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UNDOCUMENTED IMMIGRANTS IN THE UNITED STATES: A DISCUSSION OF CATHOLIC SOCIAL THOUGHT AND “MORMON SOCIAL THOUGHT” PRINCIPLES

REBECCA VAN UITERT[†]

INTRODUCTION

Anti-immigrant sentiment has long existed in the United States.¹ The tragic events of September 11, 2001, only exacerbated those tensions.² This upsurge in anti-immigrant hostility has correspondingly increased scrutiny and criticism of the undocumented immigrants³ currently living within our

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¹ See Berta Esperanza Hernández-Truyol & Kimberly A. Johns, *Global Rights, Local Wrongs, and Legal Fixes: An International Human Rights Critique of Immigration and Welfare Reform*, 71 S. CAL. L. REV. 547, 550, 552 (1998) (“[T]hese sentiments are rooted in a history of fear and distrust of [immigrants] . . .”).

² See Nicole Jacoby, Note, *America's De Facto Guest Workers: Lessons from Germany's Gastarbeiter for U.S. Immigration Reform*, 27 FORDHAM INT'L L.J. 1569, 1640 (2004) (“[T]he terrorist attacks of September 11, 2001 had an immediate negative impact on public opinion regarding immigrants.”).

³ The term “illegal alien” is racist, dehumanizing, and harmful. See Kevin R. Johnson, A “Hard Look” at the Executive Branch's Asylum Decisions, 1991 UTAH L. REV. 279, 281 n.5 (1991) (arguing that the term “serve[s] as a device that intellectually legitimizes [immigrants'] mistreatment.”); Beth Lyon, *When More “Security” Equals Less Workplace Safety: Reconsidering U.S. Laws that Disadvantage Unauthorized Workers*, 6 U. PA. J. LAB. & EMP. L. 571, 576 (2004) (calling the term “racially loaded, ambiguous, imprecise, and pejorative”). For the purposes of this paper, “undocumented immigrant” will be used to refer to a person who resides in the United States but who is not a United States citizen, legal permanent resident, or holder of an authorized temporary visa.

borders.⁴ Across the nation, undocumented immigrants are viewed as “a growing threat to American society, its culture, and the economy.”⁵

Current U.S. immigration laws exploit immigrant laborers, undermine human dignity, and damage family relationships.⁶ The existing laws governing legal migration ignore the realities of market forces, and result in millions of individuals unlawfully entering the country to labor in backbreaking occupations that few American workers will pursue.⁷ Even while providing this essential labor force, paying their taxes just as other residents, and contributing in myriad ways to the overall well-being of our society,⁸ undocumented immigrants are treated as subhuman⁹—denied the benefits and protections offered to individuals fortunate enough to be born north of the Rio Grande.¹⁰ Moreover,

⁴ See Kathleen A. Connolly, Comment, *In Search of the American Dream: An Examination of Undocumented Students, In-State Tuition, and the Dream Act*, 55 CATH. U. L. REV. 193, 213 (2005) (noting that the rise in hostility is due in large part to debate over whether undocumented immigrants should receive federal and state benefits).

⁵ MICHAEL WELCH, DETAINED: IMMIGRATION LAWS AND THE EXPANDING I.N.S. JAIL COMPLEX 29 (2002).

⁶ See Justice for Immigrants: A Journey of Hope, The Catholic Campaign for Immigration Reform, Frequently Asked Questions About the Catholic Church's Positions on Immigration (Aug. 22, 2005), http://www.justiceforimmigrants.org/faq_cath_position.html (discussing the Church's interest in immigration policies).

⁷ See, e.g., JULIAN L. SIMON, THE ECONOMIC CONSEQUENCES OF IMMIGRATION 299 (1999) (noting that this issue “is a matter of hot dispute”). See generally Howard F. Chang, *Liberalized Immigration as Free Trade: Economic Welfare and the Optimal Immigration Policy*, 145 U. PA. L. REV. 1147, 1149–52, 1158–59 (1997) (discussing the economic impact of immigration policies).

⁸ See Francine Lipman, *The Taxation of Undocumented Immigrants: Separate, Unequal, and Without Representation*, 9 HARV. LATINO L. REV. 1, 2–5, 7 (2006) (describing a few of the many ways that immigrants contribute to the U.S. economy); see also Kevin R. Johnson & Bill Ong Hing, *National Identity in a Multicultural Nation: The Challenge of Immigration Law and Immigrants*, 103 MICH. L. REV. 1347, 1381–82 (2006) (discussing the diverse contributions that immigrants make to the United States).

⁹ See generally Juan F. Perea, *Los Olvidados: On the Making of Invisible People*, 70 N.Y.U. L. REV. 965, 965–66, 982 (1995) (discussing the suppression of Latino culture by a more dominating American culture).

¹⁰ See generally John Fredriksson, *Bridging the Gap Between Rights and Responsibilities: Policy Changes Affecting Refugees and Immigrants in the United States Since 1996*, 14 GEO. IMMIGR. L.J. 757 (2000); Jonathan Blazer, *Immigration Reform and Access to Public Benefits: The Return of an Uneasy Coupling*, IMMIGR. RTS. UPDATE (Nat'l Immigr. Law Ctr.), May 23, 2006, available at <http://www.nilc.org/immlawpolicy/CIR/cir014.htm>. Rudy Giuliani, then mayor of New York City, articulately expressed the injustice of our system when he said: “[We] treat you exactly like a citizen for the purposes of extracting your wealth, but we won't treat

countless individuals—mothers, fathers, sons, and daughters—are separated from their families indefinitely as they await opportunities to immigrate legally.¹¹

From a secular perspective, the concept of equality among all people is a fundamental tenet of our democratic society.¹² The Declaration of Independence states: “We hold these truths to be self-evident, that all men are created equal”¹³ Yet, we refuse to recognize the humanity of undocumented residents in our country with whom we live, work, and go to school, based on the false notion that they are not as deserving as United States citizens.¹⁴ This flies in the face of our country’s long-standing commitment to equality.¹⁵ Furthermore, the inequality suffered by undocumented immigrants “fosters angst and separation that attack the very soul of a person and ultimately, of a nation.”¹⁶ Thus, in addition to the direct negative impact that current anti-

you that way for the purposes of giving out benefits.” Dale Russakoff, *New York Mayor Galls GOP by Becoming Champion of Immigrants*, WASH. POST, Oct. 7, 1996, at A4.

¹¹ See generally Nora V. Demleitner, *How Much Do Western Democracies Value Family and Marriage?: Immigration Law’s Conflicted Answers*, 32 HOFSTRA L. REV. 273 (2003); Emma O. Guzmán, Comment, *The Dynamics of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996: The Splitting-Up of American Families*, 2 SCHOLAR 95 (2000).

¹² See John SW Park, *Race Discourse and Proposition 187*, 2 MICH. J. RACE & L. 175, 199 (1999) (“Historically, however, the most prevalent view of rights—at least in the United States . . . was that a person had rights simply by virtue of being a human being . . .”).

¹³ THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

¹⁴ See Connolly, *supra* note 4, at 215–17.

[Undocumented children] are, for all practical purposes, American citizens. They have been in the United States for . . . years, they have attended school here, they have become active members of their communities, they often consider themselves American, and they plan on remaining in the United States indefinitely. . . . The United States is their home, and most do not plan on returning to their country of origin, a place only known to them by name and story.

Id. at 216–17. Furthermore, “[i]nternational human rights law guarantees everyone—citizens and noncitizens alike—certain basic and fundamental rights,” such as access to basic preventative medical care and stable food sources. Hernández-Truyol & Johns, *supra* note 1, at 551, 582–84.

¹⁵ See Alexander Vivero Neill, *Human Rights Don’t Stop at the Border: Why Texas Should Provide Preventative Health Care for Undocumented Immigrants*, 4 SCHOLAR 405, 424–25 (2002).

¹⁶ Robert J. Shulman, Comment, *Children of a Lesser God: Should the Fourteenth Amendment Be Altered or Repealed to Deny Automatic Citizenship Rights and Privileges to American Born Children of Illegal Aliens?*, 22 PEPP. L. REV. 669, 696 (1995) (citing KENNETH L. KARST, *BELONGING TO AMERICA: EQUAL CITIZENSHIP AND THE CONSTITUTION* 215 (1989)).

immigrant attitudes have upon individuals, the inequitable distinctions that are drawn adversely affect our society's image as being just and humane.¹⁷

From a religious perspective, the inhumane treatment of undocumented residents is of immense concern. This paper explores current U.S. immigration policy in light of the teachings of the Catholic Church and the Church of Jesus Christ of Latter-day Saints ("LDS Church" or "Mormon Church"),¹⁸ and argues that both belief systems share common elements regarding the treatment of undocumented immigrants. In order to build a foundation for understanding such a perspective, Part I provides a brief description of the unauthorized immigrants living in the United States today. Part II then outlines the basic doctrines of Catholic Social Thought with respect to undocumented immigrants. Part III examines whether the history, culture, and doctrine of the LDS Church inform a position on the topic. Part IV argues that when considering the values espoused by both religious traditions, immigration policy reform must be focused on compassionate, yet pragmatic, solutions.

I. UNDOCUMENTED IMMIGRANTS

A. Background

At least twelve million undocumented immigrants live in the United States.¹⁹ The undocumented population has consistently

¹⁷ See Richard A. Boswell, *Restrictions on Non-Citizens' Access to Public Benefits: Flawed Premise, Unnecessary Response*, 42 UCLA L. REV. 1475, 1506 (1995) (explaining how "limiting undocumented persons to emergency medical care places all persons in the community at risk" and noting that "the [welfare reform] proposals are wrong because they are immoral, punitive, and inhumane").

¹⁸ The term "Mormon" originated as a derogatory name for members of the Church of Jesus Christ of Latter-day Saints. The name was derived from Church members' belief in the Book of Mormon, a book of scripture similar to the Bible. While the term has lost much of its negative connotation, the official website of the Church of Jesus Christ of Latter-day Saints indicates that the term "Latter-day Saint" is preferred over "Mormon." See The Church of Jesus Christ of Latter-day Saints, *Style Guide—The Name of the Church*, <http://www.lds.org/ldsnewsroom/v/index.jsp?vgnextoid=ca07ae4af9c7e010VgnVCM1000004e94610aRCRD> (last visited Aug. 9, 2007). Throughout this paper, I will use the terms "Mormon," "Latter-day Saint," and "LDS" interchangeably.

¹⁹ JEFFREY S. PASSEL, PEW HISPANIC CTR., *THE SIZE AND CHARACTERISTICS OF THE UNAUTHORIZED MIGRANT POPULATION IN THE U.S.: ESTIMATES BASED ON THE MARCH 2005 CURRENT POPULATION SURVEY i* (2006), <http://www.pewhispanic.org/files/reports/61.pdf> [hereinafter PASSEL, ESTIMATES].

increased in size for several decades,²⁰ and is projected to increase by at least 275,000 persons annually.²¹ Of these immigrants, it is estimated that fifty-seven percent, or more than six million, are from Mexico.²² Other Latin American immigrants constitute approximately two and one-half million individuals in the undocumented population, or about twenty-five percent of the total.²³ Asians account for nine percent, Europeans and Canadians for six percent, and Africans for the remaining four percent.²⁴ The vast majority of undocumented immigrants live in only eight states: California, Texas, Florida, New York, Arizona, Illinois, New Jersey, and North Carolina.²⁵

Most undocumented immigrants in the United States are economic refugees.²⁶ They come to the U.S. seeking greater economic opportunities for themselves and for their families.²⁷ Additionally, numerous undocumented immigrants migrate for the purpose of family reunification—in many cases to join a

²⁰ JEFFREY S. PASSEL, PEW HISPANIC CTR., UNAUTHORIZED MIGRANTS: NUMBERS AND CHARACTERISTICS 3, 10, 37 (2005), <http://www.pewhispanic.org/files/reports/46.pdf> [hereinafter PASSEL, UNAUTHORIZED].

