

# POLYGAMY, PROPHETS, AND PREVARICATION: FREQUENTLY AND RARELY ASKED QUESTIONS ABOUT THE INITIATION, PRACTICE, AND CESSATION OF PLURAL MARRIAGE IN THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

*by Gregory L. Smith, M.D.*

<p><b>Introduction</b>..... 2</p> <p><b>Polygamy is Non-Christian</b> ..... 3</p> <p><b>Polygamy was Illegal</b>..... 3</p> <p>    Civil Disobedience in Context ..... 3</p> <p>    Doctrine and Covenants 134 and Civil Disobedience ..... 6</p> <p>    Court Decisions and Civil Disobedience ..... 7</p> <p>    False Analogy with the “Gay Marriage” Debate..... 9</p> <p>    Don’t Die On Every Hill ..... 10</p> <p><b>Polygamy and Lying</b> ..... 10</p> <p>    Lying About Polygamy during the Nauvoo Era ..... 11</p> <p>        Didn’t Joseph Deceive Church Members? ..... 11</p> <p>        Secrecy, Polygamy, and Threats of Violence against the Saints ..... 13</p> <p>    Lying and Biblical Prophets ..... 14</p> <p>    Lying for the Lord?..... 15</p> <p>    Lying About Polygamy in Utah, Prior to 1890..... 16</p> <p>        Conditions Preceding the Manifesto of 1890 ..... 17</p> <p>        How Critics Viewed Mormons Prior to the Manifesto of 1890..... 19</p> <p>        The Morrill Act ..... 21</p> <p>        Post Civil War Measures: The Reynolds Case ..... 23</p> <p>        The Edmunds Act ..... 24</p> <p>        Assault on Due Process ..... 25</p> <p>        Indefinite Punishment ..... 27</p> <p>        Extension of Legal Problems beyond Utah ... 28</p> <p>        The Edmunds-Tucker Act..... 28</p> <p>        Legal Summary..... 31</p> <p>    Lying About Polygamy after the 1890 Manifesto..... 32</p>	<p>    Wilford Woodruff’s Pre-Manifesto Administration ..... 32</p> <p>    Writing the Manifesto ..... 34</p> <p>    Principles of Church Government and the Manifesto ..... 35</p> <p>    Wilford Woodruff’s Post-Manifesto Administration ..... 38</p> <p>    Lorenzo Snow’s Administration ..... 39</p> <p>    Joseph F. Smith’s Administration ..... 40</p> <p>    After the Second Manifesto ..... 42</p> <p>    Conclusions About Lying ..... 43</p> <p><b>Polygamy as Lasciviousness</b> ..... 44</p> <p><b>Implementation Problems</b> ..... 46</p> <p>    Nineteenth Century Variations on a Theme ..... 46</p> <p>    What’s a Nice Girl Like You Doing in a Place Like This?..... 47</p> <p>    Polygamy and Depression ..... 48</p> <p><b>Hiding History</b> ..... 49</p> <p><b>Final Thoughts—What was the Purpose of Plural Marriage?</b>..... 51</p> <p>    Obedience ..... 51</p> <p>    “Raise Up Seed” ..... 51</p> <p>    Sociological ..... 52</p> <p>        Abrahamic Test..... 52</p> <p><b>Further Reading</b> ..... 53</p> <p><b>Notes</b>..... 56</p> <p><b>About the Author</b> ..... 65</p> <p><b>About FAIR</b>..... 65</p>
---	--



## INTRODUCTION

Perhaps no practice of The Church of Jesus Christ of Latter-day Saints proved more volatile and divisive than plural marriage, or “polygamy.” First revealed to Joseph Smith in the early 1830s, it was implemented in at least a few relationships by the mid-1830s and more widely during the Nauvoo period of the 1840s, though secrecy still surrounded its practice.<sup>1</sup> Publicly announced in 1852, it served as a focal point for legislators, social reformers, and anti-Mormon agitators throughout the latter half of the nineteenth century.

Despite a vigorous campaign in the courts, the members of the Church were unsuccessful in having plural marriage tolerated—indeed, it was outlawed and such laws were upheld as constitutional. The Manifesto of 1890, together with the “Second Manifesto” of April 1904, put an end to polygamy in the Church. Though polygamy currently plays little role in most discussions of LDS theology and is forbidden to any member on pain of excommunication, it continues to be a live issue for some. As in the nineteenth century, “the Principle” continues to attract the fascination, amusement, distaste, or scorn of general society. It also serves as a target for enemies of the gospel of Jesus Christ, Joseph Smith, and the Church he established.

Attacks upon Joseph Smith and the Church regarding polygamy have generally taken one or more of the following forms:

1. **Irreligious.** Popular among sectarian critics, this attack appeals to western sensibilities which favor monogamy, and argues that polygamy is inconsistent with biblical Christianity or (ironically) the Book of Mormon itself. Even some secular histories occasionally fall victim to this tendency.<sup>2</sup>
2. **Illegal.** This criticism asserts that the Church and its members participated in polygamy despite such relationships generally being illegal under state and/or federal law. It is argued that the Church thereby abandoned its commitment to “obeying, honoring, and sustaining the law.”<sup>3</sup>
3. **Lying.** According to this criticism, Joseph Smith and his successors made repeated public statements in which they hid or openly denied the practice of polygamy, despite knowledge to the contrary. It is argued that this “dishonesty” is morally dubious and inconsistent with the principles which the Church claims to espouse.

4. **Lascivious.** This attack charges that Joseph Smith (and possibly his successors) pursued plural marriage for purely base motivations. Such a charge is usually accompanied by appeals to the above criticisms, to imply that Joseph and his successors’ conduct was questionable on many grounds, and therefore is best explained by their sexual appetite rather than sincere religious conviction.
5. **Implementation.** This attack is often an adjunct to others; some of the supposed or real negative consequences of polygamy are enumerated with the argument that such consequences are evidence that the practice was not divinely commanded.
6. **Hiding history.** Closely related to criticism 3, this is normally an attack on the modern Church and its leadership, added as the *coup de grâce* by the “friendly and helpful” critic. Since the critic has provided information of which the reader was previously unaware, the claim is then made that the Church has been “hiding” the truth, or “lying” to its unsuspecting members. Thus the critic can resurrect the polygamous past to attack the Church in the present.

An understanding of polygamy has not always been helped by the tendency of some LDS authors to gloss over many of the very real difficulties associated with this period in Church history, though this tendency is not as exaggerated as some suppose.

It is my contention that the discovery and dissemination of historical materials at variance with the standard or “folk” understanding of polygamy common in the twentieth and twenty-first century Church is no threat to a faithful appreciation of polygamy as a divinely mandated practice during the formative years of the Church. Indeed, I do not think that it is the “additional information” that causes problems for faithful Latter-day Saints who are sincerely troubled by what the historical record tells us. Rather, it is the persistent—and often unmet—need for still more information and context, which some authors have been unable or unwilling to provide. The sole “danger” which historical information poses to members or sincere investigators occurs only if they stop their research too soon. Church critics are quite happy to lead their marks part of the way, only to abandon them when the story is just getting good.

This paper is a modest attempt to address these concerns within the context of the available historical sources.<sup>4</sup> I do not proceed in strict historical order, but have rather cho-

sen the six-pronged thematic approach outlined above (the themes consistently followed in criticisms of the Church), but I don't consider the first complaint of "irreligion," except in passing, since this concern has been addressed elsewhere.<sup>5</sup>

Initially I'll focus on seeing the Church and its members' actions in the context of civil disobedience from a historical, theological, and moral perspective. I'll then consider the perspective of Church members who understood themselves to be defendants in a war of religious—and perhaps physical—extermination waged by religious and legislative enemies. I'll review some of the legal and political history that contributed to this perception, and which helps explain the different choices made by Church leaders and members, especially in the period following the Manifesto of 1890.

I will then discuss the problems and flaws with the view that polygamy was motivated by inappropriate sexual motives on the part of Joseph Smith or those who came after him.

Attacks on the character of the early polygamists are often followed by related criticisms of the day-to-day practice of polygamy. I will therefore address these arguments, and focus on claims that Joseph Smith's stature as an "infallible" prophet led others to embrace polygamy against their better judgment, and that polygamy caused depression in Mormon women.

I'll conclude by demonstrating that there is ample evidence that the Church does little to "protect" its members from learning "the truth" about polygamy.

A few closing thoughts will then provide some perspective on the role that plural marriage played—both sociologically and spiritually—in the maturation of the Church. I have come to see polygamy as a vital, even indispensable, part of the Restoration, practiced at the behest of the Lord and ultimately discontinued through proper priesthood authorization.

### **POLYGAMY IS NON-CHRISTIAN**

The criticism that polygamy is irreligious appeals to western sensibilities which favor monogamy, and argues that polygamy is inconsistent with biblical Christianity or (ironically) the Book of Mormon itself.

This is a weak attack at best, and replies—devotional, apologetic, and scholarly—have been made to the claim.<sup>6</sup>

There is extensive, unequivocal evidence that polygamous relationships were condoned under various circumstances by biblical prophets, despite how uncomfortable this might make a modern Christian. Elder Orson Pratt was widely viewed as the victor in a three-day debate on this very point with Reverend John P. Newman, Chaplain of the U.S. Senate, in 1870.<sup>7</sup>

Even were there no such precedents, LDS theology has no problem accepting and implementing novel commandments, since the Saints believe in continuing revelation. I will not belabor the matter here, since ample resources are available.

### **POLYGAMY WAS ILLEGAL**

Critics charge that the Church and its members participated in polygamy in violation of both state and federal laws. It is therefore argued that the Church abandoned its commitment to "obeying, honoring, and sustaining the law."<sup>8</sup> Critics, however, make such arguments without a full understanding of the legal considerations of the day and without understanding how civil disobedience plays into the picture.

### ***Civil Disobedience in Context***

Polygamy was certainly declared illegal during the Utah-era anti-polygamy crusade, and arguably illegal under the Illinois anti-bigamy statutes. This is hardly new information, and Church members and their critics knew it.<sup>9</sup> Modern members of the Church generally miss the significance of this fact, however: the practice of polygamy was a clear case of civil disobedience.

The decision to defy the [anti-polygamy laws] was a painful exception to an otherwise firm commitment to the rule of law and order. Significantly, however, in choosing to defy the law, the Latter-day Saints were actually following in an American tradition of civil disobedience. On various previous occasions, including the years before the Revolutionary War, Americans had found certain laws offensive to their fundamental values and had decided openly to violate them...Even though declared constitutional, the law was still repugnant to all [the Saints'] values, and they were willing to face harassment, exile, or imprisonment rather than bow to its demands.<sup>10</sup>

Modern writers are sometimes careless or overly broad in their terminology, leading some Church members to associate "civil disobedience" with general lawlessness

and hooliganism, such as the 1965 Watts riots mentioned by BYU president Ernest Wilkinson.<sup>11</sup> This connotation clouds our appreciation, however, of a vital tool for leading a moral life under any government, and our understanding of the Church's decision in its historical context.

The most eloquent and impressive advocate of civil disobedience was probably Mohandas 'Mahatma' Gandhi (1869-1948). Gandhi drew on Henry David Thoreau's 1849 work, *Resistance to Civil Government* (sometimes titled *Civil Disobedience*) in which Thoreau articulated the moral basis for civil disobedience:

Can there not be a government in which the majorities do not virtually decide right and wrong, but conscience?—in which majorities decide only those questions to which the rule of expediency is applicable? Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience then? I think that we should be men first, and subjects afterward. It is not desirable to cultivate a respect for the law, so much as for the right. The only obligation which I have a right to assume is to do at any time what I think right.<sup>12</sup>

Simply put, the state is not sovereign in matters of conscience. Every person owes a duty to his highest beliefs and aspirations, which duty trumps anything the state might insist upon. To argue or believe otherwise is to accept the fascist fallacy—that the state is ultimately sovereign and of greater importance than the individual, and that rights do not exist in any "inalienable" sense, but are merely conferred (and can be taken away) by the state.<sup>13</sup>

Fundamental to the ethos of civil disobedience is a readiness to accept the state's penalty if one is convicted. One cannot choose to violate the law and also demand escape from the eventual penalty; one is rather choosing to follow one's convictions despite the potential punishment. Said Gandhi:

This religious struggle does not involve hurting even a hair of anyone. We shall teach the Government a lesson by suffering hardships ourselves... We shall violate the...law to such an extent that we shall be prepared to suffer whatever the penalty we may have to face—be it imprisonment, flogging or any other.<sup>14</sup>

Gandhi made a clear distinction between civil disobedience, which he insisted must remain strictly non-violent to

retain its moral force, and criminal disobedience,<sup>15</sup> which involved violence, and with which he wished nothing to do. The Saints would likely have agreed with him when he said:

Civil disobedience is the inherent right of a citizen. He dare not give it up without ceasing to be a man. Civil disobedience is never followed by anarchy. Criminal disobedience can lead to it. Every state puts down criminal disobedience by force. It perishes if it does not.<sup>16</sup>

The historical record is clear that the First Presidency considered the matter in just this light:

Our enemies during the past half year have not slackened their activity in the work of persecution. If there has been any difference, it has been pursued with greater vindictiveness and more flagrant disregard of law and justice than at any time previous. Those who have been compelled to endure the penalties inflicted upon them have submitted, in nearly every instance, with a cheerful equanimity and fortitude that must have won the admiration of heaven and of all just men. That which has been accomplished furnishes but little cause for gratification to those who have been engaged in the inhuman task of persecuting a people for the practice of their religion. There have been but few persons in all who have been tried and convicted who have felt sufficiently terrified at the prospect of punishment to express a willingness to accept the rulings of the court instead of the law of God, as the guide for their consciences.<sup>17</sup>

Thus, the members and leaders were well aware that their actions violated civil law. Those who violate the law may be "compelled to endure the penalties," but better this than to "accept the rulings of the court instead of the law of God as the guide for their consciences."

At this point, the critic or concerned member might object that the Church claims to discourage disobedience to the civil law. This is certainly the case, and with good scriptural reasons:

19 For verily I say unto you, my law shall be kept on this land.

20 Let no man think he is ruler; but let God rule him that judgeth, according to the counsel of his

own will, or, in other words, him that counseleth or sitteth upon the judgment seat.

21 Let no man break the laws of the land, for he that keepeth the laws of God hath no need to break the laws of the land.<sup>18</sup>

This is not, as some have presumed, a blanket agreement to support any law of any type. Rather, it is a general principle to be observed, to which only God may command an exception. Members of the Church did not understand “the laws of the land” to mean any and all statutes that might be passed by government. Rather, they understood the “laws of the land” to mean constitutional principles, as President John Taylor explained:

It is said in the Doctrine and Covenants, that he that keepeth the laws of God, hath no need to break the laws of the land [58:21]. It is further explained in section 98, what is meant in relation to this... That is taking this nation as an example, all laws that are proper and correct, and all obligations entered into which are not violative of the constitution should be kept inviolate. But if they are violative of the constitution, then the compact between the rulers and the ruled is broken and the obligation ceases to be binding.<sup>19</sup>

Make no mistake—*God’s* law “shall be kept,” by His followers, though this usually does not require using extra-legal tactics, as Elder Boyd K. Packer observed:

Because the laws of man, by and large, do not raise moral issues, we are taught to honor, sustain, and obey the law (see A of F 1:12), and that “he that keepeth the laws of God hath no need to break the laws of the land” (D&C 58:21)... Suppose a law decreed that all children would be taken from their parents and raised by the state. Such a law would be wicked but probably could be enforced. Such things have been done before.<sup>20</sup>

It is difficult to imagine that Elder Packer or the Church would countenance obedience to a law putting all children in the care of the state, despite the twelfth Article of Faith! Doctrine and Covenants 98 spells out the specifics in greater detail, as President Taylor indicated:

4 And now, verily I say unto you concerning the laws of the land, it is my will that my people should observe to do all things whatsoever I command them.

The first principle for the Church is to do what God commands them to do—that is the highest moral duty. The state may not demand that citizens place its demands higher than their own conscience.

5 And that law of the land which is constitutional, supporting that principle of freedom in maintaining rights and privileges, belongs to all mankind, and is justifiable before me.

6 Therefore, I, the Lord, justify you, and your brethren of my church, in befriending that law which is the constitutional law of the land...

Thus, the constitutional law of the United States is endorsed by God, since central to such law is the protection of religious conscience and practice. God grants the sustaining of law; the law does not “grant” the right of obeying God, since this right is inalienable and the common possession of all mankind.

7 And as pertaining to law of man, whatsoever is more or less than this, cometh of evil...

Law which violates the higher moral duty of obeying God is evil, and not sanctioned by God. This has a deeply theological rationale, as a later section illustrates:

77 According to the laws and constitution of the people, which I have suffered to be established, and should be maintained for the rights and protection of all flesh, according to just and holy principles;

78 That every man may act in doctrine and principle pertaining to futurity, according to the moral agency which I have given unto him, that every man may be accountable for his own sins in the day of judgment.<sup>21</sup>

The goal of divinely sanctioned civil law is to allow the free exercise of conscience, so that men and women may be judged by their unfettered exercise of their *moral agency*—and thus the state may not arrogate to itself the place of that moral sense.

Gandhi emphasized that generally, strict obedience was necessary for the potential civil disobedient, saying that he is

nothing if not instinctively law-abiding, and it is his law-abiding nature which exacts from him implicit

obedience to the highest law, that is the voice of conscience which overrides all other laws.<sup>22</sup>

President John Taylor made it clear that a defense of this principle was a positive moral duty for the Saints:

Besides the preaching of the Gospel, we have another mission, namely, the perpetuation of the free agency of man and the maintenance of liberty, freedom, and the rights of man. There are certain principles that belong to humanity outside of the Constitution, outside of the laws, outside of all the enactments and plans of man, among which is the right to live; God gave us the right and not man; no government gave it to us, and no government has a right to take it away from us.<sup>23</sup>

After quoting Doctrine and Covenants 58:21-22 and 98:4-6, Elder James E. Talmage explained:

A question has many times been asked of the Church and of its individual members, to this effect: In the case of a conflict between the requirements made by the revealed word of God, and those imposed by the secular law, which of these authorities would the members of the Church be bound to obey? In answer, the words of Christ may be applied—it is the duty of the people to render unto Caesar the things that are Caesar’s, and unto God the things that are God’s...Pending the overruling by Providence in favor of religious liberty, it is the duty of the saints to submit themselves to the laws of their country.<sup>24</sup>

Thus, God may clearly endorse, in issues of religious liberty, disobedience to a secular authority. As a general principle, however, submission to that authority is commanded when religious practice is not at issue. One does not seek occasion to violate the law, but one cannot abandon principle. “What do you do?” asked President Taylor. “Observe the laws as much as you can. Bear with these indignities as much as you can.”<sup>25</sup> President Woodruff put the matter to the Saints in just these terms: “Now, which shall we obey, God or Congress? For it is God and Congress for it.” With a loud voice the assembly answered: “We will obey God.”<sup>26</sup>

### **Doctrine and Covenants 134 and Civil Disobedience**

The Church’s canonized statement on its relationship to civil government, found in Doctrine and Covenants 134, is

also completely compatible with civil disobedience under some circumstances.

1 We believe that governments were instituted of God for the benefit of man; and that he holds men accountable for their acts in relation to them, both in making laws and administering them, for the good and safety of society.

Thus, the first principle is that God will hold us accountable in our behavior toward civil authority. Members of the Church are not exempt from civil law, and must answer both to the civil law and to God for their conduct. In the same spirit, those who make laws and enforce them will likewise be judged by God.

2 We believe that no government can exist in peace, except such laws are framed and held inviolate as will secure to each individual the free exercise of conscience, the right and control of property, and the protection of life.

Secondly, the civil government must not just defend freedom of conscience, but the free *exercise* of conscience must be inviolate. In the *Reynolds* decision on polygamy, the U.S. Supreme Court declared that all religious *belief* was protected by the first amendment, but that no religious *practice* was protected. Thus, one could believe anything one wanted, but one couldn’t do anything about it with constitutional safety. (The Reynolds decision is discussed in the next section of this paper.)

4 We believe that religion is instituted of God; and that men are amenable to him, and to him only, for the exercise of it, unless their religious opinions prompt them to infringe upon the rights and liberties of others; but we do not believe that human law has a right to interfere in prescribing rules of worship to bind the consciences of men, nor dictate forms for public or private devotion; that the civil magistrate should restrain crime, but never control conscience; should punish guilt, but never suppress the freedom of the soul.

Religious belief and practice are to be left strictly alone; only those whose beliefs infringe upon the rights and practice of others should be charged under civil law.

5 We believe that all men are bound to sustain and uphold the respective governments in which they reside, while protected in their inherent and inalienable rights by the laws of such governments; and

that sedition and rebellion are unbecoming every citizen thus protected, and should be punished accordingly; and that all governments have a right to enact such laws as in their own judgments are best calculated to secure the public interest; at the same time, however, holding sacred the freedom of conscience.

As long as citizens have such civil protection for their exercise of conscience, they are to honor the law. Of great significance is the proviso that believers must be “protected in their inherent and inalienable rights”—if such laws are mere window dressing, or are applied in an inconsistent fashion to a given people, then governments are not entitled to support in those areas, because this is the precise purpose for which government is instituted.

This anticipates the Nuremberg Principle—no one can be morally required to abrogate their commitment to duty or truth simply because the civil law declares otherwise, nor can one appeal to civil law as justification for violating a moral code.

7 We believe that rulers, states, and governments have a right, and are bound to enact laws for the protection of all citizens in the free exercise of their religious belief; but we do not believe that they have a right in justice to deprive citizens of this privilege, or proscribe them in their opinions, so long as a regard and reverence are shown to the laws and such religious opinions do not justify sedition nor conspiracy.

This is a repetition of the idea—government exists, theologically, in large measure to protect the free exercise of religious belief. Government has no right to restrict such practice, unless those practices threaten the government or the rights of others.

A key point is that “regard and reverence” be “shown to the laws”—religious societies should respect the laws. But, respect for the law has no moral force to compel a change in behavior or belief that violates one’s religious convictions (unless such convictions threaten the rights of others).

8 We believe that the commission of crime should be punished according to the nature of the offense...all men should step forward and use their ability in bringing offenders against good laws to punishment.

Religious societies should help assure the punishment of those who break “good laws”—this requires, of course, the potential for “bad laws.” In context, such laws clearly include laws which restrict or restrain religious practice, which religious societies may not be morally compelled to help enforce.

In summary, as a legal scholar noted:

Whenever the state illegitimately proscribes religious belief or protected conduct, Mormon theology speaks of moral, religious, and, in some instances, constitutional rights of its members to either civilly disobey or conscientiously refuse compliance with the laws of man. The declaration [in D&C 134]...is not merely a descriptive statement of political realities. The parallels in wording and implication with the Declaration of Independence are not purely coincidental.<sup>27</sup>

### ***Court Decisions and Civil Disobedience***

The U.S. Supreme Court ultimately ruled that the laws against the Mormons were constitutional. But, this does not imply that the Church was somehow “wrong” to resist these laws. In the first place, the Saints insisted that their civil disobedience was based upon divine revelation. Any moral citizen’s first duty is to his highest convictions and moral sense; it is not to the state. In the second place, a court ruling does not make a decision morally correct, nor “constitutional” in the sense that the Saints understood the term, in which religious liberty always figured large.

Legal history is replete with examples in which an action once declared constitutional or legal was later reversed. For example, the *Dred Scott* opinion of 1857 found that a black man was a “being...of an inferior order, and altogether unfit to associate with the white race...and so far inferior [that he] had no rights which the white man was bound to respect.”<sup>28</sup>

“Constitutional,” for the Saints, is not a mere legal construct, in which something becomes moral and proper (or immoral or improper) simply because an organ of the state declares it so. Rather, it is shorthand for a law consistent with the commandments of God regarding moral agency. To argue otherwise is to accept the position that the state is ultimately more important than God or individual conscience.

This raises a key issue: if the Supreme Court decisions were not “constitutional” in the sense understood by the

Saints, why did Wilford Woodruff issue the Manifesto which purported to abandon the practice of polygamy?

As already discussed, civil disobedience presupposes a number of principles. A key concept is that one may ethically disobey civil authority, but one must be prepared to accept the consequences of disobedience should they come.

The Mormons were generally aware of the laws which forbade them to practice polygamy or cohabitare; they were also aware of the legal penalties for disobedience. Their willingness to disobey also required a willingness to accept the consequences. This is an important principle—civil disobedience runs the risk of general lawlessness if other citizens see that the law may be disobeyed without risk of consequence.<sup>29</sup> The moral and political power of civil disobedience derives from the willingness of some to risk civil penalties, rather than violate their conscience. This may have the effect of mobilizing public opinion in their favor; it will ensure that the state cannot trump conscience.

The Saints were willing to suffer greatly for their faith—the civil penalties they endured under the anti-polygamy statutes were likely less onerous than the illegal rape, murder, and dispossession which they had already endured in Missouri and Illinois. But the Saints were unwilling to accept the loss of more of their faith over a part of it. Said the Manifesto of 1890:

Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws, and to use my influence with the members of the Church over which I preside to have them do likewise.<sup>30</sup>

The Manifesto nowhere concedes that the laws are constitutional in the sense understood by the Saints; it merely admits the uncontroversial fact that the courts had so declared them. President Woodruff simply expressed a willingness to discourage the practice of civil disobedience on this topic. He later explained his rationale:

The question is this: Which is the wisest course for the Latter-day Saints to pursue—to continue to attempt to practice plural marriage, with the laws of the nation against it and the opposition of sixty millions of people, and at the cost of the confiscation and loss of all the Temples, and the stopping of all

the ordinances therein, both for the living and the dead, and the imprisonment of the First Presidency and Twelve and the heads of families in the Church, and the confiscation of personal property of the people (all of which of themselves would stop the practice); or, after doing and suffering what we have through our adherence to this principle to cease the practice and submit to the law, and through doing so leave the Prophets, Apostles and fathers at home, so that they can instruct the people and attend to the duties of the Church, and also leave the Temples in the hands of the Saints, so that they can attend to the ordinances of the Gospel, both for the living and the dead?<sup>31</sup>

The Saints continued to maintain that the practice of polygamy was divinely mandated and part of their religion. However, they were generally unwilling to continue their policy of overt, public civil disobedience and risk the harsher consequences that would ensue under the Edmunds-Tucker Act and related statutes. They were forced to abandon either their public practice of plural marriage, or accept the seizure of Church assets, the cessation of temple/sealing work, *and* the public practice of plural marriage. They chose the option which did the least violence to their beliefs—for most, this was to abandon attempts to live plural marriage publicly.

It has been argued that the Church should have only used legal means—as opposed to civil disobedience—to challenge the anti-polygamy laws. This claim ignores the Saints' belief that God had commanded them to institute the practice, and that they therefore did not need anyone else's blessing. Waiting would again have required them to put secular authority over their own conscience.

Secondly, some Saints seemed to believe that the government was willing to allow some benign non-enforcement of the law. Under this view, the government would pass the laws to satisfy those who were critical of polygamy, but would not enforce the laws vigorously. When President Abraham Lincoln signed the first anti-polygamy legislation in 1862, he reportedly told Thomas B.H. Stenhouse, an LDS messenger from Salt Lake City, "You go back and tell Brigham Young that if he will let me alone, I will let him alone."<sup>32</sup> This policy of non-interference gave the Saints everything they really wanted—the right to practice their religion—and so they were likely unwilling to attract unwanted attention by protesting a law that was not being enforced.<sup>33</sup>

Thirdly, from a legal perspective, it is often impossible to challenge an unjust law until one is charged under it. Since the United States Congress was extremely unlikely to entertain any appeals from the Mormons on the subject, legislative options were out. Joseph Smith's decision to run for President of the United States—often offered by critics as evidence of megalomania—was actually a sound approach to this problem, and one of the only remaining legal avenues for redress of various injustices. It gave the Saints a legal chance (though a small one) to influence the actions of the executive and legislative branches.

The courts were therefore the only venue in which the Church might prevail—but, they had to be charged with violating the law before legal proceedings could begin and appeals made to the Supreme Court. During the American Civil Rights movement, the NAACP made a calculated decision to violate the South's bus seating laws, knowing they could be charged under the segregationist statutes. Being thus charged would then allow blacks to seek redress in the courts.

Despite their decision to use civil disobedience, the Saints also used more traditional democratic processes such as petitions to government leaders and the use of Congressional lobbyists to argue their position.<sup>34</sup>

Cautioned Gandhi:

Disobedience to be civil must be sincere, respectful, restrained, never defiant, must be based upon some well-understood principle, must not be capricious and, above all, must have no ill-will or hatred behind it.<sup>35</sup>

Clearly, the Saints met all these criteria. Only sincere conviction could have moved these New Englanders to implement polygamy. The principle upon which they stood—religious liberty—was clearly dear to their hearts, for they had repeatedly suffered enormous privations on that ground. And, Church leaders repeatedly expressed their willingness to negotiate with the United States and support its constitutional forms.<sup>36</sup>

### ***False Analogy with the “Gay Marriage” Debate***

Some have found it ironic and even inconsistent for the present-day Church to oppose legalizing “gay marriage” given its endorsement of polygamy in the past. However, this objection confuses two very separate issues.

In the case of polygamy, the Church never asked that their marital arrangements be condoned or legally recognized by the state. Nor did they ask for others to endorse their religion or lifestyle. They did not ask for legal benefits to accrue to their spouses, who were not legally “wives” in a civil sense. They asked only to be left alone, to be permitted their exercise of the rights of citizenship, and to be free from unlawful persecution. And, indeed, there was a period of détente following Abraham Lincoln's pledge to leave Brigham Young and the Mormons alone if they would leave him alone.

The Church does not dispute the civic right of those who wish to privately engage in homosexual acts to do so, though it considers such behavior unwise and sinful. Nowhere in America are gays and lesbians systemically denied the right to vote, or the right to own property and enjoy it unmolested. Unlike the nineteenth-century Mormons, the twenty-first-century homosexual community is generally free to enjoy sexual relations privately with any other consenting adult without being disenfranchised, jailed, or stalked by government agents. (Antiquated laws which remain exceptions to this rule seem destined for the scrap heap, if enforced at all, given the recent Supreme Court decision overturning Texas' sodomy laws.<sup>37</sup> Not insignificantly, the Supreme Court's decision did not require a redefinition of marriage to redress the grievances of the homosexual plaintiffs.) Homosexuals wishing to establish committed, exclusive relationships have no obstacle whatever to doing so, any more than heterosexual couples who live together out of wedlock.

“Marriage rights,” by contrast, are a request for societal endorsement and support of such relationships. Society might well legitimately choose to refuse to endorse gay marriage—or polygamous ones—and refrain from providing societal support to such relationships. This is an entirely different matter from forbidding others to exercise their personal and religious convictions and tastes privately, and harassing them with legislatures and courts. Practicing homosexuals already have the privileges which the Mormons sought in vain.

