

**STATEMENT IN SUPPORT OF
KATHLEEN MARIE KELLY**

TO:

Mark M. Harrison, Kent Stevenson, Steve Moffit, Vienna Ward, Oakton Stake, Church of Jesus Christ of Latter-day Saints.

Dear Bishop Harrison, Brother Stevenson and Brother Moffit:

INTRODUCTION

On behalf of and in the interest of Kathleen Marie Kelly, I submit this Statement in Support of a determination of taking no action against her membership in the Church of Jesus Christ of Latter-day Saints. I ask that all members of the bishopric who will sit in judgment of Sister Kelly read and consider this Statement.

In this Statement, references will be made to the Church Handbook of Instructions, 2010 version. I do not know whether that version is the version currently in use, or whether there have been any updates, because of the extremely limited access to the book, but that version is being used because a downloadable version exists on the internet. Lacking any authorized access to the book as a woman, I am forced to use this “bootlegged” version to review the rules.

This statement is organized as follows. I first present arguments that should nullify Sister Kelly’s disciplinary council on procedural grounds, specifically for the following reasons:

- This Disciplinary Council is inherently unfair because the prescribed procedures lack any due process safeguards or fundamental fairness.
- The Disciplinary Process is unfair to women in particular.
- This Disciplinary Council is proceeding in violation of the rules set forth in the Church Handbook of Instructions.
- This Disciplinary Council has demonstrated bias by inappropriately retaining membership records that should have been transferred when Sister Kelly moved.
- The appellate process is unfair, because any appeal will be made to an accuser.

I then move on to a discussion of the accusation of apostasy, with an emphasis on the appropriate level of proof required to establish such a severe accusation. Specifically,

- Because Church discipline is mandatory for very few serious offenses, no discipline should be imposed without a high standard of proof of willful violation of the offense, which cannot be shown here.

With regard to the accusations levied against Sister Kelly, this Council cannot establish that Sister Kelly has satisfied any definition of apostasy for the following reasons:

- Sister Kelly has not engaged in clear, open, and deliberate public opposition to the Church or its leaders.
- The Mission Statement of Ordain Women demonstrates that Sister Kelly has not committed apostasy.
- Public discussion of ordination is not apostasy.
- Requesting admission to Priesthood meeting at Temple Square is not apostasy.
- Sister Kelly's interactions with President Wheatley do not constitute apostasy.
- Sister Kelly has not "persist[ed] in teaching as Church doctrine information that is not Church doctrine after [she has] been corrected by [her] bishop or higher authority.

For the foregoing reasons, this Council must make a determination of "No Action" with regard to the membership of Sister Kate Kelly.

PROCEDURAL IRREGULARITIES AND UNFAIRNESS

This Disciplinary Council is inherently unfair because the prescribed procedures lack and safeguards for fundamental fairness.

Rule 6.10 of the Church Handbook of Instructions ("Handbook") provides that "Procedures in a disciplinary council must be fair and considerate of the feelings of all who participate." Contrary to this rule, many aspects of Church disciplinary councils are unfair.

Church Disciplinary Councils are governed by rules set forth in the Church Handbook of Instruction. The bases for disciplinary action, the rules governing how disciplinary proceedings are carried out and all matters pertaining to such Councils are stated in the Handbook. However, access to the Handbook is strictly limited. Only nine women in the entire membership of more than 15,000,000 people, the members of the three female-headed Church auxiliaries, are allowed

to have access to the Handbook, ¹ a fact that severely limits a woman's ability to adequately prepare for a Disciplinary Council.

Church members who violate the rules stated in the Handbook may be subjected to punishments up to and including excommunication from the Church. To prohibit access to the Handbook for most men and virtually all women in the Church is akin to enacting a criminal code, but not allowing most people to read it, even those who are being accused of crimes.

The rules in the Handbook state the kinds of behaviors that can result in Church discipline, the manner in which Church discipline may be imposed, the makeup of the Disciplinary Council, the manner in which notice of the Disciplinary Council must be served and the manner in which it will proceed. It is fundamentally unfair to subject members to a process but deprive them of any access to the rules by which the process will be initiated, conducted, concluded or appealed.

The Disciplinary Process is unfair to women in particular.