²¹ See MICHAEL HOEFER ET AL., U.S. DEPT OF HOMELAND SEC., ESTIMATES OF THE UNAUTHORIZED IMMIGRANT POPULATION RESIDING IN THE UNITED STATES 1 (1996), available at http://www.dhs.gov/xlibrary/assets/statistics/publications/ill_pe_2006.pdf. Some researchers estimate the number will increase to as many as 500,000 new undocumented immigrants each year. Steven A. Camarota, *Immigrants in the United States—2002: A Snapshot of America's Foreign-Born Population*, BACKGROUND (Ctr. for Immigr. Studies, Wash., D.C.), Nov. 2002, available at <http://www.cis.org/articles/2002/back1302.pdf>.

Although recent undocumented immigration has increased steadily, it is interesting to note that undocumented immigration is a relatively new concern for the United States. See HENRY BISCHOFF, IMMIGRATION ISSUES 265 (2002) (concern over undocumented immigration “hardly entered public thinking during the first hundred years in the history of immigration in the United States, because no federal laws restricted immigration”). The first point at which undocumented immigration caught the attention of the American public occurred with the passage of the Immigration and Reform Act of 1986, dubbed a “multi-pronged attack on undocumented migration.” THOMAS ALEXANDER ALEINIKOFF ET AL., IMMIGRATION AND CITIZENSHIP: PROCESS AND POLICY 172 (5th ed. 2003).

²² PASSEL, UNAUTHORIZED, *supra* note 20, at 4.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.* at 11.

²⁶ See Maria Isabel Medina, *The Criminalization of Immigration Law: Employer Sanctions and Marriage Fraud*, 5 GEO. MASON L. REV. 669, 678 (1997) (arguing that most undocumented immigrants leave their countries of origin in order to obtain employment, better wages, and an improved standard of living).

²⁷ *Id.*

family member who immigrated previously for employment purposes.²⁸

Among the approximately twelve million undocumented immigrants living in the United States are at least six million families with members who are undocumented.²⁹ Some researchers even go so far as to claim that as many as ten percent of all children living in the U.S. have an undocumented parent.³⁰ These undocumented families have, on average, 2.29 members, which is larger than the average non-immigrant family size of 1.96 members.³¹ Undocumented children are more likely to live in a two-parent household than non-immigrant children.³²

Despite the fact that undocumented immigrants are more likely to be structured in two-parent family units, undocumented families are much more susceptible to poverty than non-immigrant families.³³ Significantly, thirty-nine percent of all children in undocumented families live below the poverty line.³⁴ With almost half of all undocumented immigrants working for less than \$7.50 an hour,³⁵ the average undocumented family income is a meager \$27,400 per year.³⁶ Furthermore, not only do undocumented workers earn lower wages, but they are many times less likely to have health insurance than non-immigrant families.³⁷ In sum, the children of undocumented immigrants are

²⁸ Pia Orrenius & Madeline Zavodny, *What Are the Consequences of an Amnesty for Undocumented Immigrants?*, 9 GEO. PUB. POL'Y REV. 21, 25 (2004).

²⁹ "As of 2005, there were 6.6 million families in which either the head of the family or the spouse was unauthorized. These unauthorized families contained 14.6 million persons." PASSEL, ESTIMATES, *supra* note 19, at ii.

³⁰ See, e.g., URBAN INSTITUTE, CURRENT POPULATION SURVEY, MARCH 1997, available at <http://www.bls.census.gov/cps ftp.html>; Michael Fix & Wendy Zimmermann, *The Legacies of Welfare Reform's Immigrant Restrictions*, 75 INTERPRETER RELEASES 1577, 1577 (1998).

³¹ PASSEL, UNAUTHORIZED, *supra* note 20, at 30, 32.

³² *Id.* at 34.

³³ *Id.*

³⁴ *Id.*

³⁵ NAT'L IMMIGRATION LAW CTR., FACTS ABOUT IMMIGRANTS (2004), available at www.nilc.org/immspbs/research/pbimmfacts_0704.pdf [hereinafter NAT'L IMMIGRATION LAW CTR., FACTS].

³⁶ PASSEL, UNAUTHORIZED, *supra* note 20, at 30.

³⁷ *Id.* at 35 (finding that fifty-three percent of undocumented children lack health insurance, as compared to nine percent of non-immigrant children, and that fifty-nine percent of undocumented adults lack health insurance, as compared to fourteen percent of non-immigrant adults).

much more likely to be disadvantaged than the children of non-immigrants.³⁸

B. Roots of Anti-Immigrant Sentiment

1. Economic Concerns

The majority of Americans believe that undocumented immigrants are exploiting the American economy.³⁹ Popular culture portrays the undocumented immigrant as unemployed,⁴⁰ lazy,⁴¹ tax-evading,⁴² and, in general, unfairly taking advantage of the generosity of federal and local public benefits.⁴³ In reality,

³⁸ See NAT'L IMMIGRATION LAW CTR., FACTS, *supra* note 35 ("The children of immigrants are more likely to be disadvantaged than the children of natives. They are more likely to be poor (twenty-four percent versus sixteen percent); more likely to be uninsured (twenty-two percent versus ten percent); more likely to have no usual source of medical care (fourteen percent versus four percent); and more likely not to have a steady source of food (thirty-seven percent versus twenty-seven percent)."); see also RANDY CAPPS, URBAN INST., *HARDSHIP AMONG CHILDREN OF IMMIGRANTS: FINDINGS FROM THE 1999 NATIONAL SURVEY OF AMERICA'S FAMILIES 2-6* (2001), available at www.urban.org/UploadPDF/anf_b29.pdf ("[There is] greater hardship among children of immigrants than among children of natives in three areas: food, housing, and health care.").

³⁹ See JULIAN L. SIMON, CATO INST. & NAT'L IMMIGRATION FORUM, *IMMIGRATION: THE DEMOGRAPHIC & ECONOMIC FACTS* pt. 9 (1995), available at www.cato.org/pubs/policy_report/pr-immig.html (citing polls that find that most Americans believe that immigrants will "end up on welfare"); see also Cindy Chang, *Health Care for Undocumented Immigrant Children: Special Members of an Underclass*, 83 WASH. U. L.Q. 1271, 1271 (2005) ("Many view this population as a parasite on public funds . . ."); Richard Sybert, *Population, Immigration, and Growth in California*, 31 SAN DIEGO L. REV. 945, 995-1000 (1994) (citing numerous national polls regarding immigration and reporting that sixty-four percent of Americans believe that immigrants are a major burden on the economy).

⁴⁰ Critics of undocumented immigrants provide their own counter-argument to this claim: While undocumented immigrants are wrongly accused of being disproportionately unemployed, they are concurrently accused of "taking valuable jobs from struggling U.S. workers." WELCH, *supra* note 5, at 29.

⁴¹ As expressed by Senator Phil Gramm (R-Texas), immigrants should be coming to America "with their sleeves rolled up and ready to work, not to get food stamps." David Rogers & Christina Duff, *Cost of Highway Bill Endangers Plan to Restore Food Stamps to Immigrants*, WALL ST. J., Apr. 3, 1998, at A4.

⁴² See BISCHOFF, *supra* note 21, at 269 ("Some of those who want to clamp down on illegal immigration believe that these newcomers work heavily in an underground cash economy and thus avoid paying income tax and social security tax.").

⁴³ See STEVEN A. CAMAROTA, CTR. FOR IMMIGRATION STUDIES, *THE HIGH COST OF CHEAP LABOR: ILLEGAL IMMIGRATION AND THE FEDERAL BUDGET* (2004), available at <http://www.cis.org/articles/2004/fiscalexec.html> [hereinafter CTR. FOR IMMIGRATION STUDIES, *HIGH COST*]; see also BISCHOFF, *supra* note 21, at 269

undocumented immigrants “contribute significantly to the [United States] economy,”⁴⁴ and “actually contribute more to public coffers in taxes than they cost in social services.”⁴⁵ In fact, the total projected net benefit attributable to immigrants in the Social Security system will be nearly five hundred billion dollars for the period 1998 to 2022;⁴⁶ the foreign-born population accounts for nearly fifteen percent of the total civilian labor force;⁴⁷ and, foreign-born men have a higher labor force participation rate (eighty percent) than native-born men (seventy-four percent).⁴⁸ Furthermore, recent studies show that the use of public benefits by immigrant families is lower than non-immigrant families.⁴⁹

(stating that the general public believes that undocumented immigrants “use public health services, send their children to public schools, and, through fraudulent documents, get on welfare roles”); STEVEN A. CAMAROTA, CTR. FOR IMMIGRATION STUDIES, *BACK WHERE WE STARTED: AN EXAMINATION OF TRENDS IN IMMIGRANT WELFARE USE SINCE WELFARE REFORM 1-2* (2003), available at <http://www.cis.org/articles/2003/back503.pdf>; WELCH, *supra* note 5, at 29.

⁴⁴ NAT’L IMMIGRATION LAW CTR., *FACTS*, *supra* note 35.

⁴⁵ Peter L. Reich, *Public Benefits for Undocumented Aliens: State Law into the Breach Once More*, 21 N.M. L. REV. 219, 243 (1991) (discussing numerous studies that claim undocumented immigrants create a net economic benefit for the U.S. economy); see also Lipman, *supra* note 8, at 7 (arguing that although undocumented workers are subject to the same income tax laws as U.S. citizens, because of their immigration status most pay a higher effective tax rate than similarly-situated documented workers). Undocumented immigrants also contribute to the tax system through sales tax and property tax payments. BISCHOFF, *supra* note 21, at 270. One study concluded that undocumented households, on average, contribute more than \$4,200 annually to the federal tax system. See CTR. FOR IMMIGRATION STUDIES, *HIGH COST*, *supra* note 43.

⁴⁶ NAT’L IMMIGRATION LAW CTR., *IMMIGRANTS AND WORKFORCE DEVELOPMENT 1* (2004), http://www.nilc.org/immsemplymnt/wrkfrc_dev/ImmWrkFceDev_041504.pdf [hereinafter NAT’L IMMIGRATION LAW CTR., *WORKFORCE DEVELOPMENT*]; see also THE NEW AMERICANS: ECONOMIC, DEMOGRAPHIC, AND FISCAL EFFECTS OF IMMIGRATION 318 (James P. Smith & Barry Edmonston eds., 1997), available at http://www.nap.edu/catalog.php?record_id=5779 (“[I]mmigrants contribute \$510 more per capita to Social Security and Medicare than they receive in benefits each year (making a total net contribution of \$11.5 billion annually) . . .”).

⁴⁷ NAT’L IMMIGRATION LAW CTR., *WORKFORCE DEVELOPMENT*, *supra* note 46, at 1; see also ANDREW SUM ET AL., CTR. FOR LABOR MARKET STUDIES, *NEW IMMIGRANTS IN THE LABOR FORCE AND THE NUMBER OF EMPLOYED NEW IMMIGRANTS IN THE U.S. FROM 2000 THROUGH 2003: CONTINUED GROWTH AMIDST DECLINING EMPLOYMENT AMONG THE NATIVE-BORN POPULATION* (2003).

⁴⁸ NAT’L IMMIGRATION LAW CTR., *FACTS*, *supra* note 35; SUM ET AL., *supra* note 47. Another study shows that only eighty-three percent of native men are in the workforce as compared to ninety-two percent of undocumented men. PASSEL, *UNAUTHORIZED*, *supra* note 20, at 25.

