text. See also "Policies and Procedures: Statement on Abortion," <http://lds.org/new-era/1973/04/policies-and-procedures-statement-on-abortion?lang=eng> (last visited Nov. 11, 2010).

<sup>59</sup> The Presidents of the Church during this period have been David O. McKay, Joseph Fielding Smith, Harold B. Lee, Spencer W. Kimball, Ezra Taft Benson, Howard W. Hunter, Gordon B. Hinckley, and Thomas S. Monson,

<sup>60</sup> "Teachings of Spencer W. Kimball" 189, cited in Isaiah Bennett, "Abortion: Who Teaches the Truth," <http://archive.catholic.com/thisrock/1996/9609fea2.asp> (last visited Nov. 11, 2010).

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*, citing "Teachings of Ezra Taft Benson," 539, 61.

<sup>63</sup> Bennett, *supra*, citing "Improvement Era," Dec. 1970, 72.

sorrow and regret.”<sup>64</sup> Extolling the importance and glory of motherhood and child-bearing and maternal child-rearing in 1971, Thomas S. Monson (now the President of the Church) emphatically rejected claims for “free abortion” and the notion that God had directed women “Be Fruitful [but] Don’t multiply” by declaring: “Such idiotic and blatantly false philosophy must not be entertained or believed.”<sup>65</sup>

In the fifty *consecutive* semi-annual General Conferences between October 1970 and April 1995, LDS Church Leaders delivered more than seventy-five General Conference sermons addressing the practice and legalization of abortion. In those critical twenty-five years, during which the legal rule of abortion-on-demand was being created, established, developed, and expanded and during which the practice of abortion was becoming widespread and social acceptance was growing in the nation and world, the leaders of the Church of Jesus Christ of Latter-day Saints expressed unequivocal opposition to elective abortion in every General Conference; not a single semi-annual conference passed without some direct criticism of or condemnation of elective abortion by the General Authorities. Because of this intensive, frequent declaration of the Church position on abortion for a quarter-century, it is now well-established and widely understood by members of the Church, and the contrast between the Church’s position and the prevailing American legal/social standard about abortion is clear.

Nearly two-and-one-half years before the U.S. Supreme Court decided *Roe v. Wade*, Church leaders were warning against the immorality and social degradation of liberal abortion. In the early October 1970 General Conference, four general authorities spoke explicitly against the growing evil of abortion and the growing corruption of social morality evidenced in the acceptance of the ethic of permissive abortion. All four of those men – Spencer W. Kimball, Ezra Taft Benson, Howard W. Hunter, and Gordon B. Hinckley – later served as President of the Church. Shortly thereafter, the current President of the

---

<sup>64</sup> “Beliefs of the LDS Church Concerning Abortion,” *Religious Tolerance*, [http://www.religioustolerance.org/lds\\_abor.htm](http://www.religioustolerance.org/lds_abor.htm) (last visited Nov. 11, 2010), citing Gordon B. Hinckley, “What Are People Asking about Us?” in *Ensign*, Nov. 1998, 70.

<sup>65</sup> Thomas S. Monson, “The Women’s Movement: Liberation or Deception,” *Ensign*, Jan. 1971, available at <http://lds.org/ensign/1971/01/the-womens-movement-liberation-or-deception?lang=eng> (last visited Sep. 9, 2012). By “free” he meant not merely (or especially) no-cost abortion procedures but “free or liberal access to abortion,” or “abortion on demand.”

Church, Thomas S. Monson also delivered a sermon (also published in the official Church magazine) powerfully condemning elective abortion.<sup>66</sup>

In April 1973, just weeks after the *Roe* decision and specifically “[i]n view of [that] recent decision of the United States Supreme Court,” the First Presidency (the Prophet and his two counselors), reiterated the “position of the Church on abortion in order that there be no misunderstanding....”<sup>67</sup> They declared:

The Church opposes abortion and counsels its members not to submit to or perform an abortion except in the rare cases where, in the opinion of competent medical counsel, the life or good health of the mother is seriously endangered or where the pregnancy was caused by rape and produces serious emotional trauma in the mother. Even then it should be done only after counseling with the local presiding priesthood authority and after receiving divine confirmation through prayer.

*Abortion must be considered one of the most revolting and sinful practices in this day, when we are witnessing the frightening evidence of permissiveness leading to sexual immorality.*<sup>68</sup>

They also confirmed that members who are parties to abortion are subject to formal church discipline, but that abortion is a sin that can be forgiven those who repent.<sup>69</sup>

Six themes have been constant in statements made by General Authorities of the Church of Jesus Christ of Latter-day Saints about abortion during this quarter-century. First, abortion is a “revolting,” “abhorrent” sin, and “serious” transgression of the laws of God:

The ultimate act of destruction is to take a life. That is why abortion is such a serious sin. Our attitude toward abortion is not based on revealed knowledge of when mortal life begins for legal purposes. It is fixed by our knowledge that according to an eternal plan all of the spirit children of God must come to this earth for a glorious purpose, and that individual identity began long before conception and will continue for all the eternities to come. We rely on the prophets of God, who have told us that while there may be “rare” exceptions, “the practice of elective abortion is fundamentally contrary to the Lord’s injunction, ‘Thou shalt not...kill, nor do anything like unto it’ (*Doctrine and Covenants* 59:6)” (1991 Supplement to the 1989 *General Handbook of*

---

<sup>66</sup> Ibid.

<sup>67</sup> *The First Presidency*, supra note 43.

<sup>68</sup> Ibid. (emphasis added).

<sup>69</sup> Ibid.

*Instructions*, p. 1).<sup>70</sup>

Second, members of the Church who counsel, submit to, perform, or pay for abortion have gravely sinned, must repent, may be subject to Church disciplinary action, and are disqualified from serving missions:

Except where the wicked crime of incest or rape was involved, or where competent medical authorities certify that the life of the mother is in jeopardy, or that a severely defective fetus cannot survive birth, abortion is clearly a “thou shalt not.” Even in these very exceptional cases, much sober prayer is required to make the right choice.<sup>71</sup>

Now, as a servant of the Lord, I dutifully warn those who advocate and practice abortion that they incur the wrath of Almighty God, who declared, “If men...hurt a woman with child, so that her fruit depart from her, ...he shall be surely punished.” (Ex. 21:22.)

Third, however, the grave sin of abortion may be forgiven. While it is “like unto” murder, it has never been revealed to be the unforgivable sin of murder. Elder Russell M. Nelson who emphatically has explained why abortion is a profound sin, also declared:

Now, is there hope for those who have so sinned without full understanding, who now suffer heartbreak? Yes. So far as is known, the Lord does not regard this transgression as murder. And “as far as has been revealed, a person may repent and be forgiven for the sin of abortion.” Gratefully, we know the Lord will help all who are truly repentant.<sup>72</sup>

Fourth, therapeutic abortion may be justified in rare cases, but only after prayerful consideration and counsel with priesthood leaders; these cases involve life- or serious health-threatening pregnancy, cases of severe birth defect, and the evil abuse and trauma of rape. As President Hinckley declared:

While we denounce it, we make allowance in such circumstances as when pregnancy is the result of incest or rape, when the life or health of the mother is judged by competent medical authority to be in serious jeopardy, or when the fetus is known by competent medical authority to have serious defects that will not allow the baby to survive beyond birth.

---

<sup>70</sup> Dallin H. Oaks, “The Great Plan of Happiness,” *Ensign*, Nov. 1993, 74.

<sup>71</sup> Boyd K. Packer, “Covenants,” *Ensign*, Nov. 1990, 85.

<sup>72</sup> Russell M. Nelson, “Reverence for Life,” *Ensign*, May 1985, 13.

But such instances are rare, and there is only a negligible probability of their occurring. In these circumstances those who face the question are asked to consult with their local ecclesiastical leaders and to pray in great earnestness, receiving a confirmation through prayer before proceeding. There is a far better way.

If there is no prospect of marriage to the man involved, leaving the mother alone, there remains the very welcome option of placing the child for adoption by parents who will love it and care for it. There are many such couples in good homes who long for a child and cannot have one.<sup>73</sup>

Fifth, the acceptance of elective abortion and the growing practice of abortion in society are degenerate evils, among the manifestations of pervasive wickedness and selfishness, marking the last days, and will bring the judgments of God upon the societies that embrace them.<sup>74</sup> Elder Neal A. Maxwell declared in a General Conference sermon:

I thank the Father that His Only Begotten Son did not say in defiant protest at Calvary, 'My body is my own!' I stand in admiration of women today who resist the fashion of abortion, by refusing to make the sacred womb a tomb!<sup>75</sup>

Sixth, the Church "opposes" and decries the legalization of elective abortion, but refrains from officially "tak[ing] a position on specific legislative proposals" relating to abortion.<sup>76</sup> However, as one of the official Statements on abortion put it, the Church "encourage[s]" all members to "let their voices be heard in appropriate and legal ways that will evidence their belief in the sacredness of life."<sup>77</sup> These are but a few examples of the many powerful statements condemning the immorality and social evil of elective abortion

<sup>73</sup> Gordon B. Hinckley, *Ensign*, Nov. 1998, 70.