Polygamy opponents or gay marriage advocates sometimes argue that at least gay marriages are consensual, adult relationships, while polygamous practices often involved the coercion of women or marriage of the under-aged. This difference, they argue, means that polygamy ought to be banned. It should be appreciated, however, that problems such as coercion, betrayal of trust, or ‘statutory rape’ are not problems unique to polygamy, homosexuality, or any other form of intimate relationship. There are already legal

options available for controlling these ills. When they occur in monogamous societies we do not ban monogamy, but punish the specific crime.

### ***Don't Die On Every Hill***

The choice to invoke civil disobedience is always a complex one. One might fairly ask why the institutional Church chose to resist U.S. laws so strenuously in the nineteenth century, while the twenty-first century Church does not openly disobey the law in some of the world's more oppressive nations. It is even implied that the "right" to practice polygamy is a relatively trivial one, not worthy of the sacrifices made for it.

The simple answer is that the Saints considered the commandment to practice plural marriage divine and inviolable. However, as we have seen, civil disobedience presupposes that the protestor is willing, in principle, to accept the civil penalty if it should come. For example, if death is the penalty for a religious practice, one might decide that civil disobedience has too high a cost for too little gain. This is an important point, which is explored in detail in the next section, but explains why open civil disobedience was not pursued as a policy until the Saints were somewhat protected by geographical distance and isolation.

The decision to obey any law must rest with the conscience. If a key liberty is abridged, it makes little difference how many other freedoms exist. For example, the prophet Daniel was counselor to the king of Babylon, and probably had more personal freedom than the vast majority of humanity at the time.<sup>38</sup> Yet, a single law—being forbidden to pray to his God for one month—was sufficient violation of his conscience that he was not willing to say, "Oh well, I'm free in so many other ways. This infringement of my freedom is an acceptable price to pay."<sup>39</sup> I am not the first to see the parallels—President John Taylor noted that "Daniel had a political trap set for him, as we have had for us."<sup>40</sup>

Mormon polygamy was a decidedly religious institution. The next section details the degree to which anti-polygamy statutes were in fact an attack on the Church as an institution, demonstrating that the issue was never primarily about polygamy *per se*, but about the state's effort to control the religious practice of a minority.

But, beyond the religious dimensions, most would dispute the claim that the right for two adults to have consensual sexual and/or family relations unmolested by the state is a "trivial" human rights issue. There is little that is more

critical or private, as *Lawrence v. Texas* found: "intimate, adult consensual conduct...[is] part of the liberty protected by the substantive component of the Fourteenth Amendment's due process protections."<sup>41</sup> Do we really want the state in the bedrooms of its citizens? If two women want to share the same man and call it a marriage, why should we prosecute them when the same man could pick up a different woman every night for a week, and no one at the attorney general's office would blink twice? Neither case can demand social *support* for or *approval* of their lifestyle (a point which "gay marriage" advocates rarely acknowledge, much less address), but why should one be harassed and jailed while the other is left strictly alone?

John Stuart Mill, in his classic work on civil liberty, even used the "Mormonites" as an example. Mill considered the Church to be "the product of palpable imposture,"<sup>42</sup> and yet he pointed out that

Other countries are not asked to recognize such [polygamous] unions, or release any portion of their inhabitants from their own laws on the score of Mormonite opinions. But when the [Mormons] have conceded to the hostile sentiments of others, far more than could justly be demanded [by being driven out]; when they have left the countries to which their doctrines were unacceptable, and established themselves in a remote corner of the earth, which they have been the first to render habitable to human beings; it is difficult to see on what principles but those of tyranny they can be prevented from living there under what laws they please, provided they commit no aggression on other nations, and allow perfect freedom of departure to those who are dissatisfied with their ways... So long as the sufferers by the bad law do not invoke assistance from other communities, I cannot admit that persons entirely unconnected with them ought to step in and require that a condition of things with which all who are directly interested appear to be satisfied, should be put an end to because it is a scandal to persons some thousands of miles distant, who have no part or concern in it.<sup>43</sup>

### **POLYGAMY AND LYING**

Critics charge that Joseph Smith and his successors made repeated public statements in which they hid or frankly denied the practice of polygamy, despite knowledge to the contrary. It is argued that this dishonesty is morally dubious and inconsistent with the Church's purported principles.

The concept of “civil disobedience” is essential to understanding those occasions in which Joseph Smith or other Church members were not forthright about the practice of polygamy.

Like obedience to civil law, honesty and integrity are foundational values to the Church of Jesus Christ. Indeed, the success which critics have in troubling members of the Church with tales of polygamy and its deceptive circumstances is, in a way, a compliment to the Church. If the Church as an institution typically taught its members to have a casual disregard for the truth, a discovery that Joseph Smith had deceived others about polygamy would not be troubling to most. But, because the Church (contrary to the suggestions of some critics) really *does* teach its members to aspire to live elevated lives of moral rectitude, the discovery that deception was involved with polygamy can come as something of a shock. Disillusionment can ensue if we follow the critics in assuming that because Joseph occasionally misled others in this specific context, he must therefore have lied about everything else, and been absolutely unworthy of trust.

But, as we have seen, the practice of polygamy must be viewed in its moral context as an act of religious devotion which the Saints were unwilling to forego simply because the state or society disapproved.

### ***Lying About Polygamy during the Nauvoo Era***

The “lying” about polygamy that occurred in the Nauvoo period is partly related to this same civil disobedience. A real-life example is helpful. Suppose a Church member is living in Holland in the 1940s. Established laws command the deportation of all Jews to a grisly fate. A Church member might (as many brave Dutch did) decide that such a law has no moral force—indeed, it would be immoral to obey it. The Church member might further decide that he is morally bound to hide a family of Jews in his attic. One day, an SS team arrives, knocks at the door, and demands to know if the Church member knows of the whereabouts of any Jews.

The member has several choices:

1. he can decide that “honesty” is the highest moral value, and reveal the location of his Jewish guests
2. he can refuse to answer the question, by remaining silent
3. he can declare that he is not willing to comply with the request, and will not answer the question

4. he can lie to the German SS, and may also have to lie to his friends and neighbors to keep them from revealing the secret

Which is the correct moral choice? It is difficult to see how honesty can trump the lives of the Jews—so, option (1) is out. The SS officer is unlikely to go meekly on his way should one remain silent or verbally refuse to answer, so choosing either (2) or (3) will simply result in the Jews being found and the Church member and his family suffering the consequences of their disobedience to civil law. It seems to me that the most moral option—fulfilling the member’s duty to his Jewish guests, his conscience, and his family—requires that the member lie to the SS.

Remember, someone who opts for civil disobedience must accept the risk of punishment. The Dutch who were caught harboring Jews suffered greatly for their integrity—but, they apparently considered the risk of that suffering to be worth retaining that integrity. One cannot complain if one’s deception of the civil authorities is found out and punished—that is the price of civil disobedience on moral grounds. But, one is not morally obligated to participate in the prosecution of oneself or others for breaking laws one considers immoral.

An analogy to modern Church practice may illustrate some of the difficulties. Let us presume that current members of the Church have made covenants in the temple—but, not only do they covenant not to disclose certain concepts, but they promise not to disclose even the existence of the temple endowment itself. What would a Church member do if confronted publicly by an apostate with questions about matters they have promised to keep secret? Silence or a decision to “plead the Fifth” will simply play into their enemies’ hands by effectively confirming the story that the member will not deny. They cannot remain true to their covenants if they answer in the affirmative; to deny what the apostate is saying is to be deceptive.

It was in exactly this position that some Nauvoo-era members of the Church were placed. They had no ideal choices, and so did their best to follow God despite circumstances beyond their control.

### **Didn’t Joseph Deceive Church Members?**

Some are quick to point out that Joseph Smith didn’t just lie to the government or to non-members, but also deceived members of the Church. This objection ignores, of course, the point that to make the announcement publicly to the Church is the same as telling everyone.

The accusation also omits some vital information. Joseph was not trying to simply act as he pleased and keep everyone else in the dark. He was anxious to teach the principle of plural marriage to any who would accept it; Church leaders such as Hyrum Smith and the Twelve were introduced to it. This is strange behavior for a deceiver, since each of these high Church leaders was in a position to denounce and ruin him. (Joseph had ample experience with such scenarios given the earlier departure of such key figures as the Three Witnesses, and many of the original Twelve Apostles during the Kirtland-era apostasy.) One source reports that over one hundred adults were taught the doctrine in Nauvoo before Joseph's murder.<sup>44</sup>

Wouldn't it be better to simply keep quiet about polygamy if Joseph was just a libidinous leader? Joseph persisted, however, in trying to introduce others to "the Principle." He did make some efforts to teach plural marriage publicly—he seemed willing to accept the risk from non-members if the Church would support him. Heber C. Kimball wrote, in 1882:

On a certain Sabbath morning, previous to the return of the Apostles from Europe, in 1841, [Joseph] astonished his hearers by preaching on the restoration of all things, and said that as it was anciently with Abraham, Isaac, and Jacob, so it would be again, etc.<sup>45</sup>

A contemporary journal describes the reaction:

When the prophet "went to his dinner," [Joseph Lee] Robinson wrote, "as it might be expected several of the first women of the church collected at the Prophet's house with his wife [and] said thus to the prophet Joseph O mister Smith you have done it now it will never do it is all but Blassphemy you must take back what you have said to day is it is outrageous it would ruin us as a people." So in the afternoon session Smith again took the stand, according to Robinson, and said "Brethren and Sisters I take back what we said this morning and leave it as though there had been nothing said."<sup>46</sup>

Robinson feels that this reaction was not unexpected; yet, Joseph tried anyway. Note that Joseph does not come back in the afternoon and deny the doctrine; he merely withdraws it from public consideration. Upon the return of the Twelve, he would begin teaching it to them. Heber also recounted the negative reaction of Emma and others:

He spoke so plainly that his wife, Emma, as well as others were quite excited over it. Seeing the effect his sermon had upon them, he consoled them in the afternoon by saying that the time of which he had spoken might be further off than he anticipated.<sup>47</sup>

George A. Smith alluded to the same or a similar episode based upon records of those present:

The Prophet goes up on the stand, and, after preaching about everything else he could think of in the world, at last hints at the idea of the law of redemption, makes a bare hint at the law of sealing, and it produced such a tremendous excitement that, as soon as he had got his dinner half eaten, he had to go back to the stand, and unpreach all that he had preached, and left the people to guess at the matter. While he was thus preaching he turned to the men sitting in the stand, and who were the men who should have backed him up, for instance, to our good old President Marks, William and Wilson Law, and father Cowles, and a number of other individuals about Nauvoo, for this occurred when the Twelve were in the Eastern portions of the United States, and said, "If I were to reveal the things that God has revealed to me, if I were to reveal to this people the doctrines that I know are for their exaltation, these men would spill my blood."<sup>48</sup>

Joseph considered the doctrine essential for the Church,<sup>49</sup> and it would seem that he offered the Church members at least one public opportunity to hear about plural marriage, but they refused it. So, Joseph continued to teach the doctrine, but in private. Are other more faithful members to be forbidden knowledge which some refused to receive?

In the last years of his life, Joseph repeatedly bemoaned the fact that all the members would not accept that which he wanted to teach. He warned, from Liberty Jail in 1839, "where is the man who is authorized to put his finger on the spot and say, thus far thou shalt go and no farther: there is no man. Therefore let us receive the whole, or none."<sup>50</sup> Wilford Woodruff quoted Joseph in 1841:

"Some say Joseph is a fallen Prophet because he does not bring forth more of the word of the Lord," he acknowledged in a December 1841 meeting with the Twelve. "Why does he not?" he then asked. "Are we able to receive it? No (says he) not one in this room."<sup>51</sup>

Joseph noted in 1843 that “many seal up the door of heaven by saying so far God may reveal and I will believe but no further.”<sup>52</sup>

These factors add a new moral wrinkle to the issue: what is a prophet to do if the majority of people are not yet ready to accept a teaching? Should he announce it publicly anyway, risking the wrath of violent opponents who will seek to prevent him from teaching anything at all? Should he teach nothing, and allow the less-faithful to decide that the more-faithful may not enjoy revelation from God? Or, should he opt for Joseph’s approach—keep the doctrine private, and introduce it as people will accept it?

Critics who refuse to believe in modern prophets will find such a question pointless. But, if we give Joseph the benefit of the doubt before condemning him, this is an issue which we *must* confront.

As George A. Smith indicated, it is a problem with no neat, pat solution. Of the Kirtland Temple period, which he then applied by analogy to apostate William Law and polygamy, Smith said:

If the Lord had on that occasion revealed one single sentiment more, or went one step further to reveal more fully the law of redemption, I believe He would have upset the whole of us. The fact was, He dare not, on that very account, reveal to us a single principle further than He had done, for He had tried, over and over again, to do it... He was determined this time to be so careful, and advance the idea so slowly, to communicate them to the children of men with such great caution that, at all hazards, a few of them might be able to understand and obey.<sup>53</sup>

### **Secrecy, Polygamy, and Threats of Violence against the Saints**

One prominent source on Mormon polygamy indicates that secrecy was the only feasible tactic for establishing polygamy in the nineteenth-century American west. Richard Van Wagoner notes both the illegality of polygamous marriage and the social opposition to it:

Polygamy, a criminal act under the 1833 Illinois Anti-bigamy Laws, was so unacceptable to monogamous nineteenth-century American society that Joseph could introduce it only in absolute secrecy.<sup>54</sup>

The civil disobedience perspective is again important, but the extreme taboo of polygamy to Joseph’s contempo-

raries—understandable given the Victorian sensibilities of nineteenth-century America—points to another difficulty which we have not yet considered.

Emma Smith (no fan of polygamy) insisted that Joseph and Hyrum’s murder was due to polygamy.<sup>55</sup> Even so, Emma’s assertion must be taken with a grain of salt—her opposition to polygamy later led her to deny that her husband had ever practiced it at all, which makes it difficult for plural marriage to have been the cause of his murder, as she initially claimed.<sup>56</sup> Yet, there can be no doubt that Joseph knew that he risked his life—and lives of his followers—in preaching or practicing polygamy. Sarah M. Kimball recalled Joseph’s attitude in 1842:

“He [Joseph] said in teaching this [polygamy] he realized that he jeopardized his life; but God had revealed it to him many years before as a privilege with a blessing, now God had revealed it again and instructed him to teach it with commandment as the Church could travel (progress) no farther without the introduction of this principle.”<sup>57</sup>

Louisa Beaman likewise reported that Joseph said, “In revealing this to you, I have placed my life in your hands, therefore do not in an evil hour betray me to my enemies.”<sup>58</sup> Jane Richards recalled that Joseph’s revelation on plural marriage “should [be]...without publicity at this time,” since “mob spirit was already quite excited.”<sup>59</sup>

Polygamy certainly did not cause all the persecution which the Saints endured at Nauvoo. As Wilford Woodruff noted, they had suffered persecution before polygamy was an issue at all:

“Why,” says the world, “you profess to believe in polygamy, and that is why you are persecuted.” No, you are mistaken about that. The worst persecution this Church ever endured was before polygamy was revealed to the Church. We have had more prosperity since we carried out that law, and endeavored to fulfill it according to the command of God, than we ever had as a people before.<sup>60</sup>

This was not mere wishful thinking on Wilford Woodruff’s part. In 1877, J.H. Beadle, participant in the publication of much anti-Mormon material during the Utah period,<sup>61</sup> wrote:

the Mormons had more trouble with the world before they adopted polygamy than since...Polygamy

will do for a scapegoat, but the trouble is far more radical than that.<sup>62</sup>

Despite this, polygamy did certainly help set off the powder-keg that was Nauvoo. When Hyrum Smith read the revelation on plural marriage to the Nauvoo stake presidency and high council, William Marks, Austin Cowles, and Leonard Sobey refused to support it.<sup>63</sup> William Law, his brother Wilson, and others used the *Nauvoo Expositor* issue of 7 June 1844 to detail Joseph's polygamous practices, and to charge him with various crimes, labeling him a "blood thirsty and murderous... *demon*... in human shape"<sup>64</sup> and "a sycophant, whose attempt for power find no parallel in history... one of the blackest and basest scoundrels that has appeared upon the stage of human existence since the days of Nero, and Caligula."<sup>65</sup>

The Nauvoo city council's decision to suppress the *Expositor*, while legal for the day,<sup>66</sup> worsened a tense situation, and led directly to Joseph's surrender, incarceration, and murder.<sup>67</sup> Orson Hyde looked back on the Nauvoo days and indicated what the consequences of disclosure would have been:

In olden times they might have passed through the same circumstances as some of the Latter-day Saints had to in Illinois. What would it have done for us, if they had known that many of us had more than one wife when we lived in Illinois? They would have broken us up, doubtless, worse than they did.<sup>68</sup>

It is thus important to realize that the public preaching of polygamy—or announcing it to the general Church membership, thereby informing the public by proxy—was simply not a feasible plan. There is a moral obligation to avoid death and suffering, and Joseph's decision to hide polygamy from the public likely avoided precipitating violence that would have claimed some of his followers and the non-members in Illinois.

### Lying and Biblical Prophets

In any discussion of polygamy during the Nauvoo period—particularly as it relates to the secrecy and purported lies that surround its introduction—questions inevitably turn toward the biblical record. Critics often indicate that biblical prophets were never called upon to engage in lying or to make public statements at odds with private behavior.

LDS authors often cite the examples of Abraham<sup>69</sup> and Isaac,<sup>70</sup> both of whom deceived others about their mari-

tal status for their own protection, as biblical precedent for polygamy and its deceptions. There are, however, examples recorded in Exodus that are more on-point to the situation in Nauvoo.

The first is an example of civil disobedience sanctioned by God. It involves Pharaoh's murderous instructions to the Egyptian midwives:

16 And he said, When ye do the office of a midwife to the Hebrew women, and see *them* upon the stools; if it *be* a son, then ye shall kill him: but if it *be* a daughter, then she shall live.

17 But the midwives feared God, and did not as the king of Egypt commanded them, but saved the men children alive.

18 And the king of Egypt called for the midwives, and said unto them, Why have ye done this thing, and have saved the men children alive?

19 And the midwives said unto Pharaoh, Because the Hebrew women *are* not as the Egyptian women; for they *are* lively, and are delivered ere the midwives come in unto them.<sup>71</sup>

The midwives are confronted with a command from the head of state which offends their personal/professional morality. They decline to participate, and actively deceive the Pharaoh—they even lie to him or his officers so that the deception may continue, as well as to (one assumes) spare themselves his punishment. The subsequent verses indicate God's approval of their action—honesty is not the primary moral value: obedience to the will of God is.

The second example comes from the prophetic call of Moses. The Lord speaks to Moses and says:

17 And I have said, I will bring you up out of the affliction of Egypt unto the land of the Canaanites, and the Hittites, and the Amorites, and the Perizzites, and the Hivites, and the Jebusites, unto a land flowing with milk and honey.<sup>72</sup>

The Lord announces His intention to liberate the Israelites from slavery. But, in the very next breath, He tells Moses what to tell Pharaoh—what the "public story" should be, if you will:

18 And they shall hearken to thy voice: and thou shalt come, thou and the elders of Israel, unto the king of Egypt, and ye shall say unto him, The LORD

God of the Hebrews hath met with us: and now let us go, we beseech thee, three days' journey into the wilderness, that we may sacrifice to the LORD our God.<sup>73</sup>

The “public stance” of Moses and the Israelite leaders is to be that they only want to go three days' journey to sacrifice. So, here the Lord is advocating some degree of deception. This extends to even deceiving their Egyptian neighbors:

21 And I will give this people favour in the sight of the Egyptians: and it shall come to pass, that, when ye go, ye shall not go empty:

22 But every woman shall borrow of her neighbour, and of her that sojourneth in her house, jewels of silver, and jewels of gold, and raiment: and ye shall put *them* upon your sons, and upon your daughters; and ye shall spoil the Egyptians.<sup>74</sup>

Because they are just going to make sacrifices, in the public version, the Israelites are to “borrow” valuable goods from the Egyptians. But, the true intent is clearly spelled out: they are to “spoil” (i.e. “loot”) the Egyptians.<sup>75</sup>

Pharaoh is, of course, nobody's fool. He seems to strongly suspect that there is more to the story than Moses is publicly admitting. He offers all sorts of compromise positions, seemingly designed to assure that the slaves will return after fulfilling their duties.<sup>76</sup>

Things proceed to the point that Pharaoh threatens Moses' life despite the plagues and signs.<sup>77</sup> The people are finally freed, but once they have left Pharaoh and his councilors decide to resort to violence and slaughter:

5 And it was told the king of Egypt that the people fled: and the heart of Pharaoh and of his servants was turned against the people, and they said, Why have we done this, that we have let Israel go from serving us?

6 And he made ready his chariot, and took his people with him:

7 And he took six hundred chosen chariots, and all the chariots of Egypt, and captains over every one of them.

8 And the LORD hardened the heart of Pharaoh king of Egypt, and he pursued after the children of Israel: and the children of Israel went out with an high hand.<sup>78</sup>

We are not told why the Lord instructed Moses to deal with the Egyptians in the way that he did. It is significant that Moses did not take such an approach on his own; only a direct command motivates his less-than-forthright behavior.

One can speculate, however—it is certainly reasonable to think that the Egyptians would have murderous intent toward their slaves who presumed to leave. They are willing to act on such inclinations, despite the plagues, when it becomes indisputable that Israel has left for good. If Moses had announced that Israel was leaving, what would the reaction of Pharaoh's court have been? Moses' failure to tell the whole story may well have saved Egyptian life, as well as Israelite. To be sure, God could have used another way. But, in this instance, deception was the specific tactic which He commanded.

Anti-Moses authors could doubtless exploit this situation to great rhetorical effect—they could mock Moses' “ethical lapse” here, and insist that he did it all for monetary gain. They could contrast his behavior here with the “thou shalt not covet,” “thou shalt not bear false witness,” and “thou shalt not steal” commands given later at Sinai, and point out that “borrowing” when you don't ever intend to come back looks a lot like “stealing.”

But, all these attacks—like the attacks on Joseph—beg the question. They presume at the outset that Moses is not a prophet. The highest duty for a prophet—or anyone—is to obey the word of the Lord.

### Lying for the Lord?

Critics have long charged the LDS with organizationally and systematically “lying for the Lord,” equating such with a policy of using any means necessary to achieve some “good” goal. I do not believe that the biblical record advocates such a policy, but it does advocate obeying the Lord. One does not use ethically questionable tactics because one believes the “end justifies the means.” Elder Dallin H. Oaks repudiated any such doctrine within the Church, specifically in the context of polygamy:

Some have suggested that it is morally permissible to lie to promote a good cause. For example, some Mormons have taught or implied that lying is okay if you are lying for the Lord... As far as concerns our own church and culture, the most common allegations of lying for the Lord swirl around the initiation, practice, and discontinuance of polygamy. The whole experience with polygamy was a fertile

field for deception. It is not difficult for historians to quote LDS leaders and members in statements justifying, denying, or deploring deception in furtherance of this religious practice.<sup>79</sup>

Elder Oaks then reaches the key point: there will be times when moral imperatives clash. Do you save your family and the Jews you are hiding, or do you tell the Nazis the truth? Do you break up polygamous families, abandon wives without support, or tell the whole truth? One cannot do both—that is not an option. Elder Oaks notes:

My heart breaks when I read of circumstances in which wives and children were presented with the terrible choice of lying about the whereabouts or existence of a husband or father on the one hand or telling the truth and seeing him go to jail on the other. These were not academic dilemmas. A father in jail took food off the table and fuel from the hearth. Those hard choices involved collisions between such fundamental emotions and needs as a commitment to the truth versus the need for loving companionship and relief from cold and hunger.

My heart also goes out to the Church leaders who were squeezed between their devotion to the truth and their devotion to their wives and children and to one another. To tell the truth could mean to betray a confidence or a cause or to send a brother to prison. There is no academic exercise in that choice!<sup>80</sup>

The actions of wicked people may place the Saints in conditions in which they cannot fulfill all the ethical demands upon them. In such difficult circumstances, only revelation—to the Church collectively and to individuals—can hope to show us what God would have us do. Judging such cases is extremely difficult; it is also hypocritical for Church critics to point out such instances without providing the context which underlay their choices, and which made them so wrenching. As Elder Oaks continued:

I do not know what to think of all of this, except I am glad I was not faced with the pressures those good people faced. My heart goes out to them for their bravery and their sacrifices, of which I am a direct beneficiary. I will not judge them. That judgment belongs to the Lord, who knows all of the circumstances and the hearts of the actors, a level of comprehension and wisdom not approached by even the most knowledgeable historians.<sup>81</sup>

Each case must be judged on its merits. Did some Church members or leaders make wrong choices? Probably—they and we do not claim any inerrancy. In the main, however, I think it clear that Church members did not “lie” or “deceive” because it was convenient, or because it would advance “the cause.” They lied because moral duties conflicted, and they chose the option which did the least harm to their ethical sense. Happily, they had personal revelation to guide them. Concludes Elder Oaks:

I ask myself, “If some of these Mormon leaders or members lied, therefore, what?” I reject a “therefore” which asserts or implies that this example shows that lying is morally permissible or that lying is a tradition or even a tolerated condition in the Mormon community or among the leaders of our church. That is not so.<sup>82</sup>

Given the fact that some Church leaders did deceive others concerning polygamy, it is reasonable to wonder whether such leaders also lied about other matters. Fortunately, a key doctrine of the Church is that no one should have to take anyone else’s word for something—“that man should not council his fellow man, neither trust in the arm of flesh—but that every man might speak in the name of God the Lord, even the savior of the world.”<sup>83</sup> This doesn’t apply to polygamy alone; every discussion of testimony includes it. Joseph made numerous other claims that might make us skeptical: appearances of God and Jesus, angels, gold plates, and everything else. Said he:

Search the scriptures—search the revelations which we publish, and ask your Heavenly Father, in the name of His Son Jesus Christ, to manifest the truth unto you, and if you do it with an eye single to His glory nothing doubting, He will answer you by the power of His Holy Spirit. You will then know for yourselves and not for another. You will not then be dependent on man for the knowledge of God; nor will there be any room for speculation.<sup>84</sup>

No Church member is obliged to blindly believe leaders, past or present, but we ought to at least consider their decisions with a hint of charity, and recognize the many factors that may have contributed to their choices, especially when we know so little about some of them.

### ***Lying About Polygamy in Utah, Prior to 1890***

Gandhi pointed out that a moral civil disobedience campaign required an atmosphere of relative safety:

It should be obvious that civil resistance cannot flourish in an atmosphere of violence. This does not mean that the resources of [resistance] have come to an end. Ways other than civil disobedience should be found out.<sup>85</sup>

Illinois certainly fits this description—the threat of violence was always present, and eventually materialized. However, once the Church had relocated to Utah, the Saints could be more open about the practice of polygamy without as grave a threat to the innocent. Lorenzo Snow’s journal, which detailed the exodus from Illinois, noted that

we felt greatly to rejoice in having accomplished this much towards freeing ourselves from the land of Gentile oppression, and we felt as tho’ we could breath more freely and speak one with another upon those things where in God had made us free with less carefulness than we had hitherto done.<sup>86</sup>

The first official announcement was made in 1852, yet Brigham Young told the territorial legislature in 1851 that “I have many [wives] and I am not ashamed to have it known.”<sup>87</sup> Any fears which Joseph or others might have had about the Saints’ safety if polygamy was announced would seem to have been well-founded. B.H. Roberts noted:

That at the first [the official announcement of plural marriage] gave the opponents of the work great advantage, may not be doubted; for from every foreign mission came reports of increased opposition resulting in many cases in mob violence.<sup>88</sup>

Throughout the latter half of the nineteenth century, the Church was well-known for its polygamous practices. Despite increasing legal pressure, the members continued their practice of civil disobedience. The announcement of the Manifesto of 1890 introduced a new set of problems. As Elder Dallin H. Oaks noted:

It is clear from the record of history that Joseph Smith introduced the doctrine and practice of polygamy to a select few in the 1830s and 1840s, but it was not announced publicly by the church until the revelation was read aloud at a Church conference in Salt Lake City in 1852. It is also clear that during the federal prosecutions of the 1880s, numerous Church leaders and faithful members were pursued, arrested, prosecuted, and jailed for violations of various laws forbidding polygamy or cohabitation.

Some wives were even sent to prison for refusing to testify against their husbands, my grandfather’s oldest sister being one of them.

It is also clear that polygamy did not end suddenly with the 1890 Manifesto. Polygamous relationships sealed before that revelation was announced continued for a generation. The performance of polygamous marriages also continued for a time outside the United States, where the application of the Manifesto was uncertain for a season. It appears that polygamous marriages also continued for about a decade in some other areas among leaders and members who took license for the ambiguities and pressures created by this high-level collision between resented laws and revered doctrines.<sup>89</sup>

We should also not view this period as one of all “good guys” (Mormons) on one side, and all “bad guys” (politicians, judges, and non-Mormons) on the other. As one author reminds us:

The federal antagonists were not all of one stripe and were not all animated by a general resentment against Mormonism as a religion...Some of the federal participants who enforced the anti-polygamy laws most strictly were honorable men, in high esteem in their home communities...but who held no secret agenda of wishing to put down or destroy Mormonism as a religion...Some were good men and some were very bad.<sup>90</sup>

Nor, of course was untoward opposition unusual for the Church. Missouri governor Daniel Dunklin “wondered why, in an era full of imposters and fanatics, the Mormons alone were deprived of their rights.”<sup>91</sup> And, *Scribner’s Monthly* referred to the “anomalous” treatment which the Mormons received: “Americans have but one native religion [Mormonism] and that one is the sole apparent exception to the American rule of universal toleration.”<sup>92</sup>

### Conditions Preceding the Manifesto of 1890

The decades prior to the Manifesto saw increasingly stringent legal efforts made to punish the Saints for the practice of plural marriage. This violation of what they perceived to be their rights of worship only solidified the Mormons’ idea that the U.S. government and many non-members were engaged in an all-out war against the Church. The Saints did not understand this in just a rhetorical sense, but considered themselves the victims of a war of aggression sometimes being waged with legislatures and court cases

instead of bayonet and canon. At times, it was also a war of armies and weapons, as in the “Utah War” of 1852, or in the Missouri expulsion. But, from the Saints’ perspective, the legislative efforts were simply a different weapon chosen by their enemies to achieve the same goal—the destruction of the Church.