All Disciplinary Council-s, whether in the form of a "bishop's" Disciplinary Council or a High Council Disciplinary Council, are necessarily staffed entirely by men. No woman is permitted to be on a council. This is highly discriminatory, whether in a typical Council held for moral transgressions, or a high-profile one such as this one in which a difference of opinion is being judged. While those who conduct the council may be men of good will and even inspiration, they are necessarily limited by their life experience as males in ways that make it unfair for them to judge women. In some cases, women, even very young ones, are required to confess and discuss sexual transgressions in a room full of men, a highly intimidating atmosphere for any woman. In other cases, such as this one, men are required to judge a woman's actions advocating for gender equality having never lived a woman's experience in the Church. No matter how they may try to understand, to put themselves in a woman's place, not one of them has ever walked in a Mormon woman's shoes.

The present case highlights the unfairness in stark and obvious ways: Three men will sit in judgment of a woman, who has long since moved out of their congregation, effectively "trying" her in absentia, over a dispute about women's equality. Not one member of this Council ever bothered to pull Sister Kelly aside to directly discuss her feelings on female

¹The Church has gone to great lengths to protect the secrecy of the Church Handbook of Instructions. In 1999, the Church's intellectual property arm, Intellectual Reserve, sued Utah Lighthouse Ministry for posting 17 pages of the Handbook online without permission. The case was settled with an agreement that not only would UTLM refrain from publishing quotations from the Handbook, but it would also refrain from posting links to any website that posts the Handbook. See: http://www.wikileaks.org/wiki/Mormon_Church_attempts_to_gag_Internet_over_handbook

ordination while she was in their midst. Nothing could possibly illustrate the unfairness of Church Disciplinary Councils more dramatically.

This Disciplinary Council is proceeding in violation of the rules set forth in the Handbook.

As shown above, “fairness” in disciplinary councils is questionable even under the best of circumstances, because the entire procedure being fraught with unfairness. However, the inherent unfairness of the process is heightened in this case by the flagrant disregard of even the already-unfair rules. Rule 6.10.2 provides that service of the notice of the hearing be effected as follows:

“Two Melchizedek Priesthood holders deliver the notice to the member personally and privately with courtesy and dignity. The members who deliver the notice must give the clerk of the disciplinary council a signed statement certifying that the member was notified and describing how he was notified. If the notice cannot be delivered in person, it may be sent by registered or certified mail, with a return receipt requested.”

This rule was completely disregarded by Bishop Harrison, who served the notice on Sister Kelly by email instead of by personal delivery or certified mail. Sister Kelly did in fact receive the notice, so the failure to properly serve the notice might be considered “harmless error,” however, Bishop Harrison’s willingness to disregard the established rules, and the reason for his disregard of the rules demonstrate a troubling willingness to proceed in an irregular and unfair manner. His disregard demonstrates his bias against Sister Kelly and in favor of the accusatory Church institution, which he represents as both accuser and judge.

The apparent reason for Bishop Harrison’s disregard of the service rule is quite simple: Sister Kelly no longer resides within his ward boundaries, or even in his state. Bishop Harrison knew for five months that Sister Kelly would be moving out of the area, yet he chose to wait until after she relocated to Utah before he served papers on her, thus eliminating the possibility for personal service and also placing a great burden on her ability to attend the hearing in person—a burden that circumstances prevent her from meeting. Such an action appears not simply biased and unfair but, frankly, cowardly. By making sure she had left his jurisdiction before initiating Church discipline, Bishop Harrison effectively made certain that Sister Kelly would not be able to face her accuser/judge in person to explain or deny any accusations that might be presented against her.

At the end of the Handbook section on Church Discipline a sample form is reproduced entitled “Documents Required at Church Headquarters for Confidential Actions or Applications.” That form lists various documents which must be transmitted to Church Headquarters for reporting on various kinds of actions, one of which is Church discipline. Among the forms required is “Certification of delivery of the letter notifying the person of the disciplinary action.” In this case, no such certification can be transmitted, because no such certification exists.

This Disciplinary Council has demonstrated bias by unfairly retaining membership records that should have been transferred.