<sup>74</sup> Russell M. Nelson, *supra* note 73 at p. 13: "The Church of Jesus Christ of Latter-day Saints has consistently opposed the practice of abortion. One hundred years ago the First Presidency wrote: 'And we again take this opportunity of warning the Latter-day Saints against those...practices of feticide and infanticide.'"

<sup>75</sup> Neal A. Maxwell, "The Women of God," *Ensign*, May 1978, 10.

<sup>76</sup> "Abortion" at <http://newsroom.lds.org/official-statement/abortion> (last visited Nov. 7, 2011). See also <http://countrywebsites.lds.org/base/index.php/public-issues/abortion>.

<sup>77</sup> "Statement Issued on Abortion," *Church News* (Jan. 19, 1991), available at <http://www.ldschurchnews.com/articles/21427/Statement-issued-on-abortion.html> (last visited Aug. 29, ); *id.* at <http://www.lds.org/ensign/1991/03/news-of-the-church/church-issues-statement-on-abortion?lang=eng&query=voices+heard+belief+sacredness> (last visited May 29, 2012); see further *infra*, Part III.G.

made by LDS General Authorities, mostly in General Conference sermons, since 1970.

#### F. Enforcement of the LDS Policy Rejecting Elective Abortion

The official Handbook of Instructions available online clearly defines the limits of permissible behavior and the consequences of violation:

The Lord commanded, “Thou shalt not...kill, nor do anything like unto it” (*Documents and Covenants* 59:6). The Church opposes elective abortion for personal or social convenience. Members must not submit to, perform, arrange for, pay for, consent to, or encourage an abortion.... Church members who submit to, perform, arrange for, pay for, consent to, or encourage an abortion may be subject to Church discipline.<sup>78</sup>

As noted above, members who have, practice, encourage, or finance elective abortions are ineligible to serve as missionaries for the Church – a profound message about how seriously the Church leaders view the sin of abortion for such a missionary-oriented church.<sup>79</sup>

It is important, however, to reiterate that abortion is not an unforgiveable sin, and great emphasis is placed in LDS doctrine on the reality and efficacy of repentance and forgiveness through the atonement of Jesus Christ. For example, Elder Boyd K. Packer, now President of the Council of Twelve Apostles, declared in a General Conference talk:

The love we offer may be a tough love, but it is of the purest kind; and we have more to offer than our love. We can teach you of the cleansing power of repentance. If covenants have been broken, however hard it may be, they may be reinstated, and you can be forgiven. Even for abortion? Yes, even that!<sup>80</sup>

Still, there are some positions in which persons would represent the Church officially in such a high profile and public way that serious damage could be done to the Church, its members, its reputation, and its saving ministerial work by the stain of their past behavior that they must be passed over for such

---

<sup>78</sup> HAC-II, at §21.4.1. The modifying term “elective” abortion is used only once but it impliedly modifies all references to abortion in this paragraph from the *Handbook of Instructions*.

<sup>79</sup> See supra n44 and accompanying text.

<sup>80</sup> Boyd K. Packer, *Ensign*, November 1990, p. 86.



service and assigned other service in the kingdom. Thus, just as a Mormon who has, encourages, performs or pays for elective abortion is disqualified from eligibility to represent the Church as a missionary, he or she may be ineligible to represent the Church as a teacher at a Church college or university for similar reasons. Faculty at Church-sponsored schools not only represent the church to some extent, but are engaged in teaching, as authority figures, impressionable young men and women who are the future of the Church.

In the early 1990s a few faculty at Brigham Young University (BYU) reportedly began to publicly advocate elective abortion as a proper legal policy (while not advocating the practice of abortions).<sup>81</sup> They were warned, and at least one BYU faculty member lost her teaching position, reportedly, in significant part for advocating legalized elective abortion-on-demand, though she said she personally opposed abortion despite supporting a pro-choice legal policy.<sup>82</sup> That stirred up a firestorm of academic and activist criticism, denouncing BYU and the sponsoring Church for violation of academic freedom, misogyny, oppressive patriarchalism, etc., and the American Association of University Professors (AAUP) issued a very critical review.<sup>83</sup> Nevertheless, because the potential harm of a faculty member misleading young adults in formative college years about a moral position so important to Church doctrine in a time of such growing social pressure to accept abortion and moral disintegration was so significant that the Church and the University stood their ground without compromising. That incident illustrates how important the principle of teaching correct principles is to the Church, how firmly is the policy against Church representatives advocating elective abortion, and how much hostility Church leadership is willing to endure to enforce those

---

<sup>81</sup> See generally Cecilia Konchar Farr, "Breaking the Silence: A Faithful Mormon Explains Why She Is Pro-choice," *Network*, Sept. 1992, 12 (copy in author's possession). Compare Lynn D. Wardle, "Hiding Behind a False Morality," *Network*, Dec. 1992, 4 (copy in author's possession).

<sup>82</sup> See Cecilia Konchar Farr, "We Belong to One Another in Faith," *Sunstone* (Sept 1996): 21, 23.

<sup>83</sup> "Limitations on the Academic Freedom of Women at Brigham Young University," at <http://www.lds-mormon.com/aaupwomn.shtml> (last visited Nov. 11, 2010); BYU Chapter of the American Association of University Professors, "Report on Issues of Academic Freedom at BYU" (Mar. 5, 1996) at ¶9, available at <http://www.lds-mormon.com/aaupfree.shtml> (last visited Nov. 11, 2010); See further "Academic Freedom at Brigham Young University," Wikipedia, [http://en.wikipedia.org/wiki/Academic\\_freedom\\_at\\_Brigham\\_Young\\_University](http://en.wikipedia.org/wiki/Academic_freedom_at_Brigham_Young_University) (visited Nov. 11, 2010).

standards. It also shows that in the generally supportive community of LDS scholars, some dissension about abortion has been manifest.

#### G. LDS Church Positions on the Legalization of Elective Abortion

On March 7, 1974, just a year after *Roe*, an official, designated representative of the Church testified before a hearing of the U.S. Senate Judiciary Committee's Subcommittee on Constitutional Amendments considering several proposed Amendments to the U.S. Constitution that would reverse *Roe*. David L. McKay, a son of the former President of the Church David O. McKay and then-President of the LDS mission in New York and New England, presented "a statement on behalf of the Church of Jesus Christ of latter Day Saints"<sup>84</sup> that included the recent LDS First Presidency statement opposing abortion as "one of the most revolting and sinful practices in this day"; he concluded: "The church is therefore against the legalization of abortion."<sup>85</sup>

That baseline position against the legalization of elective abortion has never been repudiated or disavowed. However, the Church, *qua* Church, has deliberately avoided getting involved in the tactical political battles over how to change and reshape the law regarding the myriad potential incidental legal issues (such as abortion funding, parental consent, spousal consultation, waiting periods, informed consent, disposition of fetal remains, regulation of methods used to perform abortion, and so on). Rather, the Church has taken a clear position on the big issue (elective abortion should not be legal) and avoided the bramble bush of political battles on the lesser issues that seem to divide even the most sincere pro-life groups and persons. Thus, the current published position of the Church regarding legalized abortion states: "The Church has not favored or opposed legislative proposals or public demonstrations concerning abortion."<sup>86</sup>

The Church has, however, encouraged members to be actively involved in supporting laws that protect the sanctity of life, as both the 1991 official

---

<sup>84</sup> "Hearings Before the Senate Committee on Constitutional Amendments of the Committee on the Judiciary," 93rd Cong., 2d Sess., on S.J. Res. 119 and S.J. Res. 130 at 286, 318 (Mar. 7, 1974) (statement of David L. McKay).

<sup>85</sup> *Ibid.* (emphasis added).

<sup>86</sup> "Abortion" at <http://newsroom.lds.org/official-statement/abortion> (seen Nov. 7, 2011). See also *supra* n41 and accompanying text.

Statement on Abortion<sup>87</sup> and the “Proclamation on the Family” (which has become the anchor for LDS policy positions regarding the family since it was issued by the First Presidency and the Council of the Twelve Apostles on September 23, 1995)<sup>88</sup> emphasize. Both call upon members, other responsible citizens, and government officials to speak up and to promote laws that will “evidence...belief in the sacredness of life” and “maintain and strengthen the family as the fundamental unit of society.”<sup>89</sup>

In his first sermon after he was sustained as President of the Church of Jesus Christ of Latter-day Saints, a little more than a year after the U.S. Supreme Court decided *Roe v. Wade*, President Spencer W. Kimball delivered the first of many sermons explicitly condemning abortion and admonished members of the Church to be politically active in “their respective political parties and there exercise their influence.”<sup>90</sup> He later declared: “There is today a strong clamor to make such practices legal by passing legislation. Some would also legislate to legalize prostitution. They have legalized abortion, seeking to remove from this heinous crime the stigma of sin. We do not hesitate to tell the world that the cure for these evils is not in surrender.”<sup>91</sup> Elder Dallin H. Oaks taught students at Brigham Young University: “The Church opposes elective abortion for personal or social convenience. Our members are taught that, subject only to some very rare exceptions, they must not submit to, perform, encourage, pay for, or arrange for an abortion. That direction tells us what we need to do on the weightier matters of the law, the choices that will move us toward eternal life.”<sup>92</sup> Many General Authorities have encouraged Mormons to “stand up” and mentioned the legalization of elective abortion as one example of the moral deterioration that must be resisted and opposed.<sup>93</sup>

---

<sup>87</sup> “Statement on Abortion,” supra n78, at <http://www.ldschurchnews.com/articles/21427/Statement-issued-on-abortion.html>.