Said John Taylor in 1857:

Why, they are in storm and trouble every way in the United States, and here is the most perfect peace and the best morality that can be found in the world by a thousand-fold: yes, it is a thousand-fold better than I have seen in any part of the earth where I have been. There is not a place that can compare with it; and nothing but the very Devil himself could inspire the hearts of the children of men to make war against such a people as this.<sup>93</sup>

Thus, for the Mormons, there *was* a war on, and it was driven by evil influences. This understanding was not an isolated one, and it persisted throughout the decades prior to the Manifesto. Consider the following quotes, from the years shown:

**1863:** The light of the Spirit of God is withdrawn from [the political rulers of the world] and they cannot see their way. They are tremulous because of the present political complications; they know not God, but “their hearts fear because of those things that are coming on the earth.” Without revelation they can only look upon things upon natural principles and dread the result. We know what will be the final ultimatum of the work in which we are engaged, and also what will be the fate of those who make war against it, and of the nations who reject the Gospel when it is sent to them.<sup>94</sup>

**1865:** The Latter-day Work which we represent will bind the power of the devil which has held sway among the children of men for 180 generations. Then it is not strange that the devil should become mad and stir up the wicked to make war against it...<sup>95</sup>

**1873:** [T]he devil...has inspired the hearts of a great many men, since the Gospel was restored to the earth, to make war against us.<sup>96</sup>

**1880:** Thus sayeth the Lord unto my servant Wilford Woodruff, I have heard thy prayer, and will answer thy petition. I will make known unto thee my will Concerning the nations who encumber the

land of promise, and also concerning Zion and her inhabitants... The devil is ruling over his kingdom and my spirit has no place in the hearts of the rulers of this nation, and the devil stirs them up to defy my power and to make war upon my saints.<sup>97</sup>

**1884:** I want the world; I want the Christian world; I want the priests of the day who cry aloud for the blood of innocence to be shed to carry out their desires—I want these priests and all who are laboring to overthrow “Mormonism,” to carefully inquire, whether those prophets were inspired of God. And if they were inspired of God, whether it is right for them to make war against the work of God in the earth?... the question is, whether this warfare against God and against His work is going to prevail?... These are eternal truths, as the God of heaven lives, and they will prevail whether men believe them or not, or whether the wicked war against them or not.<sup>98</sup>

**1886:** The circumstances which surround us, though in many respects painful and trying, are not such as to discourage the faithful Saint. We have been taught to expect just such scenes as these through which we are passing, or, at least, just such opposition as we now have to contend with. ... Not only have the Prophets in our day spoken about the events which should take place in connection with the latter-day work and the opposition it would have to contend with, but the Prophets of old foretold with accuracy and minuteness that the people of God should be few and their dominions should be small, because of the wickedness of “the great whore” which should make war against them. But notwithstanding that the multitudes of the earth should fight against the Church of the Lamb of God, the power of God would descend upon the Saints and upon His covenant people; and they should be armed with righteousness and with the power of God and great glory... Therefore, in this contest which is forced upon us we do not wage a defense that is hopeless.<sup>99</sup>

And, wrote Wilford Woodruff in his journal on New Year’s Eve, 1889:

Thus Ends the year 1889 And the word of the Prophet Joseph Smith is beginning to be fulfilled that the whole Nation would turn against Zion and make war upon the Saints. The nation has never been filled so full of lies against the Saints as to

Day, 1890 will be an important year with the Latter Day Saints & American nation.<sup>100</sup>

Nor was this perspective restricted to the upper echelons of Church leadership. Warren Foote, a Utah polygamist, wrote in his diary:

This war was waged against the Latter Day Saints, because they believed in prophets and professed to have revelation from God. This was the statement of General Clark in his address to the Saints at Far West, after the surrender... [With the announcement of the Manifesto] I suppose they will conjure up something else in order to keep up their warfare.<sup>101</sup>

Clearly, the Saints saw themselves as the non-aggressors in a relentless war by their enemies, whom they were convinced were motivated primarily by religious bigotry. Further, it seemed clear to them that their enemies would use either armed force or the legislature to accomplish their purposes. And, the anti-polygamy battles of the second half of the nineteenth century were a continuation by different means of the same war which had been waged in Missouri and Illinois during the first half.

### How Critics Viewed Mormons Prior to the Manifesto of 1890

Many of the politicians or judges with whom the Saints had to interact in the pre- and post-Manifesto periods had a history of anti-Mormon activism. As one book reviewer noted:

As I have moved frequently from the texts to the biographical registers in these volumes, I have... noticed how many of the enemies of Joseph Smith and the Church were, post-1844, governmental officials, lawyers, and judges.<sup>102</sup>

John Stuart Mill's *On Liberty* gives ample witness to the intent of the anti-polygamy sentiment:

What here concerns us is, that...its prophet and founder was, for his teaching, put to death by a mob; that others of its adherents lost their lives by the same lawless violence; that they were forcibly expelled, in a body, from the country in which they first grew up; while, now that they have been chased into a solitary recess in the midst of a desert, *many in this country openly declare that it would be right* (only that it is not convenient) to send an expedition against them, and *compel them by force to*

*conform to the opinions of other people.* The article of the Mormonite doctrine which is the chief provocative to the antipathy which thus breaks through the ordinary restraints of religious tolerance, is its sanction of polygamy; which, though permitted to Mahomedans, and Hindoos, and Chinese, seems to excite unquenchable animosity when practised by persons who speak English, and profess to be a kind of Christians.<sup>103</sup>

It seems clear that the belief that the Congress was out to “get” the Mormons was not an entirely one-sided perception based on nothing but Mormon fanaticism. Mill clearly understood that the underlying intent was to compel religious conformity.

Some of the Mormons’ enemies saw things in the same terms. In 1880, for example, Protestant minister Thomas DeWitt Talmage told the U.S. Congress:

Mormonism will never be destroyed until it is destroyed by the guns of the United States government... If the Mormons submit to the law—all right. If not, then send out troops... and let them make the Mormon Tabernacle their headquarters, and with cannons of the biggest bore, thunder into them the seventh commandment.<sup>104</sup>

Reverend Talmage was not shy, either, about associating the Mormons with other crimes besides adultery. Upon the assassination of President Garfield, Talmage preached a sermon in Brooklyn and noted:

If the death of Garfield shall arouse the nation to more hatred of that institution of Mormonism... he will not have died in vain. [The murderer’s identity was unclear, but for Talmage, the assassin]... had the ugliness of a Mormon, the licentiousness of a Mormon, the cruelty of a Mormon, the murderous spirit of a Mormon.<sup>105</sup>

And, Reverend George Whitfield Phillips of Plymouth Church in Massachusetts opined that the nation must deal with polygamy as vigorously as it had dealt with slavery: “I do not think it strange when we recall the Divine method of dealing with great social wrongs, that this Mormon problem is laid at the doors of the American people.”<sup>106</sup>

It would seem the Saints were not just being paranoid—there really were religiously motivated leaders with political power willing to attack the Saints militarily or legislatively as required to destroy Mormonism.

A review of some of the Congressional debate regarding polygamy is useful; it becomes abundantly clear that the intent of the legislature went far beyond curbing the Saints' marriage practices.<sup>107</sup>

The arrival of Johnson's army in 1858 did not help the Saints' opinion of the United States. Members of the Church clearly felt threatened by the use of military power against them, which they had already experienced in Missouri and Illinois. From their perspective, even geographically isolated as they were, their enemies seemed determined to pursue them.

Federal judges appointed between 1852–1856 were ill-chosen, since they do not appear to have been men of high moral character:

If it was true that the magistrates appointed by the United States were held in contempt, there was sufficient provocation. Two of them...deserted their posts, a third was probably an opium-eater, a fourth a drunkard, a fifth a gambler and a lecher.<sup>108</sup>

Of the worst federal judge, William Wormer Drummond, Terry Givens wrote:

[He] was a libertine with an exhibitionist flair. Bringing in tow a Washington prostitute, who shared his bench as well as his bed (he had abandoned his family in Illinois), Drummond flouted Mormon mores while endeavoring to establish federal judicial authority. After two years of contention [he and other judges] returned to Washington, furious and intent on revenge.<sup>109</sup>

Given that many of their enemies tolerated or availed themselves of mistresses or prostitutes, the Mormons may perhaps be forgiven for feeling that they were being singled out on unfair grounds.<sup>110</sup> That polygamy was used as the rationale struck some members as hypocritical, especially given that President Buchanan "fondles or has administered to six or more 'Cyprians' [prostitutes]"<sup>111</sup> as Brigham Young wrote to John Taylor, hoping that this would lead Buchanan to treat the Mormon polygamists with some leniency. It was not to be, since Buchanan considered the Mormons to be a "deluded people," whose "frenzied fanaticism" was evident in their doctrines which were "deplorable...and revolting to the moral and religious sentiments of all Christendom."<sup>112</sup>

Clearly, from the outset there were religious motivations behind the attacks on polygamy:

In 1854, one legislator implored Congress: "Let us, as Christians, follow and legislate the doctrines of Christ, not of Joe Smith; let us take the holy Gospel, not the Book of Mormon....Let us nip this evil in the bud, for the sake of morality, religion, and Christianity."<sup>113</sup>

It appears that in the minds of at least some of those in the East, the Mormons were beyond the pale—they did not worship Christ and were not Christian, did not follow "the holy Gospel," and were an offense to religion itself. Such individuals saw no problem with imposing their religious views through the power of the state.

In 1856 the new Republican Party conducted its first congressional campaign on a platform for the abolition of "those twin relics of barbarism, polygamy and slavery."<sup>114</sup>

Unable to alienate his Southern base by opposing slavery, [Democratic] President Buchanan began to see the political potential of the antipolygamy movement. In 1857, a Southern Democratic organizer wrote to the President: "I believe that we can supercede the Negro-Mania with the almost universal excitements of an Anti-Mormon crusade.... [T]he pipings of Abolitionism will hardly be heard amidst the thunders of the storm we shall raise."<sup>115</sup>

Quite simply, Mormons were less popular than slaveholders, and therefore ready targets. This was especially true because politicians of the time did not see the First Amendment as applying to the Mormons. Only traditional Christian faiths were to be protected, as an 1860 House of Representatives report makes chillingly clear—even "Hindoos" and "Hottentots" did not deserve the name of "religions":

The moral sense of our own people, as well as of every refined and intelligent community upon the habitable earth, has been shocked by the open and defiant license which, under the name of religion and a latitudinous interpretation of our Constitution, has been given to this crime in one of our Territories. ... The citizens of Utah, "with a high hand and an outstretched arm," laugh to scorn the sacredness of the Bible and the majesty of our laws.... It would, perhaps, require no elaborate statement to demonstrate that the framers of the Constitution,... when they declared "Congress shall make no law respecting the establishment of religion or the free exercise thereof," [sic] they did not mean to dignify with the name of religion a tribe of Latter Day

Saints disgracing that hallowed name, and wickedly imposing upon the credulity of mankind.... It is more than probable that by the term religion they meant only to convey the idea of a belief founded upon the precepts of the Bible; and holding it to be a common and established standard of faith, they did not design that any discrimination should be made in favor of one denomination of Christians over another, but surely they never intended that the wild vagaries of the Hindoo or the ridiculous mummeries of the Hottentot should be ennobled by so honored and sacred a name.<sup>116</sup>

The legislature refused to believe the Mormons' report about their religion and beliefs. Furthermore, they asserted that the Constitution was only intended to protect "Christians," which should give Muslims, Jews, and secular humanists pause even as the Mormons are ejected from Christendom.

Legislatures made ample use of 'yellow journalism' and absurd charges to demonize the Mormon enemy: Representative Thomas A.R. Nelson of Tennessee quoted a *Nashville Daily News* (25 March 1860) article which cited John Cradlebaugh, an associate justice of the Utah territorial supreme court:

Incest is common. Sometimes the same man has a daughter and her mother for wives at once... The first thing they [polygamous offspring] do, after learning vulgarity, is to wear a leather belt with a butcher-knife stuck in it; and the next, is to steal from the Gentiles... [then] are fit to steal, rob, and murder emigrants. The women and girls are coarse, masculine, and uneducated, and are mostly drafted from the lowest stages of society.<sup>117</sup>

Polygamy continued to serve as a convenient whipping boy for those whose true target was the Church itself, as one of them candidly admitted:

Some non-Mormon men... admitted that polygamy was not the most important issue. Fred T. Dubois, a longtime activist against polygamy and Utah statehood, later wrote that "those of us who understood the situation were not nearly so much opposed to polygamy as we were to the political domination of the church. We realized, however, that we could not make those who did not come actually in contact with it, understand what this political domination meant. We made use of polygamy, in consequence,

as our great weapon of offense and to gain recruits to our standard."<sup>118</sup>

Ralph Waldo Emerson understood clearly the hypocrisy often at work in the anti-polygamy crusade:

Nothing is so hypocritical as the abuse in all the journals—& at the South, especially,—of Mormonism... These men who write the paragraphs in the "Herald" & "Observer," have just come from their brothel, or, in Carolina, from their Mulattoes [sic].<sup>119</sup>

The fever pitch against Mormons and polygamy fueled a series of legislative acts, and the acts served to fuel the fever. A review of the legal measures taken against the Saints is instructive.<sup>120</sup>

### The Morrill Act

Vermont Republican Justin S. Morrill outlined the rationale for the anti-polygamy assault in 1856:

So great is the necessity for some decisive legislation, if there are any who hesitate, I would say to them, as did Jefferson, at the time Louisiana was acquired, that they should "throw themselves on their country" "casting behind them metaphysical subtilities, and risking themselves like faithful servants."

There is no purpose to interfere with the most absolute freedom of religion, nor to intermeddle with the rights of conscience; but the sole design is to punish gross offenses, whether in secular or ecclesiastical garb; to prevent practices which outrage the moral sense of the civilized world, and to reach even those "who steal the livery of the court of Heaven to serve the Devil in."<sup>121</sup>

For Morrill, there is clearly a religious dimension, and he preemptively dismisses any attempt that might be made to discuss the "metaphysical subtilities" concerning the free exercise of religion that motivated the Mormons. Unfortunately for Morrill,

[t]he growing [modern] recognition that law is not autonomous from politics or morals and that legal reasoning is essentially the same as political reasoning or moral reasoning suggests also that legal choices necessarily implicate political and moral commitments. When [we] refuse to consider the

substance behind the moral claims of the civilly disobedient, [we] are making an important political and moral choice—a choice that usually favours those in power.<sup>122</sup>

Rather than consider such perspectives, this was to be a crusade:

[A congressional committee in 1860] placed this expansive interpretation upon the authority of the national government over the territories of the United States: “It is competent for Congress to declare any act criminal which is not sanctioned or authorized by the provisions of the Constitution.”<sup>123</sup>

Rather than having the people retain any rights not forbidden or circumscribed by the Constitution, this declaration is ominous in its claim that there are no acts which cannot be criminal if not “sanctioned or authorized by... the Constitution.” And, the legislation was specifically tailored to apply only to the Mormons:

The Morrill Act also prohibited corporations of religion from holding real estate in the territories that exceeded \$50,000 in value. That this provision was directed at the Church and no other body is evident from the legislative record. Just days before the bill was passed in the House, one member expressed in panic that section 3 would affect corporate bodies other than the Mormon Church, in that he “should not be at all surprised if it were ascertained that the Catholic Church in the city of Santa Fé [sic] owns real estate in the amount of more than fifty thousand dollars.” However, once it was determined that for technical reasons the Act would not apply to the Catholic Church’s property holdings, concern over the provision evaporated.<sup>124</sup>

And, the legislators were not shy about admitting that their aim was not the elimination of polygamy or bigamy per se, but only to prevent the Mormons from practicing it:

This bill [the Morrill Act] proposes, ostensibly, to prescribe penalties for the punishment of the crime of polygamy, or bigamy, in the Territories of the United States. Its real purpose is to reach this offense in the Territory of Utah, where it is practiced, as an abomination in the sight of God and man...<sup>125</sup>

The Congress refused to believe that any religious sentiments were involved at all:

It is not true that polygamy pretends to any religious sanction. It is not true that the Mormons practice it as a pious observance.<sup>126</sup>

And, lest the reader presume that anti-polygamy measures were governed solely by moral outrage against the Saints’ marital practices, Representative Emerson Etheridge of Tennessee announced the underlying intent of the legislation:

the moral sense of my constituents of all parties demands it [the passage of anti-polygamy legislation, and] *posterity is interested in the extirpation of Mormonism in Utah.*<sup>127</sup>

The ultimate goal was clear, and baldly stated—to destroy the Church.

[E]ven in this first legislation [the 1862 Morrill Act], while the most flamboyant rhetoric was aimed at polygamy, Congress’s target was as much the social power of the Mormon church as Mormon practices. Two of the Morrill Act’s three sections were aimed not at polygamy, but at the church’s corporate structure and economic power. This was not surprising, given Congress’s distorted perception of the Mormons. The 1860 congressional debates, the only period of intensive examination, contained a rambling indictment of all sorts of purported Mormon practices and beliefs... Indeed, Congress devoted little attention to balancing the rights of the Mormons against the proposed legislation, instead using lurid press accounts to dehumanize the Mormons and portray the church as little more than a bandit gang.<sup>128</sup>

An appreciation that the war against polygamy really was a war—which aimed to “extirpate Mormonism”—provides a crucial piece of the puzzle for understanding the Saints’ and their leaders’ actions before and after the Manifesto. As already discussed, truth-telling is a high moral duty, but it is not an absolute one. Warfare is commonly recognized as a condition under which honesty may not be a virtue, but may actually be immoral.

We would think very little of a soldier who, in conversation with the enemy, disclosed the location of ammunition dumps, troop movements, and strategic plans. We would honor, not shun, the man who lied under duress or torture when asked about his nation’s war-related information.

The Saints considered themselves in a war—a war they had not started, did not want, and did not deserve. They considered themselves out-manned and out-gunned, both militarily and legislatively. Their only consolations were that they had the support of heaven, were fighting for civil rights which they considered the common heritage of all Americans, and were not the aggressors.

It is therefore not surprising that some did not consider making false statements to legal or governmental authorities to carry great moral stigma. They did not see themselves as represented within the system, or having a fair chance against the system. The system was, in Mormon eyes, utterly corrupt in the uses to which it was being put: to deny them religious rights more precious than anything. Government power was nothing but an instrument of war, which they were morally permitted—even bound—to resist.

A soldier might not relish killing, and might wish he did not have to do so. But, we do not make a soldier into a murderer because he kills in wartime, nor do we judge him harshly. If anything, we sympathize that cruel and immoral circumstances beyond his control placed him in a situation in which he was compelled to violate his ethics and kill.

Likewise, most members of the Church who hid the truth or actively promoted falsehood under war-time conditions should be sympathized with, not condemned.

Even some members of Congress realized where things might be headed, ultimately. Warned Representative Lawrence M. Keitt of South Carolina, “[I]f they are the religious zealots we are told they are, then your war is against opinion, and nothing but extermination will close it.”<sup>129</sup>

To Congress, apparently not shy about self-contradiction, the Saints were both religious zealots who might require extermination before they would change their minds, and polygamists who had no religious motivation for their marital practice!

### Post Civil War Measures: The Reynolds Case

The Civil War distracted the United States from “the Mormon question” for a time, though the first legislation (the Morrill Act) was signed into law in 1862. The Morrill Act was symbolically significant, and was a harbinger of things to come, but few Mormons were successfully prosecuted under it.<sup>130</sup>

In the 1870s, the presidentially appointed chief justice of Utah—James B. McKean, a minister’s son—clearly saw his role in religious terms, and did not hesitate to express his disdain for laws that might hinder him from imposing his conception of the divine will upon Utah and its people:

The mission which God has called upon me to perform in Utah, is as much above the duties of other courts and judges as the heavens are above the earth, and whenever or wherever I may find the Local or Federal laws obstructing or interfering therewith, by God’s blessing I shall trample them under my feet.<sup>131</sup>

Debate in the Congress was sometimes hysterical and almost absurdly ill-informed. Senator Aaron Harrison Cragin, on 18 May 1870, warned from the Senate floor: “It is said that an altar of sacrifice was actually built...in the temple block, upon which human sacrifices were to be made.”<sup>132</sup> Cragin would also warn that the Mormons were guilty of “hundreds and thousands of murders.”<sup>133</sup> Such reliance on hearsay, rumor, and hysteria would be amusing, were such advocates not in deadly earnest.

Convictions under the Morrill Act were made easier by the Poland Act of 1874, and George Reynolds (secretary to Brigham Young) was tried in what the Church considered a “test case” of the Morrill Act’s constitutionality. That Reynold’s conviction was upheld in 1879 was a serious blow. It has the dubious distinction of being the first Supreme Court decision on the free exercise clause of the first amendment, and it was not an auspicious beginning: “the Court adopted a narrow belief-conduct dichotomy that has troubled legal scholars ever since, concluding that the practice of polygamy could be made illegal.”<sup>134</sup>

Upon what grounds was *Reynolds* decided?

The Court’s reasoning process followed a shallow syllogistic analysis: all religious conduct (unlike beliefs) cannot be immune from civil control (human sacrifice has to be impermissible by any standard); the practice of polygamy represents conduct rather than belief; therefore, the state can legitimately proscribe the practice of (even if not the belief in) polygamy. The Court’s “strange” reading of the First Amendment largely eviscerates the essence of “free exercise.”<sup>135</sup>

Thus, the court decided that since *some* ostensibly religious acts would be inconsistent with a free society, *no*

religious act could be protected by the constitution. What this means, of course, is that one can think what one likes, but as soon as one begins to publicly *act* on any belief, one has no guarantee of constitutional protection at all! As one legal scholar observed, “Few decisions better illustrate how amorphous goals may serve to mask religious persecution.”<sup>136</sup>

The *Reynolds* decision is a strange caricature of religious freedom, and it can only have convinced the Saints that the constitution would be abused to any extent necessary to satisfy their enemies.<sup>137</sup> In 1972, the U.S. Supreme Court’s decision in *Yoder* seemed to moderate the legacy of *Reynolds*:

[N]early a century later the Court recognized that they had painted themselves into a corner with the belief-conduct dichotomy: “[To] agree that religiously grounded conduct must often be subject to the broad police power of the State is not to deny that there are areas of conduct...beyond the power of the State to control.... [I]n this context belief and action cannot be neatly confined in logic-tight compartments.”<sup>138</sup>

Unfortunately for advocates of religious freedom, the impact of this potentially moderated view was greatly tempered by the majority opinion of *Employment Division v. Smith*, written by Justice Antonin Scalia:

The only decisions in which we have held that the First Amendment bars application of a neutral, generally applicable law to religiously motivated action have involved not the Free Exercise Clause alone, but the Free Exercise Clause in conjunction with other constitutional protections... Respondents urge us to hold, quite simply, that when otherwise prohibitable conduct is accompanied by religious convictions, not only the convictions but the conduct itself must be free from governmental regulation. We have never held that, and decline to do so now. There being no contention that Oregon’s drug law represents an attempt to regulate religious beliefs, the communication of religious beliefs, or the raising of one’s children in those beliefs, the rule to which we have adhered ever since *Reynolds* plainly controls.<sup>139</sup>

At any rate, *Reynolds* continues to cause discomfort for legal scholars even today: “[t]he reasons for maintaining decisions intended primarily to deny Mormons their rights

and freedoms are obscure.”<sup>140</sup> At the very least, the *Reynolds* court

ignored the other side of the dilemma. Religion exists as much through the conduct of an individual as through belief, and conflict over freedom of religion will arise when the majority of any community is offended by specific practices of a minority. The speech clause of the First Amendment fully protects freedom of belief or conscience. Thus, unless at least some practices offensive to the majority are protected by the First Amendment, the free exercise clause is redundant, and devoid of practical content.<sup>141</sup>

### The Edmunds Act

Following *Reynolds*, more than twenty bills and amendments addressing polygamy were introduced in Congress. The result was the Edmunds Act, signed 22 March 1882. It introduced a new crime, “cohabiting with more than one woman.”<sup>142</sup> To the Saints looking into a gentile society with its mistresses and prostitutes, this proviso would have seemed the height of hypocrisy.<sup>143</sup> “[T]he Edmunds Act was offered to Congress as a means of punishing Mormons. As such it was a bill of attainder and violated an express constitutional provision prohibiting bills of attainder.”<sup>144</sup>

Polygamy was the overt target of the Act, but as Congressman Dudley C. Haskell of Kansas pointed out to applause, the goal was actually “to legislate out of office every one of that infamous Mormon priesthood.”<sup>145</sup>

The Edmunds Act contained other elements designed to make the prosecutions of polygamists easier. Among other things, it made believers in polygamy ineligible for jury service in such cases, and “prohibited polygamists and their spouses from voting or holding selective or appointive office in any territory, without requiring conviction of law violation.”<sup>146</sup>

Formulated in the post-Reconstruction era, the Edmunds Act was opposed by some Southern lawmakers.<sup>147</sup> George G. Vest of Missouri despised polygamy, but believed that the Act was an attack upon the “highest and dearest rights of every American citizen.”<sup>148</sup>

The prohibition against polygamists voting was found in section 8 of the Edmunds Act. In the 1885 case *Murphy v. Ramsey*<sup>149</sup> the U.S. Supreme Court struck down

a regulation... [established by the Utah Commission which] required a voter to sign an affidavit when registering whereby the voter swore that he or she was not a polygamist or married to a polygamist. The Court held that the Commission did not have the power to require such an oath. But it did not strike down s[ection] 8 of the Edmunds Act. In fact, the Court determined that a number of the plaintiffs involved in the lawsuit were in fact polygamists and that therefore they had not been unlawfully denied their right to vote. Other plaintiffs who had refused to sign the affidavit were successful in the lawsuit—the Court found that they were unlawfully denied the right to vote and that there was insufficient evidence that they were polygamists. (In other words, since they weren't polygamists they should have been allowed to vote, and the only reason they were denied the vote was that they wouldn't take the oath, which was beyond the power of the Commission to require.)<sup>150</sup>

The Supreme Court did nothing to challenge the inherent constitutionality of the ban on polygamists voting, holding that there was “no difficulty” with such a prohibition.<sup>151</sup> At least 12,000 polygamists, their wives, and accused polygamists were disenfranchised during this period.<sup>152</sup>

More laws were on the way, and in 1883 President Arthur threatened to dissolve Utah Territory and put the Mormons under direct Congressional control—a course which would have almost certainly required a military occupation.<sup>153</sup> By 1884 the Republican platform advocated using military force to subdue Utah and crush polygamy.<sup>154</sup>

[I]t is the duty of Congress to enact such laws as shall promptly and effectually suppress the system of polygamy within our territories, and divorce the political from the ecclesiastical power of the so-called Mormon Church; and that the laws so enacted shall be rigidly enforced by the civil authorities, if possible, and by the military, if need be.<sup>155</sup>

This cannot have failed to remind the Mormons that this legislative war was, at its root, a *war* fought by other means, and that they were not considered a legitimate faith by their enemies.

### Assault on Due Process

The Edmunds Act began to abandon even the pretense of due process, a tendency which would increase in subsequent anti-polygamy statutes: “proving cohabitation be-

came ridiculously easy for federal prosecutors. As one scholar concluded, ‘To be tried was, in effect, to be convicted.’”<sup>156</sup>

A review of the criminal cases in Utah Territory is instructive for appreciating the extent—and hypocrisy—of this legalized religious persecution:

There are approximately 2,500 criminal cases in the [Utah Territory] court records from 1871 to 1896 .... More than 95 percent are for sexual crimes, ranging from fornication to bigamy. This level of enforcement far exceeds anything historians have found elsewhere in the country. It is, literally, unique in American legal history, far exceeding, for example, that of seventeenth-century Massachusetts. Almost every sex offense, and many nonsexual prosecutions for crimes like “illegal voting” and “perjury,” involved plural marriage in one way or another. The sheer size of the Raid was astonishing, and unprecedented.... Federal officials brought almost 900 indictments for unlawful cohabitation alone (that is, not counting indictments for polygamy, adultery, fornication, and miscellaneous offenses such as perjury and illegal voting) between 1886 and 1888.<sup>157</sup>

“The Raid,” as it became known, was an extraordinary exercise of federal power. Targeted at polygamists and “cohabitationists,” dozens of federal marshals descended on Utah and Idaho. They broke into homes in the middle of the night, questioned children about their parents’ marital arrangements, and paid bribes to a network of informants. Men lived under assumed names and traveled away from their families to avoid capture. Women were either imprisoned if they would not testify, or had to go into exile separate from their husbands. The Raid invaded nearly every Mormon settlement by 1886, sent hundreds to Mexico or Canada, put most of the Church leadership into hiding. At least one member, Edward M. Dalton, was killed by pursuing deputies.<sup>158</sup>

Whatever their crimes, the Mormons were not the most lascivious people ever to grace the United States. Such aggressive—and selective—legal attacks can only have felt like bigoted persecution to the Saints.

Known or suspected polygamists or their wives were excluded from juries selected to try cohabitation offenses. There was also a frontal assault on the rules of evidence:

In loosening the rules of evidence to serve Congress’s policy of ensuring the punishment of polyg-

amy, the courts undermined the elemental bases of judicial procedure and due process of law. The most basic assumptions that an accused is presumed innocent and must be found guilty beyond a reasonable doubt by competent evidence were sapped of all strength.<sup>159</sup>

How was this done?

The courts were indeed accurate when they identified cohabitation as an offense of appearance or reputation, for under such evidentiary standards an accused's actual conduct seemed largely irrelevant. Mormons widely reputed to be polygamists, through the use of strings of presumptions and the testimony of what people thought their marital relations to be, could be quickly convicted whatever they tried to do.<sup>160</sup>

Almost guaranteed convictions were achieved through the use of presumptive and circumstantial evidence:

Finally, in 1888 the Utah Supreme Court so diluted the amount of evidence required to render the presumption of cohabitation with a legal wife conclusive that, in effect, the presumption became a conclusive presumption of law. In *United States vs. Harris*, the court approved jury instructions to the effect that if "the legal wife of the defendant lives in the same vicinity with him, bearing his name, in a household maintained in part by him; that is... absolutely and conclusively cohabitation with his legal wife." Under such a standard, it seemed unlikely that any polygamist could insulate himself from all contact with his lawful wife sufficiently to avoid a finding of cohabitation. Certainly, the presumption of cohabitation created a strong disincentive for polygamists to attempt to support and care for the women they had married... The presumption of cohabitation effectively shifted the burden of proof in criminal trials. In essence, a polygamist was presumed guilty of cohabitation unless he could prove his innocence.<sup>161</sup>

Things even take on a chilling McCarthyesque atmosphere:

Circumstantial evidence, such as "language, and conduct, and appearances, and expressions," could serve as evidence of cohabitation. The fact that a man was seen watering his horses at a plural wife's well or taking her provisions suggested an unlaw-

ful cohabitation. A birthday party given for an aging polygamist and attended by his plural families similarly indicated cohabitation. The net of circumstantial evidence was spread even wider to include evidence of reputation [though the Supreme Courts of Arizona and Idaho did not adopt evidence of reputation alone.]<sup>162</sup>

Stripped of many cherished legal safeguards, is it any wonder that many Mormons resorted to falsehood to protect themselves and, in many cases, to allow them to support their wives and children?