⁴⁹ Thirty-three percent of all low-income U.S. citizens used Medicaid in 2001,

2. Cultural Concerns

Nativism rears its ugly head anew with every successive wave of immigration.⁵⁰ As large groups of German, Irish, Chinese, Japanese, and Italian immigrants arrived in the United States, each was viewed with suspicion by the American public.⁵¹ The “mainstream” society of each era claimed that the new immigrants were racially inferior, and would be incapable of assimilating into the American way of life.⁵² Yet, these new immigrants eventually integrated, and, ironically, shortly thereafter began to make the same ill-informed claims against newer groups of immigrants.⁵³

The trend continues today. In the twenty-first century, many Americans fear that the rising number of immigrants is destroying American culture and identity.⁵⁴ While this apprehension is felt toward all immigrants, a recent poll shows that undocumented immigrants are particularly feared as a threat to our way of life.⁵⁵ Mexicans, who comprise the majority of undocumented immigrants, are viewed as the most dangerous—due to misperceptions that they assimilate less rapidly than other immigrant groups.⁵⁶ Critics contend that Mexicans have little desire to learn English, gain an education, work in “suitable” occupations, become American citizens, or live

compared with only thirteen percent of low-income immigrants. Marie Wang & John Holahan, *The Decline in Medicaid Use by Noncitizens Since Welfare Reform*, URBAN INST., May 21, 2003, http://www.urban.org/UploadedPDF/900621_HPOnline_5.pdf. Low-income immigrant families with children have lower Temporary Assistance for Needy Families (“TANF”) use rates than low-income citizen families with children. Michael Fix & Jeffrey Passel, *The Scope and Impact of Welfare Reform’s Immigration Provisions*, Jan. 2002, http://www.urban.org/UploadedPDF/410412_discussion02-03.pdf.

⁵⁰ See generally IMMIGRANTS OUT!: THE NEW NATIVISM AND THE ANTI-IMMIGRANT IMPULSE IN THE UNITED STATES 13–61 (Juan F. Perea ed., 1996).

⁵¹ See Johnson & Hing, *supra* note 8, at 1352–53, 1368–76.

⁵² *Id.* at 1352–53, 1368–73; Joe R. Feagin, *Old Poison in New Bottles: The Deep Roots of Modern Nativism*, in IMMIGRANTS OUT!, *supra* note 50, at 13, 23.

⁵³ Johnson & Hing, *supra* note 8, at 1352–53.

⁵⁴ See NAT’L PUB. RADIO, IMMIGRATION: SUMMARY OF FINDINGS 2 (2004), <http://www.npr.org/news/specials/polls/2004/immigration/summary.pdf> (reporting the results of a recent poll showing that the non-immigrant public is afraid that immigrants are negatively affecting “American” culture).

⁵⁵ See *id.* (finding through poll data that undocumented immigrants are viewed more negatively than documented immigrants).

⁵⁶ See SAMUEL P. HUNTINGTON, WHO ARE WE?: THE CHALLENGES TO AMERICA’S NATIONAL IDENTITY 230–43 (2006) (decrying the “Hispanization” of our nation’s culture).

in nuclear family units.⁵⁷ Similar to unfounded economic concerns, these cultural fears are also misplaced. Current research shows that Mexican immigrants “overwhelmingly participate in the labor market, learn English, exhibit high labor participation rates, are firmly committed to family, and participate in community life in ways comparable to other Americans.”⁵⁸ In sum, we have little to fear about undocumented immigrants, because, in truth, they are a lot like us.

II. THE CATHOLIC CHURCH AND UNDOCUMENTED IMMIGRANTS

A. *Catholic Social Thought*

Catholic Social Thought (“CST”) examines the relationship between Catholic doctrine and the collective aspects of humanity.⁵⁹ This tradition of reflecting upon social matters dates back to the life of Jesus Christ.⁶⁰ However, CST first began to emerge as a field of inquiry in the late nineteenth century.⁶¹ Since that time, it has developed into a robust academic and spiritual discipline, boasting hundreds, if not thousands, of scholarly experts.⁶² CST examines a wide variety of social issues, ranging from economic justice, ecology, and human rights, to urbanization, class conflict, and consumerism.⁶³ The movement

⁵⁷ See generally *id.*

⁵⁸ Johnson & Hing, *supra* note 8, at 1351–52 (citing studies in RICHARD ALBA & VICTOR NEE, *REMAKING THE AMERICAN MAINSTREAM: ASSIMILATION AND CONTEMPORARY IMMIGRATION* 215–70 (2003) and T. Alexander Aleinikoff & Ruben G. Rumbaut, *Terms of Belonging: Are Models of Membership Self-Fulfilling Prophecies?*, 13 *GEO. IMMIGR. L.J.* 1, 10 (1998)).

⁵⁹ “CST is by definition a sphere of prudential judgment in which we try to discern the meaning of our faith for complex questions of social and economic life.” Mark A. Sargent, *Competing Visions of the Corporation in Catholic Social Thought*, 1 *J. CATH. SOC. THOUGHT* 561, 561 (2004), available at <http://law.bepress.com/cgi/viewcontent.cgi?article=1005&context=villanovalwps>.

⁶⁰ See Terry Coonan, *There Are No Strangers Among Us: Catholic Social Teachings and U.S. Immigration Law*, 40 *CATH. LAW.* 105, 113 n.21 (2000).

⁶¹ “Catholic social teaching, like everything else Christian, [began] with the person and message of Jesus.” *CATHOLIC SOCIAL THOUGHT: THE DOCUMENTARY HERITAGE* 2 (David J O’Brien & Thomas A. Shannon eds., 2004). Catholic Social Thought is commonly regarded as having been born in 1891 through the publication of Pope Leo XIII’s encyclical on social questions, *Rerum Novarum*. See *id.* at 1.

⁶² See William J. Byron, *The Future of Catholic Social Thought*, 42 *CATH. U. L. REV.* 557, 559 (1993); *ONE HUNDRED YEARS OF CATHOLIC SOCIAL THOUGHT: CELEBRATION AND CHALLENGE* 1 (John A. Coleman, S.J. ed., 1991).

⁶³ Lucia Ann Silecchia, *On Doing Justice & Walking Humbly with God: Catholic Social Thought on Law as a Tool for Building Justice*, 46 *CATH. U. L. REV.* 1163,

is driven by writings issued by the Magisterium.⁶⁴ This process was explained by one CST scholar as: “In the matter of Catholic social teaching, the Church asks, the Church answers, and the Church identifies the significant problems around which the questions turn.”⁶⁵

B. The Catholic Church’s Position on Undocumented Immigration

One of the “significant problems” identified by the Catholic Church is undocumented immigration. In fact, the Catholic Church is at the center of the current debate.⁶⁶ In 2005, the Church launched its official pro-immigrant campaign, *Justice for Immigrants, A Journey of Hope*, a movement which calls for expanding development in third world countries, allowing unauthorized workers the opportunity to earn the right to remain in the U.S. permanently, and increasing the number of family- and employment-based visas.⁶⁷ To achieve these objectives, the Church openly supports immigrants’ rights activists, and encourages parishioners to participate in protests against current policies, even offering the services of bishops and priests to lead the rally cry.⁶⁸

The Church’s vocal participation in the immigration debate has caused many critics to accuse the Church of advocating for “open borders,” and even actively promoting additional illegal

1168 (1997) [hereinafter Silecchia, *On Doing Justice*].

⁶⁴ The Magisterium is the source of all Catholic Social Thought, in that the encyclicals, or “circulars,” that the Pope delivers to the world are the primary source material for scholarly examination. See O’Brien & Shannon, *supra* note 61, at 1–7. Since the late 1970s, Catholic Social Thought has rapidly developed in the United States, and is strongly supported by the U.S. Conference of Catholic Bishops. See *id.* at viii; see also UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, *Sharing Catholic Social Teaching: Challenges and Directions* 1 (1998) [hereinafter *Sharing Catholic Social Teaching*].

⁶⁵ Byron, *supra* note 62, at 558.

⁶⁶ Donald Kerwin, *Immigration Reform and the Catholic Church*, MIGRATION INFO. SOURCE, May 1, 2006, <http://www.migrationinformation.org/Feature/print.cfm?ID=395>.

⁶⁷ *Id.*

⁶⁸ *Id.*

immigration.⁶⁹ In response to these allegations, the U.S. Conference of Catholic Bishops issued this statement:

Church teaching supports the rights [of] sovereign nations to control their borders. Enforcement of our borders, however, should include the protection of the basic human rights and dignity of the migrant and not place lives at risk . . . The Catholic Church does not support or encourage illegal immigration because 1) it is contrary to federal law and 2) it is not good . . . for society⁷⁰

In summary, it is clear that although the Catholic Church does not support breaking the law, it does advocate repairing the broken laws that currently fail to effectively regulate immigration.⁷¹

C. *Foundation for the Catholic Church's Position*

The Church's sympathetic position toward unauthorized migrants is founded upon its history as an immigrant church in the United States, the teachings of the scriptures, and the writings of numerous Catholic leaders.⁷²

1. History of the Catholic Church in the United States

Compassion toward immigrants is deeply rooted in the Church's history as an immigrant church in the United States.⁷³ Although Catholicism was first brought to the U.S. by Spanish and French explorers in the 1700s, the number of American Catholics did not surge until the end of the nineteenth century when large groups of Irish and Italian immigrants entered the country.⁷⁴ By 1920, seventy-five percent of all Catholics living in the U.S. were foreign born, with the most recent arrivals coming

⁶⁹ See Paulette Chu Miniter, *Is the Catholic Church Pro-Immigrant? You Bet*, USA TODAY, Aug. 20, 2006, at 11A (implying that the Church promotes illegal immigration in order to boost membership numbers); Daneen G. Peterson, *HR 4437 Enforcement vs. Amnesty: The Big Lie*, UNITED PATRIOTS AM., May 17, 2006, http://www.unitedpatriotsofamerica.com/Home/Popup_Article_Details/Params/articles/1327/default.aspx (accusing the Catholic Church of "aiding and abetting" illegal immigration).

⁷⁰ United States Conference of Catholic Bishops, *Comprehensive Immigration Reform*, <http://www.usccb.org/sdwp/cirqasdpw.shtml> (last visited Aug. 9, 2007).

⁷¹ *Id.*

⁷² See *supra* note 6 and accompanying text.

⁷³ Coonan, *supra* note 60, at 105.

⁷⁴ Miniter, *supra* note 69.

from Southern and Eastern Europe.⁷⁵ In the twenty-first century, many of the immigrants coming to the U.S. are from Mexico and Latin America, regions of the world that are overwhelmingly Catholic.⁷⁶ Not surprisingly, it has been estimated that nearly half of all newly arriving immigrants in the U.S. are Catholic.⁷⁷ Today, many American Catholics can either personally identify with the immigrant experience, or have a parent or grandparent who was an immigrant.⁷⁸ This collective historical memory of immigration colors the Church's official pronouncements, as well as the feelings of individual Catholic Americans.⁷⁹

2. The Holy Bible

Both the Old and New Testaments instruct us to be sympathetic and kind-hearted toward immigrants. Beginning in the Book of Genesis, Abraham and Sarah extended gracious hospitality to three strangers visiting their home, setting an example for all of Abraham's later descendants of the manner in which they should properly treat visitors to their lands and homes.⁸⁰ The Lord's instruction to the children of the House of Israel, themselves immigrants and refugees, provides further lessons: "For the Lord, your God . . . befriends the alien, feeding and clothing him. So you, too, must befriend the alien, for you were once aliens yourselves in the land of Egypt."⁸¹ In the New Testament, Jesus, Mary, and Joseph fled persecution in Israel and temporarily resettled in the land of Egypt.⁸² Perhaps Jesus' childhood experience as a refugee in a foreign land informed his great sermon on charity:

⁷⁵ Kerwin, *supra* note 66.

⁷⁶ Kristina M. Oven, *The Immigrant First as Human: International Human Rights Principles and Catholic Doctrine as New Moral Guidelines for U.S. Immigration Policy*, 13 NOTRE DAME J.L. ETHICS & PUB. POL'Y 499, 531–32 (1999).

⁷⁷ Kerwin, *supra* note 66.

⁷⁸ *Id.*

⁷⁹ Coonan, *supra* note 60, at 105.

⁸⁰ See *Genesis* 18:1–8 (King James). In *Strangers No Longer: Together on the Journey of Hope*, the Catholic Bishops of Mexico and the United States provide numerous scriptural citations that support a sympathetic stance toward immigrants. UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, *Strangers No Longer: Together on the Journey of Hope* (2003) [hereinafter *Strangers No Longer*]. Each of the scriptures I cite in this section is discussed in the Bishops' statement. See *id.*

⁸¹ *Strangers No Longer*, *supra* note 80, ¶ 25 (referencing *Deuteronomy* 10:17–19).