<sup>88</sup> The First Presidency and the Council of the Twelve Apostles, “The Family: A Proclamation to the World,” September 23, 1995.

<sup>89</sup> Ibid.; “Statement on Abortion” (1991), supra note 88.

<sup>90</sup> Spencer W. Kimball, “Guidelines to Carry Forth the Work of God in Cleanliness,” *Ensign*, May 1974, 4, 7, 9.

<sup>91</sup> Spencer W. Kimball, “The Foundations of Righteousness,” *Ensign*, Nov. 1977, 4, 5, 6.

<sup>92</sup> Dallin H. Oaks, supra note 71, at 12–17.

<sup>93</sup> See, e.g., Gordon B. Hinckley, “Standing for Something,” xvii–xxv, 167–68, 170–71, 172 (2000), emphasizing the loss of sanctity of life due to millions of legal elective abortions and calling for Mormon Christians to stand up and speak up on such

#### H. Foundational Theological and Moral Principles Underlying LDS Doctrines and Policies Regarding Elective Abortion

There are powerful religious theological and moral underpinnings for the LDS position condemning elective abortion. Mormon doctrines and policies regarding many bioethical issues are, as Professor Courtney Campbell puts it, “embedded within a comprehensive worldview of divine design, human destiny, and ultimate meaning.”<sup>94</sup>

Six foundational beliefs, core theological principles of the Mormon Christian understanding of the gospel of Christ and God’s Plan of Salvation for his children are the cornerstones of Mormon Christian ethical theory regarding abortion. They are:

(1) God is the eternally loving Heavenly Father of all humankind; He created our spirits, and we are all His sons and His daughters.<sup>95</sup> As the spiritual offspring of God, human beings have a divine nature and divine potential, including the divine capacity to do whatever He asks us to do.

(2) God’s “work and [his] glory,” his purpose and plan, are “to bring to pass the immortality and eternal life of man.”<sup>96</sup> Our loving Heavenly Father knows what we must do to develop our divine nature and gain immortality and Eternal life.<sup>97</sup> He gives us no commandment that is not crafted to help us gain

social issues. Dallin H. Oaks, “Weightier Matters,” *B.Y.U. Speeches of the Year*, 1998–99 at 147, 148-51 (B.Y.U. Devotional Address, Feb. 9, 1999); see also *Ensign*, Jan. 2001, 12-17, refuting “pro-choice” arguments for elective abortion and encouraging students at BYU to speak out against such evils. James E. Faust, “The Sanctity of Life,” *Ensign*, May 1975, 27, lamenting that “we have come to a time when the taking of an unborn human life for nonmedical reasons has become tolerated, made legal, and accepted in many countries of the world. But making it legal to destroy newly conceived life will never make it right. It is consummately wrong.”

<sup>94</sup> Courtney S. Campbell, “Mormonism (Church of Jesus Christ of Latter-Day Saints), Bioethics in,” in *Encyclopedia of Bioethics* 1864, 1867 (2004).

<sup>95</sup> *Documents and Covenants* 76:24 – “all worlds were created by God, and all the inhabitants of all worlds “are begotten sons and daughters unto God.” John 3:16 – “God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life.” 1 John 4:8 – “God is love.”

<sup>96</sup> “Pearly of Great Price,” *Moses* 1:39.

<sup>97</sup> God is the perfect embodiment of the Eternal, and “Eternal life” is God’s life. *Documents and Covenants* 14:7 & *Alma* 7:16 – those who keep God’s commandments shall have eternal life; 3 *Nephi* 9:14 – those who come unto God shall have eternal life; 2 *Nephi* 31:20 – those who “press forward with a steadfastness in Christ, having a

Eternal life and eternal happiness, and none that we are unable to obey.<sup>98</sup> God's Great Plan of Happiness (or Plan of Salvation) for his children is intended that through the atonement of Christ we "might have joy."<sup>99</sup>

(3) God sent us to earth, to mortality, for two main purposes essential to our salvation and eternal development. The first purpose is to gain a physical body (which, after our resurrection, will be our body eternally); since we believe that God has a physical body, this is necessary for us to become like Him. Mormon Christians believe fervently in the sanctity of human life. Mortal life is extremely important, and to deprive someone of it is a very grave offense against God, His Plan of Salvation, and the agency and mortal life of the victims. Hence, Mormons do all we can to avoid and prevent death. However, we are not afraid of death. Death is not the victor and dying is not the end. Death is only a temporary parting, a sad separation but not permanent. A Mormon funeral is like a missionary farewell or a wedding. Because of Jesus's atonement and resurrection, all of us will be resurrected and we can be joyfully reunited again. The Church's official position on end-of-life medical care states: "When severe illness strikes, members should exercise faith in the Lord and seek competent medical assistance. However, when dying becomes inevitable, it should be seen as a blessing and a purposeful part of eternal existence. Members should not feel obligated to extend mortal life by means that are unreasonable."<sup>100</sup>

(4) The second purpose of mortal life is for us to exercise the great gift of free agency in this mortal setting, to learn to distinguish between good and evil, to learn to choose good over evil, and to gain knowledge and growth from those choices and experiences. We must willingly exercise our moral agency in accord with God's will in order to experience the growth process that

---

perfect brightness of hope, and a love of God and of all men," and "feast...upon the word of Christ, and endure to the end" shall have eternal life); 2 *Nephi* 26:24.

<sup>98</sup> 1 Corinthians 10:13 ("There hath no temptation taken you but such as is common to man: but God is faithful, who will not suffer you to be tempted above that ye are able; but will with the temptation also make a way to escape, that ye may be able to bear it."). See also 1 *Nephi* 3:7 ("the Lord giveth no commandments unto the children of men, save he shall prepare a way for them that they may accomplish the thing which he commandeth them"); 1 *Nephi* 17:3.

<sup>99</sup> 2 *Nephi* 2:25 ("Adam fell that men might be, and men are that they might have joy.").

<sup>100</sup> HAC-II, at §21.3.8.

eventually, through the atonement of Christ, will enable us to obtain immortality and eternal life.

(5) Two conditions are necessary for us to exercise free agency. First, knowledge of right and wrong is essential, and that comes in various ways – e.g., by study, by mental exertion, by reason, research, analysis, and by experience. Such knowledge also comes through the scriptures (the “Word”) and through prophets and apostles, other priesthood leaders, teachers, missionaries, and parents. It also can come by personal revelation from God to each of us, His sons and daughters, most often by inspiration from the Holy Ghost.<sup>101</sup> However, revelation by the Spirit and through authorities is a supplement to, not substitute for, personal study, examination, reason, thought, logic, analysis, deliberation, discussion, and full mental exertion.<sup>102</sup> Second, opposition and adversity provide the opportunity for personal development of divine qualities and personal progress.<sup>103</sup> Thus, the temptations and oppositions of mortality are to be expected as they are essential for exercising our free agency and for the process of our learning to choose and obey and be blessed.

(6) Finally, the infinite atonement of Jesus Christ, the Only Begotten Son

---

<sup>101</sup> See John 14: 17 (the Spirit of Truth is not recognized in the world); 15:25 (the Comforter is the Spirit of Truth); *Alma* 30:53 (the devil appeared in the form of an angel to Korihor and told him what to teach and do); *Documents and Covenants* 129:4–9 (test to discern false from true angelic messengers). Revelations can also come by divine voice, by angelic messengers, by visions and dreams.

<sup>102</sup> *Documents and Covenants* 9:7–8 (revelation denied when we take no thought but to ask God; revelation given when we study it out in our minds and then ask God); 88:118 (seek learning by study and by faith); *Documents and Covenants* 8:2 (God reveals to heart and mind); Matthew 22:37 (first commandment is to love God with all our heart, soul, and mind).

<sup>103</sup> 2 *Nephi* 2:11, 14–16. As the great *Book of Mormon* prophet leader Lehi taught his sons: “[I]t must needs be, that there is an opposition in all things. If not so...righteousness could not be brought to pass, neither wickedness, neither holiness nor misery, neither good nor bad. Wherefore, all things must needs be a compound in one; wherefore, if it should be one body it must needs remain as dead, having no life neither death, nor corruption nor incorruption, happiness nor misery, neither sense nor insensibility.... [t]o bring about his [God’s] eternal purposes in the end of man, after he had created our first parents, and...all things which are created, it must needs be that there was an opposition; even the forbidden fruit in opposition to the tree of life; the one being sweet and the other bitter. Wherefore, the Lord God gave unto man that he should act for himself. Wherefore, man could not act for himself save it should be that he was enticed by the one or the other.”

of God the Father in the flesh, is the core, essential, indispensable, element of God's loving Plan for our immortality and eternal life. Mormon Christians believe that the atonement of Christ gives us the opportunity to be liberated from sin (including abortion) and spiritual death, to become cleansed through the blood of Christ because He paid for our sins two thousand years ago, and His incredible loving sacrifice empowers us to repent from our mistakes and obtain exaltation in the Kingdom of God if we repent and keep His commandments.<sup>104</sup> We must learn to love each other, care for, and sacrifice for each other as Christ showed and taught us.