The claim was, of course, that all this legislative effort was simply to keep the Mormons from living a lifestyle which their society would not countenance. However, even this pretense was gone by the time Edmunds was enacted. The courts were not even particularly coy about the Act's intent: "the Utah Supreme Court suggested that, in adopting the Edmunds Act, Congress had the less than noble goal of enacting legislation to punish senior church leaders who had otherwise brought their conduct into compliance with the law."<sup>163</sup>

Congress abounded with hyperbolic oratory about the abuses polygamy heaped on women and children, but polygamists' family members were to suffer most from the hand of Congress itself through the Edmunds Act:

The law's [Edmunds Act] directive to Mormon men to cease cohabitation meant, then, that they must abandon their plural wives. Wives who had been married decades before and who were now aged and infirm were to be abandoned. Younger wives were often to be left to support and raise large families alone. Thus, the moral posture of courts enforcing the Edmunds Act was dramatically altered. No longer did courts command Mormons to abandon a life of presumed debauchery, since the sexual activities of polygamists were legally irrelevant. Instead, in the name of amorphous social policies, the Mormons were called on to ignore the moral obligations to support aging wives and raise innocent children.<sup>164</sup>

Thus, avoiding "illicit" sexual behavior while still providing spouse and child support was also punished. This puts the lie to the claim that the Mormons had only to obey the law in order to stop the persecution. By this stage, even what constituted "obedience" was not always clear:

The judicial interpretation of the Edmunds Act simply failed to provide the Mormons with any guidance as to how far obligations toward plural wives and children could be honored without violating the Edmunds Act. Polygamous Mormons were thus presented with a difficult decision: morally they were obligated to associate with their polygamous families to the extent necessary to provide for their welfare, but because the boundaries of legally permissible conduct had been left undefined any contact potentially left polygamists open to prosecution. The facts of *Cannon* [a test case] indicate that Cannon had genuinely attempted to comply with the law. Yet after the court decisions, it remained unclear what he might have done differently to have avoided violating the law. It is a constitutional maxim that the terms of the law must be sufficiently clear that citizens may order their conduct in conformity with it. As construed by the courts, the offense of cohabitation was not so much one of conduct as of appearance. Of course, the Mormons could not comply with a statute that made their conduct largely irrelevant and considered only what they appeared to be, or were reputed to be, doing. To make matters worse, under subsequent decisions Mormons could not even avoid prosecution by keeping the connections with their plural families discrete. A polygamist was required to “separate himself entirely from his polygamous women.”<sup>165</sup>

If the legislature had really been interested in solving the “problem” of polygamy, they would have taken factors such as support of wives and children into the equation. In fact,

Senator Eli Saulsbury of Delaware, a supporter of the Act, noted that the failure to allow Mormon men some period to provide for their illegal families would force Mormons to choose between violating the law and leaving their loved ones destitute.<sup>166</sup>

But, this did not bother Congress—too many wanted to crush the practice, the Mormons, and their faith, and so women, children, and families were fair game.

Obedience to such laws, or honestly reporting violations of such laws, is obviously not a clear moral duty. One can make a very strong case for civil disobedience being the only moral response to such outrages. If pre-Revolutionary War Americans considered themselves justified in armed rebellion over taxation without representation, their descendants ought to have been impressed at the Mormons’

forbearance. As Hardy notes, “it is to the Mormons’ credit that, despite great hurt to themselves, no federal officers were seriously harmed during the entire struggle.”<sup>167</sup>

### Indefinite Punishment

Even the extent of punishment allowed by the law was increased through dubious means:

As the pace of polygamy prosecutions accelerated, the thought occurred to some eager prosecutor that the cohabitation statute would be more fearsome if every defendant faced not one cohabitation charge but many. Such would be the case if each year, month, or day that a man cohabited illegally could be the basis of a separate offense. Periods of cohabitation could thus be divided into units as small as the prosecutor wished, allowing him to tailor the potential punishment to be meted out to individual defendants solely at his discretion... The Utah Supreme Court’s decision [to affirm this tactic] dramatically raised the stakes in polygamy prosecutions by making the penalty for cohabitation convictions far more severe. Moreover, no one knew how far the principle would be extended. Since the basis for segregation was arbitrary, in theory unlimited segregation was possible. With sufficient segregation, cohabitation could become punishable by lifetime imprisonment.<sup>168</sup>

Thus, since any cohabitation can be arbitrarily divided into an infinite number of discreet “episodes,” prosecutors could in theory impose any length of punishment they wished. The U.S. Supreme Court ultimately overturned the Utah court’s ruling, but once again this can only have seemed a capricious and calculating step in the war against the Mormons.<sup>169</sup>

Legitimation theory further helps understand why Mormons felt justified in evading punishment for violating the law. “Legitimation theory” is the branch of legal philosophy which explains how “laws and the coercion exercised in their name come to seem fair.”<sup>170</sup> Often, legally irregular practices may help give the impression—or reality—of an overall “more just” system. For example, English judges would often decline to impose the death penalty for minor theft mandated by Parliament.<sup>171</sup> The “mercy” of the judges made a harsh judicial system more fair in practice.

It is for this reason that passively accepting the penalty for violating the law may in itself violate moral law. For example, for a Mormon to stay and accede to imprison-

ment for trying to support his children by polygamy is, in a sense, to legitimize the state's right to impose legal penalties on those who strive to meet the ethical duty to support dependants and keep covenants. David Daube argues that the effort to

restrict...the term [civil disobedience] to [only] the takers-of-the-consequences has to do with the honourable overtone nowadays attaching to it in a wide section of the public. Those who avoid or evade punishment are to be debarred from this honourable category, with effects which are obviously welcome for the authorities. If you joyfully or at least resignedly accept the legal penalty, you indicate your basic recognition of the regime in power.<sup>172</sup>

This speaks directly to the Saints' concerns—they did not recognize that the state had any right to restrict their religious practice, compel them to abandon those to whom they were bound by solemn covenants, or cause them to disobey God. They thus felt wholly justified in attempting to avoid the civil consequences of their disobedience, confident that God would justify their conduct.

### Extension of Legal Problems beyond Utah

Other states eventually entered the fray, providing worrying signs of worse to come:

both territorial legislatures of [Idaho and Arizona introduced] test oaths banning all members of the Mormon church from voting, office holding, and serving on juries. The Idaho statute, adopted in 1885, disfranchised every "member of any...organization...which teaches...its members...to commit the crime of bigamy or polygamy...as a duty arising or resulting from membership."<sup>173</sup>

Thus, simply *being* a Mormon was sufficient to have you forbidden to vote, hold public office, or serve on a jury. One did not have to be a polygamist; one's membership was reason enough. A *Deseret Weekly News* editorial illustrated how these efforts were clearly more than an attack on polygamy:

The appellant violated no law. He did not practice bigamy or polygamy, nor did he advise anyone else to do so. It does not appear that he even believed in these practices and certainly he repudiated them by his oath. He simply belonged to the Mormon Church and claimed his right to worship in that Church. This act undertakes to say that he shall not

do this without forfeiting his franchise, one of the most sacred rights of citizenship.<sup>174</sup>

One would think that this, at least, would get the courts' attention, but "even the Idaho test oath survived a court challenge, increasing the likelihood that a similar congressional requirement for Utah voters, if enacted, would be found constitutional."<sup>175</sup>

### The Edmunds-Tucker Act

Congress was caught up in a national hysteria that saw obliteration of the Mormon faith as the ultimate and only acceptable goal. The Edmunds-Tucker Act [of 1887] was the fruit of that hysteria.<sup>176</sup>

Most of [the Edmunds-Tucker Act's] twenty-seven sections sought to facilitate conviction of polygamists by permitting exceptions to standard judicial and law enforcement procedures. Spouses were permitted to testify against their mates, witnesses could be attached without previous subpoena, illegitimate children "born more than twelve months after the passage of this act" were not entitled to inherit property from their fathers, all marriages must be publicly recorded, and prosecutions for adultery, incest, and fornication could be initiated by law enforcement officials.<sup>177</sup>

Edmunds-Tucker also eliminated the Saints' self-defense options:

Section 27 of the Edmunds-Tucker Act abolished the territorial militia, the Nauvoo Legion, and provided for a new militia, organized according to United States law, with all general officers to be appointed by the governor. The militia had long provided a psychological defense against federal persecution and had actually tested its mettle in the 1857-58 campaign against Johnston's Army. The threat of armed resistance may well have forced Washington to moderate its treatment of the Mormons. Thus, abolishing the territorial militia...furthered Congress's aim of systematically rooting out sources of Mormon resistance, organization, and strength.<sup>178</sup>

The Mormons had ample memory of state militias being employed against them; the loss of the militia can only have been seen as an ominous portent. Furthermore, "one Utah judge was refusing to naturalize any LDS immigrants on the ground that they belonged to a subversive organiza-

tion,<sup>179</sup> and in 1885 President Cleveland argued that no more Mormons should be permitted to enter the United States.<sup>180</sup> The Cullom-Struble Bill, introduced in 1890, “proposed to apply an Idaho-style test oath to Utah.”<sup>181</sup>

So, Mormons had been deprived of the rights of citizenship, and now would even be denied citizenship for no other crime than their religious affiliation. Even practicing polygamy was not necessary to assure their condemnation; they just had to have co-religionists that were polygamists. Were this theory applied today, all American Muslims could be disenfranchised as “terrorists,” by virtue of their religious affiliation. Similarly, all Catholics or Baptists (and any number of other religionists) could be stripped of citizenship because their institutional faith forbids federally permitted abortion and a few of the extremist members of that faith resort to clinic-bombing and assassination. Small wonder that one author concluded:

Though other eccentric religions suffered [persecution in America], none seems to have been more hated than Mormonism. Perhaps none was more feared either.<sup>182</sup>

A few members of Congress clearly understood that the Saints were being persecuted for their religion, in violation of the Constitution. Florida Senator Wilkinson Call opined that

[T]he bill now under consideration by the Senate is in my judgment the most extraordinary bill that has ever been presented in the history of this country. Whether it is regarded in the whole or in its details, it is a bill, I think, that will long stand as a monument of the invasion upon the Constitution, of the disregard of personal rights, of the violation of every essential principle contained in our form of government and in our institutions.<sup>183</sup>

Call’s colleague, Joseph E. Brown of Georgia, also saw the anti-polygamy measures as yet another example of state-sanctioned religious persecution in the United States:

Let us be careful that we do not establish precedents that may lead to the destruction of freedom of opinion and the subversion of constitutional liberty and religious toleration in this country.... If we commence striking down any sect, however despised, or however unpopular, on account of opinion’s sake, we do not know how soon the fires of Smithfield may be rekindled or the gallows of New England for witch trials again be erected, or when another

Catholic convent will be burned down.... You are treading on dangerous ground when you open this flood-gate anew. We have passed the period where there is for the present any clamor against any particular sect except as against the Mormons; but it seems there must be some periodical outcry against some denomination. Popular vengeance is now turned against the Mormons. When we are done with them I know not who will next be considered the proper subject of it.<sup>184</sup>

This worry dovetails well with the Saints’ understanding that they had to remain firm against such legal efforts to destroy them not simply for their own sake, but also for the benefit of others.

Senators Call and Brown’s concerns—which they had earlier expressed in the debate over the Edmunds Act<sup>185</sup>—were prescient, and enemies of the Church have never given a satisfactory answer to Call’s insistence that, despite all the Congressional hand-wringing about the Church’s influence on its members, it was no different from any other religious body, save that it was unpopular:

[T]he honorable Senator from Delaware...speaks of the Mormons as a theocratic government. Why? What right is there for that allegation here? What is the argument? Because the organization of the Mormon Church rests in religious matters, and in social, an absolute power in the head of the Church. Does not another Church do that? Does not our Christian Church in one of its leading bodies...assert the infallibility of the head of the Church upon all religious and social matters, and, when it speaks *ex cathedra*, command the absolute obedience of its millions of votaries? There is nothing theocratic in the government of the Mormon Church that is exhibited to the world. It does not claim to govern the Territory of Utah. It acknowledges the authority of the government of the United States.<sup>186</sup>

However, despite these lonely voices, Congress was in no mood to be tolerant. And, this is not surprising since the goal of the government was not to suppress polygamy, but to destroy the Church itself. One Congressman boasted that Edmunds-Tucker “strikes at the very root of the church. It absolutely repeals the charter which gave it existence.”<sup>187</sup> Senator John T. Morgan of Alabama was equally blunt:

In dealing with this corporation or with its associated ecclesiastical organization I do not feel that I am dealing with a religious establishment. I feel that

I am dealing with something that is entirely irreligious, that has no just pretension at all to be called a religion in a Christian community. It would be a very fair religion in China or in any Mohammedan country; it would do very well for the Congo Free State perhaps; but in Christian America this can hardly be rated as an establishment of religion.<sup>188</sup>

Once again, the Church was not even a religion by “Christian” American standards, and so liable for dissolution or destruction. Amazingly, Eli Houston Murray, Utah’s federally appointed governor, wrote in 1885 that

where two men claim to believe that polygamy is divinely appointed, the one who follows that belief into a conscientious practice is the honester of the two. If you punish the honester one, you at least should disfranchise the other...<sup>189</sup>

We thus come to the stunning conclusion that the Mormon who obeyed the law was actually *worse* than the one that did not. Clearly, to most in government, the only good Mormon was an impotent, disenfranchised one.

It is tempting to wonder how much further this could go. If you can disenfranchise a whole people, deny them their rights as citizens and remove due process, what comes next? Legalized murder had already happened once with Missouri’s “extermination order;” is it so unthinkable in this context?

The prosecutors took the powers granted them under Edmunds-Tucker to cruel and illegal extremes:

in the Edmunds-Tucker Act, [Congress] provided that a wife was a competent witness in polygamy, bigamy, and cohabitation trials and required that records be kept of weddings in the territories. These provisions still retained one restraint on spousal testimony, however; they provided only that a willing wife would be allowed to testify. The act specifically forbade attempts by the judiciary to compel wives to testify against their husbands. Utah’s judges did not always follow the law, however. A number of Mormon women were required to testify against their husbands or face contempt charges. The power of contempt could be a fearful weapon. On the basis of the most sketchy or nonexistent hearings, Mormon wives who refused to testify against their husbands could be sent to prison for indefinite periods. In 1888 Representative Burnes read to the

House of Representatives a report by a visitor to Utah’s prison:

“I found in one cell (meaning a cell of the penitentiary in Utah) 10 by 13 1/2 feet, without a floor, six women, three of whom had babies under six months of age, who were incarcerated for contempt of court in refusing to acknowledge the paternity of their children. When I plead with them to answer the court and be released, they said: “If we do, there are many wives and children to suffer the loss of a father.”<sup>190</sup>

As Elder Oaks said, these are not “academic discussions.” It is difficult to picture such events happening in the United States at all; they smack of a fascist police state or military junta:

Judicial use of the contempt power in the polygamy cases thus presented many Mormon families with a cruel dilemma. If the wife called as a witness submitted and testified, her husband would almost surely be convicted and imprisoned. If she refused, her husband might escape conviction, but the wife would be imprisoned. At least one Mormon husband, Ruder Clawson, directed his wife to testify at his trial after she had spent a night in the penitentiary for refusing to do so.<sup>191</sup>

The most reprehensible aspect of this treatment of the women is that it was completely unnecessary. With the evisceration of evidentiary standards, the courts were practically assured of convictions without the testimony of Mormon wives:

In retrospect it is difficult to offer any explanation for this judicial conduct toward Mormon wives other than a spirit of vindictiveness. The polygamy laws, which were being vigorously enforced in the latter part of the 1880s, imposed ample punishment for the women who stubbornly clung to polygamy. The imposition of contempt sentences on wives who refused to testify introduced a sort of random sexual equality in the federal punishment of polygamy that was being imposed on Utah’s Mormons. Courts had reduced the quantum of evidence required to establish polygamy or cohabitation to such a low level that in almost any case ample alternate sources of proof must have been available. So Utah’s courts could not have believed that they needed to compel Mormon women to testify in order to convict their polygamous husbands. The cohabitation cases

produced heartrending stories of suffering and pathos. Men were forbidden to associate with their children or provide for their former wives. Women were denied care and association with former husbands. Moreover, the law, not limited to prohibiting future polygamous marriages, fell with all its severity upon people whose relationships had most often been established when the law did not unambiguously forbid them.<sup>192</sup>

## Legal Summary

We have covered a lot of ground, and it is worthwhile to recall how matters must have seemed from the Mormons' perspective. They had:

- been repeatedly dispossessed of their property without legal redress
- been driven out of Missouri under a state extermination order, using a state militia to help<sup>193</sup>
- their right to vote obstructed because they were a despised majority in some areas
- seen Joseph and Hyrum murdered because of betrayal by state and militia officials
- watched a variety of irregular tactics help free those charged with the murder of Joseph and Hyrum<sup>194</sup>
- been told they would get no peace unless they left the United States
- been evicted from Nauvoo by the state militia<sup>195</sup>
- raised the Mormon Battalion, despite their treatment by the United States, and enlisted in the Spanish-American war, which placed Utah under U.S. control<sup>196</sup>
- been charged with treason and seen the arrival of Johnston's army during the "Utah War"
- the right of female suffrage in Utah revoked
- seen religiously-motivated enemies in the U.S. Congress advocate military and legislative assaults on them
- been told by the Supreme Court that the Constitution only protected beliefs, not any exercise of those beliefs
- been excluded from juries and lost the right to trial by a jury of their peers
- been disenfranchised for their religious membership
- been told that they remained in violation of the law even if they continued to provide support to women they had lived with or children they had fathered, without any other marital relations
- witnessed efforts to expand the term of their punishment to any extent, dependent only on a prosecutor's whim
- watched evidentiary standards and legal presumption of innocence become a sham
- the assets of the Church threatened with seizure
- watched women illegally ordered to testify be jailed under appalling conditions when they refused
- removed the militia from local control and placed it in the hands of federally appointed officials.
- the state governor criticize those who obeyed anti-polygamy law as less honest than the civilly disobedient.

This is not to argue that the Mormons were without their faults. But, whatever their errors or crimes, the treatment which they had received at the hands of state and legal authorities is virtually unprecedented in American history.<sup>197</sup> They showed surprising restraint in the vast majority of cases, especially given that one court even "upheld the right of a U.S. Marshal to shoot and kill rather than arrest" a polygamist "who was in no way resisting arrest." All this despite the fact that polygamy was only a misdemeanor, and never classed as a felony.<sup>198</sup>

Furthermore,

Congress, the Presidency, and the Supreme Court combined to generate repressive legislation and distortions of Constitutional jurisprudence which to this day are unequalled in the degree to which they destroyed individual and institutional rights, freedoms, and privileges. Politicians so successfully exploited the situation that at times the nation was prepared to accept the destruction of the Church and its members.<sup>199</sup>

The Saints could hardly have seen the issue of polygamy as just a "legal dispute." It was an all-out "cold war" waged by their enemies, who would disregard and abuse the Constitution and the due process of law to achieve their goals.

### **Lying About Polygamy after the 1890 Manifesto**

The pressure and costs of resistance finally became too high to sustain a policy of public civil disobedience, and so Wilford Woodruff issued the Manifesto. The announcement of the Manifesto raises another key point which troubles many members: why did all members of the Church not “fall into line” once President Woodruff published the Manifesto? Why did some persist with the practice of plural marriage, and even enter into new polygamous relationships?

The preceding material goes a long way to answering this question—throughout nearly all of polygamy’s history, members and leaders of the Church had been under pressure from within or without. These pressures sprang from many sources, but had a common goal—to prevent the practice of polygamy and destroy the Church. Leaders and members considered the practice of polygamy a divine command—and many reported impressive spiritual manifestations which overcame their reluctance to practice it (these are discussed below). Because of their convictions, they were often forced to choose between two moral demands: truth telling and obedience to God’s revelation.

The Manifesto arose in an environment of intense pressure on the Church, and most members and leaders of the time did not understand it as requiring a cessation of all plural marriage.

It is a mistake to understand the 1890 Manifesto as a sudden “change” in the circumstances of the Church, the state, and polygamy. It is true that this is sometimes how we understand it today, but this is only in retrospect, and in light of further developments and revelation.

Until 1890, the Church was defying the federal and state governments despite increasing pressure and tactics of dubious legality. The Saints were therefore willing to evade the law and engage in civil disobedience tactics. This willingness, or the circumstances which provoked it, did not change with the Manifesto.

### **Wilford Woodruff’s Pre-Manifesto Administration**

Wilford Woodruff became the presiding authority of the Church with the death of John Taylor. Given that President Taylor spent the last months of his life in hiding from federal officials who sought to prosecute him under anti-polygamy laws,<sup>200</sup> plural marriage was clearly an immediate crisis for President Woodruff.

Despite the clear teachings available to the Church,<sup>201</sup> some modern members assume that revelation vouchsafed to the First Presidency and Quorum of the Twelve is a routine, relatively straightforward matter. This is not always the case, as many Church leaders have testified. Key to receiving revelation is the requirement to “study it out in your mind,” and the Church leadership was certainly doing this in the years preceding the Manifesto.

On 29 September 1887 Wilford Woodruff asked the Quorum of the Twelve Apostles whether they felt “it was necessary for polygamists to promise the courts to refrain from unlawful cohabitation because they ‘seem to think it is necessary to do something of this kind in order to convince Congress of the sincerity of our efforts to gain Statehood.’”<sup>202</sup> The proposal was almost unanimously rejected, since the apostles felt “no latter-day saint could make any such promise and still be true to the covenants he had made with God and his brethren when in the House of God and having wives sealed to him.”<sup>203</sup>

More than a year later, 20 December 1888, President Woodruff prepared and presented a document for the apostles’ consideration. In it, he wondered if it was the Lord’s will that Church members should comply with the law and refrain from practicing plural marriage. He declared it “of the greatest importance that we decide by the Spirit what decision to make regarding the same,” and asked for the apostles’ opinion. Three apostles were absent; the rest opposed it, and four said they could not give their assent without receiving “the word of the Lord through Wilford Woodruff, the senior apostle.”<sup>204</sup>

At this point, President Woodruff expressed his agreement with the council, and opined that, “Had we yielded to that document every man of us would have been under condemnation before God. The Lord never will give a revelation to abandon plural marriage.”<sup>205</sup>

George Q. Cannon later expressed the same view when he said: “I want President Woodruff, if I can have my feelings gratified and if anything is to be said on this subject in this direction, to be able to say, ‘Thus saith the Lord.’”<sup>206</sup>

President Woodruff then did inquire of the Lord, and recorded the following revelation, which the Twelve sustained:

Let not my servants who are called to the Presidency of my church, deny my word or my law, which concerns the salvation of the children of men.... Place not your selves in jeopardy to your enemies

by promise... Let my servants, who officiate as your counselors before the Courts, make their pleadings as they are moved by the Holy Spirit, without any further pledges from the Priesthood, {and they shall be justified;}<sup>207</sup>

Clearly, the Church was not to adapt its doctrine or practice simply to gain legal advantage. This is a key point—the Church would not, and should not, capitulate in matters of religion under social pressure. That social pressure, however, was to increase. Five months later, in April 1890, bills were introduced in the House of Representatives and the Senate to disenfranchise all Latter-day Saints, regardless of whether they practiced polygamy.<sup>208</sup>

The revelation to Wilford Woodruff also included significant instruction on how to resolve their difficulties: “Let my servants call upon the Lord in mighty prayer. Retain the Holy Ghost as your constant companion and act as you are moved upon by that Spirit, and all will be well with you...I the Lord will deliver my Saints from the dominion of the wicked, in mine own due time and way.”<sup>209</sup> The leaders of the Church were clearly seeking the will of the Lord, but they seem to have been left, for a time, to “work out” the solution on their own. Abraham H. Cannon wrote that “the spirit...at no time...seemed to indicate what should be done.”<sup>210</sup> George Q. Cannon indicated that the leaders “waited for the Lord to move in this matter.”<sup>211</sup> The Lord’s way would soon become clear.

By mid May, the federal government was insisting that the Church make an official statement renouncing polygamy, and the U.S. Supreme Court ruled that Edmunds-Tucker was constitutional. Thus, the Church could now be disincorporated, have its property taken, and lose the Perpetual Immigration Fund to government coffers.<sup>212</sup> Things worsened quickly:

On 1 July, the Senate introduced a bill that would bar polygamists or anyone belonging to an organization teaching or promoting polygamy from homesteading in Wyoming; on the 15th, the anti-Mormon political party won the Salt Lake City school trustees election and now had control of secular education in that city; on the 29th the Utah Supreme Court ruled that polygamous children could not inherit from their fathers’ estates, and on 5 August the anti-Mormon party won most of the county offices in Salt Lake and Weber Counties.<sup>213</sup>

And, then President Woodruff’s worst fears appeared on the horizon. “We must do something to save our Tem-

ples”<sup>214</sup> he warned upon learning that Washington was to seize the Church’s three operating temples, despite an 1888 promise from the government not to touch them.<sup>215</sup>

Matters came to a head when the government’s “Utah Commission” issued a report charging that some plural marriages had been performed—leaders of the Church misunderstood these accusations. The government’s “Utah Commission” report indicated that plural marriages were still being solemnized—which they were. However, Church leaders (and the *Deseret News*) thought they were being accused of marrying people *in Utah*.

Understanding the significance of these events requires us to backtrack a bit. Since June 1889 Wilford Woodruff had begun restricting the solemnization of plural marriages in Mexico.<sup>216</sup> By September 1889, the First Presidency was also refusing to issue plural marriage recommends for Utah. However, marriages for which recommends had already been issued were performed as late as 2 October 1889.<sup>217</sup> Wilford Woodruff’s decision to restrain further plural marriage was a continuation of a policy initiated under President John Taylor, who had begun to restrict new marriages even while publicly refusing to back down to federal pressure.<sup>218</sup>

The First Presidency’s policy, which had been a matter of somewhat informal discussion among themselves, was first formally expressed to the Twelve on 2 October 1889:

[Wilford Woodruff] explained that he felt it was necessary...George Q. Cannon had overcome the uncertainty he felt when President Woodruff revealed his intentions the previous month and told the other apostles that he “was not in favor of plural marriages being performed in this Territory, but they might be attended to in Mexico or Canada, and thus save our brethren from jeopardy in attending to these matters.”<sup>219</sup>

The Church seems to have adhered to the “no marriages in Utah” policy into 1890, though plural marriages *in Mexico* resumed in January 1890.<sup>220</sup>

Thus, the significance of the Church’s misunderstanding of the Utah Commission report is that they had stopped approving polygamous marriages in Mexico in June 1889, and in Utah Territory since September 1889. The Utah Commission charged that the Church had solemnized forty-one new marriages since June 1889. This was likely true<sup>221</sup>—but, the *Deseret News*<sup>222</sup> and the Church misunderstood, and reported that the charge was that the

marriages had been performed in Utah. In actual fact, the Commission was claiming (with justification) that people *from* Utah had been married with Church permission *somewhere*.<sup>223</sup>

Thus, the pressure on the Church increased, and from the leaders' perspective even their efforts at compromise—stopping marriages within U.S. territory and refraining from publicly teaching the doctrine—were not succeeding. In addition, the government was threatening to seize the temples and potentially disenfranchise all Mormons.

Given the misunderstanding, some leaders—such as George Q. Cannon—wanted to deny the specific charge about polygamy being practiced in Utah, without repudiating polygamy as a doctrine, or specifically promising to obey the law in the U.S.<sup>224</sup>

### Writing the Manifesto

The Manifesto was written while the following factors were in play:

- laws disincorporating the Church, disenfranchising all LDS members, and criminalizing their religious practices had been passed and prosecuted with increasing vigor
- all efforts at legal challenge to the laws' constitutionality had failed
- efforts toward “restraint” or “compromise” on the part of Church leaders—restricting and/or forbidding the solemnization of plural marriages—had failed to produce any reduction in government pressure
- the Church had continued its policy of civil disobedience, silence, “technically true” denials that misled, or outright public denial not in keeping with the facts<sup>225</sup>
- the apostles and First Presidency were actively engaged in the process of “studying it out in their minds”—there was no unanimity regarding the ultimate course of action which was proper
- President Woodruff had received a revelation, which the apostles had sanctioned, which commanded the Church not to deny that polygamy was a commandment, and not to seek leverage in the courts by agreeing to restrict polygamy.

President Woodruff attended a council meeting on 24 September and presented a statement which he had written,

declaring: “I have been struggling all night with the Lord about what should be done under the existing circumstances of the Church. And here is the result.”<sup>226</sup>

This document was to become the Manifesto. After the Manifesto was revised by the First Presidency, three members of the Quorum of the Twelve, and a few others, it was sent to the media.<sup>227</sup>

Of the process, George Q. Cannon wrote:

This whole matter has been at President Woodruff's own instance. He has felt strongly impelled to do what he has, and he has spoken with great plainness to the brethren in regard to the necessity of something of this kind being done. He has stated that the Lord had made it plain to him that this was his duty, and he felt perfectly clear in his mind that it was the right thing.<sup>228</sup>

Thus, President Woodruff clearly claimed that his action was inspired, and the product of revelation. Yet, what was his intent? Most Church writers seem to have not understood the circumstances under which the Manifesto was given, and have accepted that it was both the product of revelation (which it was) and intended, in 1890, to be implemented as literally written in all circumstances (which it likely was not).

President Woodruff “struggled with the Lord” over what he ought to do. His action was “a necessity,” “his duty,” and “it was the right thing to do.” President Woodruff's attitude toward what they had just written is seen in his words as he left the meeting: “We are like drowning men, catching at any straw that may be floating by that offers any relief!”<sup>229</sup>

Quite simply, the pressure against the Church, under a threadbare cloak of ‘legality,’ had become intolerable. The threat to the temples, even more than the threat to polygamous families, represented an assault on the most sacred aspects of LDS worship. Church leaders had clearly felt for a long time—with justification—that deceiving their enemies in regards to polygamy was the lesser of two evils. Thus, the revelation to President Woodruff, as he and his fellow apostles understood it, was not to cease polygamy entirely, but to publicly announce what the Church had already been doing (restricting permission for polygamous marriages). President Cannon explained this rationale after the Manifesto was presented in general conference:

But the time has come when, in the providence of God, it seemed necessary that something should be done to meet the requirements of the country, to meet the demands that have been made upon us, and to save the people. President Woodruff and others of us have been appealed to hundreds of times, I might say;—I can say for myself, that I have been appealed to many scores of times to get out something and to announce something. Some of our leading brethren have said: “Inasmuch as we have ceased to give permission for plural marriages to be solemnized, why cannot we have the benefit of that? Why cannot we tell the world it, so as to have the benefit of it? Our enemies are alleging constantly that we still practice this in secret, and that we are dishonest and guilty of evasion. Now, if we have really put a stop to granting permissions to men to take more wives than one, why should not the world know it and we have the advantage of it?” These remarks have been made to us repeatedly. But at no time has the Spirit seemed to indicate that this should be done. We have waited for the Lord to move in the matter...<sup>230</sup>

The revelation to President Woodruff also extended the degree of deception which was permissible to avoid the Church’s destruction. It was his duty to make a formal statement which he knew to be false in some particulars.

Later, Joseph F. Smith clearly understood the Manifesto in this light: “he regarded the document as inspired under the circumstances in which the U.S. government placed the Church...’But he did not believe it to be an emphatic revelation from God abolishing plural marriage.’”<sup>231</sup>

President Woodruff released the Manifesto with the approval of only three of the apostles. At a meeting after its publication, seven of nine apostles supported the measure. Of the supporters, four made it clear they supported such a statement only within the United States.<sup>232</sup>

### **Principles of Church Government and the Manifesto**

This view of the Manifesto as a revealed tactic to relieve pressure on the Church is not a common one among Church members today. Yet, a review of the circumstances under which it was received, and some fundamental principles of Church government, makes this interpretation the most sensible one.