⁸² *Id.* ¶ 26 (referencing *Matthew* 2:15).

For I was an hungred, and ye gave me meat: I was thirsty, and ye gave me drink: I was a stranger, and ye took me in. . . . Then shall the righteous answer him, saying, Lord, when saw we thee an hungred, and fed *thee*? or thirsty, and gave *thee* drink? When saw we thee a stranger, and took *thee* in? . . . Verily I say unto you, Inasmuch as ye have done *it* unto one of the least of these my brethren, ye have done *it* unto me.⁸³

Following in that same vein, St. Paul's epistle to the Ephesians underscores the importance of fully accepting immigrants into our communities: "[T]herefore ye are no more strangers and foreigners, but fellowcitizens [sic] with the saints, and of the household of God."⁸⁴

3. Teachings of the Popes on Immigration

For well over one hundred years the popes of the Catholic Church have been speaking out for the just treatment of immigrants. In 1891, Pope Leo XIII recognized that many individuals migrate out of just motives in his encyclical *Rerum Novarum*.⁸⁵ In 1952, Pope Pius XII confirmed the Church's commitment to the charitable treatment of all immigrants in *Exsul Familia*.⁸⁶ As part of *Pacem in Terris*, in 1963, Pope John XXIII clearly laid out what would become the modern Church's standpoint on immigration: "[E]very human being has the right to freedom of movement and of residence within the confines of his own State. When there are just reasons in favor of it, he must be permitted to emigrate to other countries and take up residence there."⁸⁷ While Pope John XXIII limited the right to migrate to situations evincing "just reasons," he also emphasized the obligations of powerful nations, such as the United States, to promote the common good by welcoming immigrants into their lands.⁸⁸

Pope John Paul II was the first pope to address specifically the plight of unauthorized immigrants with his 1995 address entitled *Message for World Migration Day: Undocumented*

⁸³ *Matthew* 25:35–40 (King James).

⁸⁴ *Ephesians* 2:19.

⁸⁵ See LEO XIII, ENCYCLICAL LETTER *RERUM NOVARUM* ¶ 47 (1891).

⁸⁶ See PIUS XII, APOSTOLIC CONSTITUTION *EXSUL FAMILIA* ¶ 50 (1952).

⁸⁷ JOHN XXIII, ENCYCLICAL LETTER *PACEM IN TERRIS* ¶ 25 (1963) [hereinafter *PACEM IN TERRIS*].

⁸⁸ See *id.* ¶¶ 25, 106.

Migrants.⁸⁹ In this moving sermon, he decried the exploitation of undocumented laborers in wealthy nations.⁹⁰ In later pronouncements, he went on to demand additional human rights for undocumented immigrants and their families living in the United States.⁹¹

Only a few months after his election as pope, Pope Benedict XVI called for the just and humane treatment of undocumented immigrants in his 2005 *Message for World Migration Day: Migration, A Sign of the Times*.⁹² In his address, Pope Benedict also highlighted a less-discussed, but significant, recent phenomena in undocumented immigration: the increasing number of women who are immigrating in order to financially provide for their families' survival.⁹³ He noted that these women are particularly vulnerable to exploitation in the domestic and service-related industries, often working as near-slaves for their employers.⁹⁴ More recently, in his 2007 *Message for World Migration Day: The Migrant Family*, the Pope centered his remarks upon the plight of the immigrant family, calling for legislative policies that would promote family reunification, support separated family members, and protect immigrant women at risk of becoming involved in prostitution.⁹⁵

D. Traditional CST Principles Related to Undocumented Immigration

The Church's present position on undocumented immigration is a natural outgrowth of both its immigrant experience and the essential texts discussed above.⁹⁶ Within the many documents which address the topic, three traditional CST principles appear to lead out with respect to the treatment of undocumented immigrants: Dignity of the Human Person, Solidarity, and Preferential Protection for the Poor.⁹⁷

⁸⁹ See JOHN PAUL II, PAPAL LETTER *UNDOCUMENTED MIGRANTS* ¶ 2 (1995).

⁹⁰ See *id.*

⁹¹ See JOHN PAUL II, APOSTOLIC EXHORTATION *ECCLESIA IN AMERICA* ¶ 65 (1999).

⁹² See BENEDICT XVI, PAPAL LETTER *MIGRATIONS: A SIGN OF THE TIMES* (2005).

⁹³ See *id.* (discussing the "feminization" of migration).

⁹⁴ *Id.*

⁹⁵ See BENEDICT XVI, PAPAL LETTER *THE MIGRANT FAMILY* (2007).

⁹⁶ See *supra* notes 66–71 and accompanying text.

⁹⁷ Father Robert P. Maloney, C.M., outlines the basic tenets of CST as Dignity of the Human Person, Respect for Human Life, Association, Participation,

1. Dignity of the Human Person

Perhaps the most fundamental of CST doctrines,⁹⁸ this principle teaches us that all human beings are created in the image of God,⁹⁹ and are, therefore, “the clearest reflection of God’s presence in the world.”¹⁰⁰ As such, every human being is “invaluable and worthy of respect as a member of the human family.”¹⁰¹ Each person should be esteemed for their unique existence and contribution to humankind.¹⁰² Importantly, human value does not correspond to work performed or accomplishments achieved; rather, it flows from our essential, immutable dignity as children of God.¹⁰³ Furthermore, if we accept the innate dignity of the human person, a desire for human equality directly follows. Since we all possess the same divine nature, we are all equals before God and before the world.¹⁰⁴

In application to undocumented immigrants, this principle stands for the idea that all persons, regardless of race, national origin, or immigration status, should be valued and respected within our communities. Human dignity is realized on a personal level when we view an undocumented individual as an equal, a neighbor, a friend, or a sister, and treat her as such.

2. Solidarity

Intertwined with the concepts of human dignity and equality is the principle of solidarity. Solidarity encourages us to recognize the interdependent relationships we share as members

Preferential Protection for the Poor and Vulnerable, Solidarity, Stewardship, Subsidiarity, and Human Equality. Robert P. Maloney, C.M., *Ten Foundational Principles in the Social Teaching of the Church*, CONGREGATION MISSION, <http://www.cm-ngo.net/TenFoundationalPrinciples.html> (last visited Aug. 9, 2007).

⁹⁸ “[Human] dignity is the central unifying principle of Catholic social thought . . .” Lucia A. Silecchia, *Reflections on the Future of Social Justice*, 23 SEATTLE U. L. REV. 1121, 1138 (2000) [hereinafter Silecchia, *Reflections*].

⁹⁹ See *Genesis* 1:27 (King James) (“So God created man in his *own* image, in the image of God created he him; male and female created he them.”).

¹⁰⁰ Silecchia, *Reflections*, *supra* note 98, at 1139.

¹⁰¹ *Sharing Catholic Social Teaching*, *supra* note 64.

¹⁰² See MALONEY, *supra* note 97, ¶ 1.

¹⁰³ JOHN PAUL II, ENCYCLICAL LETTER *CENTESIMUS ANNUS* ¶ 11 (1991).

¹⁰⁴ PASTORAL CONSTITUTION ON THE CHURCH IN THE MODERN WORLD *GAUDIUM ET SPES* ¶ 29 (1965) [hereinafter *GAUDIUM ET SPES*] (“Since all men possess a rational soul and are created in God’s likeness, since they have the same nature and origin, have been redeemed by Christ and enjoy the same divine calling and destiny, the basic equality of all must receive increasingly greater recognition.”).

of a larger human family,¹⁰⁵ and to take joy in the opportunities that life provides us to serve as our “brother’s keeper.”¹⁰⁶ As brothers and sisters, we must work together toward the common good of all mankind.¹⁰⁷ The common good, described by the Catechism as “the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfillment more fully and easily,”¹⁰⁸ is best achieved when each individual and group within society takes account of the legitimate needs and aspirations of other individuals and groups.¹⁰⁹

When acting with solidarity in mind, no citizen can rightly claim that she is not responsible for the well-being of her undocumented sisters and brothers.¹¹⁰ Solidarity moves us with empathy toward the plight of unauthorized migrants.¹¹¹ As such, we should not only accept our undocumented neighbors into our communities, but actively assist them as they transition to becoming part of American society.¹¹²

3. Preferential Protection for the Poor

With the principles of human dignity and solidarity as a foundation, the Catholic Church openly calls for special treatment for the poorest individuals in our communities. While the world teaches us to despise the poor, for they are often uneducated, uncomely, or unclean, the Church teaches us that we should increase our love toward, and interactions with, individuals living in poverty.¹¹³ As Father Robert P. Malone taught:

We believe that we touch Christ when we touch the needy. . . . The opposite of rich and powerful is poor and powerless. If the good of all, the common good, is to prevail,

¹⁰⁵ See *Sharing Catholic Social Teaching*, *supra* note 64.

¹⁰⁶ *Genesis* 4:9 (King James); see JOHN PAUL II, ENCYCLICAL LETTER *EVANGELIUM VITAE* ¶ 8 (1995) (“We cannot but think of today’s tendency for people to refuse to accept responsibility for their brothers and sisters. Symptoms of this trend include the lack of solidarity toward society’s weakest members—such as the elderly, the infirm, immigrants, children . . .”).

¹⁰⁷ See MALONEY, *supra* note 97, ¶¶ 6, 10.

¹⁰⁸ CATECHISM OF THE CATHOLIC CHURCH ¶ 1906 (2d ed. 1997).

¹⁰⁹ *GAUDIUM ET SPES*, *supra* note 104, ¶ 26.

¹¹⁰ See Oven, *supra* note 76, at 536.

¹¹¹ See *id.* at 535.

¹¹² *PACEM IN TERRIS*, *supra* note 87, ¶¶ 106–07.

¹¹³ Silecchia, *Reflections*, *supra* note 98, at 1148–49.

preferential protection must move toward those affected adversely by the absence of power and the presence of privation.¹¹⁴

As undocumented immigrants are among the poorest individuals living in the United States today,¹¹⁵ and as their numbers are increasing in nearly every community across the nation,¹¹⁶ the Church's call for increased compassion for the poor has ready application in the lives of most American citizens. Instead of exploiting their labor and ignoring their most basic of human needs, such as adequate food, clothing, and shelter, we should, as individuals and as communities, promote measures that provide undocumented immigrants with the same types of assistance that we extend to the US-born poor.¹¹⁷

III. THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS AND UNDOCUMENTED IMMIGRANTS

A. *Mormon Social Thought?*

In contrast to Catholic Social Thought, Mormon Social Thought ("MST") does not exist as a formalized discipline.¹¹⁸ This may be due to a variety of factors. When drawing comparisons with the Catholic Church, at the outset one must recognize that the Church of Jesus Christ of Latter-day Saints is a relatively new faith, in that it was not formally organized until 1830.¹¹⁹ Complex branches of inquiry such as religious social thought may require hundreds, if not thousands, of years to emerge, let alone mature.

Moreover, within the LDS Church, significant emphasis is placed upon deference to the official pronouncements delivered by the Church leadership.¹²⁰ Latter-day Saints believe that the

¹¹⁴ See MALONEY, *supra* note 97.

¹¹⁵ See *supra* notes 33–38 and accompanying text.

¹¹⁶ See *supra* notes 19–21 and accompanying text.

¹¹⁷ See generally Michael Scaperlanda, *Who Is My Neighbor? An Essay on Immigrants, Welfare Reform, and the Constitution*, 29 CONN. L. REV. 1587 (1997) (arguing "that drawing the line between citizens and most legal aliens for purposes of welfare eligibility fundamentally violates our sense of who we are as a nation").

¹¹⁸ See Melissa De Leon Mason, *They Got One Thing Right . . .*, BY COMMON CONSENT, Oct. 16, 2006, <http://www.bycommonconsent.com/2006/10/they-got-one-thing-right> (lamenting the absence of an organized body of Mormon Social Thought).

¹¹⁹ The Church of Jesus Christ of Latter-day Saints, *History of the Church*, <http://www.mormon.org/learn/0,8672,956-1,00.html> (last visited Aug. 9, 2007).