#### I. LDS Teachings about Abortion Are Consistent with Biblical Judeo-Christianity

The position taken by the LDS Church about the sinfulness and social evil of abortion is consistent with the views about abortion expressed clearly by Christian leaders of the first centuries of the Christian era as well as those suggested in the Old Testament. The Bible is filled with verses that confirm the divinely-formed humanity of the pre-natal child *in utero*,<sup>105</sup> describe children as a blessing from God,<sup>106</sup> condemn child sacrifice in any form or for any purpose,<sup>107</sup> and portray God as the defender of the defenseless.<sup>108</sup> The New

---

<sup>104</sup> *Documents and Covenants* 14:7 (eternal life, greatest gift of God); 121: 8 (Lord descended below all; if we endure we shall be exalted); 45:8 (believers obtain eternal life); 51:19 (faithful inherit eternal life); 133:62 (eternal life to repentant).

<sup>105</sup> See, e.g., Job 31:15 (“Did not He who made me in the womb make him, And did not one fashion us in the womb?”); Jeremiah 1:5 (“Before I formed thee in the belly I knew thee; and before thou camest forth out of the womb I sanctified thee, and I ordained thee a prophet unto the nations.”); Psalms 22:9–10 (“But thou art he that took me out of the womb: thou didst make me hope when I was upon my mother’s breasts, I was cast upon thee from the womb: thou art my God from my mother’s belly”).

<sup>106</sup> See, e.g., Psalms 127:3 (“Lo, children are an heritage of the Lord: and the fruit of the womb is his reward.”); Psalms 127:5 (“Happy is the man that has his quiver full of them: they shall not be ashamed, but they shall speak with the enemies in the gate.”).

<sup>107</sup> See, e.g., Deuteronomy 18:10 (“There shall not be found with you anyone who makes his son or his daughter to pass through the fire, one who uses divination, one who practices sorcery,”); Ezekiel 16:20–21, 36–38 (“Were your whorings so small a matter that you slaughtered my children and delivered them up as an offering by fire to them?”).

<sup>108</sup> Job 29:12–13; 31:16–23 (“if I have kept my bread to myself, not sharing it with the fatherless...if I have raised my hand against the fatherless, knowing that I had

Testament references the sacred and unique nature of prenatal life,<sup>109</sup> the protection of children,<sup>110</sup> and the special role model of children in Christ's kingdom (and admonitions to adults to become like them).<sup>111</sup>

The widespread practice of elective abortion in Roman times was condemned by the apostles and Christian fathers as “works of darkness.”<sup>112</sup> One of the corruptions of that day that the apostle Paul specifically condemned in his epistles was *pharmakeia*,<sup>113</sup> “a Greek word meaning, *inter alia*, ‘the employment of drugs with occult properties for a variety of purposes including, in particular, contraception or abortion.’”<sup>114</sup> Likewise, “the early ‘Christian Fathers,’ including Clement, Athenagoras, Tertullian, Augustine, Jerome, and Basil, recorded clearly how deeply they abhorred the practice of abortion.”<sup>115</sup>

---

influence in court, then let my arm fall from the shoulder, let it be broken off at the joint.”).

<sup>109</sup> Galatians 1:15 (“But when it pleased God, who separated me from my mother’s womb, and called me by his grace”); Luke 1:41-44 (“And it came to pass, that, when Elisabeth heard the salutation of Mary, the babe leaped in her womb....”)

<sup>110</sup> Matt 2:13 (“[T]he angel of the Lord appeareth to Joseph in a dream, saying, Arise, and take the young child and his mother, and flee into Egypt, and be thou there until I bring thee word: for Herod will seek the young child to destroy him.”).

<sup>111</sup> Matt 18:1-6 (“At the same time came the disciples unto Jesus, saying, Who is the greatest in the kingdom of heaven? And Jesus called a little child unto him, and set him in the midst of them, And said, Verily I say unto you, Except ye be converted, and become as little children, ye shall not enter into the kingdom of heaven... [W]hoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea.”); Matt. 19:13-15 (“Jesus said, Suffer little children, and forbid them not, to come unto me: for of such is the kingdom of heaven. And he laid his hands on them, and departed thence.”); James 1:27 (“Pure religion and undefiled before God and the Father is this, To visit the fatherless and widows in their affliction, and to keep himself unspotted from the world.”).

<sup>112</sup> Ephesians 5:11.

<sup>113</sup> Galatians 5:19 (condemning fornication, impurity, indecency, idol-worship, sorcery [pharmakeia]); see further Romans 1:31 (“without natural affection”).

<sup>114</sup> John Noonan, “An Almost Absolute Value in History” in *The Morality of Abortion: Legal and Historical Perspectives*, ed. J. Noonan (Cambridge MA: Harvard Univ. Press, 1970) pp. 6, 8-9, cited in Wardle & Wood, *supra* note 8, at 28. Ancient Epitome of Canon XCI declares: “Whoever gives or receives medicine to produce abortion is a homicide.” The Sixth Ecumenical Council in Philip Schaff, *The Seven Ecumenical Councils*, available at [http://christianbookshelf.org/schaff/the\\_seven\\_ecumenical\\_councils/canon\\_xci\\_those\\_who\\_give.htm](http://christianbookshelf.org/schaff/the_seven_ecumenical_councils/canon_xci_those_who_give.htm) (visited May 30, 2012).

<sup>115</sup> Wardle & Wood, *supra* n8 at 28.



For example, the *Didache* from the first century expressly commands: “Thou shalt do no murder...thou shalt not murder a child by abortion, nor kill them when born...”<sup>116</sup> Thus, the Mormon position that abortion is a grave sin and serious social evil is well-grounded in the writings of the early Christian fathers, as well the views about the divine sanctity of prenatal life, expressed by Old Testament prophets.

#### J. The Contrasting LDS Position regarding Embryonic Stem Cell Research

In contrast to the clear, strong, repeatedly emphasized, and practically enforced restrictive policies, positions, and teachings about the immorality and social evil of elective abortion taken by LDS Church and its leaders, especially for the past half-century, the official Church position and statements of the General Authorities regarding other contemporary biomedical ethical issues generally are more neutral, nuanced, and flexible. Perhaps the most prominent issue regarding pre-natal human life in terms of public interest in recent years concerns embryonic stem cell (ESC) research.

The LDS Church position about the morality, permissibility, and public policy concerning ESC research is neutral, a “no position” position. “The First Presidency of the Church of Jesus Christ of Latter-day Saints has not taken a position regarding the use of embryonic stem cells for research purposes. The absence of a position should not be interpreted as support for or opposition to any other statement made by Church members, whether they are for or against embryonic stem cell research.”<sup>117</sup>

While some prominent Mormons have favored federal funding for ESC research,<sup>118</sup> it appears that many if not most Mormons oppose ESC research with and government-funding of ESC<sup>119</sup> because respect for the sanctity of

---

<sup>116</sup> *Didache* 2:2 available at <http://www.spurgeon.org/~phil/didache.htm> (visited May 31, 2012); for another translation see *Didache* 2:2 available at <http://thedidache.com/> (visited May 31, 2012).

<sup>117</sup> Church of Jesus Christ of Latter-day Saints, Newsroom, “Embryonic Stem-cell Research” at <http://newsroom.lds.org/official-statement/embryonic-stem-cell-research> (seen 9 November 2011).

<sup>118</sup> Drew Clark, “The Mormon Stem-Cell Choir,” *Slate*, 3 August 2001, available at [http://www.slate.com/articles/news\\_and\\_politics/politics/2001/08/the\\_mormon\\_stem\\_cell\\_choir.html](http://www.slate.com/articles/news_and_politics/politics/2001/08/the_mormon_stem_cell_choir.html) (seen 14 November 2011).

<sup>119</sup> Center for Public Health and Community Genomics, “Biotech Sciences and the Saints: Individual Viewpoints of Members of the Church of Jesus Christ of Latter-day

human life is profoundly important, and vulnerable life, life on the fringes, especially very new and very old life, deserves special protection. One may be skeptical of self-serving medical researchers who exploit the desperation of the sick and suffering to demand huge amounts of money on the hint of possible great cures. The contrast between the Church's clear, bright-line, no-elective abortion positions (theological, moral, doctrinal, behavioral, and legal) and the "no-position" position about ESC research underscores the uniqueness of the LDS position on abortion. While many uncertainties surround ESC, the practice of elective abortion clearly is a grave and great evil that falls clearly within God's jurisdiction first, not Caesar's.<sup>120</sup>

#### IV. Mormon Support for and Adherence to the Church Position Condemning Elective Abortion, and How to Nurture Pro-Life Values

It appears that there is relatively little difference between the official Church doctrine and the views and practices of lay Mormon Christians. On the polar extremes, a very few LDS may take very strict positions totally or nearly totally forbidding abortion (to permit abortion only to save maternal life), and on the other end, a very few Mormon Christians favor abortion-on-demand legal policy. However, the overwhelming majority of Mormon Christians believe that abortion should be generally prohibited but legal in a few, narrow, exceptional (very hard) cases. Thus, most Church members are very supportive of the Church position as a matter of correct religious doctrine, as the right moral position, and also as the best public policy position, and as the right standard of personal behavior.