The Doctrine and Covenants clearly indicates that the First Presidency and Quorum of the Twelve are of equal authority<sup>233</sup> and that every decision should be done in unanimity<sup>234</sup> in order to make such decisions binding upon the Church: to make them “official,” as it were. Clearly, President Woodruff did not follow this practice—which would be very strange if he expected the Manifesto to be read as a formal revelation insisting that all polygamous practices immediately cease: only three of the apostles even saw the Manifesto prior to its publication. And, following its publication, there was not unanimity as to what the Manifesto required.

But, President Woodruff did not frame the matter in this way: rather, it was a “duty” on his part, which the Lord required. Even the wording of the Manifesto reflects this—it does not speak of “we the First Presidency and Council of the Twelve,” but simply of Wilford Woodruff in the first person singular.

The wording is careful and precise: “I hereby declare my intention to submit to those laws, and to use my influence with the members of the Church over which I preside to have them do likewise... And I now publicly declare that my advice to the Latter-day Saints is to refrain from contracting any marriage forbidden by the law of the land.”<sup>235</sup> Thus, President Woodruff announces a personal course of action, but does not commit other general authorities or the Church—he even issues “advice,” rather than a “command” or “instruction.” No other signatures or authorities are given, other than his own.

A useful comparison can be made with Official Declaration 2, which follows the prescribed pattern for Church government:

...the First Presidency announced that a revelation had been received by President Spencer W. Kimball...[who] has asked that I advise the conference that after he had received this revelation...he presented it to his counselors, who accepted it and approved it. It was then presented to the Quorum of the Twelve Apostles, who unanimously approved it, and was subsequently presented to all other General Authorities, who likewise approved it unanimously.<sup>236</sup>

The difference between this and the Manifesto is striking. The Manifesto was issued in a manner which *could not* have been binding upon the Church at the time. Fortunately, some in the U.S. government were unaware of such protocols, not having taken the time to adequately under-

stand or sympathize with the Mormons' religion. More informed observers, such as the hostile *Salt Lake Tribune*, were not fooled, and U.S. President Harrison "said Woodruff's choice of words undercut their persuasiveness."<sup>237</sup>

As for the Manifesto, the First Presidency and Council of the Twelve voted on 2 October 1890 to sustain President Woodruff's action. That is, under my reading, they supported his tactic of essentially telling the government what it wanted to hear, and complying with the law insofar as their consciences would allow. Even at this meeting their intent was clear, since they debated whether the Church as a whole should sustain the Manifesto, since "some felt that the assent of the Presidency and Twelve to the matter was sufficient without committing the people by their votes to a policy which they might in the future wish to discard."<sup>238</sup>

It is evident that these united quorums did not consider the Manifesto to be a revelation forbidding all plural marriage in 1890: for, why would they then contemplate the Church wanting to "disregard" it? Rather, they supported the decision to hide the full truth from their enemies because they lacked other options which would enable them to keep their higher duty to their faith. The Manifesto announced what had been going on privately already (the severe restrictions on plural marriage) but hid the fact that Church leaders might grant exceptions.

Perhaps most convincingly, an editorial in the Church's *Deseret News* responded to the government's Utah Commission, which had argued that President Woodruff needed to "have a revelation suspending polygamy." The editorial advised that "[w]hen President Woodruff receives anything from a Divine source for the Church over which he presides he will be sure to deliver the message."<sup>239</sup> This was written five days *after* the publication of the Manifesto. It seems inescapable that President Woodruff considered his *action* inspired and divinely directed; however, he and the Church did not believe that God had, by the Manifesto, told them to cease all plural marriage.

Furthermore, President Cannon spoke just over a week later and indicated that President Woodruff's writing of the Manifesto had been done "under the influence of the 'Spirit'" and promised that "when God speaks and . . . makes known His mind and will, I hope that I and all Latter-day Saints will bow in submission to it."<sup>240</sup> Thus, the Manifesto was considered to be a divinely mandated and inspired step (to avoid government action) but its content was not viewed as an absolute, binding command to completely dispense with plural marriage, unless the leadership of the

Church should so receive it by revelation. Up to this point, they had not.

President Woodruff's later statements to the Saints about the Manifesto are instructive, when read in this light.

I should have let all the temples go out of our hands; I should have gone to prison myself, and let every other man go there, had not the God of heaven commanded me to do what I did do; and when the hour came that I was commanded to do that, it was all clear to me. I went before the Lord, and I wrote what the Lord told me to write.<sup>241</sup>

President Woodruff saw the consequences of inaction—the Lord therefore "commanded [him] to do what [he] did do." He was unclear about what he should do (despite all the "studying it out") until revelation arrived, and he then said what the Lord told him to say.<sup>242</sup>

Now I will tell you what was manifested to me and what the Son of God performed in this thing. . . . All these things would have come to pass, as God Almighty lives, had not that Manifesto been given. Therefore, the Son of God felt disposed to have that thing presented to the Church and to the world for purposes in his own mind. The Lord had decreed the establishment of Zion. He had decreed the finishing of this temple. He had decreed that the salvation of the living and the dead should be given in these valleys of the mountains. And Almighty God decreed that the Devil should not thwart it. If you can understand that, that is a key to it.<sup>243</sup>

President Woodruff again attributes the Manifesto to divine revelation. But, his wording is instructive: "the Son of God felt disposed to have [the Manifesto] presented to the Church and the world for purposes in his own mind." The purpose was not, at the time, to completely halt polygamy, but to allow the Church to continue its work of salvation for the living and the dead. "[T]he Devil should not thwart it," President Woodruff points out, "If you can understand that, that is a key to it." In an oblique—but remarkably clear—way, President Woodruff gives the Saints and us a window into his moral reasoning.

President Woodruff was likely aware that government would be misled by the Manifesto, but he considered the attacks on the Church to be motivated by demonic influence. If one can understand that there is a higher duty than obeying secular law or being forthright with secular rulers with corrupt motives, then such understanding is a key to

understanding the decision and the reasons behind it. The Manifesto was issued only when all other avenues had been exhausted, and it was—he reported—sanctioned by God:

[President Woodruff said he] believed he would have lived to have witnessed the hand of the government extended to crush us; but the Lord did not intend that Zion should be crushed, and He averted the blow by inspiring me to write and issue the manifesto, and it certainly has had the effect of doing it so far.<sup>244</sup>

George Q. Cannon made it clear that the Church still felt somewhat trapped between duties to God and duties to political authority:

But the nation has interposed and said, “Stop,” and we shall bow in submission, leaving the consequences with God. We shall do the best we can; but when it comes in contact with constituted authorities, and the highest tribunals in the land say “Stop,” there is no other course for Latter-day Saints, in accordance with the revelations that God has given to us telling us to respect constituted authority, than to bow in submission thereto and leave the consequences with the Lord.<sup>245</sup>

The Manifesto thus strove to walk this difficult line—ceding sufficient to “constitutional authority” to prevent the Church’s destruction, maintaining the restrictions on plural marriage, and refraining from teaching the doctrine. Yet, significantly President Cannon says that the Saints “*shall do the best we can.*” That is, they will continue to practice their faith to the extent possible without threatening the Church’s existence. This would later include a limited continuation of plural marriage.

Thus, the Church leaders’ united understanding was that the Manifesto was a revelation. However, they did not understand it as universally forbidding all plural marriage at that time, though for the Church’s survival it was necessary that the government interpret it so.

The leaders and Saints would understand the meaning and application of the Manifesto differently in time. An altered understanding—via revelation—of a previous revelation is not unprecedented: Jesus commanded the apostles to “teach all nations,” but the apostles continued to interpret this command in a more limited way until later revelation expanded the preaching of the Christian gospel beyond those who had first embraced the rites of Juda-

ism.<sup>246</sup> A modern example involves the Word of Wisdom, which was not declared to be universally binding for more than a century, though the revelation in Section 89 did not “change.”<sup>247</sup>

The alert reader will note that the published version of the Manifesto—found in the Doctrine and Covenants’ Official Declaration 1—indicates that the sustaining vote for the Manifesto was “unanimous.” It is fair to ask why this is so, given that the understanding of the Manifesto was *not* unanimous among Church members then, or for years afterward.

The sustaining vote in conference was called because of continued government pressure from the U.S. Secretary of the Interior.<sup>248</sup> Of course, there is enormous presumption in the government’s belief that it could “compel” a certain interpretation of revelation by insisting upon a Church procedure. Their biases about revelation—that it was merely a device of expedience which permitted believers to polygamy for carnal motives—made them either unable to understand the bind into which they placed the Saints, or unconcerned about the consequences of doing so intentionally.

The members’ vote on the Manifesto, wrote one apostle, was “carried by a weak voice, but seemingly unanimous,”<sup>249</sup> and the First Presidency and Quorum of the Twelve were not unanimous in believing that the Manifesto was intended to signal the definite end of polygamy—it was, however, important for the Church’s survival that it appear this way to their persecutors. A Church vote could not change this, though all American politicians doubtless did not appreciate the fact. Later, a secretary to the First Presidency who was asked if the Manifesto was “just a gesture” replied, “Marvelous that you can see so far.”<sup>250</sup>

The problem for leaders of the Church was that they could not publicly explain the rationale behind the Manifesto without again threatening the Church’s existence. The Manifesto was thus presented for a sustaining vote, but the leaders could not explain their complete understanding of what it then required. Members had to rely on their own revelatory gifts when asked to vote, and the conference sustained the Manifesto. It is not clear how many members did so with a full understanding of how the General Authorities then understood the revelation. The sustaining indicated, at the least, their conviction that they were being led aright by prophets of God.

At least one member voted against the Manifesto because he considered it a political tactic with no revelatory ba-

sis.<sup>251</sup> Many members also abstained from voting; it is difficult to be certain why. They may have had no revelatory insight into the revelation's truth or falsehood. Conscience may have prevented them from affirming something about which they had no witness, but their support for their leaders as prophets prevented them from opposing the united actions of the presiding quorums. Conflicting emotions also played a role. This seems to have been the position of B.H. Roberts, who wrote movingly of the struggle he had in accepting a witness of the Manifesto's truth:

"I [first] read [the Manifesto] with astonishment. But no sooner had I read them, than like a flash of light all through my soul the spirit said—"That is all right," so it passed...[but] the more I thought of it the less I liked it...during the Conference I saw that movements were on foot to have the whole people support it[,] a proceeding I viewed with alarm. When the crisis came I felt heart-broken but remained silent. It seemed to me to be the awfullest moment in my life, my arm was like lead when the motion was put; I could not vote for it, and did not... While, as I was saying, this matter continued a trial to me through the year 1891, and plagued me much, but I said but little about it; and by and by I began to remember the flash of light that came to me when first I heard of it, and at last my feelings became reconciled to it. Perhaps I had transgressed in pushing from me the first testimony I received in relation to it, and allowing my own prejudices, and my own short-sighted, human reason to stand against the inspiration of God and the testimony it bore that the Manifesto was alright. When this fact began to dawn on my mind I repented of my wrong and courted most earnestly the spirit of God for a testimony and gradually it came."<sup>252</sup>

For the Manifesto to succeed in the purpose for which it was revealed, it was necessary that the government believe that the Church would be bound by it *and* interpret it as the government wished. Publications of the Manifesto at the time therefore required such a statement to mollify Washington. The revelation was accepted by the Church. However, had the Church mentioned abstainers or dissenters, this would be seized on by eastern enemies to show that "the Mormon fanatics" would never abandon polygamy, even if their leaders told them to do so. This would only fuel efforts to use political and military power to crush the Church. On the other hand, if non-supporters of the revelation were named by the Church, this could well have subjected them to continued government persecution. I suspect that the wording in present editions of

the Doctrine and Covenants is simply a hold-over from the initial publications which downplayed any misgivings which some had. Many modern members and leaders are likely not even familiar with the circumstances surrounding the Manifesto, and so simply take the phrasing of former years at face value.

The sentiment of the statement is, however, correct as it applies to the current Church. Church leaders are now abundantly and unanimously clear that no polygamous marriages are to be solemnized. Those who violate this have been excommunicated. The scripture's account of a unanimous sustaining vote does effectively communicate to a modern reader—even if unfamiliar with the complex history behind it—that the plain meaning of the Manifesto is current Church policy.

### Wilford Woodruff's Post-Manifesto Administration

President Woodruff does not seem to have intended that the Manifesto should prevent current polygamists from living with or supporting their wives—its wording was even changed prior to publication to avoid this impression.<sup>253</sup> Yet, the government again insisted, refusing to return the Church's properties otherwise, and so a public announcement was made which forbade cohabitation with pre-Manifesto spouses.<sup>254</sup>

Most Church members and leaders continued, however, to cohabit<sup>255</sup>—which reinforced (and reinforces) the perception that some aspects of the Manifesto were issued for expediency's sake, and not as a binding commandment from the Lord. It was to satisfy the world; it was not to compel the Saints to violate their covenants and abandon their families.

In 1891, President Woodruff was compelled to testify before the Master in Chancery. He told them what they wanted to hear—that cohabitation was forbidden on pain of excommunication<sup>256</sup>—and again indicated privately that his duty to the Church and God was a higher loyalty:

[he said] "that he was placed in such a position on the witness stand that he could not answer other than he did; yet any man who deserts and neglects his wives or children because of the Manifesto, should be handled on his fellowship." He then encouraged the assembled General Authorities to agree that men must try to avoid being arrested or convicted for unlawful cohabitation "and yet they must not break their covenants with their wives."<sup>257</sup>

We note again that the Church and its members were in an impossible position—the government showed no concern for the women and children who would be left without support if government policies were obeyed. Members and leaders again had agonizing choices to make, in which all their moral duties simply could not be honored. Joseph F. Smith wrote to a member who faced just this dilemma, “The whole thing in a nut shell is this, you should keep your covenants with your family and you should also not violate the law. Now if you can comprehend it—you will grasp the situation.”<sup>258</sup>

The situation—which critics and many modern members have not grasped—is that it was impossible to do both. A choice had to be made, the Saints chose whatever was most important, and most seem to have chosen support for families over being straightforward with the government.

President Woodruff continued similar tactics throughout the remainder of his administration. By July 1892 he had granted a few recommends for plural marriages in Mexico, and in June 1897 marriages sanctioned by the First Presidency were performed at sea, on the Great Lakes, and in Mexico.<sup>259</sup> There is circumstantial evidence that President Woodruff himself married a plural wife at sea in September 1897.<sup>260</sup> At times, President Woodruff seems to have maintained some “plausible deniability” by declining to personally approve a polygamous marriage, while referring the potential polygamists to his counselor, George Q. Cannon, for a recommend.<sup>261</sup>

### Lorenzo Snow’s Administration

Prior to becoming Church president, Lorenzo Snow had been a practicing polygamist. However, given the increasing legal pressure on the Church, he and his wives agreed to discontinue cohabitation. Despite this, he was charged under the Edmunds Act and served time in prison.<sup>262</sup>

Upon becoming Church President, he told the press in September 1898, “Polygamy, that is, marrying plural wives, ceased among the Latter-day Saints on the issuance of President Woodruff’s Manifesto, October 6th, 1890, and his inhibition will not be changed by me.”<sup>263</sup>

A similar message was given to the apostles by the new First Presidency, “Pres[ident] Lorenzo Snow then told the brethren that he had heard rumors of people thinking that plural marriages could be contracted. He wanted it understood that this can not be done.”<sup>264</sup> A month later, President Snow learned that some Utah members were being married polygamously in Mexico and then returning to the

United States, rather than remaining in Mexico. Anthony W. Ivins and George F. Gibbs reported that:

Pres[ident] Snow had decided that Plural marriages must cease throughout the entire Church and that was absolute and affected Mexico as well as elsewhere<sup>265</sup>...[he therefore] withdrew all authority from Mexico to solemnize plural marriages there as it had been withdrawn in Utah.<sup>266</sup>

Their understanding, however, was not the whole story. First Presidency approval for polygamous marriages had typically only been required for members seeking to be married outside of their own stake. The stake president in Juarez, Mexico—Anthony W. Ivins—could marry those of his own stake without express First Presidency permission, and began doing so in October 1898, likely following the receipt of a letter from a member of the First Presidency. It had been President Cannon’s practice to provide such letters without the knowledge of Wilford Woodruff, and such may have occurred in this case.<sup>267</sup>

Furthermore, apostle Matthias F. Cowley—who had been performing marriages approved by member(s) of the First Presidency (often George Q. Cannon)<sup>268</sup> within the United States—later reported President Snow’s comment telling him “that he [President Snow] would not interfere with Brother [Abraham Owen] Woodruff’s and [George Q.] Cannon’s work.”<sup>269</sup>

Elder Cowley interpreted this to mean that he no longer needed the knowledge or permission of the First Presidency to perform polygamous sealings within the United States. President Snow likely remained unaware of this, and seems to have remained adamant in public and private that no further polygamous unions were sanctioned. Summarized historian D. Michael Quinn:

[President Snow in May 1899 said] “I will say now before this people, that the principle of plural marriage is not practiced. I have never, in one single instance, allowed any person to have that ceremony performed, and there are no such marriages at the present time, nor has [sic] there been during the time of my presidency over this church.” This was technically true: but Ivins and Cowley had, since the previous October, performed several plural marriages already in Mexico and the United States.<sup>270</sup>

On 8 January 1900, he signed a statement prepared by a non-member judge regarding polygamy. This statement read:

the Church has positively abandoned the practice of polygamy, or the solemnization of plural marriages, in this and every other State; and...no member or officer thereof has any authority whatever to perform such plural marriages or enter into such relations. Nor does the Church advise or encourage unlawful cohabitation on the part of any of its members.

If, therefore, any member disobeys the law, either as to polygamy or unlawful cohabitation, he must bear his own burden, or in other words be answerable to the tribunals of the land for his own action pertaining thereto.<sup>271</sup>

A significant omission was any promise to excommunicate those who engaged in polygamy.

The same dynamics at work following the Manifesto under President Woodruff were again in place under President Snow. Political and legal pressure persisted in demanding “binding” or “official” statements from Church leaders. A lack of unanimity remained among the leaders of the Church about what the “anti-polygamy” policy meant. Leaders such as George Q. Cannon and Matthias Cowley considered themselves authorized to continue to act contrary to the President of the Church’s public (and sometimes private) statements.

This confusion is understandable, and perhaps inevitable given the tactics of active misdirection which the Manifesto had sanctioned. Given his desire to avoid deception, President Snow seems to have gone to great lengths to avoid direct knowledge of or participation in approving plural marriages, even more so than President Woodruff. At the same time, his own experience of being prosecuted for cohabitation despite what seem to be good faith efforts to obey the law probably convinced him that the Manifesto’s tactics were the only option remaining for the Saints: even if they tried to obey the law (as he had) that might not satisfy those who saw the Mormons as enemies.

Yet, given Church leaders’ established understanding that the Manifesto was primarily a last-ditch effort to avoid destruction by their enemies, President Cannon and others may have understood that it was *their* duty to carry on with what the Church president could not verbally encourage, in order to preserve the doctrines of the Church. It seems that from their point of view, it was the President’s duty to present a face to the world that would spare the Church the full weight of the federal government’s efforts to control their faith and practice; it was his councilors’ duty to carry out what the president “really” wanted to

have happen, despite the denials that were presented for public consumption.

The Church cannot complain, of course, that such confusion resulted. It is to be expected given the tactics which they decided to adopt. This explains President Woodruff’s reluctance to adopt such tactics even *in extremis*, and why he repeatedly insisted that the Manifesto’s pathway was something which God commanded as a “duty.” One expects too that some of the general membership of the Church were likely confused about what was actually being taught or intended, since public and private statements could send conflicting messages. And, of course, Church leaders risked going beyond what the Church president intended, because they could easily misinterpret a frank, genuine instruction as merely a strategy to thwart their persecutors.

In sum, the process of “studying things out” in the minds of the general leadership continued. They were generally united in choosing the tactics of the Manifesto; but where those tactics were to ultimately lead was not yet clear. As President Cannon explained, the leaders of the Church were not exempt from the rigors of receiving revelation:

Yet, though [Church doctrines] shocked the prejudices of mankind, and perhaps startled us as Latter-day Saints, when we sought God for a testimony concerning them, He never failed to give unto us His Holy Spirit, which witnessed unto our spirits that they were from God, and not of man. So it will be to the end. The Presidency of the Church have to walk just as you walk. They have to take steps just as you take steps. They have to depend upon the revelations of God as they come to them. They cannot see the end from the beginning, as the Lord does. They have their faith tested as you have your faith tested. So with the Twelve Apostles. All that we can do is to seek the mind and will of God, and when that comes to us, though it may come in contact [conflict?] with every feeling that we have previously entertained, we have no option but to take the step that God points out, and to trust to Him.<sup>272</sup>

### Joseph F. Smith’s Administration

Joseph F. Smith was a counselor to Lorenzo Snow. He seems to have supported President Snow’s “no polygamy” posture, until the turn of the century. President Snow proposed the cessation of cohabitation with plural wives, and President Smith objected to this plan.<sup>273</sup>

Thereafter, President Smith approved some plural marriages without President Snow's knowledge. By November 1900, President Smith had arranged for another member (Alexander F. Macdonald) to marry members in the Juarez, Mexico stake.<sup>274</sup> In September 1901, he sent word to Patriarch Macdonald not to worry about public warnings of excommunication from President Snow, and instructed him to continue performing marriages.<sup>275</sup>

President Smith was to continue this posture of toleration toward polygamy upon becoming Church President at Lorenzo Snow's death. He again gave permission to Anthony W. Ivins in Mexico to solemnize such marriages, and these began in 1903.<sup>276</sup> The lack of unanimity among the general authorities persisted: President Smith's counselors and "half" of the Twelve were unaware of the support he and the rest of the quorum were giving to polygamy.<sup>277</sup> It is not surprising that these tactics further confused the Church members and leaders:

He did it with the best of intent—to preserve “the Principle” as well as to protect the institution of the Church by filling official minutes of quorum meetings with repudiations of what he was actually allowing individual Church officers to do with his authorization and blessing as Church president. This allowed plausible denial to the Church's enemies, but the policy created double definitions of authority, sanction, permission, knowledge, validity, loyalty, and truth—a wind that would begin to reap the whirlwind in 1904.<sup>278</sup>

The whirlwind was the Reed Smoot senate hearing. Reed Smoot was an apostle who had been elected as senator for Utah. However, non-Mormon clergy in the Salt Lake Ministerial Association filed a complaint with the senate, claiming that Smoot should not retain his seat, partly because he was a leader of a group who practiced or encouraged polygamy, and had sanctioned it even among the leadership.<sup>279</sup>

To the Saints, this doubtless seemed like a replay of problems which they had repeatedly endured—religious enemies seeking to use the instruments of government to disguise religious persecution through appeals to the civil law: “More than one student has suggested that the episode constituted the most searching, and perhaps bigoted, congressional investigation of any religious body in American history.”<sup>280</sup>

Church leaders were called to testify, and President Joseph F. Smith himself was the first witness. Interestingly, he ad-

mitted that he was continuing to cohabit with his wives (in violation of the law and in violation of the Church's announced interpretation of the Manifesto). When asked if he believed the Manifesto to be a revelation, President Smith indicated that he did. When asked if this meant that he was violating a revelation by his cohabitation, President Smith said that it did.<sup>281</sup> However, President Smith also continued the practice of dissembling by frankly denying the solemnization of any plural marriages since the Manifesto.

Thus, the strategy of President Smith and other leaders was to protect the Church, while being unwilling to use dishonesty to protect themselves personally. He was in jeopardy twice over: once for admitting to criminal cohabitation, and again for perjury before the Senate.<sup>282</sup> It is noteworthy that Reed Smoot thought that the public was more shocked by President Smith's admission of cohabitation than they were by news of a few marriages solemnized after the Manifesto.<sup>283</sup> President Smith was unwilling to use dishonesty to his own advantage; he remained, however, under commandment (via the Manifesto and the reasoning which applied to it) to protect the Church, even with deception if no other option existed. In fact, his admission of his own illegal acts sacrificed his own interests to spare attention from the Church. These are not the choices of a habitual liar, or of a libidinous male—they are the self-sacrifice of a leader with no good choices who nevertheless tried to honor his highest obligations.

On 6 April 1904, the First Presidency issued what has been called the “Second Manifesto.”

President Joseph F. Smith said:

I am going to present a matter to you that is unusual and I do it because of a conviction which I feel that it is a proper thing for me to do. I have taken the liberty of having written down what I wish to present, in order that I may say to you the exact words which I would like to have conveyed to your ears, that I may not be misunderstood or misquoted. I present this to the conference for your action:

#### OFFICIAL STATEMENT

“Inasmuch as there are numerous reports in circulation that plural marriages have been entered into contrary to the official declaration of President Woodruff, of September 26, 1890, commonly called the Manifesto, which was issued by President Woodruff and adopted by the Church at its general conference, October 6, 1890, which forbade any

marriage violative of the law of the land; I, Joseph F. Smith, President of the Church of Jesus Christ of Latter-day Saints, hereby affirm and declare that no such marriages have been solemnized with the sanction, consent or knowledge of the Church of Jesus Christ of Latter-day Saints, and “I hereby announce that all such marriages are prohibited, and if any officer or member of the Church shall assume to solemnize or enter into any such marriage he will be deemed in transgression against the Church and will be liable to be dealt with, according to the rules and regulations thereof, and excommunicated therefrom. JOSEPH F. SMITH, President of the Church of Jesus Christ of Latter-day Saints....”

. . . President Francis M. Lyman presented the following resolution and moved its adoption:

#### RESOLUTION OF ENDORSEMENT

“Resolved that we, the members of the Church of Jesus Christ of Latter-day Saints, in General Conference assembled, hereby approve and endorse the statement and declaration of President Joseph F. Smith, just made to this Conference concerning plural marriages, and will support the courts of the Church in the enforcement thereof....”

The resolution was then adopted, by unanimous vote of the Conference....<sup>284</sup>

The precision intended by President Smith is clear. He denies that the *Church* has sanctioned such marriages (though he is significantly silent on the fact that individual leaders or authorities of the Church had sanctioned marriages). We should recall that official Church acts require unanimity of the presiding quorums; as we have seen, this never occurred during post-Manifesto polygamy. Thus President Smith’s remark was technically correct, but continued the policy of misleading the government if absolutely required for the Church’s continued existence.

A key addition to the Second Manifesto was the indication that the Church would now use its ecclesiastical court system to punish those who violated it. This is in marked contrast to the 1890 Manifesto, which was a personal statement from President Woodruff that only indicated what “his intention” was, and contained his “advice” to members of the Church.

#### After the Second Manifesto

We have already mentioned the inevitable confusion which the 1890–1904 policy created among some Church mem-

bers and leaders. Indeed, such uncertainty was, in part, the purpose of the Manifesto tactic, though government agents seeking to destroy families and suppress conscience were those to be misled.

It is not surprising, therefore, that some members and leaders of the Church considered the Second Manifesto to be merely another gambit intended in the same spirit as that of 1890. But, by October 1904 the First Presidency and Council of the Twelve sent a letter indicating that “President Woodruff and President Snow, each in his time, authorized some of the Apostles, and perhaps others to perform sealings for time and eternity,” but then rescinded that authority.<sup>285</sup> It is significant that this was a united step taken by the leading quorums of the Church and signed by them as a body, rather than individual Church leaders. The consensus required by the doctrines of revelation and Church government was finally achieved.<sup>286</sup> The content of the Manifesto was now being established as the binding doctrine of the Church, because of revelation to the presiding authorities.<sup>287</sup> We have record of very few marriages sanctioned after the Second Manifesto.<sup>288</sup>

Two apostles, Elders John W. Taylor and Matthias F. Cowley, had figured prominently in post-Manifesto polygamy, and the senate wished to question them as part of the Smoot hearings. President Smith seems to have encouraged them to absent themselves to avoid subpoenas, and then insisted that since testifying to Congress was a civil, rather than religious, matter he could not force them to do so.<sup>289</sup>

However, lawyers acting for the Church, Senator Smoot, and some other members of the Church leadership pressed for discipline to be imposed upon Elders Taylor and Cowley. Meetings of the Twelve and First presidency were held in October 1905. No minutes were kept of these meetings, so conclusions drawn about the intents of the participants are necessarily speculative.

The two apostles did sign resignation letters to be used “as contingencies of last resort.”<sup>290</sup> The understanding was that they would be dropped from the Quorum of the Twelve, but that neither would lose his priesthood office of apostle.<sup>291</sup>

Reed Smoot was clearly in favor of using the resignation letters immediately. He warned that other members of Congress were focused on Elders Taylor and Cowley as the main perpetrators of post-Manifesto polygamy. The congressmen also reportedly told Senator-elect Smoot that “if the President of the Church won’t stop polygamy we will.”<sup>292</sup> The First Presidency’s attitude toward the mat-

ter was clear when they telegraphed Elder Smoot that the “Brethren [are] beginning [to] feel [that]...Taylor and Cowley should not be sacrificed unless required...[to] save you.”<sup>293</sup>

The leading quorums seem to have viewed the “discipline” of Elders Taylor and Cowley as a necessary sacrifice which the world was forcing upon them. They were to be scapegoats to protect the Church, and the sacrificial apostles knew it.<sup>294</sup> Janet Taylor, a wife of Elder Taylor, reported that Joseph F. Smith told her husband, “You brethren are called upon to make this sacrifice, but you will lose nothing from it. When things quiet down you will be reinstated.”<sup>295</sup>

The announcement of their resignation from the Quorum was made officially on 8 April 1906, though it seems to have done little to help Smoot’s cause in Washington. Cowley and Taylor had further problems with the Quorum, and were again called to disciplinary hearings in 1911. Taylor was excommunicated (he was reportedly rebaptized by Cowley prior to his death in 1916, and was to be posthumously reinstated to full fellowship in 1966). Cowley was more penitent, and was simply forbidden to exercise his priesthood authority; he was restored to full fellowship in 1936.<sup>296</sup>

### **Conclusions About Lying**

It is well-known in Latter-day Saint circles that the Saints are relieved of the necessity of keeping a commandment if their enemies make it impossible for them to do so:

Verily, verily, I say unto you, that when I give a commandment to any of the sons of men to do a work unto my name, and those sons of men go with all their might and with all they have to perform that work, and cease not their diligence, and their enemies come upon them and hinder them from performing that work, behold, it behooveth me to require that work no more at the hands of those sons of men, but to accept of their offerings.<sup>297</sup>

Many Church members assume that the Manifesto was an example of this process in action: the Church persisted until polygamy was declared, and confirmed, as illegal under secular law. This is an accurate concept, but it does not carry the matter far enough. The Church’s response to the state’s efforts to forbid them to practice their religion went through the following stages:

- secrecy for safety’s sake (Nauvoo era, Joseph Smith)
- announcement of intention to live polygamously (Utah era, Brigham Young)
- open civil disobedience (Utah era, pre-Manifesto of 1890: Brigham Young and John Taylor)
- hidden civil disobedience (post-Manifesto of 1890: Wilford Woodruff, Lorenzo Snow)
- final compliance (post-Second Manifesto of 1904: Joseph F. Smith and successors)

Thus, at the time of the 1890 Manifesto the Saints had not yet done everything which they could to live the law—the one option remaining was to mislead the secular powers, and to continue to live the law by cohabiting with current wives and occasionally marrying anew. The leaders were reluctant to adopt this approach, but did so after Wilford Woodruff’s revelation produced the Manifesto.