¹²⁰ See Robert L. Millett, *What Is Our Doctrine?*, 4 RELIGIOUS EDUCATOR 15

head of the Church, known as the prophet, is authorized to receive modern-day revelation, similar to the revelation received by the prophets of the Bible, such as Moses, Isaiah, or Peter.¹²¹ The prophet reveals the word of God to the body of the Church via official channels, such as announcement in the semi-annual General Conference of the Church, or publication in the *Ensign*, the Church's monthly periodical.¹²² Upon receiving these statements, members are invited to study and pray about their veracity, and then, as individually guided through the Holy Spirit, the members apply these principles to their personal lives.¹²³ Additional written commentary or debate about these sacred pronouncements is viewed as unnecessary, and perhaps even dangerous, in that the purity of the original teachings may

passim (2003), available at <http://www.lds.org/institutes/attachment/display/1,18728,91079,00.pdf>. Even the Dean of Religious Education at Brigham Young University feels compelled to preface his remarks with this disclaimer: “[L]et me affirm that I understand implicitly that the authority to declare, interpret, and clarify doctrine rests with living aposdes [sic] and prophets. This article will thus speak only *about* doctrine and in no way attempt to reach beyond my own stewardship.” *Id.* at 15.

¹²¹ The Church of Jesus Christ of Latter-day Saints, Follow the Prophet, <http://www.mormon.org/mormonorg/eng/basic-beliefs/the-commandments/follow-the-prophet> (last visited Aug. 9, 2007).

¹²² See, e.g., Gordon B. Hinckley, *Inspirational Thoughts*, ENSIGN (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), Sept. 2007, at 4; The Church of Jesus Christ of Latter-day Saints, Holidays and Observances, <http://www.mormon.org/mormonorg/eng/basic-beliefs/membership-in-the-church/holidays-and-observances> (last visited Aug. 10, 2007) (discussing the importance of General Conference).

¹²³ See Courtney Campbell, *Social Responsibility and LDS Ethics: How Have Mormons Responded to the Moral Dilemma of Modernity?*, SUNSTONE MAG. (The Sunstone Found., Salt Lake City, Utah), Autumn 1984, at 11–18, available at <http://www.sunstoneonline.com/magazine/searchable/mag-text.asp?MagID=44> (“By refusing to dictate normative positions on most issues for its members, the Church places the burden of ethical choices and social involvement on the individual, thereby accentuating the theological tenet of individual agency and responsibility.”); Dallin H. Oaks, *Scripture Reading and Revelation*, ENSIGN (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), Jan. 1995, at 7 (“We encourage everyone to make careful study of the scriptures and of the prophetic teachings concerning them and to prayerfully seek personal revelation to know their meaning for themselves.”).

In many ways, this is similar to the Catholic tradition. As one CST scholar explained about papal documents and bishops' statements: “[T]hey operate at a level of considerable generality. They also usually avoid making specific policy recommendations, recognizing the hierarchy's limited expertise, leaving questions of application to the prudential judgment and moral discernment of the laity.” Sargent, *supra* note 59, at 2.

be tainted through excessively critical, secular analysis.¹²⁴ This, at times, has led to undercurrents of anti-intellectualism within the mainstream Church.¹²⁵

Lastly, the LDS Church maintains a strong stance of political neutrality.¹²⁶ Church leaders explain this position by stating that their primary duty is “to preach the gospel of Jesus Christ,” not to become involved in political issues.¹²⁷ This has been the Church’s standard procedure since 1835, when the

¹²⁴ See Gordon B. Hinckley, President, The Church of Jesus Christ of Latter-day Saints, Remarks at the Brigham Young University-Hawaii Commencement Exercises: The Continuing Pursuit of Truth (June 18, 1983), in *ENSIGN* (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), Apr. 1986, at 2.

¹²⁵ Gordon B. Hinckley, the prophet of the LDS Church, discussed the Church’s relationship with intellectualism:

A scholar once expressed the view that the Church is an enemy of intellectualism. If he meant by intellectualism that branch of philosophy which teaches “the doctrine that knowledge is wholly or chiefly derived from pure reason” and “that reason is the final principle of reality,” then, yes, we are opposed to so narrow an interpretation as applicable to religion. Such an interpretation excludes the power of the Holy Spirit in speaking to and through men.

Of course we believe in the cultivation of the mind, but the intellect is not the only source of knowledge. There is a promise, given under inspiration from the Almighty, set forth in these beautiful words: “God shall give unto you knowledge by his Holy Spirit, yea, by the unspeakable gift of the Holy Ghost.”

The humanists who criticize the Lord’s work, the so-called intellectualists who demean, speak only from ignorance of spiritual manifestation. They have not heard the voice of the Spirit.

.....

Let us not be trapped by the sophistry of the world, which for the most part is negative and which so often bears sour fruit.

Id. (citations omitted); see also Dallin H. Oaks, Elder, The Church of Jesus Christ of Latter-day Saints, Remarks at a Latter-day Saint Student Association Fireside: Criticism (May 4, 1986), in *ENSIGN* (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), Feb. 1987, at 68 (cautioning that intellectualism will not provide one with eternal salvation); Glenn L. Pace, *Follow the Prophet*, *ENSIGN* (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), May 1989, at 25 (warning of “inappropriate intellectualism” that may lead Church members down a spiritually dangerous path). *But see* Michael K. Young, *Legal Scholarship and Membership in the Church of Jesus Christ of Latter-day Saints: Have They Buried Both an Honest Man and a Law Professor in the Same Grave?*, 2003 *BYU L. REV.* 1069, 1081–82 (2003) (arguing that anti-intellectualism is a misinterpretation of Church doctrine).

¹²⁶ See The Church of Jesus Christ of Latter-day Saints, Political Neutrality, <http://www.lds.org/ldsnewsroom> (follow “Public Issues” hyperlink; then follow “Political Neutrality” hyperlink) (last visited Aug. 10, 2007) [hereinafter Political Neutrality].

¹²⁷ *Id.*

General Assembly of the Church issued a “declaration of belief” regarding the Church’s relationship with government: “We do not believe it just to mingle religious influence with civil government, whereby one religious society is fostered and another proscribed in its spiritual privileges, and the individual rights of its members, as citizens, denied.”¹²⁸ Consequently, while the LDS Church does “[r]eserve the right as an institution to address, in a nonpartisan way, issues that it believes have significant community or moral consequences or that directly affect the interests of the Church,”¹²⁹ it very rarely chooses to do so.¹³⁰ For example, in the past thirty-five years, the LDS Church has released official statements on just three social-political issues: the Equal Rights Amendment,¹³¹ the U.S. military’s proposed plan to build an MX missile system in Utah,¹³² and same-sex marriage.¹³³

The confluence of these factors, and perhaps other factors not contemplated here, has resulted in very few Mormon scholars formally examining social issues from a distinctly Mormon perspective.¹³⁴

¹²⁸ *Doctrine and Covenants of The Church of Jesus Christ of Latter-day Saints* 134:9, available at <http://scriptures.lds.org/en/dc/134> (last visited Aug. 10, 2007). “The Doctrine and Covenants is a collection of divine revelations and inspired declarations given for the establishment and regulation of the Kingdom of God on the earth in the last days.” *Id.* at Introduction. Members of the LDS Church consider this book to be of equal importance to the Holy Bible and other books of scripture.

¹²⁹ See Political Neutrality, *supra* note 125.

¹³⁰ See Lucinda Dillon & Bob Bernick Jr., *Power Players: Church Uses Its Clout Subtly—And Seldom*, DESERET MORNING NEWS (Salt Lake City, Utah), May 17, 2001, at A01, available at <http://deseretnews.com/dn/view/0,1249,270019560,00.html>; Terry Eastland, *In 2008, Will It Be Mormon in America?*, WKLY. STANDARD, Jun. 6, 2005, available at <http://www.weeklystandard.com/Content/Public/Articles/000/000/005/672kwwro.asp>; L. Jackson Newell, *Enlarging the Mormon Vision of Christian Ethics*, SUNSTONE MAG. (The Sunstone Found., Salt Lake City, Utah), Mar.–Apr. 1982, at 29 (“[T]he LDS Church has been reluctant to associate itself with controversial social movements.”).

¹³¹ See *The Church and the Proposed Equal Rights Amendment: A Moral Issue*, ENSIGN (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), Mar. 1980, at Insert 1.

¹³² See *First Presidency Statement on Basing of MX Missile*, ENSIGN (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), June 1981, at 76. For a critique of the Church’s involvement in this controversy, see J.D. Williams, *In a Democracy, Church Interference in Politics Is Dangerous*, SUNSTONE MAG. (The Sunstone Found., Salt Lake City, Utah), July–Aug. 1981, at 36.

¹³³ See *Church Supports Call for Constitutional Amendment*, ENSIGN (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), July 2006, at 74.

¹³⁴ See Young, *supra* note 125, at 1069–82 (discussing the discomfort that many

B. *The LDS Church's Position on Undocumented Immigration*

Following its standard protocol of neutrality in almost all social controversies, the Church of Jesus Christ of Latter-day Saints recently issued the following statement regarding immigration reform: "The Church . . . has made no comment so far on the immigration debate, recognizing that this complex question is now before Congress and is already being thoroughly aired in the public square."¹³⁵ Thus, no official position on the topic has yet been rendered. Based upon its past track record of rarely providing official statements, it is unlikely that the Church will speak on the issue.

C. *My Vision of "Mormon Social Thought" and Undocumented Immigration*

Despite the challenges inherent in describing the contours of what could be called a "Mormon Social Thought" tradition, this paper seeks to organize a discussion of just such a perspective, from one individual Latter-day Saint's point of view. In doing so, I will focus particularly on the following official declaration made by the prophet of the LDS Church, Gordon B. Hinckley:

[I] wish to reiterate the divine counsel that members "should be anxiously engaged in a good cause, and do many things of their own free will, and bring to pass much righteousness," while

Mormon scholars have with meshing legal principles and LDS theology); see also Courtney S. Campbell, *Social Responsibility and LDS Ethics: How Have Mormons Responded to the Moral Dilemma of Modernity?*, SUNSTONE MAG. (The Sunstone Found., Salt Lake City, Utah), Autumn 1984, at 11, 11–18 ("Although some LDS authors have addressed specific social and ethical issues, Mormons generally have failed to reflect on and formulate responses to these problems. Indeed, many appear to deem involvement in social concerns entirely unnecessary."); Nathan B. Oman, Book Review, *The Story of a Forgotten Battle: Reviewing the Mormon Question: Polygamy and Constitutional Conflict in Nineteenth Century America*, 2002 BYU L. REV. 745, 746 (2002) ("Law, it seems, has remained a relatively neglected field within Mormon studies, and legal scholars have had little interest in Mormon thought or experience.").

¹³⁵ The Church of Jesus Christ of Latter-day Saints, *The Church and Immigration*, NEWSROOM, May 23, 2006, <http://www.lds.org/newsroom> (search "Newsroom" for "Immigration"; then follow "The Church and Immigration" hyperlink). "The LDS Church has no formal position on illegal immigration. 'We leave those matters to civil authorities,' [LDS] spokesman Dale Bills said. 'This isn't the church's issue,' said Elder Pingree [another LDS official]. 'This is the government's issue.'" Dennis Rombo, *Churches Choose to Stay Out of Questions of Status*, DESERET MORNING NEWS (Salt Lake City, Utah), Oct. 14, 2005, <http://deseretnews.com/dn/view/0,1249,635153068,00.html>.

using gospel principles as a guide. . . . Therefore, as in the past, [I] urge members of the Church to be full participants in political, governmental, and community affairs.¹³⁶

In the spirit of “using gospel principles as a guide” to achieve the righteous end of being a “full participant in political, governmental, and community affairs,”¹³⁷ this paper advocates one possible viewpoint on undocumented immigration linked to the history, culture, and doctrine of the Church of Jesus Christ of Latter-day Saints. Based upon this foundation, I believe that a sympathetic approach toward the plight of undocumented immigrants living in the United States is amply justified.¹³⁸

1. History and Culture of the Church of Jesus Christ of Latter-day Saints in the United States

Like the Catholic Church, the Church of Jesus Christ of Latter-day Saints is an immigrant church. Throughout the Church’s history, Mormons have lived the immigrant experience, resulting in an immigrant-refugee subconscious in the modern-day Church.