Sister Kelly's records have been unfairly and irregularly retained within a Church jurisdiction in which she no longer resides. This is further evidence of bias and perhaps even malice from the men who will sit in judgment of her. The following rule governs the location of membership records:

Rule 13.6: Membership records include members' names and addresses, as well as ordinance and other vital information. The ward should have a membership record for each member living within the ward boundaries. Membership records are to be kept in the ward in which the member lives. Exceptions, which should be few, require the consent of the bishops and stake presidents involved and the approval of the Office of the First Presidency. (Emphasis added.)

Pursuant to this rule, Sister Kelly's membership record should have been transferred to her new ward, unless retaining it was approved by the Office of the First Presidency. The failure to transfer the record indicates that either the leaders of her former stake and ward have acted in violation of this rule, or the First Presidency has involved itself in discipline that is purportedly a "local matter." Either case is troubling and indicative of bias and an unwillingness to follow the rules set forth in the Church's own governing handbook.

Where disciplinary matters are concerned, Rule 6.13.7 might apply:

If a member moves while Church disciplinary action or another serious concern is pending, the bishop, or ward clerk with the bishop's authorization, may contact Church headquarters or the assigned administrative office and ask for a move restriction on the membership record. A record that has a move restriction will not be moved to a new unit until the priesthood leader who requested the restriction authorizes it to be removed.

Sister Kelly was informed that her Stake President requested a "move restriction" on her records on May 4, and on May 9 she physically moved out of the ward and stake. At the time of her move, however, no disciplinary action appeared to be pending. The letter outlining her "informal probation" was not delivered (via email) to her until May 22, well after she had relocated. In addition, according to this rule, the request should have been made by the bishop or ward clerk, and the Stake President had no authority to retain Sister Kelly's records. Moreover, Sister Kelly has stated that she contacted Donald Hallstrom, the Area Seventy, and he informed her that he could not move her records, suggesting that the decision to retain the records, was made at a higher level than Elder Hallstrom, who was presumably the "assigned administrative office[r]." It thus appears that either the First Presidency or at a minimum, "Church headquarters" has been involved in this supposed "local matter."

If local leaders have “gone rogue” and improperly retained Sister Kelly’s membership record without proper authorization, this Disciplinary Council should be immediately vacated and Sister Kelly’s records should be transferred to the Sherwood Hills Ward and Edgemont Stake, where she now resides, not held improperly in Virginia.

If, instead, local leaders have obtained the approval of the Office of the First Presidency, as required by the Handbook, then the press releases being put out by LDS Public Affairs are blatantly false and the Disciplinary Council is completely out of compliance with the Church’s established rules as set forth in the Handbook.

On June 11, 2014, in an article appearing in the LDS-owned Deseret News, spokeswoman Kristen Howey stated, “Decisions are made by local leaders and not directed or coordinated by Church headquarters.” (<http://www.deseretnews.com/article/865604976/Two-Mormon-activists-say-they-are-facing-church-discipline.html?pg=all>)

If Howey’s statement is true, President Wheatley or Bishop Harrison or both are acting in violation of Church policies and procedures that require transfer of records; if the statement is not true, then authorization to hold a disciplinary council in a location where Sister Kelly no longer resides is to some extent being “coordinated and directed by Church headquarters,” also in violation of Church policies and procedures.

Either way, the proceeding is improper and must be vacated or it will remain in violation of the rules governing Church discipline. As previously stated, the willingness of those conducting this proceeding to do it in violation of the Church’s own rules suggest bias, a pre-determined outcome and an unwillingness to proceed in good faith and impartiality. The suspect circumstances that are evident in this matter belie the statement that this is entirely a “local matter.”

On May 5th under threat of a “move restriction” and duress, Sister Kelly met with President Wheatley, who placed her on informal probation. At no time prior to her move did Bishop Harrison give her any indication that he was considering formal Church discipline. Yet, Bishop Harrison has convened a Disciplinary Council in absentia. By all appearances, he has been instructed by President Wheatley to convene the Council, and the very convening of it under the order of President Wheatley suggests a directed outcome adverse to Sister Kelly. The entire process reeks of bias.

What might the reason be for President Wheatley’s wrongful retention of Sister Kelly’s membership records be? His actions suggest a determination on his part to make sure that Sister Kelly did not escape his jurisdiction without an adverse annotation on her records. Had her records been transferred while she was under informal probation, no notice of that action would have been placed on Sister Kelly’s records, because even formal probation is not noted on membership records, pursuant to Rule 6.13.1. Accordingly, President Wheatley’s actions can

only be viewed as a calculated maneuver to make sure that Sister Kelly's name is sullied with the leaders in her new location.