##### A. Mormon Support for LDS Pro-Life Policies and Principles

A Pew Forum on Religion & Public Life 2008 survey of Americans in fourteen religious categories (denominations or religious groupings) showed that only the Jehovah's Witnesses responded with a larger percentage (77%) of persons saying that abortion should be either illegal in all cases (52%) or illegal in most cases (25%). Mormons, who responded affirmatively to these

---

Saints about Stem Cell Research and Pre-implantation Genetic Diagnosis (PGD)" at 17 (2008), available at [http://livinggenomics.org/editoruploads/file/Biotech%20Sciences%20and%20The%20Saints\(1\).pdf](http://livinggenomics.org/editoruploads/file/Biotech%20Sciences%20and%20The%20Saints(1).pdf) (last seen 6 September 2012).

<sup>120</sup> See Luke 20:25 ("Render therefore unto Caesar the things which be Caesar's, and unto God the things which be God's.").

questions (9% and 61% respectively) stand in contrast to Evangelical Protestants (25% and 36%), historically Black Protestants (23% and 23%), Catholics (18% and 27%), Muslims (13% and 25%), Mainline Protestants (7% and 25%), Jews (5% and 9%), and Buddhists (3% and 10%). Likewise, only the Jehovah's Witnesses had a lower percentage of members who said they believe that abortion should be legal in all cases (5%) or most cases (11%) than Mormons (8% and 19% respectively).<sup>121</sup> By contrast, Evangelical Protestants (18% and 29%), historically Black Protestant Churches (16% and 29%), Catholics (16% and 32%) and Muslims (13% and 35%) showed more support for both legal-in-all-cases abortion (abortion-on-demand) and legal-in-most-cases abortion. Jews (40% and 44%) and Buddhists (35% and 46%) were the most supportive of abortion-on-demand or very permissive abortion.

No church group had a larger percentage of persons responding that abortion should be illegal in most, but not all, cases than the Mormons (61%). This suggests that they believe that it is a very strong moral issue, but that there are rare cases in which abortion may be justified and should not be prohibited. On the other hand, with regard to whether abortion should be illegal in all cases Mormons (at 9%) were closer to the position of the Orthodox (10%), the unaffiliated (8%), and Mainline Protestants (7%) than to Jehovah's Witnesses (52%), Evangelical Protestants (25%), or historically Black Protestants (23%). Mormons are uncomfortable with the absolutism of total legal prohibition of all abortions in all circumstances.

It is likely that, overall, Mormon Christians are more tolerant of elective abortion and of its legality today than they were forty years ago. But the erosion of pro-life attitudes among Mormon Christians seems to have been relatively small, and such change has occurred in all faith communities. For example, Judith Blake found that during the decade preceding *Roe v. Wade*, the disapproval of non-medical abortions for both Catholics and non-Catholics in the United States fell.<sup>122</sup> She also observed: "In general, [U.S. Catholics]

---

<sup>121</sup> Pew Forum on Religion and Public Life, "U.S. Religious Landscape Survey: Views about Abortion by Religious Tradition" (2008), <http://religions.pewforum.org/pdf/table-views-about-abortion-by-religious-tradition.pdf> (last visited May 30, 2012). See also Pew Forum on Religion and Public Life, "Religious Groups' Official Positions on Abortion" (Sept. 30, 2008) <http://www.pewforum.org/Abortion/Religious-Groups-Official-Positions-on-Abortion.aspx> (last visited May 30, 2012), an overview of the official church positions on abortion of various religious denominations.

<sup>122</sup> Blake, *supra* n18 at 543-47. Even a majority of the more permissive non-

disapprove of legalizing abortion more than non-Catholics, but the difference is less than might be expected when one considers that the Catholic Church unconditionally bans the induced termination of pregnancy....”<sup>123</sup> Another public opinion survey conducted in the mid-1980s reported that opposition to abortion from members of mainstream religious communities had dropped by 10 to 20% between 1972 and 1984.<sup>124</sup>

Another measure of comparative rejection of abortion is the number, rate, and ratio of abortions. Reliable data breaking down the proportion of those getting abortion according to religion is not available. However, one loose surrogate measure is to compare the number, rate, and ratio of abortions in Utah with that in the United States in general and with other states. Because over 60% of residents of Utah belong to the Church of Jesus Christ of Latter-day Saints, the abortion data for Utah will reflect the behaviors of Mormon Christians to some extent. However, the Utah-Mormon correlation is far from perfect because of the 40% of Utahans who are not Mormons and because the abortion clinics in Salt Lake City serve residents of southwestern Wyoming, southeastern Idaho, and parts of western Colorado.

As Appendix III shows, the rate of abortions per 1,000 females, ages fifteen to forty-four, in Utah is less than one-third the rate for the United States as a whole, and that is actually lower today in both comparative position and raw rate than in 1975. Likewise, the ratio of abortions per 1,000 live births is about one-fifth the ratio of abortions for the United States overall. People in Utah practice have fewer abortion than most other Americans, and fewer than people in most other states. So, it appears that the clear, repetitive, strong policies and teachings about the grave personal immorality and profound social evil of abortion within the LDS Church may have some positive impact upon the views and behaviors of not only of members of the Mormon faith community, but perhaps also on their neighbors in Utah, as well.

A corroborating piece of evidence about Mormon rejection of elective abortion is the absence of abortion clinics in in Utah Valley (Utah County),

---

Catholics, however, rejected abortion-on-demand, and the more educated Protestant women did “not share an equally positive attitude toward elective abortion” as the men. Ibid. at 544.

<sup>123</sup> Ibid. at 546-47. See also *ibid.* at 544, noting that in one faith community “the amount of disapproval...decreased rapidly since the beginning of the [1960s] decade.”

<sup>124</sup> Lyman A. Kellstedt, “Abortion and the Political Process” in *Abortion: A Christian Understanding and Response*, ed. James A. Hoffmeier (1987), p. 212.

where two large universities – BYU (with over 30,000 students) and Utah Valley University (with about 30,000 students) – are located within five miles of each other.<sup>125</sup> They are situated in Utah County, about 45 miles south of Salt Lake City. Most of the students (at least 40,000-50,000 of them) are Mormons.<sup>126</sup> Despite the presence of so many young adults with raging hormones concentrated in one area, there is not a single abortion clinic in Utah County.<sup>127</sup>

Mormon Christians also generally support the official Church position on whether abortion should be legal. Utah is one of the states that has tried most persistently to protect prenatal life from elective abortion. One of the first abortion restrictions after *Roe* to be upheld by the U.S. Supreme Court was a Utah law requiring parental notification “if possible” before an abortion is performed on a minor that was upheld by the Court in 1981 in *H.L. v. Matheson*.<sup>128</sup>

Another measure of Mormon community support for the Church’s position is the platforms and voting research of their elected representatives in government. LDS political leaders, including members of Congress, have been overwhelmingly (but not unanimously) pro-life in major legislative battles, and

---

<sup>125</sup> Go to Maps.google.com. Search for “BYU to UVU”; the shortest distance is 4.9 Miles by road.

<sup>126</sup> There are 22 Young Single Adult Stakes with nearly 300 wards throughout Provo and Orem. On average, each ward has about 130–160 members during the school year, meaning there are in between 39,000 and 48,000 single Mormons between 18 and 30 in the area). See Temple District, Ldschurctemples.com, <http://www.ldschurchtemples.com/provo/district/> (List of stakes in the Provo Area) (stakes); See LDS Maps, <http://www.lds.org/rcmaps/#lat=40.287492&lng=-111.680556&z=16&m=google.road&layers=selected&id=ward.ysa:1897209> (Meeting location for the 263rd Young Single Adult ward in Provo; some ward numbers were reserved for future expansion); See LDS Maps, <http://www.lds.org/rcmaps/#lat=40.288866&lng=-111.728354&z=14&m=google.road&id=ward.ysa:277568> (Meeting location for the 41st Young Single Adult Ward in Orem).

<sup>127</sup> Interview by Lynn Wardle with Carrie Galloway (Director, Planned Parenthood Association of Utah) during Mini-Colloquium on *Roe v. Wade* at the J. Reuben Clark Law School, Brigham Young University, 23 January 2012.

<sup>128</sup> 450 U.S. 398 (1981). Currently Utah has strong laws protecting prenatal life. See Paul Benjamin Linton, “Abortion Under State Constitutions: A State-by-State Analysis” (2d ed. 2012) Utah is ranked 21 by AUL in its protection of life. *AUL Life List: 2012 Rankings*, <http://www.aul.org/auls-life-list-2012-rankings/> (last visited May 30, 2012).

Senator Orrin Hatch (a Mormon) has been one of the most active leaders of the pro-life efforts in the Senate. The entire Utah delegation (both Republicans and Democrats) consistently votes pro-life on major federal issues regarding abortion.