But, the Smoot hearings made it clear that even this tack could no longer be successful—the deception which post-Manifesto polygamy required meant that the federal government and other non-Mormons would not trust the Saints on this point. Therefore, the Church was finally at the point beyond which it could not go, without risking dissolution as a corporate entity, and the possible use of federal military power against the Saints.

No one can say that the Church abandoned its practices in response to pressure before every possible angle was explored. The choice after the Smoot hearings was between voluntary compliance or forced compliance via destruction of the Church. The Saints had proven their commitment to obedience, and Church leadership reached unanimity that polygamous marriages should cease.

Critics who do not bother to understand the LDS concept of revelation attempt to trouble us with the fact that Church leaders were not unanimous in their understanding or application of the Manifesto for several years. Such harmony among the governing authorities *is* a requirement for binding revelation. But, we do not expect revelation to come “at the first” in such instances—prophets are not fax machines, and they do not simply “download” their instructions from God. We should remember that the Lord will not force revelation, nor will He grant it prior to the necessary personal preparation and mental reflection. Part of the purpose of revelation is for men and women to exert themselves in order to understand and solve the very real, perplexing issues with which they are faced. Only when

we have done our homework do we get answers—this was a principle which Oliver Cowdery misunderstood, to his sorrow.<sup>298</sup>

The leaders of the Church were convinced that the Manifesto was a divinely mandated step—but, they were not unanimous on what the revelation *meant*. Did it mean that polygamy was to be finally, completely stopped? Or, did it mean that the Lord would justify them in violating prohibitions against lying in this instance? Or, did the Lord intend different things at different periods or in different places? Good men who sacrificed much for the gospel were of multiple views on this matter, and the governing quorums of the Church did not come to a unity of opinion overnight.

This should not surprise us—it is quite possible to know that something is a revelation, and yet not understand it fully. Most members are convinced that the scriptures are revelation, and may believe they know what a given scripture “means.” Yet, most have also probably had the experience of realizing that their initial understanding of revealed scripture was incomplete—or even completely wrong. Patriarchal blessings are another example of revelation which we may initially misunderstand, or only partly understand. The Lord will not force our realizations, nor will He spoon-feed us. With the Manifesto, as with everything else, leaders and members learned “line upon line.”

Some Church members unfamiliar with the history behind the anti-polygamy movement have been troubled by critics who try to portray Church members’ and leaders’ choices as dishonest and improper. Although I have detailed a moral basis under which deception may be acceptable—or even required—it is important to realize that this is a point on which modern enemies of the Church would be impossible to satisfy. If the Church had acquiesced to government pressure and stopped polygamy in 1890, the Church would then be charged with having “revelations on demand,” or with abandoning something they claimed was divine under government pressure. In fact, prior to the Manifesto, the attorney prosecuting Elder Lorenzo Snow for polygamy “predicted that if Snow and others were found guilty and sent to prison church leaders would find it convenient to have a revelation setting aside the commandment on polygamy.”<sup>299</sup>

This placed Church leaders in a vicious double-bind: they were being ruthlessly persecuted by the legislature for following their faith; if they were to comply with the law, they would (in the eyes of some) be admitting that revelation

came “on demand” and in response to secular pressure. Their enemies would “win” no matter what they did.

But, this did not happen—the leaders and members of the Church were literally willing to do *anything* they were commanded to do, in order to obey the Lord, until they were told otherwise. Impressively, the Church and its leaders took the only possible course which would preserve its revelatory integrity: only when they literally had no further choice besides dissolution was the plural marriage commandment rescinded.

Finally, given the ambiguities and confusion of the immediate post-Manifesto period, some members have worried that marriages solemnized for their ancestors were not valid in the eyes of the Lord. We need have no concern on this point. There is evidence that Church presidents provided approval after-the-fact for many of these marriages. Subsequent Church presidents indicated that they did not consider the marriages performed in the post-Manifesto polygamy period to be invalid, at least until “Joseph F. Smith locked the gate,”<sup>300</sup> in Spencer W. Kimball’s revealing phrase. Presidents Heber J. Grant and David O. McKay expressed similar sentiments.<sup>301</sup>

Fundamental to LDS theology is the conviction that the intent of a person is of primary importance for judging their guilt.<sup>302</sup> LDS couples of this period underwent great hardships, traveled great distances, and bore heavy burdens of secrecy to receive sealings by what they regarded as divine authority. Most believing Latter-day Saints would conclude that their ancestors’ sincerity will not be rewarded with condemnation if the authority in which they trusted was irregular because of the pressures and paradoxes of this difficult period.

### POLYGAMY AS LASCIVIOUSNESS

Critics charge that Joseph Smith (and possibly his successors) pursued plural marriage from purely base motivations. Such a charge is usually accompanied by appeals to the claim that polygamy was unchristian, illegal, and the subject of lies. This allows the critic to imply that Joseph and his successors’ conduct were questionable on moral grounds, and driven by sexual appetites.

Neutral observers have long understood that this attack is probably the weakest of them all. George Bernard Shaw, certainly no Mormon, declared:

Now nothing can be more idle, nothing more frivolous, than to imagine that this polygamy had any-

thing to do with personal licentiousness. If Joseph Smith had proposed to the Latter-day Saints that they should live licentious lives, they would have rushed on him and probably anticipated their pious neighbors who presently shot him.<sup>303</sup>

Brigham Young matches the explanation proposed by Shaw. When instructed to practice plural marriage by Joseph, Brigham recalled that it “was the first time in my life that I had desired the grave.”<sup>304</sup> John Taylor had similar opinions:

I had always entertained strict ideas of virtue and I felt as a married man that this was to me...an appalling thing to do...Nothing but a knowledge of God, and the revelations of God...could have induced me to embrace such a principle as this...We [the Twelve] seemed to put off, as far as we could, what might be termed the evil day.<sup>305</sup>

Joseph knew these men intimately. He would have known their sensibilities. If it was all about sex, why push his luck with them? Why up the ante and ask them to marry polygamously? It would have been easier for him to claim the “duty” singularly, as prophet, and not insist that they join him.

Furthermore, Joseph Smith would not permit other members’ sexual misconduct. For example, he refused to countenance John C. Bennett’s serial infidelities.<sup>306</sup> If Joseph was looking for easy access to sex, Bennett—mayor of Nauvoo, First Councilor in the First Presidency, and military leader—would have been the perfect confederate. Yet, Joseph publicly denounced Bennett’s actions, and severed him from the First Presidency and the Church. Bennett became a vocal opponent and critic, and all this could have been avoided if Joseph was willing to have him as a “partner in crime.” The critic cannot argue that Joseph felt that only he was entitled to polygamous relationships, since he went to great efforts to teach the doctrine to Hyrum and the Twelve, who embraced it with much less zeal than Bennett would have. If this is all about sex, why did Joseph humiliate and alienate Bennett, who he should have known he could trust to support him and help hide polygamy from critics, while risking the support of the Twelve by insisting they participate?

There were certainly easier ways to satisfy one’s libido. Van Wagoner warns:

Contrary to popular nineteenth-century notions about polygamy, the Mormon harem, dominated

by lascivious males with hyperactive libidos, did not exist. The image of unlimited lust was largely the creation of travelers to Salt Lake City more interested in titillating audiences back home than in accurately portraying plural marriage. Newspaper representatives and public figures visited the city in droves seeking headlines for their eastern audiences. Mormon plural marriage, dedicated to propagating the species righteously and dispassionately, proved to be a rather drab lifestyle compared to the imaginative tales of polygamy, dripping with sensationalism, demanded by a scandal-hungry eastern media market.<sup>307</sup>

Indeed, those who became Mormons were those who were least likely, culturally, to be thrilled at the prospect of polygamy:

Polygamy, when first announced to the Saints, was an offensive, disgusting doctrine, difficult to accept...The men and women who placed faith in the bona fides of the revelation were Victorian in their background and moral character. The hard test of accepting polygamy as a principle revealed and required by God selected out from the Church membership at large a basic corps of faithful members who, within the next few decades, were to be subjected to an Abraham-Isaac test administered by the federal government as God’s agent.<sup>308</sup>

Perhaps the best argument against the “lascivious” charge is to look at the lives of the men and women who practiced it. Historian B. Carmon Hardy observed:

Joseph displayed an astonishingly principled commitment to the doctrine [of plural marriage]. He had to overcome opposition from his brother Hyrum and the reluctance of some of his disciples. Reflecting years later on the conflicts and dangers brought by plural marriage, some church leaders were struck with the courage Joseph displayed in persisting with it. And when one recalls a poignant encounter like that between [counselor in the First Presidency] William Law and Joseph in early 1844, it is difficult not to agree. Law, putting his arms around the prophet’s neck, tearfully pleaded that he throw the entire business of plurality over. Joseph, also crying, replied that he could not, that God had commanded it, and he had no choice but to obey.<sup>309</sup>

One can read volumes of the early leaders’ public writings, extemporaneous sermons, and private journals. One

can reflect on the hundreds or thousands of miles of travel on missionary journeys and Church business. If the writings of Joseph Smith, Brigham Young, John Taylor, Wilford Woodruff, Heber C. Kimball, George Q. Cannon and many others cannot persuade someone that they were honest men (even if mistaken) then one should sincerely question whether such a person is capable of looking charitably upon any Mormon.

Paul Peterson's comment about the diaries of Joseph Smith resonates well in this regard:

I had not fully grasped certain aspects of the Prophet's psyche and personality. After just a few pages into *Personal Writings*,<sup>310</sup> it became clear that Joseph possessed religious dimensions that I had not understood. For one thing, it was apparent I had underestimated the depth of his dependence upon Deity. The Joseph that emerges in *Personal Writings* is an intensely devout and God-fearing young man who at times seems almost helpless without divine support. And his sincerity about his prophetic calling is also apparent. If others were not persuaded of his claims, it could not be said that Joseph was unconvinced that God had both called and directed him. Detractors who claim that Joseph came to like the game of playing prophet would be discomfited if they read *Personal Writings*. Scholars may quibble with how true his theology is, but for anyone who reads *Personal Writings*, his earnestness and honesty are no longer debatable points.<sup>311</sup>

One might reasonably hold the opinion that Joseph was wrong, but it is laughable to argue that he and his associates were insincere or that they were practicing their religion only for power and to satisfy carnal desires. Those who insist that "sex is the answer" reveal more about their own limited perspective than they do of the minds of the early Saints.

### IMPLEMENTATION PROBLEMS

Critics charge that polygamy was not a divinely-commanded practice, and cite some of the supposed or real negative consequences of polygamy as evidence. This attack draws on the unsurprising fact that those who implemented and practiced polygamy were human, mortal, and fallible. The Church's leaders have never claimed infallibility.

There can be no doubt that plural marriage was an enormous challenge, and it strained even great people to their utmost. Everyone in the Church is probably familiar with

the difficulty that Church members sometimes have in implementing relatively straightforward matters such as personal and family prayer, scripture study, family home evening, home teaching, and not losing one's temper. Are we surprised that they did not always implement or practice polygamy properly?

"But," the critic will reply, "even the prophets had problems practicing plural marriage. Look at everything that happened—this can't have been a divine principle." Blaming polygamy for various social problems is, of course, hardly new sport. This approach shares much with nineteenth-century attacks on the Church.

### Nineteenth Century Variations on a Theme

Nineteenth century anti-Mormon legislation used various excuses for intruding on what the Mormons claimed was a religious practice. One legal survey of the anti-polygamy legislators noted that they were convinced that plural marriage was "an overt act against peace and good order," a belief which set the stage "for any kind of action Congress desired to take."<sup>312</sup>

Despite such Victorian hyperventilation,

[i]t is difficult to find, for example, the "rights and liberties" of others threatened by the Mormon practice of polygamy. Assuming fully voluntary involvement on the part of all parties, marriage and personal family relationships seem to fit into the zone of privacy necessary for the dignity of the individual... While the majority of the community may find polygamous marriage relationships repugnant, repugnancy unassociated with entitlement claims cannot invalidate the rights of believers to practice polygamy, if liberalism has any validity. Mormons have expressed no sympathy for either a "social disintegration" or a "paternalism" argument favoring restrictions on such religious practices.<sup>313</sup>

Another charge was that polygamy exploited or degraded women, and a "novel proposal" addressing this angle "was made in 1869 by Indiana Republican George W. Julian 'to discourage polygamy in Utah by granting the right of suffrage to the women of that territory.'"<sup>314</sup> Julian was soon shown to be mistaken, since Utah Territory promptly granted female suffrage, with no threat to polygamy. Indeed, John Stuart Mill's *On Liberty* punctured the fantasy that the women were impotent victims:

It must be remembered that this relation [polygamy] is as much voluntary on the part of the women concerned in it, and who may be deemed the sufferers by it, as is the case with any other form of the marriage institution; and however surprising this fact may appear, it has its explanation in the common ideas and customs of the world, which teaching women to think marriage the one thing needful, make it intelligible that many a woman should prefer being one of several wives, to not being a wife at all.<sup>315</sup>

Mill ignores, of course, the religious dimension to the women's participation, but his contemporaneous commentary should give modern critics pause. Despite the worries of modern critics or the more rabid nineteenth-century Congressional busybodies, "Mormon polygamy neither caused or could cause the degradation of women and children or the subversion of democracy."<sup>316</sup> As one non-Mormon study of polygamy among various groups noted:

Women fared no worse (and indeed better) under the Munsterites and Mormons than under the usual monogamous (but just as patriarchal) regime of the age. Indeed, they were better treated if we leave aside the controversial sexual issue. In Munster, they collaborated with the men in the war effort. In Utah, they were given education, the vote and work. It is a curious instance of a movement producing effects opposite to those intended. And women certainly were not subjected to the degradation common in many factories and mines at the time. The fact is that the battle between polygamists and monogamists is a false issue which disappeared as soon as an objective way out of the sexual impasse began to be adopted in the form of easier divorce, birth control and the raising of women's educational levels and of their rights.<sup>317</sup>

The claim can be reasonably made that women's rights were, in fact, better protected in Utah than almost anywhere else in the Union. As early as 1852, Utah passed divorce laws "that provided women much more control over their lives than was given by any other divorce statute of the nineteenth century, save only that of Indiana."<sup>318</sup>

### ***What's a Nice Girl Like You Doing in a Place Like This?***

If the critic is to argue that polygamy had a negative impact on individuals, families, or society, he must explain

why the Mormons persisted with it despite all the horrible fallout. An explanation for the men—sexual appetite—is a convenient canard, as explored in the previous section. An explanation for the women is more challenging, since the Saints' answer—obedience to revelation—is not acceptable to the critic! As Terryl L. Givens wrote of fictitious portrayals of the Saints:

Whole groups of Mormons respond to the hypnotic powers of their leaders...What would seemingly be Mormonism's [or polygamy's] vindication thus turns out to be its condemnation—its reliance on converts to the system...The possibility of willing affiliation...is equivalent to the threat of assimilation. This is why the query "Why would women *choose* to participate in such a system?" is precluded from the very start. Choice itself must be written out of the equation...[As one anti-Mormon novelist wrote:] "though brokenhearted, though stung to madness, though plunged into the deepest despair by their wrongs, yet the possibility of liberating themselves from their bondage scarcely occurred to the women..."<sup>319</sup>

It is common, therefore, to insist that the majority of the Saints were persuaded almost against their will to become polygamists, generally through the inordinate influence of Joseph Smith or another leader.

The "hypnotic powers" of nineteenth-century imagination are not much in vogue today (though Fawn Brodie was happy to attribute plural marriage's success to its "magnetism"<sup>320</sup>), and so the modern critic of polygamy will invoke various other explanations. Todd Compton, for example, marvels at the Saints' willingness to embrace the "impossible task"<sup>321</sup> of polygamy, given "the problematic nature of such relationships" and is surprised they did not "retreat from them."<sup>322</sup> His explanation for their choice to follow Joseph rests on the claim that "all Mormon women" were taught to "accept...him as an infallible leader and that it was the intensity of [their] religiosity that led [them] to... enter polygamy."<sup>323</sup>

Unfortunately for this view, it has no more evidence than the nineteenth-century proposition that Joseph was possessed of irresistible hypnotic powers. B.H. Roberts' caution is appropriate:

Joseph Smith ... claimed for himself no special sanctity, no faultless life, no perfection of character, no inerrancy for every word spoken by him. And

as he did not claim these things for himself, so can they not be claimed for him by others....<sup>324</sup>

And, even Compton cannot make his theory stick. He elsewhere changes his claim, and says that “many early Mormons viewed Smith as infallible,”<sup>325</sup> which is quite a different matter than claiming that *all* Mormon women were taught to view him this way. He changes his mind a third time when he later opines that by the later nineteenth century, “Smith himself had become larger than life in Mormon folk memory—a nearly infallible figure who ranked just below Jesus Christ and higher than Old Testament prophets”: now Joseph is “nearly infallible,” but only in the perceptions of those looking nostalgically back long after his death.<sup>326</sup> This variation on the “infallible” model does nothing to help explain the actions of those who lived with and knew Joseph as a living, breathing, fallible human. It is also not clear whether being “nearly infallible” makes any more sense than being “nearly pregnant”—either one is or one isn’t; there is no middle ground.

Compton is to be congratulated for his honesty, since his book also provides ample evidence that any version of the “infallible Joseph” theory does not explain the choices made by many who entered into the first plural marriages. George D. Smith opines that as “[a] charismatic, handsome man, Joseph Smith apparently had little trouble persuading young women that he was their way to eternal realms of glory.”<sup>327</sup> Thus, for George Smith Joseph’s ‘charisma’ (an analogue to Compton’s ‘infallibility’) makes women not just willing but almost eager to obey. Like the “infallibility” hypothesis, a review of the first-person writings of early polygamists shows that this is an absurd claim.

Sarah Studevart Leavitt expressed her confidence that “the Anointed of the Lord would not get more wives unless they were commanded to do so.” This might sound like confirmation of the ‘charismatic’ or ‘infallible’ hypotheses, were it not for her frank explanation that “I have seen so much wrong connected with this ordinance that had I not had it revealed to me from Him that cannot lie I should sometimes have doubted the truth of it.”<sup>328</sup> She was clearly no fan of the practice, but embraced it only because of personal revelation. One sees this pattern repeatedly in the accounts of the period.

George D. Smith even goes so far as to insist—without elaboration or references—that “[f]or young women living in the Smith home, the prophet’s advances were hard to resist.”<sup>329</sup> In flat contradiction to such claims, Emily Dow Partridge says that when Joseph suggested plural

marriage to her, she “‘shut him up so quick’ that he did not bring the subject up again for months.”<sup>330</sup>

These episodes have a broader importance, however, than disproving any one writer’s speculations—they tell us why the Saints practiced plural marriage, in their own words. We need not speculate about their choices; they left a rich record which explains their acts as they understood them.

Much more could be said about many historians’ treatments of early polygamy among the Saints. It is my experience that a thorough reading of the source documents—particularly the words of the women involved in the process—indicates that the early Saints were neither convinced of Joseph’s infallibility nor willing to follow him blindly off a moral or social precipice over which he is pushed by many critics. They repeatedly insisted that only revelation would persuade them, and bore witness that they had received it.

### **Polygamy and Depression**

The critics’ tendency to blame any polygamist’s problems on polygamy is particularly pronounced when they venture into an area in which I have some professional expertise: mental health. One scholar writes, for example:

Often plural wives who experienced loneliness also reported feelings of depression, despair, anxiety, helplessness, abandonment, anger, psychosomatic symptoms, and low self-esteem.<sup>331</sup>

As a medical doctor, I treat women from a wide variety of backgrounds and faiths. None, to my knowledge, is polygamous. I have found that women (and men) will generally (and “often”) experience such feelings and symptoms, regardless of their marital status.<sup>332</sup> Women who are married will sometimes fault their marriage for such problems; women who are unmarried will bemoan their single state as a cause.

In short, I suspect that a critic who blames polygamy for depression risks the *post hoc ergo propter hoc* fallacy—this logical error presumes that if one event follows another, the first event caused the second. By this faulty reasoning, we could conclude that roosters cause the sun to rise, since dawn always follows their crowing.

In the same way, the polygamy critic notices that the women were married polygamously and later experience loneliness or feelings of worthlessness. They thus decide that polygamy “caused” such feelings. But, it has been my

experience that such feelings and experience are common to the human condition, arise in any circumstance (even “ideal” ones), and that people tend to always believe that “the grass is greener” elsewhere—they focus their discontent on whatever their life circumstances happen to be. Lacking any definitive studies demonstrating a causal link between polygamy and depression, it is just as likely to say that any critical analysis of the practice may simply reflect the critic’s own dark perception of the practice.

## HIDING HISTORY

Critics charge that since they have provided information about polygamy of which the reader was previously unaware, the Church has therefore been “hiding” the truth, or “lying” to its unwitting members. Thus the critic can resurrect the polygamous past to attack the present. Historian D. Michael Quinn recently spoke to this claim:

Church leaders have as much experience with the church’s past history as anyone who graduated from seminary, so they are not trying to conceal any concerns or a great secret or mystery, because they are not aware of them. If they haven’t acquired a knowledge of church history before they become a General Authority, they don’t have time to acquire it.<sup>333</sup>

Critics of the Church generally have a narrow, naïve view of history and the role of the Church in teaching it. Few people, in or out of the Church, have much interest in history. History books do not routinely make the best-seller lists. Most people know little about even basic historical matters; they know even less about LDS Church History.

The Church’s primary charge is not to teach nineteenth-century history, but to teach the gospel of Christ and administer the ordinances. The Church and its members are under strict divine instructions as to what their teaching and preaching should consist of: “Say nothing but repentance.”<sup>334</sup> Everything taught must be subordinated to that goal—if not, nothing else will help.

That being said, there is an enormous quantity of information available on all aspects of Mormon history. Most members and leaders are likely unfamiliar with this material. It is available for those with an interest, however, and the Church makes no effort to stop its members from reading it. As Elder Dallin H. Oaks said:

The Church of Jesus Christ of Latter-day Saints does not attempt to isolate its members from al-

ternate voices. Its approach, as counseled by the Prophet Joseph Smith, is to teach correct principles and then leave its members to govern themselves by personal choices.

Of course, the Church does have a responsibility to point out what is the voice of the Church and what is not... *Members of the Church are free to participate or to listen to any alternate voices they choose, but Church leaders should avoid official involvement, directly or indirectly.*<sup>335</sup>

The reader should here ask themselves if they have ever heard a general conference talk in which they were forbidden from reading something—besides prohibitions on consuming pornography or other salacious material, I know of no examples of “banned books.” Elder Oaks himself, as we have already seen, made specific reference to some of the deceptions practiced during the polygamy period in a speech at BYU—hardly the act of someone trying desperately to smother the truth.

The *Encyclopedia of Mormonism* is a three-volume reference work prepared with the assistance of the Church. It is not an official publication of the Church, but two apostles were involved in its preparation and editing. Like all the entries, the article on plural marriage contains a bibliography which lists works to which the interested reader may go for further information. One listed reference is to “Van Wagoner, Richard S. *Mormon Polygamy: A History*. Salt Lake City, 1986.”<sup>336</sup>

Van Wagoner’s work is anything but a whitewash. There are points upon which I think he greatly errs. His book also cites many other references that are not sympathetic to the Church or the early leaders. Yet, there it is, listed for anyone who is interested, with the bibliography placed on-line by BYU.<sup>337</sup> This does not match the critics’ model of a Church trying to “hide the truth.”

Furthermore, both Richard Van Wagoner and Todd Compton thank the LDS Church and BYU archives for their help, which seems strange if the Church is stonewalling every attempt to “get the truth out”:

**Van Wagoner:** “I also deeply appreciate the assistance of the staffs of the LDS Church Historical Department...[and] the Special Collections Division of the Harold B. Lee Library at Brigham Young University.”<sup>338</sup>

**Compton:** “The archivists at the historical department of the LDS church in Salt Lake City were unfailingly helpful and professional when I researched there...I am also grateful for the help of archivists at...the Harold B. Lee Library at Brigham Young University.”<sup>339</sup>

An informal examination of some titles at Brigham Young University’s library<sup>340</sup> is also instructive, especially when compared to Deseret Book’s on-line store:

- *Early Mormonism and the Magic World View* (D. Michael Quinn). The call number at BYU is BX 8673.2 .Q44e 1998; there are seven copies available. Deseret Book sells this book online.<sup>341</sup>
- *In Sacred Loneliness: The Plural Wives of Joseph Smith* (Todd Compton). The call number at BYU is BX 8670.07 .C739i 1996; there are four copies available. Deseret Book sells this book online.<sup>342</sup>
- *Mormon Polygamy: A History* (Richard Van Wagoner). The call number at BYU is BX 8641. V36-1986; there are ten copies available. Deseret Book sells this book online.<sup>343</sup>
- *No Man Knows My History* (Fawn Brodie). The call number at BYU is BX 8670.2 .B78; there are thirteen copies from 1945–1995. Deseret Book sells this book online.<sup>344</sup>
- *Same-sex Dynamics among Nineteenth-century Americans: A Mormon Example* (D. Michael Quinn). The call number at BYU is BX 8641.12 .Q44s 1996; there are three copies available. Deseret Book does not sell this book online.
- *The Mormon Hierarchy: Extensions of Power* (D. Michael Quinn). The call number at BYU is BX 8651 .Q44mp 1997; there are two copies available. Deseret Book sells this book online.<sup>345</sup>
- *The Mormon Hierarchy: Origins of Power* (D. Michael Quinn). The call number at BYU is BX 8651 .Q44mo 1994; there is one copy available. Deseret Book sells this book online.<sup>346</sup>

Fawn Brodie’s psychobiography of Joseph Smith is available, as are both Compton’s and Van Wagoner’s polygamy works; Quinn is also well represented. None of these works is apologetic, and some are downright hostile toward the Church’s history. Yet, the Church (which is supposedly seeking to hide information) provides multiple copies for unsuspecting BYU students, who could easily read the on-

line article on plural marriage from the *Encyclopedia*, and then read Van Wagoner if so inclined.

Furthermore, the Church seems incapable of—or uninterested in—exerting pressure on Deseret Book to cease allowing readers to post glowing reviews of these books on the company’s Web site. There also doesn’t seem to be much attempt to prevent Deseret Book from advertising or selling these books, even though their clientele must be mostly LDS.

The Church is in something of a double-bind when it comes to teaching the history of polygamy. The Church still retains (with good reason, as we have seen) a strong institutional memory of the persecutions which used polygamy as an excuse. The existence of “fundamentalist” splinter groups which still practice polygamy means that the Church must constantly reinforce the idea that it does not currently encourage or preach the practice. The Church likely does not want to appear to encourage or condone plural marriage for current members, since it is still fighting the public perception that polygamy is part of the modern Church. Furthermore, some few less-experienced members might choose to interpret explanations about the past as oblique justification for the present practice of polygamy.

No matter what the Church might say or teach about the history of polygamy, it will always remain vulnerable to charges of not being “thorough” or “accurate” enough, even if only because Church teachers may honestly disagree with the critics about the interpretation of the historical evidence. When critics say that the Church is “hiding” history, what they often mean is that the Church isn’t teaching history with the slant that the critic wants. Sometimes choosing to let people do their own research is the best option, since polygamy has little practical relevance in the life of the modern member (or the institutional Church).

The reader should ask themselves how much of this essay’s material was provided by the critic. How much perspective on these issues did the critic provide? Or, as so often happens, was the critic’s intent to simply “prove” that Church leaders were corrupt and the modern Church dishonest?

If the critic has not provided the perspective which I have attempted to outline above, *they* are at least as guilty of “hiding the truth” as they accuse the Church of being.

## FINAL THOUGHTS—WHAT WAS THE PURPOSE OF PLURAL MARRIAGE?

I have long believed that inside some of the hardest doctrines, deep inside them, are some of the greatest truths and the most precious principles. But these are not to be discovered casually or irreverently. Obedience actually brings both blessings and additional knowledge...

- Neal A Maxwell<sup>347</sup>

When all the history available has been discussed and dissected, we are left with the question: why did the early Saints practice polygamy? The simple answer seems the best: they did it because they believed that God commanded it.

This historian, and even the believer, may consider this answer vaguely unsatisfactory. The follow-up question begs to be asked: why, then, did God command it?

Humility demands that we acknowledge that unless God or His servants tell us why something is done, we are only speculating. At the same time, God has always struck me as the ultimate multi-tasker—He accomplishes many things with a single act. It may well be that multiple outcomes were intended. What follows is a brief speculative mention, in no particular order, of some of the many “accomplishments” of plural marriage.

### **Obedience**

Obedience is a notion that is out of fashion, especially among the self-proclaimed “intellectual” critics of the Church. Yet, obedience remains a fundamental doctrine of the gospel of Christ, and plural marriage was an opportunity to show where one’s loyalties ultimately lay:

They believe in men and women being married only until death doth them part. That is a very cold affair. We do not believe in being married for time only. We believe in making covenants for eternity, and being associated with our wives and children behind the veil. We have received instructions from the Lord in regard to these things, and we are desirous to carry them out.<sup>348</sup>

Simply learning obedience in all things has its merits, despite such a curriculum’s unpopularity among the secularists.

### **“Raise Up Seed”**

God never introduced the Patriarchal order of marriage with a view to please man in his carnal desires, nor to punish females for anything which they had done; but He introduced it for the express purpose of raising up to His name a royal Priesthood, a peculiar people.

- Brigham Young<sup>349</sup>

The Book of Mormon’s general condemnation of polygamy is frequently mentioned by critics; its exception to this condemnation is less frequently noted: “For if I will, saith the Lord of Hosts, raise up seed unto me, I will command my people; otherwise they shall hearken unto these things.”<sup>350</sup> Clearly, one theological function of polygamy could have been to “raise up” groups of people that would be faithful to God. As Doctrine and Covenants 132 explains:

Abraham received promises concerning his seed, and of the fruit of his loins—from whose loins ye are, namely, my servant Joseph—which were to continue so long as they were in the world; and as touching Abraham and his seed, out of the world they should continue; both in the world and out of the world should they continue as innumerable as the stars; or, if ye were to count the sand upon the seashore ye could not number them. This promise is yours also, because ye are of Abraham, and the promise was made unto Abraham; and by this law is the continuation of the works of my Father, wherein he glorifieth himself. Go ye, therefore, and do the works of Abraham; enter ye into my law and ye shall be saved. But if ye enter not into my law ye cannot receive the promise of my Father, which he made unto Abraham. God commanded Abraham, and Sarah gave Hagar to Abraham to wife. And why did she do it? Because this was the law; and from Hagar sprang many people. This, therefore, was fulfilling, among other things, the promises.<sup>351</sup>

Thus, descendants from a covenant people may have been part of polygamy’s purpose. This scripture also confirms our supposition that plural marriage played multiple roles, since righteous posterity is important, “among other things.”