An additional aspect of the unfairness of Disciplinary Councils for women is that they are conducted by the bishopric, rather than by the Stake President before the High Council. Pursuant to the Doctrine and Covenants, a High Council court requires half of the members of the Council to speak for the accused. In a Bishop's Disciplinary Council, no one speaks for the accused. And given the wholly unfair logistics of this Disciplinary Council, Sister Kelly is unable to attend to even speak for herself in person, to look her accusers in the eye, to pray with them for the guidance of the Spirit, to allow them to feel her spirit. The process could not be more unfair.

The appellate process is unfair, because any appeal will be made to an accuser.

In the event of an adverse outcome, the appellate process is unfair, especially to women. Rule 6.10.10 governs appeals. A person who is subjected to discipline by a bishop has a right of appeal to the Stake President. In this case, given President Wheatley's demonstrated bias against Sister Kelly and his wrongful actions toward her, his wrongful retention of her records, and his apparent directive that the Bishop convene the court, any appeal following an adverse determination would have to be submitted to the man who is her effective accuser.

The unfairness of Church discipline to women in the appellate process is once again highlighted: Virtually any adult male facing Church discipline would be tried by the Stake President and High Council. His appeal would be made directly to the First Presidency of the Church of Jesus Christ of Latter-day Saints. For a woman, however, the appeal stops with the Stake President, in this case a biased one who has wrongfully retained her records and doubled down on the unfairness of an already-unfair process.

Finally, the manner in which the so-called "appeal" is handled is unfair to every Church member who disputes the adverse finding of a Disciplinary Council. The Church member has 30 days to write a statement specifying "in writing the alleged errors or unfairness in the procedure or decision.... If a bishop or branch president presided over the council, he forwards the appeal with the Report of Church Disciplinary Action form and relevant documents to the stake or mission president. If a stake or mission president presided over the council, he forwards the materials to the First Presidency."

Even apart from the fact that women's appeals are heard by the Stake President, while men's are heard by the First Presidency, there are inherent problems with the process. The accused (and convicted!) Church member provides the "appeal" to the presiding officer that he or she feels wronged by, who then submits it up the line. Nothing prevents the presiding officer from submitting his own version of events, which the accused has zero opportunity to see or respond to. And because no transcript or recording of the hearing is ever made, there can be no realistic opportunity to have a wrongful decision overturned. At least for men, however, the

appeal does not go to the man who directed the convening of the Council in the first place, at least if rules regarding “local action” are followed.

Because Church discipline is mandatory for very few serious offenses, no discipline should be imposed without a high standard of proof of willful violation of the offense, which cannot be shown here.

A Disciplinary Council is mandatory for very few disciplinary matters. These are:

1. Murder;
2. Incest;
3. Apostasy;
4. A “Serious Transgression While Holding a Prominent Church Position;
5. Where the Transgressor is a Predator;
6. A Pattern of Serious Transgressions; and
7. Where there is Serious Transgression that is Widely Known.

Sister Kelly is accused of only one of these “serious” transgressions: Apostasy. Before Sister Kelly is subjected to the same treatment as those who perpetrate murder or incest, her actions must surely rise to at least the level of genuine apostasy, not simple, but outspoken, disagreement with Church leaders. She should not be “convicted” of apostasy and subjected to the equivalent of the spiritual death penalty unless the definition of her “crime” is clear and her actions are in willful open rebellion toward and repudiation of her faith. As shown below, Sister Kelly’s actions have not even come close to that standard.

Apostasy, according to Merriam Webster’s definition, is the “renunciation of one’s religious faith.” Sister Kelly has never renounced her faith. Indeed, she has repeatedly affirmed it in public and in private. All of her actions that are the subject of this Disciplinary Council arise from her faith and the values she has learned in a lifetime of being a faithful Latter-day Saint. For her to be adjudged an “apostate” by this Council would be a travesty.

The Handbook definition changes the traditional meaning of “apostasy” substantially, to the point where it would hardly be recognized anywhere outside of a Church Disciplinary Council. It is defined as those who:

1. Repeatedly act in clear, open, and deliberate public opposition to the Church or its leaders.
2. Persist in teaching as Church doctrine information that is not Church doctrine after they have been corrected by their bishop or higher authority.

