



March 15, 2017

The Honorable Rex W. Tillerson
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Re: **Mormon Church Violations of Logan Act and Foreign Corrupt Practices Act**

Dear Mr. Secretary and Mr. Attorney General:

We recently learned that former United States Senator Gordon H. Smith, The Church of Jesus Christ of Latter-day Saints (“Mormon Church”) and its lobbyist, Ralph W. Hardy, Jr., may have procured “favors” from foreign governments while Senator Smith was an influential member of the United States Senate Committee on Foreign Relations. These “favors” from foreign governments violate both the Logan Act and the Foreign Corrupt Practices Act (FCPA) by the Senator’s efforts to assist the Mormon Church.¹

Under the Logan Act (18 U.S.C. §953), it is a federal crime for a citizen to confer with foreign governments against the interests of the United States. Under the statute any citizen who, without the authority of the U.S. government, communicates with a foreign government with respect to any disputes or controversies with the United States or to defeat the “measures of” the United States, may be fined or imprisoned.

Under the Foreign Corrupt Practices Act (15 U.S.C. §78dd–2), it is a crime for U.S. persons and companies to make corrupt payments to foreign officials to obtain business. Those who violate the FCPA may also be fined or imprisoned.

¹ Link to Gordon H. Smith and Ralph W. Hardy, Jr. video: <https://www.youtube.com/watch?v=z4FPVZH8flg>

Text of the Logan Act²

§953. Private correspondence with foreign governments.

Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined under this title or imprisoned not more than three years, or both.

This section shall not abridge the right of a citizen to apply himself, or his agent, to any foreign government, or the agents thereof, for redress of any injury which he may have sustained from such government or any of its agents or subjects.

Text of the Foreign Corrupt Practices Act³

§78dd–2. Prohibited foreign trade practices by domestic concerns.

(a) Prohibition

It shall be unlawful for any domestic concern, other than an issuer which is subject to section 78dd–1 of this title, or for any officer, director, employee, or agent of such domestic concern or any stockholder thereof acting on behalf of such domestic concern, to make use of the mails or any means or instrumentality of interstate commerce corruptly in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to—

(1) any foreign official for purposes of—

(A)(i) influencing any act or decision of such foreign official in his official capacity, (ii) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official, or (iii) securing any improper advantage; or

(B) inducing such foreign official to use his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such domestic concern in obtaining or retaining business for or with, or directing business to, any person.

Senator Gordon Smith Makes His Priorities Clear

The potential violations of the Logan Act and FCPA by Senator Smith, the Mormon Church and Mr. Hardy were not known until a February 9, 2009 presentation by both gentlemen to the 12 Mormon Apostles recently was made public.⁴ In the leaked video, as reported in the *New York*

² United States Code, U.S. Government Publishing Office, www.gpo.gov.

³ *ibid.* 2

⁴ *ibid.* 1

*Times*⁵ and many other news outlets, Senator Smith, a member of the Mormon Church, is seen addressing top Mormon Church leaders at Church Headquarters in Salt Lake City, Utah. During his introduction of Senator Smith, Mr. Hardy, who was identified in the video as a Mormon lobbyist in Washington, D.C., stated:

*“...In my experience he [Senator Smith] always stood ready **first and foremost as a high priest and as a covenant member of the Church of Jesus Christ of Latter-day Saints** and receptive and able and willing to serve its most vital interest in Washington **and in fact internationally**. Though I can’t remember any Latter-day Saints that were permanent members of his staff, **it was fair to say that his staff in the Senate was church-broke**. In fact, not many months ago his legislative director called me on the phone and he said ‘Ralph, you haven’t called us for six weeks. What are we supposed to be doing?’”*

Senator Smith confirmed his priorities by assuring the 12 Mormon Apostles that he considered his “temple recommend as more important than his election certificate.” The Senator’s prioritization of the Mormon Church over his responsibilities to his country, and his willingness to use the power of his office to do favors for the Church is truly alarming and makes it extremely likely that Senator Smith was willing to violate United States law, specifically the Establishment Clause of the Constitution, to benefit the Mormon Church.

A Confession, But No Investigation

During their presentations to the 12 Mormon Apostles, both Senator Smith and Ralph Hardy boasted about the power and influence the Church has within the United States Congress.