Some Church members have presumed that polygamy was thus designed to ensure a larger number of descendants than would be possible under monogamy. This need not be the case: polygamy was, as we have seen, an effec-

tive tool for “winnowing.” Any family willing to make the sacrifices attendant to plural marriage were unreservedly dedicated to the restored gospel. Children raised in such an environment can have had no doubt, from an early age, of their parents’ convictions. This effect can only have been magnified by the fact that most Church leaders were in polygamous unions.

Plural marriage served, therefore, to train a “peculiar” generation in devotion to their faith, while sparing them the physical persecution of Ohio, Missouri, or Illinois. The Saints were faced with the question of where their ultimate devotion lay: to Church or country? To God or man? To revelation or convention? Plural marriage cast that choice in stark terms which could not be avoided, and the early members did not shrink from the choice.

### **Sociological**

[T]he institution of polygamy was the best thing that ever happened to Mormonism, and polygamy’s suppression at the hands of the federal government was the next best...

- Douglas H. Parker<sup>352</sup>

The Church’s practice of polygamy became public knowledge in 1852. Organized only 22 years prior, the Church was a young, little understood, and often reviled faith. It drew converts from New England, Canada, Scandinavia, England, Scotland, Wales, and elsewhere. Sometimes not even sharing a language, it was necessary that this mix of new members be molded into a solid, enduring social group.

This was accomplished via two means: geographic isolation in the Salt Lake basin and marital practices that were odious to most Americans.

Geographical isolation had become necessary for the Saints’ safety. Yet, as Terry Givens has demonstrated at length, there was little aside from their theology which separated the Saints from general American society.<sup>353</sup> Polygamy served as the perfect dividing line between “Gentile” and “Zion” America. The Saints remained relatively isolated until the coming of the railroad to Utah; by this time their status as a distinct religious and social “culture” was assured, given that they had spent most of the past half century in conflict with the U.S. government over polygamy. Furthermore, intensification of the “polygamy war” in the late 1800’s ensured that the arrival of the railroad did not lead to sudden assimilation.

We do not have to look far to discover the fate of a religion without the twin isolators of plural marriage and geography: the Reorganized Church of Jesus Christ of Latter-day Saints. This break-off from the Utah “Brighamites” initially shared most of the other distinctive LDS doctrines, including a belief in Joseph Smith’s prophetic call, the divine origin of the Book of Mormon, and a need for a restoration. Yet, today the RLDS Church—now “Communities of Christ”—has little to distinguish it theologically from mainline Protestantism. Theologically, they were steadily absorbed into the American “mainstream,” while the Utah Mormons have retained their separate theological identity, despite joining the American *cultural* mainstream.

However, it was equally important that plural marriage eventually cease, for similar sociological reasons. Even if Utah had successfully given legal protection to plural marriage, it would have stunted Church expansion and growth into other areas. Canada is a good example of a country which moved swiftly to implement anti-polygamy statutes upon the arrival of Mormon colonists. Canadian law even went so far as to name Church members as specific legislative targets.<sup>354</sup> Polygamy had served its sociologic purpose by the turn of the century, and world-wide expansion became more feasible with its discontinuation.

### **Abrahamic Test**

We complain sometimes about our trials: we need not do that. These are things that are necessary for our perfection. We think sometimes that we are not rightly treated, and I think we think correctly about some of these things. We think there are plots set on foot to entrap us; and I think we think so very correctly.

- John Taylor<sup>355</sup>

No impartial study of the Saints’ sacrifices during the polygamy period can fail to impress us with their devotion. Doctrine and Covenants 132 acknowledged at the outset that what was being asked was a staggering sacrifice: “Abraham was commanded to offer his son Isaac; nevertheless, it was written: Thou shalt not kill. Abraham, however, did not refuse, and it was accounted unto him for righteousness.”<sup>356</sup>

The command to sacrifice Isaac is one of the most provocative passages of all scripture.<sup>357</sup> It likely holds little interest to the modern humanist except as a case study in religious excess. Even modern Christians—in or out of the Church—perhaps pass over it too glibly. We seem almost

over-anxious to reassure ourselves that God didn't *really* intend for Isaac to be sacrificed, and then hasten to draw parallels with God's sacrifice of His Son.

In our haste, however, we miss the fact that God's sacrifice of Christ had a coherent theological rationale, while Abraham received no such justification. Knowing the end of the story, we derive comfort from the ram in the thicket, while Abraham had no such comfort. Latter-day Saints who believe that Jehovah rescued Abraham from being a sacrificial victim himself<sup>358</sup> should also appreciate that the sacrifice of Isaac demanded that Abraham renounce what was doubtless a cherished tenet of his faith: "no human sacrifice."

As the philosopher Søren Kierkegaard described it, in his stimulating study of this scripture, "all was lost, more terrible than if it had never been! ...Through a miracle [God] had made the preposterous come true [by Isaac's birth to the aged Sarah], now he would see it again brought to nothing."<sup>359</sup>

Kierkegaard puts his finger squarely on the key issue:

What is [generally] left out of the Abraham story is the anguish; for while I am under no obligation to money [which I am asked to sacrifice], to a son the father has the highest and most sacred obligations... Abraham's relation to Isaac, ethically speaking, is quite simply this, that the father should love the son more than himself... a temptation is [usually] something that keeps a person from carrying out a duty, but here the temptation is the ethical itself which would keep him from doing God's will.<sup>360</sup>

Nor should we attribute this doctrine to a mere Old Testament caprice, as Jesus made clear.<sup>361</sup> The Saints were asked to put everything on the altar. For them, "faith was a task for a whole lifetime, not a skill thought to be acquired in either days or weeks."<sup>362</sup> They were not asked simply to part with their sins and foibles, to which anyone might bid a none-too-fond farewell. Beside these offerings they were to then lay their good name, their reputation for moral rectitude and honesty, their civil rights, and their place in American society. Not only must they abandon the false doctrines of the sectarians, but they must appear to renounce cherished principles of monogamy which were viewed as the well-spring of civilization. And then they were later required to discontinue the practice for which they had given so much. The insight of Helen Mar Whitney is appropriate to this point:

Those who have not the knowledge and assurance that the course which they are pursuing is according to the will of God, cannot endure all these afflictions and persecutions, taking joyfully the spoiling of their goods and even if necessary to suffer death, by the hands of their foes. They will grow weary and faint and fall by the way unless they have unshaken confidence and a perfect knowledge for themselves. They cannot make a sacrifice of their character and reputation; and give up their houses, their lands, brothers, sisters, wives and children; counting all things as dross, when compared with the eternal life and exaltation, which our Savior has promised to the obedient; and this knowledge is not obtained without a struggle nor the glory without a sacrifice of all earthly things. In the last days (we read) the Lord is to gather together his Saints who have made covenant with Him by sacrifice and each one must know that their sacrifice is accepted as did righteous, Abel and Abraham the father of the faithful. Every Latter-day Saint knows this to be true, and that according to our faith so are our blessings and privileges.<sup>363</sup>

At its core, polygamy asked the Saints to put their "money where their mouths were." Was Joseph really a prophet, or not? Did prophetic authority persist? Could God truly speak by divine, unmistakable revelation to each individual? Was God's voice truly sovereign over all institutions, and in all circumstances? Were they confident that they could discern that voice, even—or especially—when something contrary to their expectations was demanded?

The Saints' actions answered in the affirmative. I do not envy the ethical extremity in which they found themselves. I am humbly reverent, however, before their moral maturity. Their example makes me uneasy—not because I think I will be asked to resume plural marriage, or because I am troubled by their choices. But, all believers must ultimately mimic Abraham on Mount Moriah. What good must I ultimately leave on the altar, while rejoicing in the only Good?

#### FURTHER READING

Alexander, Thomas G. "'To Maintain Harmony': Adjusting to External and Internal Stress, 1890–1930," *Dialogue: A Journal of Mormon Thought* 15 (Winter 1982): 44–58.

Alexander, Thomas G. "The Word of Wisdom: From Principle to Requirement," *Dialogue: A Journal of Mormon Thought* 14:3 (Autumn 1981): 78–87.

- Allen, James B. and Leonard, Glen M. *Story of the Latter-day Saints*, 2nd edition. Salt Lake City: Deseret Book, 1992.
- Anderson, Richard L. "Joseph Smith's Final Self-Appraisal," in *Prophet Joseph: Essays on the Life and Mission of Joseph Smith*, edited by Susan Easton Black and Larry C. Porter. Salt Lake City: Deseret Book Company, 1988, 320–330.
- Bachman, Danel W. "A Study of the Mormon Practice of Polygamy Before the Death of Joseph Smith." (1975) (unpublished M.A. thesis, Purdue University, copy on file with author).
- Bachman, Danel W. and Esplin, Ronald K. "Plural Marriage," *Encyclopedia of Mormonism*, edited by Daniel H. Ludlow, New York: Macmillan Publishing, 1992, 1091–1095 <<http://ldsfaq.byu.edu/emmain.asp?number=145>>.
- Buice, David. "A Stench in the Nostrils of Honest Men: Southern Democrats and the Edmunds Act of 1882," *Dialogue: A Journal of Mormon Thought* 21:3 (Fall 1988): 100–113.
- Cannon, Donald Q. (editor), *Latter-day Prophets and the United States Constitution*. Provo: Religious Studies Center, Brigham Young University, 1991.
- Cannon, Donald Q., Cowan, Richard O., and Garr, Arnold K. "Lincoln, Abraham" *Encyclopedia of Latter-day Saint History*. Salt Lake City: Deseret Book Company, 2000.
- Cannon II, Kenneth. "After the Manifesto: Mormon Polygamy, 1890–1906," *Sunstone* 8:1–2 (January–April 1983): 27–36 <[www.sunstoneonline.com/magazine/searchable/Issue37-38.asp#TextArea](http://www.sunstoneonline.com/magazine/searchable/Issue37-38.asp#TextArea)>.
- Clark, James R. (editor) *Messages of the First Presidency*, Vol. 3, Salt Lake City: Bookcraft, 1966.
- Clark, James R. (editor) *Messages of the First Presidency*, Vol. 4, Salt Lake City: Bookcraft, 1970.
- Compton, Todd M. *In Sacred Loneliness: The Plural Wives of Joseph Smith*. Salt Lake City: Signature Books, 1997.
- Compton, Todd M. Response to Tanners, post to LDS Bookshelf mailing list, no date <[www.lds-mormon.com/compton.shtml](http://www.lds-mormon.com/compton.shtml)>.
- Compton, Todd M. "Truth, Honesty and Moderation in Mormon History: A Response to Anderson, Faulring and Bachman's Reviews of *In Sacred Loneliness*", E-book, (July 2001) <<http://www.geocities.com/Athens/Oracle/7207/rev.html>>.
- Esplin, Ronald K. "Joseph Smith's Mission and Timetable: 'God Will Protect Me until My Work Is Done'," *Prophet Joseph: Essays on the Life and Mission of Joseph Smith*, edited by Susan Easton Black and Larry C. Porter. Deseret Book Company: Salt Lake City, 1988, 208–310
- Firmage, Edwin B. "The Judicial Campaign against Polygamy and the Enduring Legal Questions," *BYU Studies* 27:3 (Summer 1987): 91–113.
- Firmage, Edwin Brown and Mangrum, Richard Collin/ *Zion in the Courts : A Legal History of the Church of Jesus Christ of Latter-day Saints, 1830–1900*. Urbana and Chicago : University of Illinois Press, 1988.
- Fordham, Michael and McGuire, Ben. "A Contradiction Between Jacob 2:24 and Doctrine & Covenants 132:39?", FAIR, 2003 <[www.fairlds.org/apol/misc/misc13.html](http://www.fairlds.org/apol/misc/misc13.html)>.
- Foster, Lawrence. "Sex and Prophetic Power: A Comparison of John Humphrey Noyes, Founder of the Oneida Community, with Joseph Smith, Jr., the Mormon Prophet," *Dialogue: A Journal of Mormon Thought* 31:4 (Winter 1998): 65–84.
- Gandhi, Mohandas 'Mahatma'. "Speech at Ras - 18 March 1930," *Navajivan*, 23 March 1930.
- Gandhi, Mohandas 'Mahatma'. *Speeches and Writings of Mahatma Gandhi*. G.A. Natesan & Company: Madras, 1933, 4th edition.
- Gandhi, Mohandas 'Mahatma'. *Young India*, 28 April 1920. I am indebted to the excellent on-line collected works of Mohandas 'Mahatma' Gandhi: [www.mkgandhi.org/momgandhi/momindex.htm](http://www.mkgandhi.org/momgandhi/momindex.htm).
- Gibbons, Francis M. *Dynamic Disciples, Prophets of God: Life Stories of the Presidents of The Church of Jesus Christ of Latter-day Saints*. Salt Lake City: Deseret Book Company, 1996.
- Givens, Terryl L. *The Viper on the Hearth: Mormons, Myths, and the Construction of Heresy*. New York: Oxford University Press, 1997.

- Godfrey, Kenneth W. "The Coming of the Manifesto," *Dialogue: A Journal of Mormon Thought* 5 (Autumn 1970): 11–25.
- Haksar, Vinit. "The Right to Civil Disobedience," *Osgoode Hall Law Journal* 41:2–3 (2003): 407–426.
- Hardy, B. Carmon. *Solemn Covenant: The Mormon Polygamous Passage*. Urbana and Chicago: University of Illinois Press, 1992.
- Kierkegaard, Soren Aabye. *Fear and Trembling*, translated by Alastair Hannay. London: Penguin Classics, 1985.
- Law, William et al. *Nauvoo Expositor* 7 June 1844.
- Lawrence v. Texas*, 539 U.S. 558 (2003) <[www.supremecourtus.gov/opinions/02pdf/02-102.pdf](http://www.supremecourtus.gov/opinions/02pdf/02-102.pdf)>.
- Mangrum, R. Collin. "Mormonism, Philosophical Liberalism, and the Constitution," *BYU Studies* 27:3 (Summer 1987):119–135.
- McCue, Robert J. "The Attitude Toward Plural Marriage in Canada, 1887–1992" in *Regional Studies in LDS Church History*, Vol. 2, (Provo, Utah: Department of Church History and Doctrine, Brigham Young University, 2000): 277–292.
- McCue, Robert J. "Did the Word of Wisdom Become a Commandment in 1851?" *Dialogue: A Journal of Mormon Thought* 14:3 (Autumn 1981): 66–74.
- McMurrin, Joseph W. "An Interesting Testimony / Mr. Law's Testimony," *The Improvement Era* (May 1903): 507–10.
- Mill, John Stuart. "On Liberty," (1859) <[http://wiki-source.org/wiki/On\\_Liberty](http://wiki-source.org/wiki/On_Liberty)>.
- Nibley, Hugh W. "No, Ma'am, That's Not History: A Brief Review of Mrs. Brodie's Reluctant Vindication of a Prophet She Seeks to Expose," in *Tinkling Cymbals and Sounding Brass*, volume 11 in *The Collected Works of Hugh Nibley*. Salt Lake City: Deseret Book and FARMS, 1991 <<http://farms.byu.edu/display.php?table=transcripts&id=47>>.
- Nichols, Jeffrey D. *Prostitution, Polygamy, and Power: Salt Lake City, 1847–1918*. Urbana and Chicago: University of Illinois Press, 2002 <[www.press.uillinois.edu/epub/books/nichols/preface.html](http://www.press.uillinois.edu/epub/books/nichols/preface.html)>.
- Oaks, Dallin H. "Alternate Voices," *Ensign* (May 1989): 27–30.
- Oaks, Dallin H. "Gospel Teachings About Lying," BYU Fireside Address, 12 September 1993. (on file with author)
- Oaks, Dallin H. "The Suppression of the Nauvoo Expositor," *Utah Law Review* 9 (1965): 862–903.
- Oaks Dallin H. and Hill, Marvin S. *Carthage Conspiracy: The Trial of the Accused Assassins of Joseph Smith*. Urbana and Chicago: University of Illinois Press, 1975.
- Olsen, Frances. "Socrates on Legal Obligation: Legitimation Theory and Civil Disobedience," *Georgia Law Review* 18:929 (1984): 929–966.
- Packer, Boyd K. "Our Moral Environment," *Ensign* (May 1992): 66–68.
- Parker, Douglas H. "Victory in Defeat—Polygamy and the Mormon Legal Encounter with the Federal Government," *Cardozo Law Review* 12:805 (1991): 805–819.
- Peterson, Paul H. "Understanding Joseph: A Review of Published Documentary Sources," in *Joseph Smith: The Prophet, the Man*, edited by Susan Easton Black and Charles D. Tate, Salt Lake City: Deseret Book Company, 1988,101–116.
- Pratt, Orson and Newman, John Philip. "Does the Bible Sanction Polygamy?" Salt Lake City: *Deseret News*, 12–14 August 1874.
- Poll, Richard D. "The Legislative Anti-Polygamy Campaign," *BYU Studies* 26:4 (Fall 1986):107–119.
- Quinn, D. Michael "LDS Church Authority and New Plural Marriages, 1890–1904," *Dialogue: A Journal of Mormon Thought* 18:1 (Spring 1985): 9–105.
- Roberts, Brigham H. *Comprehensive History of the Church*. Provo: Brigham Young University Press, 1965.
- Roberts, Brigham H. *Life of John Taylor: Third President of the Church of Jesus Christ of Latter-Day Saints*. Salt Lake City, Utah : Bookcraft, 1975[1892].
- Snow, Lorenzo. "The Iowa Journal of Lorenzo Snow Edited and with an Introduction by Maureen Ursenbach Beecher," *BYU Studies* 24 (Summer 1984): 261.

Smith, George D. "Nauvoo Roots of Mormon Polygamy, 1841–46: A Preliminary Demographic Report," *Dialogue: A Journal of Mormon Thought* 27:1 (Spring 1994): 1–36.

Smith, Jeffrey. *Where the Roots Reach for Water: A Personal and Natural History of Melancholia*. New York: North Point Press, 1999.

Smith, Joseph. *Teachings of the Prophet Joseph Smith*, selected by Joseph Fielding Smith, Salt Lake City: Deseret Book Company, 1976.

Smith, Stephen Eliot. "The 'Mormon Question' Revisited: Anti-polygamy Laws and the Free Exercise Clause," (2005) (unpublished LL.M. thesis, Harvard Law School) (on file with author).

Suber, Peter "Civil Disobedience," *Philosophy of Law: an Encyclopedia*, edited by Christopher B. Gray, New York: Garland Publishing, 1999, 110–113. <[www.earlham.edu/~peters/writing/civ-dis.htm](http://www.earlham.edu/~peters/writing/civ-dis.htm)>

Talmage, James E. *Articles of Faith*. Salt Lake City: Deseret Book Company, 1984.

Thomasson, Gordon C. "The Manifesto was a Victory!" *Dialogue: A Journal of Mormon Thought* 6:1 (Spring 1971): 36–45.

Thoreau, Henry David "Resistance to Civil Government," 1849 <[http://wikisource.org/wiki/Civil\\_Disobedience\\_-\\_Henry\\_David\\_Thoreau](http://wikisource.org/wiki/Civil_Disobedience_-_Henry_David_Thoreau)>.

Van Wagoner, Richard. *Mormon Polygamy: a History*. Salt Lake City: Signature Books, 1986.

Walker, Ronald W. "B.H. Roberts and The Woodruff Manifesto," *Brigham Young University Studies* 22:3 (Autumn 1982): 365.

Watt, G.B. (editor). *Journal of Discourses*, 26 volumes. (1854–1886) <<http://journals.mormonfundamentalism.org/>>.

Wilkinson, Ernest L. "The Changing Nature of American Government from a Constitutional Republic to a Welfare State," BYU Student Body Address, 21 April 1966; transcript in *BYU Speeches of the Year – 1966*, Provo: BYU Publications, 1966.

Woodruff, Wilford, *Wilford Woodruff's Journal: 1889–1898*, edited by Scott G. Kenney, Vol. 9. Midvale, Utah: Signature Books, 1985.

## NOTES

<sup>1</sup> When talking about polygamy during the Nauvoo period, it seems almost too sweeping to refer to it as "widely" practiced. Most scholars indicate that no more than 200 adults knew of or practiced the principle.

<sup>2</sup> See, for example, such an oversight in Richard Van Wagoner, *Mormon Polygamy: A History* (Salt Lake City: Signature Books, 1986), 3, in which he cites the Book of Mormon as prohibiting polygamy in Jacob 2:23–27, without mentioning verse 30, which qualifies the prohibition by indicating that the Lord may, in some circumstances, declare otherwise. Why someone would miss a connection that is (a) clearly spelled out in the very text being considered; (b) discussed in most LDS expositions on the topic; and (c) familiar to every competent LDS missionary, I leave to the reader to decide. Even the much less sensationalistic B. Carmon Hardy, *Solemn Covenant: The Mormon Polygamous Passage*, (Urbana and Chicago: University of Illinois Press, 1992), 5, reports that the Book of Mormon "censured polygamy and concubinage" without discussing the text's qualification of this censure.

<sup>3</sup> Pearl of Great Price, Article of Faith 12.

<sup>4</sup> I appreciate the input, encouragement, and frank criticism of those who read drafts of this manuscript or discussed the issues with me, including Suzanne Armitage, Kevin Barney, George Cobabe, David Farnsworth, Ken Kyle, Juliann Reynolds, David Stewart, Allen Wyatt, and others who remain unnamed. I'm especially fortunate and grateful for my brother, Stephen E. Smith, who, to my surprise, happened to be writing a master's thesis at Harvard Law School on the anti-polygamy legislation and its modern implications. He updated my understanding of the legal issues, and I shamelessly exploited his research into the primary sources. Any proper understanding of the legal issues derives from his tutoring; any mistakes should be blamed on me. Others who are unnamed also contributed a great deal to my understanding of the issues, and deserve more credit than I can give them here. The interpretations and any errors remain mine alone, of course.

<sup>5</sup> For example, see Stephen R. Gibson, *One-Minute Answers to Anti-Mormon Questions* (Bountiful, Utah: Horizon Publishers, 1995); Joseph Fielding McConkie, *Answers: Straightforward Answers to Tough Gospel Questions* (Salt Lake City: Deseret Book Company, 1998), 27–28; Stephen E. Robinson, *Are Mormons Christians?* (Salt Lake City: Bookcraft, 1991), 90–96; Gilbert W. Scharfs, *The Truth About "The Godmakers": A Response to an Inaccurate Portrayal of The Church of Jesus Christ of Latter-day Saints* (Salt Lake City: Publishers Press, 1986) <[www.fairlds.org/pubs/tagm/tagm00.html](http://www.fairlds.org/pubs/tagm/tagm00.html)>; John A. Widtose, *Evidences and Reconciliations*, arranged by G. Homer Durham (Salt Lake City: Bookcraft, 1960), 340–344, 390–393. See also debate between Orson Pratt and John Philip Newman, "Does the Bible Sanction Polygamy?" *Deseret News*, August 12–14, 1874.

<sup>6</sup> See, for example, Michael Fordham and Ben McGuire, "A Contradiction Between Jacob 2:24 and Doctrine & Covenants 132:39?," FAIR, 23 March 2003; <[www.fairlds.org/apol/misc/misc13.html](http://www.fairlds.org/apol/misc/misc13.html)>, last accessed 25 March 2005.

<sup>7</sup> Orson Pratt and John Philip Newman, "Does the Bible Sanction Polygamy?" *Deseret News*, 12–14 August 1874.

<sup>8</sup> Pearl of Great Price, Article of Faith 12.

- <sup>9</sup> B. Carmon Hardy, *Solemn Covenant: The Mormon Polygamous Passage*, (Urbana and Chicago: University of Illinois Press, 1992,) 12–14.
- <sup>10</sup> James B. Allen and Glen M. Leonard, *Story of the Latter-day Saints* (Salt Lake City: Deseret Book Company, 1992), 401.
- <sup>11</sup> Ernest L. Wilkinson, “The Changing Nature of American Government from a Constitutional Republic to a Welfare State”, BYU Student Body Address, April 21, 1966; transcript in *BYU Speeches of the Year – 1966* (Provo, Utah: Brigham Young University Press, 1966).
- <sup>12</sup> Henry David Thoreau, *Resistance to Civil Government*, 1849.
- <sup>13</sup> See John Taylor, “The Rights of Mormonism,” *Journal of Discourses*, reported by G.D. Watt 30 August 1857, Vol. 5 (London: Latter-day Saint’s Book Depot, 1857), 182–192.
- <sup>14</sup> Mohandas ‘Mahatma’ Gandhi, “Speech at Ras, March 18, 1930,” *Navajivan*, (23 March 1930).
- <sup>15</sup> Mohandas ‘Mahatma’ Gandhi, *Young India* (28 April 1920): 7–8.
- <sup>16</sup> *Ibid.*, (5 January 1922): 5.
- <sup>17</sup> First Presidency (John Taylor and George Q. Cannon), “Epistle to Saints in Semi-Annual Conference, October 6, 1886,” *Messages of the First Presidency*, edited by James R. Clark, Vol. 3, (Salt Lake City: Bookcraft, 1966), 72.
- <sup>18</sup> Doctrine & Covenants 58:19–21.
- <sup>19</sup> John Taylor, “Reason of Investigation,” *Journal of Discourses*, reported by John Irvine 20 February 1884, Vol. 26 (London: Latter-day Saint’s Book Depot, 1886), 350; cited in Donald Q. Cannon (editor), *Latter-day Prophets and the United States Constitution*. (Provo, Utah: Religious Studies Center, Brigham Young University, 1991.) 63.
- <sup>20</sup> Boyd K. Packer, “Our Moral Environment,” *Ensign*, (May 1992): 66.
- <sup>21</sup> Doctrine & Covenants 101:77–78.
- <sup>22</sup> Mohandas ‘Mahatma’ Gandhi, *Speeches and Writings of Mahatma Gandhi*, 4th edition, (G.A. Natesan & Company, Madras, 1933,) 465.
- <sup>23</sup> John Taylor “The Gospel’s Restoration,” *Journal of Discourses*, reported by George F. Gibbs 9 April 1882, Vol. 23 (London: Latter-day Saint’s Book Depot, 1883), 63; cited in Cannon 56–57.
- <sup>24</sup> James E. Talmage, *Articles of Faith* (Salt Lake City: Deseret Book Company, 1984), 382–383.
- <sup>25</sup> John Taylor, “Persecution in Arizona,” *Journal of Discourses*, reported by John Irvine 1 February 1885, Vol. 26 (London: Latter-day Saint’s Book Depot, 1886), 154–155; cited in Cannon 66.
- <sup>26</sup> Hardy, *Solemn Covenant* 45; citing *Wilford Woodruff’s Journal*, edited by Scott G. Kenney, 9 vols. (Midvale, Utah: Signature Books, 1983–1985), 6:518–519, 9 January 1870.
- <sup>27</sup> R. Collin Mangrum, “Mormonism, Philosophical Liberalism, and the Constitution,” *BYU Studies* 27:3 (Summer 1987): 131.
- <sup>28</sup> *Dred Scott v. Sandford*, 60 U.S. 393 (1857). <<http://laws.findlaw.com/us/60/393.html>>, last accessed 15 May 2005.
- <sup>29</sup> For a discussion of this and other aspects in the philosophy of civil disobedience, see Peter Suber, “Civil Disobedience,” *Philosophy of Law: An Encyclopedia*, edited by Christopher B. Gray, (New York: Garland Publishing, 1999), 110–113. <[www.earlham.edu/~peters/writing/civ-dis.htm](http://www.earlham.edu/~peters/writing/civ-dis.htm)>, last accessed 15 May 2005.
- <sup>30</sup> Doctrine and Covenants, Official Declaration 1.
- <sup>31</sup> Wilford Woodruff, Cache Stake Conference, Logan, Utah, Sunday, 1 November 1891; reported in *Deseret Weekly*, November 14, 1891; cited in Doctrine & Covenants, Official Declaration 1.
- <sup>32</sup> Gustive O. Larson, *The “Americanization” of Utah for Statehood* (San Marino, California: Huntington Library, 1971), 60 n. 61; cited by Firmage, “Enduring Questions,” footnote 3.
- <sup>33</sup> This episode was a turning point in the LDS attitude to Lincoln; see Donald Q. Cannon, Richard O. Cowan and Arnold K. Garr, “Lincoln, Abraham” *Encyclopedia of Latter-day Saint History* (Salt Lake City: Deseret Book Company, 2000) citing George U. Hubbard, “Abraham Lincoln as Seen by the Mormons,” *Utah Historical Quarterly* 31 (Spring 1963), 91–108.
- <sup>34</sup> Richard Van Wagoner, *Mormon Polygamy: A History*. (Salt Lake City: Signature Books, 1986), 130.
- <sup>35</sup> Mohandas ‘Mahatma’ Gandhi, *Young India* (24 March 1920): 4 <[www.mkgandhi.org/momgandhi/momindex.htm](http://www.mkgandhi.org/momgandhi/momindex.htm)>
- <sup>36</sup> See the first three chapters of Cannon, *Latter-day Prophets and the United States Constitution*, op. cit., for extensive examples.
- <sup>37</sup> *Lawrence v. Texas*, 539 U.S. 558 (2003) <[www.supremecourtus.gov/opinions/02pdf/02-102.pdf](http://www.supremecourtus.gov/opinions/02pdf/02-102.pdf)>, last accessed 15 May 2005.
- <sup>38</sup> Daniel 6:1–3.
- <sup>39</sup> Daniel 6:7–17.
- <sup>40</sup> John Taylor, “The Temples in Course of Erection, Etc.,” *Journal of Discourses*, reported by George F. Gibbs 30 November 1879, Vol. 20 (London: Latter-day Saint’s Book Depot, 1880), 355.
- <sup>41</sup> *Lawrence v. Texas*, *ibid.*
- <sup>42</sup> John Stuart Mill, “On Liberty,” Chapter 4: On the Limits to the Authority of Society over the Individual (1859) <[http://wikisource.org/wiki/On\\_Liberty](http://wikisource.org/wiki/On_Liberty)>, last accessed 24 May 2005.
- <sup>43</sup> *Ibid.*
- <sup>44</sup> George D. Smith, “Nauvoo Roots of Mormon Polygamy, 1841–46: A Preliminary Demographic Report,” *Dialogue: A Journal of Mormon Thought* 27:1 (Spring 1994): 12, 15–16.
- <sup>45</sup> Van Wagoner, *Mormon Polygamy*, 48; citing Whitney, *Plural Marriage*, 11.
- <sup>46</sup> *Ibid.*, citing Robinson, *Journal*, 23–24.
- <sup>47</sup> *Ibid.*
- <sup>48</sup> George A. Smith, “Gathering and Sanctification of the People of God,” *Journal of Discourses*, reported by G.D. Watt 18 March 1855, Vol. 2 (London: Latter-day Saint’s Book Depot, 1855), 217.
- <sup>49</sup> Joseph reportedly told John Taylor that “the church could not go on until that principal [sic] was established.” – Smith, “Nauvoo Roots of Mormon Polygamy,” 13; citing Joseph Smith to John Taylor in Nauvoo, between March 1842 and February 1846, Mary Isabella Hales Horne, *Autobiography*, 10–11, Utah State Historical Society.