3. Continue to follow the teachings of apostate sects (such as those that advocate plural marriage) after being corrected by their bishop or higher authority.

4. Formally join another church and advocate its teachings.

It is impossible to know, based on the “invitation” to her Disciplinary Council, just exactly which of these aspects of “apostasy” Sister Kelly is accused of, as nothing in the improperly-delivered “notice” makes any specific claims of her wrongdoing. This would hardly suffice in any court in any place in any country with a functioning justice system, but it is standard operating procedure in Church Disciplinary Councils, and is yet another demonstration of unfairness. It seems that when not just imprisonment on earth, but one’s eternal soul and salvation are at stake, the standard of proof should be even higher. It is difficult, if not impossible, to prepare a defense when one does not know what one is charged with. That is a largely moot point, however, for a person being “tried” in absentia.

It appears that the last two items (being part of a polygamous sect or joining another church) are inapplicable to Sister Kelly, so this Statement will focus on the first two. They need to be examined in some depth.

Standard of Proof

In any court in America, the burden of proving wrongdoing is on the accuser, and specific acts must be shown by a “preponderance of the evidence” at a minimum, if not by clear and convincing evidence or beyond a reasonable doubt. Obviously, in Church courts no presumption of innocence or standard of proof is required. Indeed, Church courts are entirely free to make their decisions with little or no evidence, and with little opportunity for the accused to prepare or present a defense. While that may not always be unfair, such as in cases where the “transgressor” has confessed to sinful behavior, and the Disciplinary Council is intended to help the individual set his or her life in order via the repentance process, this is not that kind of case. Sister Kelly has not engaged in or confessed to sinful behavior and is not accused of any kind of moral transgression.

Because Sister Kelly’s “transgressions,” if any, are highly disputed and need to be contextualized, members of this Council should set some minimal standard of proof before taking an adverse action against Sister Kelly. To do otherwise is to impose an arbitrary and capricious judgment on an individual who has been, in essence, prevented from even being present. Council members should keep an open mind about her alleged “guilt” and should be willing to clear her of any wrongdoing unless her accuser (whoever that may be) is willing to come forward with credible and convincing evidence that she has done something wrong. As shown below, *any* burden of proof that affords her even a slight presumption of innocence is impossible to carry in this case.

Sister Kelly has not engaged in clear, open, and deliberate public opposition to the Church or its leaders.

The Mission Statement of Ordain Women demonstrates that Sister Kelly has not committed apostasy.

The mission statement of Ordain Women clearly affirms the doctrines of the Church of Jesus Christ of Latter-day Saints, and the preeminence of its leaders in establishing doctrine and practice. The statement is as follows:

The fundamental tenets of Mormonism support gender equality: God is male and female, father and mother, and all of us can progress to be like them someday. Priesthood, we are taught, is essential to this process. Ordain Women believes women must be ordained in order for our faith to reflect the equity and expansiveness of these teachings.

Last year the Church of Jesus Christ of Latter-day Saints reaffirmed its commitment to equality: “The Book of Mormon states, ‘black and white, bond and free, male and female; ... all are alike unto God’ (2 Nephi 26:33). This is the Church’s official teaching.” Ordain Women embraces this statement. We are committed to work for equality and the ordination of Mormon women to the priesthood.

Based on the principle of thoughtful, faith-affirming strategic action, Ordain Women aspires to create a space for Mormon women to articulate issues of gender inequality they may be hesitant to raise alone. As a group we intend to put ourselves in the public eye and call attention to the need for the ordination of Mormon women to the priesthood. We sincerely ask our leaders to take this matter to the Lord in prayer.

Nothing in this statement is “in clear, open, and deliberate public opposition to the Church or its leaders.” To the contrary, it fully affirms unique and essential Mormon doctrines—that we can become like our Heavenly Father and Heavenly Mother, that Mormonism fundamentally teaches that men and women are equal, that all will one day have priesthood [as we are consistently taught in the temple], and that the matter of priesthood ordination for women is ultimately within the purview of our leaders, who are asked to “take [it] to the Lord in prayer.” It would take a *huge* stretch of the imagination to read this statement as being in any form of opposition to the Church or its leaders, much less “clear, open, and deliberate” public opposition. People who “oppose” the Church or its leaders do not defer to the right and responsibility of the leaders to prayerfully make decisions.