Joseph Smith founded the LDS Church in 1830 in upstate New York, but members were soon forced to leave the state due to religiously-motivated violence and discrimination.¹³⁹ They settled first in Ohio, and then Missouri, but in each location were compelled to leave their homes as harassment intensified.¹⁴⁰ By the late 1830s, most Mormons had fled to Illinois, where they lived in relative peace for several years.¹⁴¹ However, in 1843, hostility toward Church members again began to grow, eventually culminating in the martyrdom of the prophet Joseph Smith in 1844.¹⁴² Church members realized that they could no longer remain in Illinois, or even within United States territory,

¹³⁶ *First Presidency Urges Citizen Participation*, ENSIGN (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), Apr. 1998, at 77.

¹³⁷ *Id.*

¹³⁸ Several scholars have previously attempted to articulate an LDS “ethic” or “position” on specific social issues. See Campbell, *supra* note 134, at 11–18; Newell, *supra* note 130, at 29.

¹³⁹ See THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, OUR HERITAGE: A BRIEF HISTORY OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS 14–21 (1996) [hereinafter OUR HERITAGE].

¹⁴⁰ *Id.* at 36.

¹⁴¹ *Id.* at 55.

¹⁴² *Id.* at 62.

if they wished to freely practice their religion.¹⁴³ Thus, beginning in 1846, the Mormons began to make their great exodus across the American continent.¹⁴⁴

In 1847, after traveling thousands of miles on foot and in covered wagons, all the while facing disease, hunger, fatigue, and the harsh elements of the rugged plains,¹⁴⁵ the Mormons arrived in what would become the state of Utah, then recognized as a territory of Mexico.¹⁴⁶ Arriving with little more than the shirts on their backs, the Latter-day Saints began to build a settlement at the base of the Rocky Mountains.¹⁴⁷ Additional waves of Mormon immigrants eventually arrived, and by the 1850s, a thriving society had been established.¹⁴⁸ Over the next fifty years, tens of thousands of Latter-day Saints from around the world would immigrate to Utah.¹⁴⁹ LDS leaders openly encouraged members of the Church to leave their countries of origin and “gather to Zion.”¹⁵⁰

¹⁴³ *Id.* at 69.

¹⁴⁴ *See id.* at 69–81.

¹⁴⁵ *See* M. Russell Ballard, *Faith in Every Footstep*, ENSIGN (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), Nov. 1996, at 23 (detailing many of the hardships suffered by the pioneers as they crossed the plains).

¹⁴⁶ OUR HERITAGE, *supra* note 139, at 69–81; Romboy, *supra* note 135 (quoting Armando Solarzano, a University of Utah ethnic studies professor, as saying, “I can’t call [the Mormon pioneers] illegal immigrants because the term didn’t exist then . . . [b]ut they were certainly trespassing on Mexican territory.”).

¹⁴⁷ OUR HERITAGE, *supra* note 139, at 81–92.

¹⁴⁸ *Id.*

¹⁴⁹ *See* Glen M. Leonard, *Westward the Saints: The Nineteenth-Century Mormon Migration*, ENSIGN (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), Jan. 1980, at 7 (outlining the various waves of Mormon immigration to Utah in the 19th century); *see also* William G. Hartley, *Coming to Zion: Saga of the Gathering*, ENSIGN (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), July 1975, at 14 (stating that 80,000 foreign immigrants came to Utah between 1850 and 1900).

¹⁵⁰ *See* S. George Ellsworth, *Heeding the Prophet’s Call*, ENSIGN (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), Oct. 1995, at 30 (stating that members living in foreign countries heeded the Church’s call to migrate to Utah; upon arrival to the state they contributed greatly to the building up of the society). Please note that the Church no longer openly encourages individuals to move to Utah after baptism. *See* Dieter F. Uchtdorf, *Christlike Attributes—The Wind Beneath Our Wings*, ENSIGN (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), Nov. 2005, at 102 (“Therefore, we wish to reiterate the long-standing counsel to members of the Church to remain in their homelands rather than immigrate to the United States.” (quoting First Presidency Letter, Dec. 1, 1999)).

In the modern era, Utah has continued to build its population through foreign immigration.¹⁵¹ In the 1970s and 1980s, Utahns welcomed large groups of Southeast Asian refugees into the state.¹⁵² Later, in the 1990s, large groups of Hispanics began to move to the Salt Lake Valley.¹⁵³ In 2005, approximately 200,000 immigrants lived within the state of Utah, totaling nearly eight percent of the state's population.¹⁵⁴ Of those foreign-born individuals, it is estimated that nearly half, or approximately 100,000 persons, are undocumented immigrants.¹⁵⁵

The citizens of Utah are open and accepting of immigrants from other cultures.¹⁵⁶ This may be connected to the LDS Church's worldwide proselytizing program, which encourages young Mormons to volunteer for eighteen to twenty-four months in one of over three hundred Church missions worldwide.¹⁵⁷ Currently, the Church sends missionaries to one hundred twenty different countries.¹⁵⁸ While living abroad for these extended periods of time, young Mormons are exposed to different cultures and traditions.¹⁵⁹ They return to the United States with a

¹⁵¹ See generally Pamela S. Perlich, Univ. of Utah Bureau of Econ. and Bus. Research, *Immigrants Transform Utah: Entering a New Era of Diversity*, Presentation at the Institute of Public & International Affairs: "Integrating Immigrants" Brown Bag Series (Sept. 15, 2006), available at <http://www.ipia.utah.edu/immigrants/perlich.pdf>.

¹⁵² See Richard L. Jensen, *Immigration to Utah*, in *UTAH HISTORY ENCYCLOPEDIA* (Allan Kent Powell ed., 1994), available at <http://www.media.utah.edu/UHE/i/IMMIGRATION.html> ("Utah ranked behind only Washington, D.C., California, and Washington state in the number of Southeast Asian refugees resettled in proportion to its 1980 population.")

¹⁵³ See JORGE IBER, *HISPANICS IN THE MORMON ZION* 3-17, 115-31 (2000) (stating that Hispanic immigrants began migrating in small numbers to Utah in the early 1900s with a surge of Hispanic immigrants in the 1990s); Armando Solorzano, *At the Gates of the Kingdom: Latino Immigrants in Utah, 1900-2003*, in *BEYOND THE GATEWAY: IMMIGRANTS IN A CHANGING AMERICA* 181, 187-97 (Elzbieta M. Gozdziaik & Susan F. Martin eds., 2005).

¹⁵⁴ Perlich, *supra* note 151, at 7-8.

¹⁵⁵ *Id.*

¹⁵⁶ See Michael Riley, *In Utah: No Documents? No Problem*, DENVER POST, Apr. 2, 2006, <http://blogs.denverpost.com/washington/2006/04/02/in-utah-no-documents-no-problem/>.

¹⁵⁷ See Missionary Training Center, About the MTC, <http://www.mtc.byu.edu/about.htm> (last visited Aug. 10, 2007).

¹⁵⁸ THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, *DESERET NEWS CHURCH ALMANAC* (2000).

¹⁵⁹ See Haya El Nassar, *Immigrants Turn Utah into Mini-Melting Pot*, USA TODAY, Sept. 15, 2006, available at <http://www.usatoday.com/news/nation/2006-09->

broadened perspective, and as a result, are more open to accepting immigrants and strangers within their communities.¹⁶⁰

Utah maintains a reputation as not only an immigrant-friendly state, but as a haven for undocumented immigrants.¹⁶¹ In 2005, for example, the Utah state legislature created a driving-privilege card for undocumented immigrants, and all persons, regardless of immigration status, were extended the invitation to attend Utah's public universities at in-state tuition rates.¹⁶² In short, Utah has created "an atmosphere in which [undocumented] immigrants say they both have access to key services and feel welcome."¹⁶³ Because the majority of the population in Utah continues to be affiliated with the LDS Church, it is fair to draw some inferences between the opinions of citizens of Utah as a group and Mormons' opinions toward immigrants.¹⁶⁴

2. Doctrine of the LDS Church

The current doctrine of the LDS Church may be found within the scriptures, official declarations and proclamations, and statements made by Church leaders in the General Conference of the Church or *Ensign* magazine.¹⁶⁵ Drawing upon these sources, a compassionate and charitable approach towards immigrants comes into view.

a. Scriptures

Latter-day Saints believe the Holy Bible is the word of God.¹⁶⁶ Latter-day Saints also believe in additional Holy

14-utah-cover_x.htm (quoting LDS scholar Jan Shippy).

¹⁶⁰ See *id.*

¹⁶¹ See Riley, *supra* note 156 (calling Utah an "immigrant paradise"); see also El Nasser, *supra* note 159.

¹⁶² See Riley, *supra* note 156; Richard de Uriarte, *LDS Faithful Wrestle with Illegal Immigration*, ARIZ. REPUBLIC, June 4, 2006, available at <http://www.azcentral.com/arizonarepublic/viewpoints/articles/0604lds0604.html>.

¹⁶³ Riley, *supra* note 156. *But see* IBER, *supra* note 153, at 130 (relating several incidents of unkindness directed toward undocumented immigrants in Salt Lake City).

¹⁶⁴ See El Nasser, *supra* note 159 (reporting that sixty-two percent of Utahns identify themselves as members of the LDS Church). *But see* Matt Canham, *Mormons in Utah: The Shrinking Majority*, SALT LAKE TRIB., July 24, 2005, at A1 (projecting that the Mormon population in Utah will dip below fifty percent by 2030).

¹⁶⁵ See Millet, *supra* note 120, at 18–20.

¹⁶⁶ See Gordon B. Hinckley, *Latter-day Counsel: Selections from Addresses of President Gordon B. Hinckley*, ENSIGN (The Church of Jesus Christ of Latter-day

Scriptures, namely the Book of Mormon, Doctrine and Covenants, and the Pearl of Great Price.¹⁶⁷ These books are similar to the Holy Bible, in that they contain the writings of prophets who have been in communication with God.¹⁶⁸ Thus, an LDS perspective on immigration is built upon the same scriptural foundation as the Catholic Church, but expands upon the Catholic understanding through additional passages from LDS-specific Holy Scriptures.¹⁶⁹

LDS scriptures recognize the intrinsic dignity and value of each member of the human race. In the Doctrine and Covenants, the Lord, speaking to the prophet Joseph Smith, declared: “[T]he worth of souls is great in the sight of God.”¹⁷⁰ LDS doctrine further develops this principle of human dignity in that it recognizes divine potential within each individual; Latter-day Saints believe that all humans have the capacity not only to return to live with God, but also to *become like* God, someday.¹⁷¹

Saints, Salt Lake City, Utah), Mar. 2001, at 64 (“We are sometimes told that we are not a biblical church. We are a biblical church. This wonderful testament of the Old World, this great and good Holy Bible is one of our standard works. We teach from it. We bear testimony of it. We read from it. It strengthens our testimony.”); The Church of Jesus Christ of Latter-day Saints, Basic Beliefs, <http://www.mormon.org> (follow “Basic Beliefs” hyperlink) (last visited Aug. 7, 2007).

¹⁶⁷ See M. Russell Ballard, *Building Bridges of Understanding*, ENSIGN (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), June 1998, at 62 (“To others who question the need for these scriptures, we can explain that the bedrock doctrines of the restored Church are based on revelation to a modern prophet of God. We believe that God raised up a prophet in our time, even Joseph Smith, and gave to him revelations, authority, and commandments as they pertain to our day.”); The Church of Jesus Christ of Latter-day Saints, The Book of Mormon, <http://www.mormon.org> (follow “Basic Beliefs” hyperlink; then follow “The Book of Mormon” hyperlink) (last visited Aug. 7, 2007) (“The Book of Mormon is another witness that Jesus Christ really lived, that He was and is God’s Son. It contains the writings of ancient prophets. One of these . . . [led] a small group of people to the American continent.”).