A small minority of Mormons, including a few Mormon politicians and some feminists, support *Roe v. Wade* and abortion-on-demand as the proper legal policy, taking a Jimmy Carter-esque “personally I oppose it, but...” position.<sup>129</sup> For example, Democratic U.S. Senate Majority leader Harry Reid is a Nevada Mormon. He received a “a 29% rating in 2003 from NARAL, the abortion pro-choice group, and a 57% rating from Planned Parenthood in 2006.”<sup>130</sup> NRLC gave him a 50% rating in 2006.<sup>131</sup> Likewise, on several occasions, especially when he was running for the Senate against Ted Kennedy, Massachusetts Mormon Mitt Romney took an ambiguous, weak position (to uphold existing laws).<sup>132</sup> While he was Governor of Massachusetts, however, Romney changed his position to pro-life (reportedly based on some long discussions with various pro-life scholars and professionals),<sup>133</sup> and he has

---

<sup>129</sup> Kathy Schiffer, “From Peanuts to Preaching: President Carter Publishes a Bible,” *Patheos*, March 20, 2012, <http://www.patheos.com/blogs/kathyschiffer/2012/03/from-peanuts-to-preaching-president-carter-publishes-a-bible/> (last visited Sept. 3, 2012): “Carter was “personally opposed” to abortion – yet he believed that it should be legal, after the court ruling in *Roe v. Wade*.”

<sup>130</sup> “Harry Reid,” Wikipedia, at [http://en.wikipedia.org/wiki/Harry\\_Reid](http://en.wikipedia.org/wiki/Harry_Reid) (visited November 11, 2011). Reid reportedly supported the NARAL-preferred position on only 3 of 11 specific federal legislative abortion proposals. “On The Issues, Harry Reid on Abortion,” [http://www.issues2000.org/social/Harry\\_Reid\\_Abortion.htm](http://www.issues2000.org/social/Harry_Reid_Abortion.htm) (last visited November 11, 2011).

<sup>131</sup> “On The Issues,” supra n140.

<sup>132</sup> See, for example, Manlio A. Goetzl, “Romney, Kennedy Debate,” *The Harvard Crimson* (October 26, 1994), <http://www.thecrimson.com/article/1994/10/26/romney-kennedy-debate-pboston-sen-edward-m/> (last visited Aug. 22, 2012): “‘I believe abortion should be made safe and legal in the U.S.,’ Romney said. ‘My personal beliefs should not be brought into this campaign.’ Kennedy dismissed his opponent’s comment and retorted, ‘I am prochoice, my opponent is multiple choice.’”

<sup>133</sup> See, e.g., Mitt Romney, “Why I Vetoed the Contraception Bill,” *The Boston Globe* (July 26, 2005): (“Signing such a measure into law would violate the promise I made to the citizens of Massachusetts when I ran for governor. I pledged that I would not change our abortion laws either to restrict abortion or to facilitate it.... I understand that my views on laws governing abortion set me in the minority in our Commonwealth. I am prolife. I believe that abortion is the wrong choice except in cases of incest, rape, and to save the life of the mother. I wish the people of America agreed,

consistently taken pro-life political positions in both his 2008 and 2012 campaign for the presidency.

Thus, there is general consistency between the position of the Church regarding elective abortion, and opinions, values, and behaviors of members of the Mormon religious community. Most Mormon Christians agree that abortion is a grave moral and social evil, but that it is not the same as murder. However, killing an unborn child by means of abortion is very close to killing a born person. While some narrow moral justifications for abortion do exist, those exceptional circumstances are very rare, and of such profound importance that personal counseling from local church leaders should precede every decision to have an abortion.

#### B. The Power of the Word in Creating and Maintaining a Strong Culture of Life

The experience of the LDS faith community regarding elective abortion during the past half-century shows that a combination of factors can generate and maintain a high level of support by members of a faith community for the values, policies, and practices espoused by church leaders. Eight factors and actions seem to be important in the process of generating grass roots member support for church policies on highly controversial topics such, as elective abortion, where the church position differs from socially popular views.

First, the official leaders of a religious community need to define a very clear, strong position regarding the controversial social practice or trend.

Second, the church leadership must be united and consistent in supporting that position so there is no ambiguity regarding the values and policy of the church.

Third, Church leaders should express with clarity and at all levels the reasons for that position – explaining the underlying foundational theological “why’s” that undergird and require the specific doctrine and policy.

Fourth, Church leaders and representatives need to constantly, persistently teach, effectively disseminate, and frequently reiterate that position and those reasons to all the members of their faith community – over and over again.

Fifth, the Church leaders also need to monitor and check the boundaries

---

and that the laws of our nation could reflect that view. But while the nation remains so divided over abortion, I believe that the states, through the democratic process, should determine their own abortion laws and not have them dictated by judicial mandate.”

they have set by adopting and enforcing internal Church policies regarding that moral position, specifically relating to standing or membership in or representation of the religious community.

Sixth, it also helps if the Church leaders adopt, as appropriate, a clear, specific, official faith community position regarding relevant specific public policy that has direct impact upon the moral issue (especially policies affecting how members may be able to live the Church standards), while avoiding getting distracted by and involved in negotiating political and legislative battles over the regulatory details, if possible.

Seventh, the Church as an entity and its leadership must keep their focus clearly (at least overwhelming) on the specific social practice (or particular set of practices) that is of major concern regarding the moral issue. They do this by staying focused on the dispositive practical and symbolic issue and by avoid getting distracted or diverted by peripheral issues that may present less immediate and less significant threats to individual and social morality.

Eighth, lay members of the faith community should be involved, asked and expected to commit themselves regularly in sacrificial ways in the faith community, to participate sacrificially in standing up for the core value and in supporting the Church's policies and doctrines, and to make a significant personal investment in their faith community and in the position, values, and policies of the faith community regarding the controversy.<sup>134</sup>

When all of these things concur, the result may be to successfully create an environment in which the community is able to achieve and maintain a high degree of integrity in members supporting that value and public policy position and in their personal adherence to the recommended behavioral standard reflecting that moral position.

The "Word of God" truly has "more powerful effect upon the minds of the people than the sword or anything else..."<sup>135</sup> It really does begin with "teach[ing] correct principles" and communicating that each member will be and must be accountable for how "they live the principles to govern

---

<sup>134</sup> Joseph Smith, "Lectures on Faith," 69 (1985): "A religion that does not require the sacrifice of all things never has power sufficient to produce the faith necessary unto life and salvation."

<sup>135</sup> *Book of Mormon, Alma 31:5* ("And now, as the preaching of the word had a great tendency to lead the people to do that which was just—yea, it had had more powerful effect upon the minds of the people than the sword, or anything else, which had happened unto them....").



themselves.” While unanimous support of all members of any faith community may be impossible to achieve, given the strong social pressures for elective abortion, pro-life unity and integrity of a faith community can be achieved despite social pressures.

#### V. The Larger Social Impact of Pro-Life Expression within and by Faith Communities

While this article has focused on the experience of the Mormon faith community, the same patterns and principles may apply and may be seen in the experiences of other faith communities. For example, leaders of the Roman Catholic Church heroically have taken the lead in speaking out publicly against elective abortion for decades. By so doing have had a powerfully positive influence on all Americans by virtue of their persistent, public espousal of pro-life principles, doctrines, and policies. Who does not recognize the powerful influence that Pope John Paul II<sup>136</sup> and Mother Teresa had on the entire world by standing up and speaking out against elective abortion, eloquently and persistently espousing the principles that create a pro-life culture? Who can forget Mother Teresa’s words at the National Prayer Breakfast in Washington, D.C. on February 3, 1994? In the presence of the pro-abortion President, Mrs. Clinton, Vice-President, and Mrs. Gore, she very simply and powerfully declared that:

[T]he greatest destroyer of peace today is abortion, because it is a war against the child, a direct killing of the innocent child, murder by the mother herself.

And if we accept that a mother can kill even her own child, how can we tell other people not to kill one another? How do we persuade a woman not to have an abortion? As always, we must persuade her with love and we remind ourselves that love means to be willing to give until it hurts. Jesus gave even His life to love us. So, the mother who is thinking of abortion, should be helped to love, that is, to give until it hurts her plans, or her free time, to respect the life of her child. The father of that child, whoever

---

<sup>136</sup> Pope John Paul II, *Evangelium Vitae*, March 24, 1995, at ¶3 available at <http://www.priestsforlife.org/articles/1231-evangelium-vitae> (visited Aug. 23, 2012) (condemning “whatever is opposed to life itself, such as...abortion...”); Pope John Paul II, Post-Synodal Apostolic Exhortation *Christifideles Laici* (Dec. 30, 1988), available at [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/apost\\_exhortations/documents/hf\\_jp-ii\\_exh\\_30121988\\_christifideles-laici\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/apost_exhortations/documents/hf_jp-ii_exh_30121988_christifideles-laici_en.html) (Last seen August 24, 2012): “The inviolability of the person which is a reflection of the absolute inviolability of God, finds its primary and fundamental expression in the inviolability of human life.”

he is, must also give until it hurts.

By abortion, the mother does not learn to love, but kills even her own child to solve her problems.

And, by abortion, the father is told that he does not have to take any responsibility at all for the child he has brought into the world. That father is likely to put other women into the same trouble. So abortion just leads to more abortion.

Any country that accepts abortion is not teaching its people to love, but to use any violence to get what they want. This is why the greatest destroyer of love and peace is abortion.