Is it “apostasy” to ask Church leaders to pray about women’s ordination? To provide faith-affirming examples of women in the scriptures and in the history of the LDS Church who

performed what are universally considered “priesthood” roles, such as prophetess (Deborah–Judges 4), deacon [“servant,” in the KJV, but “deaconess” in the Greek] (Phebe–Romans 16:1), apostle (Junia–Romans 16:7)? Is it “apostasy” to point out that for more than a hundred years Mormon women laid on hands and provided healing blessings?² Is it “apostasy” to acknowledge that temple rites are performed by women who have “authority,” and that women are designated as, or to become “priestesses”? Calling attention to these historical facts that demonstrate women’s empowerment cannot be even remotely associated with “apostasy.”

It is difficult, if not impossible, to see how sustaining the leaders as prophets, seers and revelators, and asking them pray on women’s behalf, as they did on behalf of people of African descent, can constitute apostasy. Official Declaration 2 states:

[W]e have pleaded long and earnestly in behalf of these, our faithful brethren, spending many hours in the Upper Room of the Temple supplicating the Lord for divine guidance.

He has heard our prayers, and by revelation has confirmed that the long-promised day has come when every faithful, worthy man in the Church may receive the holy priesthood, with power to exercise its divine authority, and enjoy with his loved ones every blessing that flows therefrom, including the blessings of the temple.

Church leaders “pleaded long and earnestly” on behalf of men of African descent because they became aware of the hurtful injustice caused by the denial of priesthood to them, and by extension to their families. Is it really “apostasy” to attempt to raise their awareness of the heart-felt injustice that many women in the Church today feel?

² See, e.g., “Mormon healing: Call the elders—or the sisters?” Salt Lake Tribune, May 20, 2011.

“For much of the first 100 years of LDS history, Mormon women could lay their hands on the sick, anoint them with oil, and offer a blessing for their recovery. They felt a special obligation to bless their own children and other mothers during pregnancy “confinement” and childbirth. That all ended in the mid-20th century, when the practice became the exclusive realm of the men-only Mormon priesthood.

“Female healing first was authorized by church founder Joseph Smith, then carried on under Brigham Young and other early LDS presidents, according to an article in the winter issue of the Journal of Mormon History by Jonathan Stapley and Kristine Wright.”

<http://www.sltrib.com/sltrib/blogsfaithblog/51785971-180/healing-mormon-women-church.html.csp>

Public discussion of women's ordination is not apostasy.

If asking for leaders to pray about priesthood for women is “apostasy,” then the writer of this statement was publicly guilty of apostasy while Sister Kelly was still in diapers. In 1981, *Dialogue, A Journal of Mormon Thought* published my essay, “Women and Priesthood,” in which I argued for women’s ordination. (http://www.dialoguejournal.com/wp-content/uploads/sbi/articles/Dialogue_V14N04_50.pdf)

I have never been disciplined for writing the article. Indeed, my stake president at the time of publication was a subscriber to *Dialogue*, and he read it as soon as it was released and never even hinted that I should not have written it, nor did any other Church leader in the nearly 20 years I lived in that ward and stake. If publicly making those arguments in 1981 was not “apostasy,” how can it be “apostasy” today for Sister Kelly? The answer is: “It isn’t.”

Granted, Sister Kelly’s statements about women’s ordination are more public than mine, but mine were as public as they could be at the time, without the internet. The existence of new technology cannot turn an action that was not apostasy then into one that is apostasy now. Sister Kelly’s actions are definitely “clear,” “open,” “deliberate” and “public,” but they completely fail the definition of “apostasy” because they are not “opposition” to Church leaders. Rather, they affirm Church leaders’ leadership by asking them to do what? To pray. If “we believe that God will yet reveal many great and important things pertaining to the Kingdom of God,” then raising awareness of current Church practices that diminish women’s equality and asking leaders to seek revelation cannot possibly be considered “apostasy.”