Mr. Hardy also states:

*“I just can’t stress what it means to the Church of Jesus Christ of Latter-day Saints to have five temple recommend carrying high priests in the United States Senate [Senators Harry Reid (D-NV), Orrin Hatch (R-UT), Bob Bennett (R-UT), and Mike Crapo (R-ID)] and a large number in the House of Representatives. **What it means to the transaction of business to have access, to be able to influence decisions, to reach beyond our shores**. And I said in my introduction, what Senator Smith has done, and I can say the same for our other brethren of both parties, it is of inestimable value to this church and I hope that in the days and years ahead that the miracle of these brethren being in Washington will be repeated and that worthy brothers and sisters of this church in this country, and in other lands will rise up and find ways to be in elective office and to be able to help carry the burden **because there is a political and economic component that is vital in how the church operates**.”*

Clearly, Mr. Hardy and the Mormon Church had vast influence over the activities of Senator Smith’s staff and key international decisions that most likely benefited the Church. If we take

⁵ Goodstein, Laura, “Leaked Videos Pull Back Curtain on Mormon Leadership.” *The New York Times*, October 6, 2016. <https://www.nytimes.com/2016/10/07/us/mormon-videos-leaked.html? r=0>.

Mr. Hardy at his word then, by his own admission, the Mormon Church has successfully done business overseas by using Senator Smith and the United States Congress as a conduit. What we would like answers to is why what Senator Smith and his colleagues did was of “inestimable value” to the Mormon Church? Furthermore, we would like to know what officials “beyond our shores” received in exchange for assisting the Mormon Church.

In a far more explicit admission, Senator Smith recounted a specific instance of when he used his power as a United States Senator to benefit the LDS Church.

Senator Smith:

“Ralph [Hardy] asked me to see if I could get an appointment with the Indian Ambassador to the United States, Ambassador Sen [Ranendra “Ronen” Sen]. I did, and they come immediately to a Senator’s office. Ambassador Sen is a very quiet and meek man, a very nice person, and I began the meeting with Ralph’s permission representing the United States in the growing India-US relationship, sharing values like the freedom of conscience, religious free exercise, which is really important to the future of our nations. And then I represented that the Church was not being treated fairly in India, and Ambassador Sen said, ‘I know. I was with [Mormon Apostle] Elder [Dallin H.] Oaks, I was with [Mormon Church] President Hinckley, and I promised them I was going to do something.’ And he said, ‘this is what I think: just send your Indian converts to India.’ And I said, ‘well I don’t know how many we have. That’s not a bad idea but surely we can do better than that.’ The meeting broke up with, I think, him feeling guilty that he had not delivered on his promise to President Hinckley. He said, ‘let me think on this’ and then he left my office. This was on a Thursday.

On a Friday morning ... I heard the phone ring ... It was Ambassador Sen. He said, ‘I apologize for calling so early in the morning, but I haven’t been able to sleep all night, and I’ve got an idea. You send to me the visas that you need for your missionaries and I will issue them over my signature and we’ll establish a pattern of dealing that will get around the India bureaucracy.’ And then he said, ‘how many do you need Senator?’ And I said, thinking in my mind, well we had 200 missionaries in my mission, and I said, ‘we need 200.’ And there was a pause and a gulp and he said, ‘OK send me 200...’ I called Elder Hardy... and I said, ‘Ralph if there’s any way you can go to the Ambassador’s home, he’s expecting you. Codify this as best we can.’ I believe we have a mission in India now. It started from that meeting and this is the way that you ought to use [Senator] Mike Crapo, the way you ought to use [Senator] Harry Reid, the way you ought to use [Senator] Orrin Hatch and [Senator] Bob Bennett. These are great men, these are great colleagues and they are dedicated Latter-day Saints.”

Why did Indian Ambassador Sen feel so obligated to assist the Mormon Church in obtaining 200, two-year Indian visas for Mormon Church missionaries that he was willing to skirt the Indian Government’s regulations and requirements for visa attainment?

What promises did Ambassador Sen make to then-Mormon Church President Gordon B. Hinckley and Mormon Apostle Dallin H. Oaks when the three of them met?

It appears that the FCPA was violated. Senator Smith and the Mormon Church influenced the “act or decision of such foreign official in his official capacity,” secured “improper advantage,” and induced Ambassador Sen “to use his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality.”

Furthermore, Mr. Hardy’s personal visit with Ambassador Sen at his residence is in violation of the Logan Act, because he intended to “influence the measures or conduct of any foreign government” to secure visas for the Mormon Church without consideration for the interests of the United States Government. Both Senator Smith and Mr. Hardy have acknowledged these violations in the video. There must be a complete and thorough investigation into their actions.

Request for Investigation

Based on the foregoing information, it is abundantly clear that Senator Smith used his capacity as a United States Senator to benefit the Mormon Church in direct violation of the United States Constitution’s Establishment Clause. If he provided a foreign office with any form of remuneration, that would be in strict violation of the Foreign Corrupt Practices Act as well.

We respectfully request your Departments investigate these potentially very serious violations of the Logan Act and the Foreign Corrupt Practices Act by Senator Smith, Mr. Hardy and The Church of Jesus Christ of Latter-day Saints.

Thank you for your prompt attention to this matter.

Very truly yours,



Larry Decker
Executive Director
Secular Coalition for America



Fred Karger
President
Rights Equal Rights

cc: News Media