Many people are very, very concerned with the children of India, with the children of Africa where quite a few die of hunger, and so on. Many people are also concerned about all the violence in this great country of the United States. These concerns are very good. But often these same people are not concerned with the millions who are being killed by the deliberate decision of their own mothers. And this is what is the greatest destroyer of peace today – abortion which brings people to such blindness.<sup>137</sup>

Many other Catholic Church leaders, bishops, priests, and Catholic and Protestant lay persons (including many academic members of University Faculty for Life) also have been indefatigable over the past half-century in articulating and espousing reasons to reject elective abortion and protect unborn children.<sup>138</sup>

The effect of such constant and courageous expression of pro-life views, principles, and values has had an impact, not only within the faith communities but in society in general. A new generation of young people today is asking hard questions about why abortion is justified that no one would have dared to ask thirty years ago, and support for elective abortion is eroding. Sentiment in favor of the strongest pro-life position is greater today than it has ever been

---

<sup>137</sup> Mother Teresa of Calcutta, “Whatever You Do...” – speech to the National Prayer Breakfast, Washington, D.C., February 3, 1994, available at <http://www.priestsforlife.org/brochures/mtspeech.html> (seen 31 May 2012).

<sup>138</sup> See generally National Conference of Catholic Bishops, “Resolution on Abortion,” November 7, 1989, available at: <http://old.usccb.org/prolife/tdocs/resabort89.shtml> (seen 24 August 2012); ETWN, Cardinal George on Pelosi’s Abortion Remarks 5 Sep. 2008, available at: <http://www.ewtn.com/library/bishops/zgeorgepelos.htm> (Last seen 24 Aug 2012); Robert P. George & Patrick Lee, “The Wrong of Abortion in Contemporary Debates in Applied Ethics,” (Andrew I, Cohen & Christopher Wellman, Eds. 2005); Robert P George, “Obama’s Abortion Extremism,” *Public Discourse*, Oct. 14 2008, available at <http://www.thepublicdiscourse.com/2008/10/133> (Seen 23 August 2012); Mary Ann Glendon, “The Women of *Roe v. Wade*” 134 *First Things* 14-18 (2003), available at <http://www.firstthings.com/article/2007/01/the-women-of-roe-v-wade-34> (seen 24 August 2012).

since Gallup began polling the issue in 1975, overall pro-life support in the Gallup opinion poll is higher today than all but two or three years since 1995, and the gap between those who say abortion should be legal in only a few or no circumstances (61%) and those who say it should be legal in most or any circumstances (37%) is the third greatest in nearly two decades.<sup>139</sup>

Moreover, there has been a recent explosion of pro-life bills introduced and laws passed in recent years. The Alan Guttmacher Institute notes “a seismic shift” toward more state legislation restricting abortion.<sup>140</sup> Guttmacher researchers Gold and Nash summarize:

Over the course of 2011, legislators in all 50 states introduced more than 1,100 provisions related to reproductive health and rights. At the end of it all, states had adopted 135 new reproductive health provisions – a dramatic increase from the 89 enacted in 2010 and the 77 enacted in 2009. Fully 92 of the enacted provisions seek to restrict abortion, shattering the previous record of 34 abortion restrictions enacted in 2005 (see chart). A striking 68% of the reproductive health provisions from 2011 are abortion restrictions, compared with only 26% the year before.<sup>141</sup>

While many factors have influenced public opinion and legislation regarding elective abortion, there does appear to be an association between the pattern of persistent pro-life expression in and by faith communities and strong pro-life sentiment measured in public opinion polls and evidenced in democratic and legislative proposals.

---

<sup>139</sup> Saad, *supra* n27.

<sup>140</sup> Rachel Benson Gold & Elizabeth Nash, “Troubling Trend: More States Hostile to Abortion Rights as Middle Ground Shrinks,” *Guttmacher Policy Review* 15/1 (July 2012), available at <http://www.guttmacher.org/pubs/gpr/15/1/gpr150114.html> (seen 21 July 2012).

<sup>141</sup> *Ibid.* (footnotes omitted). That pro-life legislative push has continued in 2012. The Center for Reproductive Rights, *2012 Mid-Year Legislative Wrap-Up*, available at [http://reproductiverights.org/sites/crr.civicactions.net/files/documents/USLP\\_midyear\\_7.18.12\\_v3.pdf](http://reproductiverights.org/sites/crr.civicactions.net/files/documents/USLP_midyear_7.18.12_v3.pdf) (seen 21 July 2012). The also denoted: “At the mid-point of 2012, anti-choice legislators continue to push an extremist agenda, proposing a host of new bills. So far, at least 15 states have enacted around 40 harmful [to abortion-on-demand] laws” (*ibid.* at 2).

## VI. Conclusion: The Miracles of the Message and Modern Communications

Communication of moral teachings, policies, and practical standards – clearly established and consistently espoused by leaders of faith communities – seems to have a positive impact on the beliefs and behaviors of many individual members of those faith communities and, through them, on the larger society. Message matters. Communication of that message matters. Teaching of that message matters, especially where moral and ethical dilemmas and moral controversies are complicated by social pressures. To paraphrase Joseph Smith, when the leaders of a faith community clearly teach the basic underlying principles regarding a moral issue, and when the doctrines and policies they adopt also clearly and consistently manifest and implement those principles, the members of that community generally are empowered and motivated to govern themselves justly by acting upon those principles in ways that promote and protect the core moral interests and the doctrines and policies that embody them.

Our nation and the world are indebted to courageous, outstanding leaders of many faith communities for not giving up, for keeping the issue alive, for rejecting false justifications and for persistently teaching correct principles about the value of prenatal life and the evil of elective abortion. We need to multiply their efforts. Church leaders of many faiths can do this.

As Pope Benedict XVI said in September 2011, the Christian churches “are walking side by side” and must “speak up jointly for the protection of human life from conception to natural death.”<sup>142</sup> Earlier, during a trip to England, he called upon Christians worldwide “to do more to protect human life from abortion....” He added: “each of us has a mission, each of us is called to change the world, to work for a culture of life.”<sup>143</sup> Pope John Paul II likewise declared: “You are called to stand up for life! To respect and defend the mystery of life always and everywhere, including the lives of unborn babies, giving real help and encouragement to mothers in difficult situations.”<sup>144</sup> The

---

<sup>142</sup> “Pope: Gay marriage, abortion threaten church values,” Associated Press, September 24, 2011, available at [http://abclocal.go.com/kgo/story?section=news/national\\_world&id=8366680](http://abclocal.go.com/kgo/story?section=news/national_world&id=8366680) (seen 30 May 2012).

<sup>143</sup> Steven Ertelt, “Pope Benedict Calls Christians to Protect Human Life from Abortion, Euthanasia,” LifeNews.com (September 20, 2010), available at <http://www.lifenews.com/2010/09/20/int-1647/> (seen 30 May 2012).

<sup>144</sup> “Pope: All humans are ‘called to stand up for life,’” *Andalusia Starnews*,

courageous German Protestant martyr Dietrich Bonhoeffer expressed the core point in a different but very relevant context when he wrote: "Silence in the face of evil is itself evil: God will not hold us guiltless. Not to speak is to speak. Not to act is to act."<sup>145</sup> Similarly, Elie Weizel said in his Nobel Prize acceptance speech: "I swore never to be silent.... We must take sides. Neutrality helps the oppressor, never the victim."<sup>146</sup>

All of our faith communities, and all of us individually, can do more and do it better. By clearly, effectively, persistently teaching correct principles and implementing just doctrine and policies, churches can help to motivate individuals to make a difference, to stand up and to speak up, to protect the most innocent and vulnerable human beings against the modern holocaust of elective abortion.

---

January 21, 2012, available at <http://www.andalusiastarnews.com/2012/01/21/pope-all-humans-are-%E2%80%98called-to-stand-up-for-life%E2%80%99/> (seen 30 May 2012).

<sup>145</sup> Eric Metaxas, *Bonhoeffer: Pastor, Martyr, Prophet, Spy* (Thomas Nelson 2010).

<sup>146</sup> "The Nobel Peace Prize Acceptance Speech Delivered by Elie Wiesel in Oslo on December 10, 1986" in Elie Wiesel, *Night* (2006 ed.) 117, 118.