Dozens of blogs and websites explore women’s place in the Church. Some are far more critical of the Church and its leaders than anything Sister Kelly has ever said. While many, even most, Mormon women do not seek ordination, and disagree with Sister Kelly, that does not make her ideas and actions “apostasy.” It simply makes them a difference of opinion.

On June 17, Church spokeswoman Ally Isom appeared on public radio’s Radio West, hosted by Doug Fabrizio. Mr. Fabrizio asked, “The question is, where does it say in Mormon doctrine that women cannot have the priesthood?” Sister Isom replied, “It doesn’t.” She also stated that it is appropriate to discuss women’s ordination in Relief Society. (Podcast available here: <http://radiowest.kuer.org/post/latter-day-saints-and-excommunication-part-ii>)

Given that the Church’s official spokeswoman has acknowledged that nowhere in Mormon doctrine are women prohibited from having priesthood, and that the matter may be freely discussed in Relief Society, then surely talking about it in other forums cannot possibly be considered “apostasy,” and the charge of “apostasy” against Sister Kelly cannot be sustained.

Requesting admission to Priesthood Meeting at Temple Square is not apostasy.

Are the actions of Ordain Women, in seeking admission to Priesthood Meeting “clear, open, and deliberate public opposition to the Church or its leaders”? Hardly. It is 2014. Women serve in all walks of life, in all positions and professions, in all civic matters, in all opportunities, save one: the Church. It is not radical, and it is not “deliberate public opposition” for women to seek full participation in the Church they love. Instead, it is an affirmation of the belief that the Church they love can grow and progress with “further light and knowledge”, and that those who ask may receive, and to those who knock, the door may be opened.

Church press releases said that at April Conference, Ordain Women participants were asked not to protest on Temple Square. Was the action there an act of “open and public opposition”? No, it was not. In fact, the press release at the time, as well as subsequent statements, are highly misleading. I was there, and at no time were participants asked to leave Temple Square. Two or three participants were asked by Church Public Affairs employee, Jessica Moody not to “protest” on Temple Square. I was one of them; the woman in front of me was another. As you can clearly see in the video footage that Sister Kelly has already provided to you, Jessica Moody approached Sister Kelly, talked about the weather, and told her she would not be admitted to the session, but did not instruct her to leave the premises.

As for my own actions, I did not at any time understand the request not to “protest” to be a request to leave. When asked not to “protest,” I replied, “We’re not protesting,” as I did not consider our action to be a “protest”. I have engaged in many protests in my life. Those “protests” involved marching with signs and banners and chanting. The simple, quiet and dignified request for admission at the tabernacle did not in any way resemble a “protest.” Nor did I perceive Church personnel at the Tabernacle to deem it a “protest.” In fact, a line area seemed to have been set up in anticipation of our arrival, and we were warmly greeted by Sister Kim Farah of the Church Public Affairs Department, who spent more than two hours speaking with each of us individually and listening to what we had to say. During my brief conversation with her, she welcomed me to Temple Square. If she or others at the Tabernacle considered our action to be a “protest,” she and they did not convey that message to us.

In stark contrast to the way Ordain Women participants were treated, Church Security made it completely clear that members of the media were not welcome. They instructed media personnel to leave in no uncertain terms, and the media left. The night before the Priesthood session, Ordain Women participants met together and determined that if asked to leave, we would do so. But never once were we asked to leave. Moreover, no one there was a “Church leader” to whom we could have been in “opposition.” Indeed, “Church leaders” have never communicated with any member of Ordain Women, so it is impossible for Sister Kelly to have been in “opposition” to them without knowing anything about their perspective on Ordain Women. Employees of the Church Public Affairs department are not “Church leaders,” and

their words are not the words of “Church leaders.” With no clear statement from “Church leaders,” Sister Kelly cannot be determined to be acting in opposition to them.

Sister Kelly’s interactions with President Wheatley do not constitute apostasy.

If “Church leaders” includes Sister Kelly’s local leaders, President Wheatley and Bishop Harrison, another aspect of “opposition” must be considered. Is it “apostasy” to speak words local leaders have forbidden? Is it even within the right of a local leader to forbid a member from saying something out loud, as President Wheatley did in his May 22nd letter?