¹⁶⁸ See Ballard, *supra* note 165.

¹⁶⁹ See *supra* notes 80–84 and accompanying text.

¹⁷⁰ *Doctrine and Covenants of The Church of Jesus Christ of Latter-day Saints* 18:10, available at <http://scriptures.lds.org/en/dc/134>.

¹⁷¹ *Doctrine and Covenants* 88:107 (“[S]aints shall be . . . made equal with him.”); *id.* at 93:20 (“[Y]ou shall receive of his fulness, and be glorified . . .”). It is the doctrine of the LDS Church that:

God is our Father in Heaven, and we—everyone who has ever lived or will live on this earth—are His children. As the Apostle Paul said, “For we are also his offspring.” As your Father, God loves you and wants you to be happy. He wants you and all of His children to become like Him and to return to live with Him as “heirs of God, and joint-heirs with Christ.” This is His plan for you. It is a plan of great joy.

When we view the immigrants that live with us in our communities as not only our brothers and sisters, but also “God[s] in embryo,”¹⁷² it is not difficult to treat them with respect and kindness.

Within the Book of Mormon, compassion toward immigrants is a recurring theme. In the Book of Alma, the People of Ammon flee their homeland due to persecution, and immigrate to the land of the Nephites.¹⁷³ Not only do the Nephites allow the People of Ammon to freely enter their country, the Nephites provide these refugees with their own tracts of land,¹⁷⁴ protect them from their foreign persecutors,¹⁷⁵ and almost immediately begin to refer to them as “our brethren.”¹⁷⁶ Perhaps due in part to the hospitality provided to them, the People of Ammon became firm in the faith of Christ, forever known as a “highly favored people of the Lord.”¹⁷⁷ A welcoming attitude was also extended when the People of Limhi migrated to the land of the Nephites, where they were received by the king of the Nephites with great joy.¹⁷⁸ Similarly, another group of foreign immigrants, the Mulekites, were later accepted into Nephite society.¹⁷⁹ Time after time, the Nephites made great efforts to assist immigrants transition to life in a new land.¹⁸⁰

Another important theme emphasized in the Book of Mormon is equality and unity within our communities. The Fourth Book of Nephi tells the story of the recently unified Nephite-Lamanite nation.¹⁸¹ After accepting the gospel of Jesus

The Church of Jesus Christ of Latter-day Saints, *Frequently Asked Questions: You Are a Child of God*, <http://www.mormon.org> (citing *Acts* 17:28, and *Romans* 8:17) (last visited Aug. 8, 2007).

¹⁷² Marion G. Romney, *Man—A Child of God*, *ENSIGN* (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), July 1973, at 11.

¹⁷³ For a detailed history of the People of Ammon, also known as the Anti-Nephi-Lehis, see *Alma*, chapters 21–27 (Book of Mormon).

¹⁷⁴ *Alma* 27:22.

¹⁷⁵ *Alma* 27:23.

¹⁷⁶ *Alma* 27:24.

¹⁷⁷ *Alma* 27:30.

¹⁷⁸ *Mosiah* 24:25 (Book of Mormon). For a detailed history of the People of Limhi, see *Mosiah* chapters 21–25.

¹⁷⁹ *Mosiah* 25:2, 25:13.

¹⁸⁰ Sadly, the Nephites did not always remain a righteous people. See *Alma* chs. 45–63; *Helaman* chs. 1–16 (Book of Mormon); 3 *Nephi* chs. 1–10 (Book of Mormon).

¹⁸¹ 4 *Nephi* ch. 1.

Christ,¹⁸² this formerly fragmented community erased all distinctions based upon race, class, and wealth:

And they had all things common among them; therefore there were not rich and poor, bond and free, but they were all made free, and partakers of the heavenly gift. . . . And it came to pass that there was no contention in the land, because of the love of God which did dwell in the hearts of the people. And there were no envyings, nor strifes, nor tumults, . . . neither were there Lamanites, nor any manner of -ites; but they were one, the children of Christ¹⁸³

The Book of Mormon also teaches that the poor should not be harshly judged for the state of poverty in which they live. Rather, they should be extended unconditional charity. In his great sermon to his people, the prophet-king Benjamin admonishes the Nephites to

[S]uccor those that stand in need of succor; ye will administer of your substance unto him that standeth in need; and ye will not suffer that the beggar putteth up his petition to you in vain, and turn him out to perish. Perhaps thou shalt say: The man has brought upon himself his misery; therefore I will stay my hand, and will not give unto him of my food, nor impart unto him of my substance that he many not suffer, for his punishments are just—But I say unto you, O man, whosoever doeth this[,] the same hath great cause to repent; and except he repenteth of that which he hath done he perisheth forever, and hath no interest in the kingdom of God. For behold, are we not all beggars? Do we not all depend upon that same Being, even God, for all the substance which we have . . . ?¹⁸⁴

Finally, LDS scriptures also highlight the special role that Native Americans, Hispanics, and Polynesians, as descendents of the Lamanite peoples of the Book of Mormon,¹⁸⁵ will play in the

¹⁸² See 3 *Nephi* chs. 11–20.

¹⁸³ 4 *Nephi* 1:3, 1:15–17; see also 2 *Nephi* 26:33 (“[H]e inviteth [] all [the children of men] to come unto him and partake of his goodness; and he denieth none that come unto him, black and white, bond and free, male and female; and he remembereth the heathen; and all are alike unto God, both Jew and Gentile.”); *Selections from the Book of Moses* 7:18 (Pearl of Great Price) (“And the Lord called his people Zion, because they were of one heart and one mind, and dwelt in righteousness; and there was no poor among them.”).

¹⁸⁴ *Mosiah* 4:16–19.

¹⁸⁵ See IBER, *supra* note 153, at 26.

Mormons believe that today’s Native Americans (and therefore mestizos as well) are the descendants of Jews who migrated to the North American continent in 600 B.C.E. These people eventually separated into the Nephite

times immediately preceding the second coming of Jesus Christ: "But before the great day of the Lord will come . . . the Lamanites shall blossom as the rose."¹⁸⁶ Specifically, LDS doctrine teaches that before the Lord will again visit the earth, all Lamanites must be converted to the gospel of Jesus Christ.¹⁸⁷ This Mormon-specific understanding of the special status of Hispanics, and other ethnic minorities, leads to actively compassionate outreach toward these communities.¹⁸⁸

b. Statements from LDS Leaders

While no official statements have been issued by the LDS Church regarding immigration,¹⁸⁹ a compassionate stance towards immigrants may be extrapolated from various statements made by Church leaders. At the height of the Civil Rights movement in the 1960s, a Mormon apostle, Hugh B. Brown, issued the following statement:

[I]t is a moral evil for any person or group of persons to deny any human being the right to gainful employment, to full educational opportunity, and to every privilege of citizenship We call upon all men, everywhere, both within

and Lamanite nations. Through years of turmoil and strife the Nephites (and other groups) were destroyed. Only the Lamanites . . . survived this carnage. Mormons believe that until all of the Lamanites' descendents are converted to the faith, the millennial kingdom of Christ cannot begin. Therefore, it is imperative for Mormons to reach out to the Spanish-speaking people of the Americas.

Id.

¹⁸⁶ *Doctrine and Covenants of The Church of Jesus Christ of Latter-day Saints* 49:24, available at <http://scriptures.lds.org/en/dc/134>.

¹⁸⁷ Spencer W. Kimball, the prophet of the Church in 1975, taught that: Of immense importance . . . is the work of carrying the blessings of the restored gospel of Jesus Christ to the Lamanites, for the Lord's work in these latter days can in no wise be complete until these children of great promise are brought back into the fold. . . . The Lamanites must rise again in dignity and strength to fully join their brethren and sisters of the household of God in carrying forth his work in preparation for that day when the Lord Jesus Christ will return to lead his people, when the millennium will be ushered in

Spencer W. Kimball, *Our Paths Have Met Again*, *ENSIGN* (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), Dec. 1975, at 2.

¹⁸⁸ See Naomi Zeveloff, *Immigration and Revelation*, *SALT LAKE CITY WKLY.*, July 21, 2005, available at <http://slweekly.com/index.cfm?do=article.details&id=1CA7F89C-2BF4-55D0-F1F9C513F375FF4C>.

¹⁸⁹ See *supra* note 135 and accompanying text.

and outside the Church, to commit themselves to the establishment of full civil equality for all of God's children.¹⁹⁰

In the 1970s, the prophet Harold B. Lee reminded Church members that "There is no room for discrimination in the Church. . . . We in the Church must remember that we have a history of persecution, discrimination against our civil rights, and our constitutional privileges being withheld from us."¹⁹¹ More recently, the prophet Howard W. Hunter proclaimed that "[The gospel] is a message of life and love that strikes squarely against all stifling traditions based on race, language, economic or political standing, educational rank, or cultural background, for we are all of the same spiritual descent."¹⁹²

Mormon leaders have also urged members of the Church to reach out to the poor and needy. An apostle, Marion G. Romney, stated that, "A Latter-day Saint should abhor poverty and do all in his power to alleviate it."¹⁹³ Another apostle, Thomas S. Monson, specifically acknowledged the poor living within LDS communities, and passionately testified that "Ours is the opportunity and the sacred privilege to relieve this hunger, to meet this want, to eliminate this poverty."¹⁹⁴ Another General Authority of the Church, Elder Glenn L. Pace, elaborated upon this call for compassion when he urged:

We must reach out beyond the walls of our own church. In humanitarian work, as in other areas of the gospel . . . [w]e need not wait for a call or an assignment from a Church leader before we become involved in activities that are best carried out on a community or individual basis.¹⁹⁵

¹⁹⁰ Hugh B. Brown, President, The Church of Jesus Christ of Latter-day Saints, Address at the One Hundred Thirty-Third Semiannual General Conference of the Church of Jesus Christ of Latter-day Saints (Oct. 6, 1963) (transcript available at <http://search.ldslibrary.com/article/view/113737>).

¹⁹¹ HAROLD B. LEE, *THE TEACHINGS OF HAROLD B. LEE* 384 (Clyde J. Williams ed., 1996).

¹⁹² Howard W. Hunter, *The Gospel—A Global Faith*, *ENSIGN* (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), Nov. 1991, at 18.

¹⁹³ Marion G. Romney, *Gospel Forum*, *ENSIGN* (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), Jan. 1971, at 16.

¹⁹⁴ Thomas S. Monson, *Goal Beyond Victory*, *ENSIGN* (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), Nov. 1988, at 44.

¹⁹⁵ Glenn L. Pace, *A Thousand Times*, *ENSIGN* (The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah), Nov. 1990, at 8, 10.

D. Competing Viewpoints Regarding the LDS Church and Undocumented Immigration

Similar to the critical attacks launched against the Catholic Church,¹⁹⁶ individuals both within and without the LDS Church have accused Mormons of encouraging illegal immigration.¹⁹⁷ Others maintain that it is hypocritical for members of the LDS Church to support measures sympathetic towards undocumented immigrants, given the words of the Church's 12th Article of Faith¹⁹⁸: "We believe in being subject to kings, presidents, rulers, and magistrates, in obeying, honoring, and sustaining the law [of the land]."¹⁹⁹ According to this position, undocumented immigrants are violators of U.S. immigration law, and should be punished, not rewarded, for their illegal presence in our country.²⁰⁰

Despite these strongly held sentiments, a position of sympathy toward undocumented immigrants can still be justified. First, it has long been recognized that different gospel instructions carry different weight. Jesus announced a "hierarchy" of the importance for the commandments, as recorded in St. Matthew: "Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment. And the second [is] like unto it, Thou shalt love thy neighbour as thyself."²⁰¹ Given its status as the second greatest commandment, many Latter-day

¹⁹⁶ See *supra* notes 69–71 and accompanying text.

¹⁹⁷ See de Uriarte, *supra* note 162; *Anderson Cooper 360 Degrees* (CNN television broadcast May 23, 2006) (transcript available at <http://transcripts.cnn.com/TRANSCRIPTS/0605/23/acd.02.html>); *Lou Dobbs Tonight* (CNN television broadcast May 23, 2006) (transcript available at <http://transcripts.cnn.com/TRANSCRIPTS/0605/23/ldt.01.html>).