## Appendix I: Major Supreme Court Abortion Cases 1970-2010

(excluding most summary dispositions and procedural or incidental cases)

\* = *pro-life free speech or expression case*

1. *United States v. Vuitch*, 402 U.S. 62 (1971)
2. *Roe v. Wade*, 410 U.S. 113 (1973)
3. *Doe v. Bolton*, 410 U.S. 179 (1973)
4. *Bigelow v. Virginia*, 421 U.S. 809 (1975)
5. *Connecticut v. Menillo*, 423 U.S. 9 (1975)
6. *Planned Parenthood v. Danforth*, 428 U.S. 52 (1976)
7. *Bellotti v. Baird (I)*, 428 U.S. 132 (1976)
8. *Maher v. Roe*, 432 U.S. 464 (1977)
9. *Beal v. Doe*, 432 U.S. 438 (1977)
10. *Poelker v. Doe*, 432 U.S. 519 (1977)
11. *Colautti v. Franklin*, 439 U.S. 379 (1979)
12. *Bellotti v. Baird (II)*, 443 U.S. 622 (1979)
13. *Harris v. McRae*, 448 U.S. 297 (1980)
14. *Williams v. Zbaraz*, 448 U.S. 358 (1980)
15. *H. L. v. Matheson*, 450 U.S. 398 (1981)
16. *City of Akron v. Akron Center for Reproductive Health, Inc.*, 462 U.S. 416 (1983)
17. *Planned Parenthood Association of Kansas, Missouri, Inc. v. Ashcroft*, 462 U.S. 476 (1983)
18. *Simopoulos v. Virginia*, 462 U.S. 506 (1983)
19. *Thornburgh v. American College of Obstetricians and Gynecologists*, 476 U.S. 747 (1986)
20. *Diamond v. Charles*, 476 U.S. 54 (1986)
21. \* *Frisby v. Schultz*, 487 U.S. 474 (1988)
22. \* *Webster v. Reproductive Health Center, Inc.*, 492 U.S. 490 (1989)
23. *Hodgson v. Minnesota*, 497 U.S. 417 (1990)
24. *Ohio v. Akron Center for Reproductive Health, Inc.*, 497 U.S. 502 (1990)
25. *Rust v. Sullivan*, 500 U.S. 173 (1991)
26. \* *Planned Parenthood v. Casey*, 505 U.S. 833 (1992)
27. \* *Bray v. Alexandria Women's Health Clinic*, 508 U.S. 263 (1993)
28. \* *National Organization for Women, Inc. v. Scheidler*, 510 U.S. 249 (1994)
29. \* *Madsen v. Women's Health Center, Inc.*, 512 U.S. 753 (1994)
30. \* *Schenck v. Pro-Choice Network of Western New York*, 519 U.S. 357 (1997)
31. *Lambert v. Wicklund*, 117 S.Ct. 1169 (1997)
32. *Mazurek v. Armstrong*, 117 S.Ct. 1865 (1997)
33. \* *Hill v. Colorado*, 530 U.S. 703 (2000)
34. *Stenberg v. Carhart*, 530 U.S. 914 (2000)
35. *Ayotte v. Planned Parenthood*, 546 U.S. 320 (2006)
36. \* *Scheidler v. National Organization for Women, Inc.*, 537 U.S. 393 (2006)
37. *Gonzales v. Carhart*, 550 U.S. 124, (2007)

Other Significant Supreme Court Cases Involving Abortion

- 1) *Arnold v. Sendak*, 429 U.S. 968 (1976)
- 2) \* *Guste v. Jackson*, 429 U.S. 399 (1977)
- 3) *Hartigan v. Zbaraz*, 108 S.Ct. 479 (1987)
- 4) *Fargo Women's Clinit v. Schafer*, 507 U.S. 1013 (1993)
- 5) \* *Lawson v. Murray*, 515 U.S. 1110 (1995)
- 6) *Leavitt v. Jane L.*, 116 S.Ct. 2068 (1996)
- 7) *Janklow v. Planned Parenthood*, 517 U.S. 1174 (1996)
- 8) \* *Lawson v. Murray*, 525 U.S. 955 (1998)
- 9) \* *Federal Election Commission v. Wisconsin Right to Life*, 551 U.S. 449 (2007)

Appendix II: ABORTIONS IN THE UNITED STATES,  
In Even and "5" years, 1972–2008<sup>147</sup>

<i>Year</i>	<i># Abortions</i>	<i>Abor- tion Rate</i>	<i>Abor- tion Ratio</i>	<i>% Repeat</i>	<i>% &lt;1 9 Yr</i>	<i>% un- married</i>
1972	587,000	N/A	N/A	N/A	N/A	N/A
1973	745,000	16.3	193	N/A	32.8	71.0
1974	899,000	19.3	220	15.2	32.5	72.4
1975	1,034,200	21.7	249	—	—	—
1976	1,179,000	24.2	265	22.7	32.1	75.4
1978	1,410,000	27.7	294	29.5	30.8	76.5
1980	1,554,000	29.3	300	33.0	29.6	79.4
1982	1,574,000	28.8	299	36.8	27.5	80.9
1984	1,577,000	28.1	297	N/A	26.4	81.8

<sup>147</sup> Data taken from *Family Planning Perspectives* published by Alan Guttmacher Inst.; Statistical Abstract of the United States, U.S. Dept. of Commerce 85 (1994-1998); Christine Loretto (data from Stanley Henshaw). See also Rachel K. Jones, Jacqueline E. Darroch, & Stanley K. Henshaw, "Patterns in the Socioeconomic Characteristics of Women Obtaining Abortions in 2000–2001," *Perspectives on Sexual and Reproductive Health* 34 (2002): 228; Stanley K. Henshaw & Kathryn Kost, "Trends in the Characteristics of Women Obtaining Abortions, 1974 to 2004," Guttmacher Institute (Report) at 6 (August 2008) available at [http://www.guttmacher.org/pubs/2008/09/18/Report\\_Trends\\_Women\\_Obtaining\\_Abortions.pdf](http://www.guttmacher.org/pubs/2008/09/18/Report_Trends_Women_Obtaining_Abortions.pdf) (seen 4 June 2012); Lawrence B. Finer & Stanley K. Henshaw, "Estimates of U.S. Abortion Incidence, 2001-2003" (Aug. 3, 2006) available at [www.guttmacher.org/pubs/2006/08/03/ab\\_incidence.pdf](http://www.guttmacher.org/pubs/2006/08/03/ab_incidence.pdf); R. K. Jones, et al., "Abortion in the United States: incidence and access to services, 2005," *Perspectives on Sexual and Reproductive Health* 40/1 (2008): 6-16; Lilo T. Strauss, et al, "Abortion Surveillance: United States, 2001" in CDC, MMWR Surveillance Summaries, November 26, 2004/53(S s09):1-32, available at <http://www.cdc.gov/mmwr/preview/mmwrhtml/ss5309a1.htm> (seen 4 June 2012).



1985	1,589,000	28.0	298	40.5	26.2	82.3
1986	1,574,000	27.4	294	41.4	25.7	82.3
1987	1,559,110	26.9	289	42.2	25.4	82.4
1988	1,590,800	27.3	288	N/A	25.6	82.6
1990	1,609,000	27.4	280	45.0	23.0	82.0
1992	1,529,000	25.9	275	47	—	—
1994	1,423,000	22.5	266	N/A	21.8 5	81.66
1995	1,359,400	22.5	259	—	—	—
1996	1,360,200	22.4	259	N/A	N/A	N/A
N1998	1,319,000	21.5	250	—	—	—
2000	1,313,000	21.3	245	48	19.3 7	83.08
N2002	1,293,000	20.9	242	—	—	82.012
2004	*					
2005	1,206,200	19.4	224	47	—	—
2006	*	*	*	*	*	*
2008	1,212,400	19.6	n/a*	n/a*	n/a*	n/a*

Ratio is per 1,000 known pregnancies (known live births plus abortions). See Stanley K. Henshaw & Kathryn Kost, *Trends in the Characteristics of Women Obtaining Abortions, 1974 to 2004*, Guttmacher Institute (Report) at 6 (August 2008) available at [http://www.guttmacher.org/pubs/2008/09/18/Report\\_Trends\\_Women\\_Obtaining\\_Abortions.pdf](http://www.guttmacher.org/pubs/2008/09/18/Report_Trends_Women_Obtaining_Abortions.pdf) (seen 4 June 2012).

This is the percentage of women having abortions who previously had one or more abortion(s).

Appendix III: Abortion Number, Rate, and Ratio  
in the United States<sup>148</sup> and Utah<sup>149</sup> 1973-2008

(The U.S. Statistical Abstract ceased reporting the ratio of abortions per 1,000 live births after 2003.)

Year	U.S. total abortions	Utah total abortions	US rate per 1,000 females 15-44 years old	Utah rate per 1,000 females 15-44 years old	US ratio per 1,000 live births	Utah ratio per 1,000 live births
1973	742,500	100	16.5	6.4	239	4
1975	1,034,200	2,000	22.1	7.8	331	60
1980	1,553,900	4,200	29.3	12.3	428	97
1985	1,588,600	4,400	28.0	11.1	425	116
1990	1,608,600	4,796	27.4	10.5	389	114.7
1995	1,359,400	3,705	22.5	6.9	350	83.2
2000	1,313,000	3,509	21.3	6.2	324	69.3
2005	1,206,200	3,556	19.4	5.7	236	63.4
2008	1,212,400	3,779	19.6	5.7	234	66.1

---

<sup>148</sup> All information about the United States was gathered at United States Census Bureau, The 2012 Statistical Abstract: Earlier Editions, [http://www.census.gov/compendia/statab/past\\_years.html](http://www.census.gov/compendia/statab/past_years.html) (last modified Sept. 27, 2011).

<sup>149</sup> Information for Utah from 1973-1985 was gathered from United States Census Bureau, *supra* n1; Utah information from 1990-2008 was gathered from Utah Dep't of Health, Utah's Vital Statistics 2010: Abortions, S-3, [http://health.utah.gov/vitalrecords/pub\\_vs/ia10/10a\\_112011.pdf](http://health.utah.gov/vitalrecords/pub_vs/ia10/10a_112011.pdf).