In order for a disobedient act to constitute “apostasy,” the act must surely be more than insubordination. If, for instance, a local leader threatened a Disciplinary Council for failure to attend Sacrament Meeting, or failure to do home teaching, or for being a Democrat instead of a Republican, and the member defied that order, that would not be “apostasy.” Instead, it would easily be recognized as unrighteous dominion on the part of the local leader.

President Wheatley apparently thinks it is appropriate to threaten Sister Kelly with excommunication for her refusal to remove the Ordain Women website. But what makes that demand any different from the examples in the prior paragraph? Unless the website itself contains information that constitutes “apostasy,” it is no different. At most, Sister Kelly’s refusal to remove the website is “insubordination,” not “apostasy.” If the website does contain “apostate” statements, then those specific statements should be called to her attention, along with a request that they be removed and a discussion should take place about what makes the statements “apostate.” But that has not been done. Until it has, President Wheatley’s demands are unreasonable, and Sister Kelly is guilty only of making factual assertions about gender inequality in the Church and having a disagreement with her Stake President. That is not apostasy.

Sister Kelly has not “persist[ed] in teaching as Church doctrine information that is not Church doctrine after [she has] been corrected by [her] bishop or higher authority.”

Recently, President Wheatley raised concerns about the “Six Discussions” feature of the Ordain Women website. It is unclear what his concerns are about them, as he has said nothing specific about what may be wrong with the Discussions. Does he consider anything about them to be “false doctrine”? If so, he needs to be specific about what the alleged “false doctrine” is.

The information contained in the Six Discussions is publicly available to everyone. Much of it is drawn from Church sources and the historical writings of Church scholars and writers. The online discussions of the material are similar to the hundreds of Mormon-related podcasts that are widely-available on the internet and across the broad spectrum of Mormon information and belief. They are more “faith promoting” than many, if not most, of the podcast genre. Sister Kelly has participated in some, but not all, of the podcasts. To the extent that anything in the podcasts is taught “as Church doctrine,” it comes from the scriptures and the

statements of Church leaders, from their books and public speeches, mostly from Conference talks.

President Wheatley's expressed concerns about the Six Discussions were raised before most, if not all, of the Six Discussion materials were completed and placed on the internet (some are still in the works) and before the online discussions took place. If he has concerns about them now that they are available to view, then he needs to make those specific concerns known, but it is blatantly unfair and unreasonable to judge them as either "false doctrine" or "open opposition" without reading the materials and watching the discussions. I trust that when he takes the opportunity to do so he will find that nothing about them constitutes, or even remotely resembles, "apostasy." He cannot assume that a prior restraint on information is an appropriate remedy for "false doctrine" that may never materialize. In any case, the remedy for "false doctrine" is to "reason together" with the presentation of "true doctrine," not to allege apostasy.

Sister Kelly has continued to make factual assertions such as, "men and women are not equal in our Church," and "women do not have equal access to opportunity and leadership roles in our Church." Those are factual, not doctrinal, assertions, and they do not constitute "apostasy."

CONCLUSION

In 1967, President Nathan Eldon Tanner stated, "The Church has no intention of changing its doctrine on the Negro. Throughout the history of the original Christian church, the Negro never held the priesthood. There's really nothing we can do to change this. It's a law of God." (Seattle Magazine, Dec. 1967, p. 60) Eleven years later, in October General Conference, 1978, President Tanner read Official Declaration 2 to the assembled conference and asked for and received a unanimous vote, enabling its addition into the LDS canon. A video clip of that reading is here: <https://www.youtube.com/watch?v=-DtuGIHWe8c>.

In a Church where exclusion of "the Negro" can go from "doctrine" to "no longer doctrine" in eleven years, it is simply outrageous to declare women in "apostasy" for asking the Church's prophets, seers and revelators to pray about women's empowerment, just as they did for the empowerment of men of African descent. When the time is right, today's current "doctrine" about women may become tomorrow's abandoned, if not "false" doctrine.

Sister Kelly has done nothing to commit "apostasy," whether by the dictionary definition (she has not renounced her faith), or by the Handbook definition. This Disciplinary Council should return a finding of "no action," should reverse the current "Informal Probation" placed upon her by President Wheatley, and should release her records for transfer to her new location

in Provo, Utah and then Kenya when she moves there, where her faith, energy and talents will most certainly be put to use in the building up of the Church.

Dated: June 18, 2014

Respectfully Submitted,

Nadine R. Hansen