¹⁹⁸ The thirteen Articles of Faith, written by the prophet Joseph Smith, are a concise summary of the foundational doctrines of the Church of Jesus Christ of Latter-day Saints. See *The Church of Jesus Christ of Latter-day Saints, The Articles of Faith*, <http://www.lds.org/library/display/0,4945,106-1-2-1,FF.html> (last visited Aug. 9, 2007).

¹⁹⁹ *Id.*; see also de Uriarte, *supra* note 162 (statement of Arizona State Senator Karen Johnson) ("Obeying the law is a core principle of the LDS Church . . . This isn't just a nice thought or a reasonable idea.").

²⁰⁰ Under current U.S. immigration law, undocumented presence in the United States is a misdemeanor. See 8 U.S.C. § 1325 (2000) ("Any alien who (1) enters or attempts to enter the United States at any time or place other than as designated by immigration officers . . . [shall] be fined under Title 18 or imprisoned not more than 6 months.").

²⁰¹ *Matthew* 22:37–40 (King James).

Saints may believe that treating their undocumented immigrant neighbors with love and kindness is more important to God than punishing individuals who commit immigration misdemeanors, as codified under U.S. laws that are widely-recognized as unreasonable, inhumane, and ineffective.²⁰²

Second, the institutional LDS Church, while not willing to speak officially on the topic, might actually view one's immigration status as a non-issue. Recently, an LDS General Authority, Elder John Pingree, stated on the record,²⁰³ that whether an immigrant is documented or undocumented, is "not a problem for me," and, that, once immigrants arrive in the United States, "we want to make them feel like part of the community, a valued part of the community."²⁰⁴ In an effort to extend this warm welcome, the Church has created a "Hispanic Initiative" program to assist immigrants in their transition to living in Utah, which provides free English classes, funds a free health clinic, and facilitates pro bono immigration legal services through Brigham Young University's Law Society.²⁰⁵

Moreover, the Church has actively sought out converts among the undocumented immigrant communities across the United States for decades.²⁰⁶ In 1997, there were at least five hundred LDS foreign language congregations in the United States, each staffed with young Mormon missionaries eager to increase the number of immigrants in attendance.²⁰⁷ These missionaries are instructed that immigration status should not be discussed with potential converts, as the only requirement for baptism is a "commitment to live the tenets of the religion."²⁰⁸ In

²⁰² See generally Oven, *supra* note 76 (discussing the effects and implications of domestic immigration legislation and the ethical concerns associated with current immigration policy).

²⁰³ While speaking to a reporter does not hold the same weight as an official pronouncement rendered in General Conference or the ENSIGN, the statements that follow were given by an LDS General Authority, and were published in the Church-owned periodical, the *Deseret News*. See Millet, *supra* note 120, at 18–20.

²⁰⁴ Romboy, *supra* note 135.

²⁰⁵ See *id.*

²⁰⁶ See IBER, *supra* note 153, at 113, 134 (stating the Church "aggressively" pursues Hispanic converts and has "dramatically increased its Spanish-speaking membership" in the United States).

²⁰⁷ See JESSIE L. EMBRY, IN HIS OWN LANGUAGE: MORMON SPANISH SPEAKING CONGREGATIONS IN THE UNITED STATES (1997) (discussing, in chapter four, the increase of foreign-language speaking congregations in the United States during the 1990s).

²⁰⁸ See Romboy, *supra* note 135.

light of the Church's active involvement in these undocumented immigrant communities, the arguments connected to the 12th Article of Faith begin to pale in comparison.

IV. IMMIGRATION REFORM

It is submitted that CST and "MST" share many common elements with respect to the treatment of undocumented immigrants. Both would be expected to advocate a compassionate, yet pragmatic, approach toward reform of the current immigration laws in the United States. Specifically, both traditions would support legislation focused upon principles of human dignity, equality, alleviating the effects of poverty, and family unity.

The debate over undocumented immigration has been raging within the public square since late 2005, when Congress indicated its willingness to consider repairing our "dysfunctional immigration system."²⁰⁹ At that time, several dramatically different bills were introduced by the legislature. At the one end of the spectrum, Representatives James Sensenbrenner (R-Wisconsin) and Peter King (R-New York) proposed H.R. 4437, entitled the *Border Protection, Anti-Terrorism, and Illegal Immigration Control Act*.²¹⁰ This resolution included many harsh provisions, such as mandatory detention for immigrants apprehended along the U.S. border, criminalizing all forms of assistance rendered to undocumented immigrants, and limiting relief for asylum seekers.²¹¹ Furthermore, the proposed legislation did little to address the situation of the millions of undocumented individuals currently living in the United States, other than to propose that their unauthorized presence be penalized as a felony instead of a misdemeanor.²¹² This bill passed in the House of Representatives with a vote of 239-182 in late December of 2005, but Republicans were unable to garner

²⁰⁹ See Tamar Jacoby, *Debating Immigration Reform: We Should Provide Workers a Lawful Option*, SAN DIEGO UNION-TRIB., Apr. 2, 2006, available at http://www.signonsandiego.com/uniontrib/20060402/news_mz1e02jacobby.html.

²¹⁰ National Immigration Forum, *Enforcement Only Will Not Fix Our Broken Immigration System*, <http://immigrationforum.org/PrintFriendly.aspx?tabid=777> (last visited Aug. 8, 2007).

²¹¹ Justice for Immigrants: A Journey of Hope, The Catholic Campaign for Immigration Reform, Major Provisions of H.R. 4437, <http://www.justiceforimmigrants.org/HR4437.html> (last visited Aug. 8, 2007).

²¹² See *id.*

enough support for its passage in the Senate in the spring of 2006.²¹³

On the other side of the debate, Senators Edward M. Kennedy (D-Massachusetts) and John McCain (R-Arizona) presented S. 1033, known as the *Secure America and Orderly Immigration Act* or the *Kennedy-McCain Bill*.²¹⁴ This proposed legislation put forward earned legalization and guest worker programs, addressed immigrant health care reform, and recommended measures that would have reduced the backlogs related to legal family-based immigration.²¹⁵ Like the *Sensenbrenner-King Bill*, this legislation, although flanked by bipartisan support, was not passed in the Senate.²¹⁶

In January of 2007, President George W. Bush, in his State of the Union Address, called upon Congress to pass comprehensive immigration reform legislation.²¹⁷ Specifically, President Bush outlined a plan which would implement a guest worker program, provide opportunities for undocumented immigrants to come “out of the shadows,” and increase border security.²¹⁸

Several bipartisan reform measures were introduced in Congress in the late spring of 2007. The most widely publicized bill, S. 1348, the *Comprehensive Immigration Reform Act of 2007*, mirrored earlier efforts to gain bipartisan support for reform.²¹⁹ Similar to the *Kennedy-McCain Bill* previously defeated, this proposed legislation attempted to strike an appropriate balance between enforcement measures and the practical realities of the ever-increasing population of undocumented immigrants in the U.S.

Specifically, while substantially enhancing border technology and security, the *Comprehensive Immigration Reform Act of 2007* would have also created two new visa classifications. The first,

²¹³ *Id.*

²¹⁴ National Immigration Forum, *The Secure America and Orderly Immigration Act of 2005: McCain-Kennedy-Kolbe-Flake-Gutierrez Bill at a Glance*, <http://www.immigrationforum.org/DesktopDefault.aspx?tabid=733> (last visited Aug. 8, 2007).

²¹⁵ *Id.*

²¹⁶ *Id.*

²¹⁷ The White House, *President Bush's Plan for Comprehensive Immigration Reform*, <http://www.whitehouse.gov/stateoftheunion/2007/initiatives/print/immigration.html> (last visited Aug. 9, 2007).

²¹⁸ *Id.*

²¹⁹ Library of Congress, *S. 1348 Bill Summary & Status*, <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:s.01348>: (last visited Oct. 1, 2007).

the “Z visa,” for which all undocumented individuals living in the U.S. on January 1, 2007 would be eligible, would offer unauthorized immigrants the right to “legal presence” in the U.S., a social security number, and a pathway to citizenship, provided they pay a hefty fine and outstanding taxes.²²⁰ The second, the “Y visa,” would allow temporary guest workers the opportunity to live and work in the U.S. for a maximum period of two years.²²¹ Sponsored by Senate Majority Leader Harry Reid (D-Nevada), the bill was supported by the unusual allies of Senator Edward Kennedy (D-Massachusetts) and President George W. Bush.²²² Despite these collaborative efforts, the bill was never voted upon. Another comparable bill, H.R. 1645, the *Security Through Regularized Immigration and a Vibrant Economy Act* (“STRIVE Act of 2007”), was proposed, but was similarly stalled before voting.²²³ Unfortunately, these defeats are not surprising, given that the last time Congress attempted to reform immigration law it took fourteen years of discussion, plus five years of congressional negotiation.²²⁴

The proposed reform legislation most in line with the principles of CST and “MST” is that of the *Kennedy-McCain Bill* or the *Comprehensive Immigration Reform Act of 2007*.²²⁵ These bills recommended laws that, while pragmatic in dealing with national security and border control concerns, also dealt fairly with undocumented immigrants currently living in the United States. Specifically, such legislation would advocate a compassionate stance towards immigrants who have long been living and working within our country. It would recognize the contributions that these individuals have made to the economy and culture, and seek to treat them as equal to American-born

²²⁰ See *id.*; United States Immigration Support, Z Visa, http://www.usimmigrationsupport.org/visa_z.html (last visited Oct. 1, 2007).

²²¹ United States Immigration Support, Immigration Reform and Amnesty, <http://www.usimmigrationsupport.org/amnesty.html> (last visited Oct. 1, 2007).

²²² Library of Congress, S. 1348 Bill Cosponsors, <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:SN01348:@@P> (last visited Oct. 1, 2007).

²²³ Library of Congress, H.R. 1645 Bill Summary & Status, <http://thomas.loc.gov/cgi-bin/bdquery/z?d110:h.r.01645>: (last visited Oct. 1, 2007).

²²⁴ *Getting Immigration Reform Right*, ST. ANTHONY MESSENGER (Franciscan Friars, Cincinnati, Ohio), Mar. 2006, available at <http://www.americancatholic.org/Messenger/Mar2006/Editorial.asp>.

²²⁵ See United States Conference of Catholic Bishops, Comprehensive Immigration Reform, <http://www.usccb.org/sdwp/cirgasdwp.shtml> (last visited Aug. 8, 2007). The Catholic Church has openly supported this proposed legislation. *Id.*

citizens by providing them with opportunities to legalize their immigration status. Furthermore, such legislation would specifically address two issues of grave concern to both the Catholic and LDS Churches: providing for the health care of the poor immigrants that live within our communities, and the reunification of families long separated across borders. Looking forward, any immigration legislation that would be consistent with CST and "MST" principles must, at a minimum, be modeled after the *Kennedy-McCain Bill* and the *Comprehensive Immigration Reform Act of 2007*. Moreover, in an ideal world, reform measures would further incorporate provisions calling for increased welfare benefits, living wages, and additional social programs that would ease the transition of immigrants into American society.

CONCLUSION

This paper has examined the Catholic Church's position on undocumented immigration, a position grounded in the CST principles of human dignity, solidarity, and the preferential option for the poor. Additionally, this paper has discussed the possibility of a distinct Latter-day Saint perspective on the treatment of unauthorized migrants. It has suggested that, if such an LDS perspective exists, it is established upon the history, culture, doctrine, and practices of the LDS Church.

Perhaps if the common principles of CST and "MST" were embraced by the larger U.S. society, human suffering among the undocumented members of our communities could be alleviated. Then, perhaps, we, as a nation, will finally be able to live up to the words written upon the Statue of Liberty, words that I believe reflect our common heritage of Christian compassion: "Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched refuse of your teeming shore, Send these, the homeless, the tempest-tost to me . . ." ²²⁶

²²⁶ Feagin, *supra* note 52, at 39 (quoting Emma Lazarus).