- <sup>50</sup> Joseph Smith, Letter from Liberty Jail to Isaac Galland, 22 March 1839, *Times and Seasons* 1 (February 1840); cited in Ronald K. Esplin, "Joseph Smith's Mission and Timetable: 'God Will Protect Me until My Work Is Done'" *Prophet Joseph: Essays on the Life and Mission of Joseph Smith*, edited by Susan Easton Black and Larry C. Porter, (Salt Lake City: Deseret Book Company 1988), 303.
- <sup>51</sup> Wilford Woodruff's Journal, 19 December 1841, 2:142; cited in Esplin, 302–303.
- <sup>52</sup> Joseph Smith Diary, 11 June 1843; cited in Esplin, 303.
- <sup>53</sup> George A. Smith, "Gathering and Sanctification," *Journal of Discourses*, 2:215.
- <sup>54</sup> Van Wagoner, *Mormon Polygamy*, 17.
- <sup>55</sup> Hardy, *Solemn Covenant*, 367; citing Emma Smith, in William Clayton's Nauvoo Journal, 15 August 1844.
- <sup>56</sup> Van Wagoner, *Mormon Polygamy*, 74–76.
- <sup>57</sup> Danel W. Bachman, "A Study of the Mormon Practice of Polygamy Before the Death of Joseph Smith," (1975) (unpublished M.A. thesis, Purdue University, copy on file with author), 57; citing August J. Crocheron, *Representative Women of Deseret, A Book of Biographical Sketches, To Accompany the Pictures of the Same Title* (Salt Lake City: J.C. Graham and Company, 1884), 26.
- <sup>58</sup> Van Wagoner, *Mormon Polygamy*, 59.
- <sup>59</sup> Smith, "Nauvoo Roots of Mormon Polygamy," 26; citing Jane Snyder Richards, "Reminiscences," 18.
- <sup>60</sup> Wilford Woodruff, "Inventions Opposed by Public Opinion," *Journal of Discourses*, reported by John Irvine 6 January 1884, Vol. 25 (London: Latter-day Saint's Book Depot, 1884), 9.
- <sup>61</sup> See Terryl L. Givens, *The Viper on the Hearth: Mormons, Myths, and the Construction of Heresy* (New York: Oxford University Press, 1997), 171–172, note 19, which discusses Beadle's authorship and potential role as ghost writer for a number of inflammatory anti-Mormon works.
- <sup>62</sup> J.H. Beadle, "The Mormon Theocracy" (editorial), *Scribner's Monthly* 14:3 (July 1877): 392; cited by Givens, *Viper on the Hearth*, 51.
- <sup>63</sup> Todd M. Compton, *In Sacred Loneliness: The Plural Wives of Joseph Smith* (Salt Lake City: Signature Books, 1997), 549.
- <sup>64</sup> "Joe. Smith—The Presidency," *Nauvoo Expositor* (7 June 1844), italics in original.
- <sup>65</sup> Francis M. Higbee, "Citizens of Hancock County," *Nauvoo Expositor* (7 June 1844).
- <sup>66</sup> Dallin H. Oaks, "The Suppression of the Nauvoo Expositor," *Utah Law Review* 9 (1965): 862–903.
- <sup>67</sup> See Richard L. Anderson, "Joseph Smith's Final Self-Appraisal," *Prophet Joseph: Essays on the Life and Mission of Joseph Smith*, edited by Susan Easton Black and Larry C. Porter, (Salt Lake City: Deseret Book Company, 1988), 322. Footnote 12 notes: "In (his) 26 May 1844 discourse, Joseph Smith denied specific rumors but did not deny that he had had a revelation on plural marriage and had begun that practice. Afterward the *Expositor* published details of the revelation, but again the Prophet said nothing publicly to refute it."
- <sup>68</sup> Orson Hyde, "The Marriage Relations," *Journal of Discourses*, reported by G.D. Watt 6 October 1854, Vol. 2 (London: Latter-day Saint's Book Depot, 1855), 75.
- <sup>69</sup> Genesis 12:11–20.
- <sup>70</sup> Genesis 26:6–16.
- <sup>71</sup> Exodus 1:16–19.
- <sup>72</sup> Exodus 3:17.
- <sup>73</sup> Exodus 3:18.
- <sup>74</sup> Exodus 3:21–22.
- <sup>75</sup> See also Exodus 11:2; 12:35–36.
- <sup>76</sup> See Exodus 8:25, 28; 10:8, 24.
- <sup>77</sup> Exodus 10:28.
- <sup>78</sup> Exodus 14:5–8.
- <sup>79</sup> Dallin H. Oaks, "Gospel Teachings About Lying," BYU Fireside Address, 12 September 1993, typescript, no page numbers (copy in author's possession).
- <sup>80</sup> *Ibid.*
- <sup>81</sup> *Ibid.*
- <sup>82</sup> *Ibid.*
- <sup>83</sup> Doctrine & Covenants 1:19–20.
- <sup>84</sup> Joseph Smith, *Teachings of the Prophet Joseph Smith*, selected by Joseph Fielding Smith, (Salt Lake City: Deseret Book Company, 1976), 11–12.
- <sup>85</sup> Mohandas 'Mahatma' Gandhi, *Harijan*, 18 March 1939: 53.
- <sup>86</sup> Lorenzo Snow, "The Iowa Journal of Lorenzo Snow Edited and with an Introduction by Maureen Ursenbach Beecher," *BYU Studies* 24 (Summer 1984): 265.
- <sup>87</sup> Van Wagoner, *Mormon Polygamy*, 82.
- <sup>88</sup> Brigham H. Roberts, *Comprehensive History of the Church* (Provo, Utah: Brigham Young University Press, 1965), 4:58.
- <sup>89</sup> Dallin H. Oaks, "Gospel Teachings About Lying."
- <sup>90</sup> Douglas H. Parker, "Victory in Defeat—Polygamy and the Mormon Legal Encounter with the Federal Government," *Cardozo Law Review* 12 (1991): 818.
- <sup>91</sup> Givens, *Viper on the Hearth*, 20; citing Daniel Dunklin, letter dated 6 June 1834, printed in *Missouri Intelligencer and Boon's Lick Advertiser* (21 June 1834).
- <sup>92</sup> J.H. Beadle, "The Mormon Theocracy" (editorial), *Scribner's Monthly* 14:3 (July 1877): 391; cited by Givens, *Viper on the Hearth*, 20.
- <sup>93</sup> John Taylor, "The Rights of Mormonism," 189.
- <sup>94</sup> John Taylor, "The Confidence of the Saints, Etc.," *Journal of Discourses*, reported by G.D. Watt 10 October 1863, Vol. 10 (London: Latter-day Saint's Book Depot, 1865), 258.

- <sup>95</sup> Wilford Woodruff, "Blessings of Righteous," *Journal of Discourses*, reported by G.D. Watt 22 January 1865, Vol. 11 (London: Latter-day Saint's Book Depot, 1867), 60.
- <sup>96</sup> Wilford Woodruff, "The Signs of the Coming of the Son of Man, Etc.," *Journal of Discourses*, reported by David W. Evans 12 January 1873, Vol. 15 (London: Latter-day Saint's Book Depot, 1873), 280.
- <sup>97</sup> Revelation to Wilford Woodruff on 25 January 1880, recorded in *Wilford Woodruff's Journal*, edited by Scott G. Kenney, 9 vols. (Midvale, Utah: Signature Books, 1983–1985), 9:463.
- <sup>98</sup> Wilford Woodruff, "Inventions Opposed by Public Opinion," *Journal of Discourses*, reported by John Irvine 6 January 1884, Vol. 25 (London: Latter-day Saint's Book Depot, 1884), 8.
- <sup>99</sup> First Presidency (John Taylor and George Q. Cannon), "Epistle to Saints in Semi-Annual Conference, October 6, 1886," *Messages of the First Presidency*, edited by James R. Clark, Vol. 3, (Salt Lake City: Bookcraft, 1966), 74–75.
- <sup>100</sup> Wilford Woodruff Journal, 31 December 1889; cited in Van Wagoner, *Mormon polygamy*, 139.
- <sup>101</sup> Givens, *Viper on the Hearth*, 39, 42; citing Warren Foote, *Autobiography of Warren Foote* (typescript [n.p., n.d.]), Historical Department of the Church of Jesus Christ of Latter-day Saints, Salt Lake City.
- <sup>102</sup> Richard Dilworth Rust, "Review of Dean C. Jessee, ed. *The Papers of Joseph Smith*," *BYU Studies* 33 (1993): 343.
- <sup>103</sup> John Stuart Mill, "On Liberty," Chapter 4: On the Limits to the Authority of Society over the Individual (1859) <[http://wikisource.org/wiki/On\\_Liberty](http://wikisource.org/wiki/On_Liberty)>, last accessed 24 May 2005.
- <sup>104</sup> *Deseret News*, 13 October 1880; cited in Van Wagoner, *Mormon Polygamy*, 116.
- <sup>105</sup> Thomas De Witt Talmage, "Were the Prayers for President Garfield a Failure?," *The Brooklyn Tabernacle, A Collection of 104 Sermons* (New York: Funk and Wagnalls, 1884), 37 (sermon of 2 October 1881); cited in Givens, *Viper on the Hearth*, 40.
- <sup>106</sup> Hardy, *Solemn Covenant* 41; citing Phillips, *The Mormon Menace*, 2, 8, 10–11.
- <sup>107</sup> I am here indebted to Stephen Eliot Smith, "The 'Mormon Question' Revisited: Anti-polygamy Laws and the Free Exercise Clause" (2005) (unpublished LL.M. thesis, Harvard Law School) (on file with author).
- <sup>108</sup> Firmage and Mangrum, *Zion in the Courts*, 216.
- <sup>109</sup> Givens, *Viper on the Hearth*, 37.
- <sup>110</sup> See, for example, John Taylor's editorial, cited in Brigham H. Roberts, *The Life of John Taylor: Third President of the Church of Jesus Christ of Latter-day Saints*, 1975 edition, (Salt Lake City: Bookcraft, 1892), 261–262.
- <sup>111</sup> Van Wagoner, *Mormon Polygamy*, 86–87.
- <sup>112</sup> *Congressional Globe*, 35th Congress, 1st Session 5 (1857); cited by Smith, "The 'Mormon Question' Revisited," 29.
- <sup>113</sup> Smith, "The 'Mormon Question' Revisited," 27; citing *Congressional Globe*, 33d Congress, 1st Session 1101 (1854) (statement of Rep. Caleb Lyon of New York).
- <sup>114</sup> Thomas Hudson McKee (editor), *The National Conventions and Platforms of All Political Parties 1789 to 1904*, 5th rev. ed., (Baltimore, MD: The Friedenwald Company, 1904), 98; cited by Smith, "The 'Mormon Question' Revisited," 28.
- <sup>115</sup> Smith, "The 'Mormon Question' Revisited," 29; citing Lyn Ragdale, *Vital Statistics on the Presidency: Washington to Clinton*, revised edition, (Washington, D.C.: Congressional Quarterly, 1998), 102.
- <sup>116</sup> Smith, "The 'Mormon Question' Revisited," 27–28; citing *Polygamy in the Territories (sic) of the United States*, House of Representatives Report Number 36-83, (1860): 2. Smith notes that the speaker here misquotes the First Amendment (emphasis added).
- <sup>117</sup> Edwin Brown Firmage and Richard Collin Mangrum, *Zion in the Courts: a Legal History of the Church of Jesus Christ of Latter-day Saints, 1830–1900* (Urbana and Chicago: University of Illinois Press, 1988), 133; citing *Congressional Globe* 1860, appendix, 194.
- <sup>118</sup> Jeffrey D. Nichols, *Prostitution, Polygamy, and Power: Salt Lake City, 1847–1918* (Urbana and Chicago: University of Illinois Press, 2002), Chapter 1; citing Dubois, *Dubois's Making of a State*, 48; quoted in Lyman, *Political Deliverance*, 38–39, n. 42. <[www.press.uillinois.edu/epub/books/nichols/preface.html](http://www.press.uillinois.edu/epub/books/nichols/preface.html)> (last accessed 15 May 2005).
- <sup>119</sup> Ralph Waldo Emerson, *The Journals and Miscellaneous Notebooks*, edited by Susan Sutton Smith and Harrison Hayford, (Cambridge, Mass.: Harvard University Press, 1978) 14:204–5; cited by Givens, *Viper on the Hearth*, 145.
- <sup>120</sup> See: Edwin B. Firmage, "The Judicial Campaign against Polygamy and the Enduring Legal Questions," *BYU Studies*, 27:3 (Summer 1987): 91–113; Firmage and Mangrum, *Zion in the Courts*, op. cit.; Richard D. Poll, "The Legislative Anti-Polygamy Campaign," *BYU Studies* 26:4 (Fall 1986): 107–119; R. Collin Mangrum, "Mormonism, Philosophical Liberalism, and the Constitution," *BYU Studies* 27:3 (Summer 1987): 119–135; and Smith "The 'Mormon Question' Revisited," op. cit.
- <sup>121</sup> *Congressional Globe*, 34th Congress, 1st session, 1491; cited by Poll, "Legislative Campaign," 108.
- <sup>122</sup> Frances Olsen, "Socrates on Legal Obligation: Legitimation Theory and Civil Disobedience," *Georgia Law Review* 18 (1984): 961.
- <sup>123</sup> Poll, "Legislative Campaign," 109; citing *House Reports*, 39th Congress, 1st session, no. 83 (1860).
- <sup>124</sup> Smith, "The 'Mormon Question' Revisited," 32–33; citing *Congressional Globe*, 37th Congress, 2nd Session 2769 (1862) (statement of Rep. John S. Phelps of Missouri); also citing *ibid.*, 2906: Smith's footnote records "(a) that time, Santa Fe was located in the Territory of New Mexico...Rep. Morrill reported that the Catholic property was protected by 'treaty stipulations; with Mexico and was therefore immune from section 3 of the Act.'"
- <sup>125</sup> *Congressional Globe*, 36th Congress, 1st Session 198 (1860) (statement of Rep. William E. Simms) (emphasis added); cited by Smith, "The 'Mormon Question' Revisited," 33–34.
- <sup>126</sup> *Congressional Globe* 1860, 1496; cited by Firmage and Mangrum, *Zion in the Courts*, 134.
- <sup>127</sup> *Congressional Globe*, 36th Congress, 1st Session 1500 (1860); cited by Smith, "The 'Mormon Question' Revisited," 34 (emphasis added).
- <sup>128</sup> Firmage and Mangrum, *Zion in the Courts*, 132–133

- <sup>129</sup> *Congressional Globe* 1860, appendix, 198; cited by Firmage and Mangrum, *Zion in the Courts*, 135.
- <sup>130</sup> Poll, "Legislative Campaign," 110–114.
- <sup>131</sup> Firmage and Mangrum, *Zion in the Courts*, 141, 216.
- <sup>132</sup> Givens, *Viper on the Hearth*, 30.
- <sup>133</sup> *Ibid.*, 118.
- <sup>134</sup> Mangrum, "Mormonism, Liberalism, Constitution," 130, citing *Reynolds v. United States*, 98 U.S. (Otto) 145, 164, 165 (1879).
- <sup>135</sup> *Ibid.*, citing Lawrence Tribe, *American Constitutional Law* (Mineola, New York: Foundation Press, 1978), 838 n. 13.
- <sup>136</sup> Laurence H. Tribe, *American Constitutional Law* (Mineola, New York: Foundation Press, 1978), 854; cited by Firmage, "Enduring Questions," 95.
- <sup>137</sup> There were repeated discourses on this theme during the polygamy period; see Donald Q. Cannon (editor), *Latter-day Prophets and the United States Constitution* (Provo, Utah: Religious Studies Center, Brigham Young University, 1991), 14–79.
- <sup>138</sup> Mangrum, "Mormonism, Liberalism, Constitution," 130, citing *Wisconsin v. Yoder*, 406 U.S. 205, 220 (1972). (Mangrum mistakenly dates *Yoder* to 1977, rather than 1972.)
- <sup>139</sup> *Employment Div., Dep't of Human Res. v. Smith*, 494 U.S. 872 (1990), *reh'g denied*, 496 U.S. 881, 888 (1990). For a discussion, see Smith, "The 'Mormon Question' Revisited," 105–107.
- <sup>140</sup> Todd M. Gillett, *The Absolution of Reynolds: The Constitutionality of Religious Polygamy*, *Wm. & Mary Bill of Rights Journal* 8:497, 521 (2000); cited by Smith, "The 'Mormon Question' Revisited," 99.
- <sup>141</sup> Firmage and Mangrum, *Zion in the Courts*, 155.
- <sup>142</sup> Poll, "Legislative Campaign," 114.
- <sup>143</sup> See, for example, John Taylor, "Polygamy and Prostitution, etc." *Journal of Discourses*, reported by John Irvine 19 October 1884, Vol. 25 (London: Latter-day Saint's Book Depot, 1884), 360: "The most damning nature of this record is that these crimes are sought to be palliated by unjust law, made ostensibly to punish crime, but really to pervert justice and protect falsehood, chicanery and intrigue. We have a local administration which provides test oaths to try to cover up the crime of their friends, and to protect prostitutes, whoremongers and adulterers, and to make that a crime which is nowhere proclaimed a crime by the Almighty."
- <sup>144</sup> *Ibid.*, 165. The issue of Edmunds being an *ex post facto* law and bill of attainder was raised in Senate debate by Senators John T. Morgan of Alabama, who characterized the bill's authors as having "a spirit of madness" and George G. Vest of Missouri: See David Buice, "A Stench in the Nostrils of Honest Men: Southern Democrats and the Edmunds Act of 1882," *Dialogue: A Journal of Mormon Thought* 21:3 (Fall 1988): 107–108.
- <sup>145</sup> Buice, 110–111.
- <sup>146</sup> Poll, "Legislative Campaign," 114.
- <sup>147</sup> For a discussion of the Southern lawmakers' concerns, despite their distaste for polygamy, about what the anti-polygamy legislation represented, see Buice, 100–113.
- <sup>148</sup> Buice, 107.
- <sup>149</sup> 114 U.S. 15 (1885)
- <sup>150</sup> Stephen E. Smith, personal e-mail to author (12 May 2005); I am again indebted to Mr. Smith for help with the legal analysis; any errors remain mine.
- <sup>151</sup> 114 U.S. 15 at 38 (1885)
- <sup>152</sup> Poll, "Legislative Campaign," 114.
- <sup>153</sup> 15 *Congressional Record* 23 (1883); cited by Smith, "The 'Mormon Question' Revisited," 56.
- <sup>154</sup> Poll, "Legislative Campaign," 115.
- <sup>155</sup> McKee, *National Conventions and Platforms*, 213–214; cited by Smith, "The 'Mormon Question' Revisited," 56–57.
- <sup>156</sup> Firmage, "Enduring Questions," 38, citing Orma Linford, "The Mormons and the Law: The Polygamy Cases," *Utah Law Review* 9 (1964): 348.
- <sup>157</sup> Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America* (Chapel Hill, North Carolina: University of North Carolina Press, 2002), 155–158; cited by Smith, "The 'Mormon Question' Revisited," 53.
- <sup>158</sup> See Allen and Leonard, *Story of the Latter-day Saints* 402–407; Melvin L. Bashore, "Life Behind Bars: Mormon Cohabs of the 1880s," *Utah Historical Quarterly* 47 (Winter 1979): 22–41; Brigham H Roberts, *Comprehensive History of the Church* 6:111–132.
- <sup>159</sup> Firmage, "Enduring Questions," 105.
- <sup>160</sup> *Ibid.*, 102–105.
- <sup>161</sup> *Ibid.*, 102.
- <sup>162</sup> *Ibid.*, 103.
- <sup>163</sup> Firmage and Mangrum, *Zion in the Courts*, 175; citing *United States v. Musser*, P. 7:391; compromise efforts by Church leaders are discussed below.
- <sup>164</sup> Firmage, "Enduring Questions," 98; citing *United States v. Peay*, 5 Utah 263, 14 P. 342, 344 (1887).
- <sup>165</sup> *Ibid.*
- <sup>166</sup> Firmage and Mangrum, *Zion in the Courts*, 166; citing *Congressional Record* 13 (1882):1207.
- <sup>167</sup> Hardy, *Solemn Covenant*, 50.
- <sup>168</sup> Firmage, "Enduring Questions," 99.
- <sup>169</sup> *Ibid.*, 100–101.
- <sup>170</sup> Frances Olsen, "Socrates on Legal Obligation: Legitimation Theory and Civil Disobedience," *Georgia Law Review* 18 (1984): 951.
- <sup>171</sup> *Ibid.*, 953 for a discussion.
- <sup>172</sup> David Daube, *Civil Disobedience in Antiquity* 5–10 (1972): 4; cited by Olsen, 960.
- <sup>173</sup> Poll, "Legislative Campaign," 118, citing "An Act to Provide for Holding Elections," Idaho, Section 16 of *Thirteenth Session Laws* (1884–85), 110.

- <sup>174</sup> *Deseret Weekly News*, 11 January 1890; cited by Kenneth W. Godfrey, “The Coming of the Manifesto,” *Dialogue: A Journal of Mormon Thought* 5 (Autumn 1970): 18.
- <sup>175</sup> Poll, “Legislative Campaign,” 118.
- <sup>176</sup> Firmage and Mangrum, *Zion in the Courts*, 202.
- <sup>177</sup> Poll, “Legislative Campaign,” 117.
- <sup>178</sup> Firmage and Mangrum, *Zion in the Courts*, 201.
- <sup>179</sup> Poll, “Legislative Campaign,” 119.
- <sup>180</sup> Firmage and Mangrum, *Zion in the Courts*, 202.
- <sup>181</sup> Poll, “Legislative Campaign,” 119.
- <sup>182</sup> Hardy, *Solemn Covenant* 49; citing Joy Lynn Wood Wetzel, “The Patriotic Priesthood: Mormonism and the Progressive Paradigm” (Ph. D. dissertation, University of Minnesota, 1977), 100.
- <sup>183</sup> 13 *Congressional Record* 28, 1207 (1882); cited by Smith, “The ‘Mormon Question’ Revisited,” 48–49.
- <sup>184</sup> *Ibid.*, 1204–1205; cited by Smith, “The ‘Mormon Question’ Revisited,” 48–49.
- <sup>185</sup> Buice, 105–108.
- <sup>186</sup> 13 *Congressional Record* 28 (1882), 1208; cited by Smith, “The ‘Mormon Question’ Revisited,” 48–49.
- <sup>187</sup> 18 *Congressional Record* 592 (1887) (statement of Rep. Lucien B. Caswell of Wisconsin); cited by Smith, “The ‘Mormon Question’ Revisited,” 57.
- <sup>188</sup> 17 *Congressional Record* 509 (1886); cited by Smith, “The ‘Mormon Question’ Revisited,” 58.
- <sup>189</sup> Firmage and Mangrum, *Zion in the Courts*, 211.
- <sup>190</sup> Firmage, “Enduring Questions,” 107–108; citing 19 *Congressional Record* 9231 (1888).
- <sup>191</sup> Firmage, “Enduring Questions,” 108.
- <sup>192</sup> *Ibid.*
- <sup>193</sup> Givens, *Viper on the Hearth*, 41.
- <sup>194</sup> Dallin H. Oaks and Marvin S. Hill, *Carthage Conspiracy: The Trial of the Accused Assassins of Joseph Smith* (Urbana and Chicago: University of Illinois Press, 1975.)
- <sup>195</sup> Givens, *Viper on the Hearth*, 41.
- <sup>196</sup> *Ibid.*, 36.
- <sup>197</sup> *Ibid.*, 42.
- <sup>198</sup> Gordon C. Thomasson, “The Manifesto was a Victory!” *Dialogue: A Journal of Mormon Thought* 6:1 (Spring 1971): 43.
- <sup>199</sup> *Ibid.*, 36.
- <sup>200</sup> For further information, see: B.H. Roberts, *Life of John Taylor: Third President of the Church of Jesus Christ of Latter-Day Saints* (Salt Lake City: Bookcraft, 1975[1892]), 377–409.
- <sup>201</sup> Doctrine & Covenants 6:22–23; 8; 9.
- <sup>202</sup> Quinn, “Authority and New Plural Marriages,” 28–29; citing Abraham H. Cannon, Diary, 29 September 1887.
- <sup>203</sup> *Ibid.*, citing Heber J. Grant, Journal, 29 September 1887.
- <sup>204</sup> *Ibid.*, 35; citing Minutes of the Quorum of the Twelve Apostles, 20 December 1888; Heber J. Grant, Journal, 20 December 1888.
- <sup>205</sup> *Ibid.*, 35–36; citing Wilford Woodruff, Diary, 20 December 1888; First Presidency Office Journal, 20 December 1888, copy in *Conference Report* 1/48.
- <sup>206</sup> *Ibid.* 38; citing George Q. Cannon, *Diary*, 23–24 November 1889, copy in *Conference Report* 1/48; also First Presidency Office Journal, 24 November 1889, copy in *Conference Report* 1/48.
- <sup>207</sup> Revelation to Wilford Woodruff, 24 November 1889, recorded in *Wilford Woodruff’s Journal: 1889–1898*, edited by Scott G. Kenney, Vol. 9 (Midvale, Utah: Signature Books, 1985), 68–69, material in curly brackets is from L. John Nuttall Journal, 27 November 1889 (Brigham Young University, Special Collections, Mor M270.1 N963 V.3), 106–107. Also available in Clark, *Messages of the First Presidency* 3:175–176. Portions also cited in Quinn, “Authority and New Plural Marriages,” 36; citing George Q. Cannon, *Diary*, 23–24 November 1889, copy in *Conference Report* 1/48; also First Presidency Office Journal, 24 November 1889, copy in *Conference Report* 1/48.
- <sup>208</sup> Quinn, “Authority and New Plural Marriages,” 38–39.
- <sup>209</sup> *Wilford Woodruff’s Journal: 1889–1898*, 9: 69.
- <sup>210</sup> Abraham H. Cannon Diary, 10 April 1890; cited by Godfrey, “Coming of the Manifesto,” 19.
- <sup>211</sup> Brigham H Roberts, *Comprehensive History of the Church* (Provo, Utah: Brigham Young University Press, 1965), 6:223; citing *Deseret News Weekly* (18 October 1890).
- <sup>212</sup> Godfrey, “Coming of the Manifesto,” 15.
- <sup>213</sup> Quinn, “Authority and New Plural Marriages,” 39–40; citing *Deseret Evening News*, 1, 15 and 29 July, 5 August 1890.
- <sup>214</sup> *Ibid.*, 42; citing Retrospective entry in Brigham Young, Jr., *Diary*, 24 September 1891.
- <sup>215</sup> *Ibid.*, 42; citing Abraham H. Cannon, *Diary*, 30 August, 1 September 1890; Utah Supreme Court case of *U.S. v. the Late Corporation of the Church of Jesus Christ of Latter-day Saints*, transcription of testimony, 12, 21, 23, Microfilm 695, LDS Church Archives; Heber J. Grant, *Journal*, 23 July 1888.
- <sup>216</sup> *Ibid.*, 41.
- <sup>217</sup> *Ibid.*, 36.
- <sup>218</sup> *Ibid.*, 31.
- <sup>219</sup> *Ibid.*, 36; citing First Presidency Office Journal, 2 October 1889, copy in *Conference Report* 1/48.
- <sup>220</sup> *Ibid.*, 39; citing Alexander F. Macdonald Marriage Record, 1888–90.
- <sup>221</sup> *Ibid.*, 46 indicates that we have records for at least 30 marriages of people from Utah.
- <sup>222</sup> *Ibid.*, 43; citing *Deseret Evening News*, 23 September 1890, editorial.

<sup>223</sup> *Ibid.*, 39; citing *Salt Lake Tribune*, 14 September 1890, 2.

<sup>224</sup> *Ibid.*, 42.

<sup>225</sup> As noted elsewhere in this paper, this was done in the belief that their duty to God and their covenants was higher than a moral duty to be forthright with those whom they saw as at war against them and their faith.

<sup>226</sup> *Ibid.*, 43–44; citing Statement of John R. Winder, 6 July 1902 meeting of temple workers, Salt Lake Temple Historical Record, 1893–1918, Book 71, LDS Church Archives, and his nearly identical statement at a meeting of the First Presidency and Quorum of the Twelve on the same day as reported in Rudger Clawson, Diary, 6 July 1902, University of Utah.

<sup>227</sup> *Ibid.*, 44–45.

<sup>228</sup> *Ibid.*, 44; citing George Q. Cannon, Diary, 24 September 1890, copy in *Conference Report* 1/48; Wilford Woodruff, Diary, 25 September 1890, Franklin S. Richards, “Address Delivered by President Franklin S. Richards to the High Priests Quorum of Ensign Stake, Sunday November 13, 1932,” in Richards Papers, LDS Church Archives.

<sup>229</sup> *Ibid.*, citing Joseph H. Dean, Diary, 24 September 1890.

<sup>230</sup> George Q. Cannon, “History Behind the Issuance of the Manifesto,” 6 October 1890; reported in *Collected Discourses: delivered by Wilford Woodruff, his two counselors, the twelve apostles, and others*, Vol. 2, edited and compiled by Brian H. Stuy, (Woodland Hills, Utah: B.H.S. Publishing, 1988), 132

<sup>231</sup> Quinn, “Authority and New Plural Marriages,” 82; citing First Presidency Office Journal, 20 August 1891, copy in *Conference Report* 1/48.

<sup>232</sup> *Ibid.*, 46–47; citing Heber J. Grant, Journal, 30 September–1 October 1890. Also Abraham H. Cannon, Diary, 26 September, 30 September–1 October 1890.

<sup>233</sup> Doctrine & Covenants 107:23–24.

<sup>234</sup> Doctrine & Covenants 107:27.

<sup>235</sup> Official Declaration 1, paragraph 4–5.

<sup>236</sup> Official Declaration 2, paragraph 2.

<sup>237</sup> Hardy, *Solemn Covenant*, 140.

<sup>238</sup> Quinn, “Authority and New Plural Marriages,” 47; citing Abraham H. Cannon, Diary, 2 October 1890, italics added; also Heber J. Grant, Journal, 2 October 1890, and in George Q. Cannon, Diary, 6 October 1890, copy in *Conference Report* 1/48.

<sup>239</sup> See the discussion in Hardy, *Solemn Covenant* 148; citing “A Utah Commissioner’s Perversions,” *Deseret News*, 1 October 1890.

<sup>240</sup> *Ibid.*, citing George Q. Cannon, “Remarks...,” *Deseret Weekly*, 18 October 1890.

<sup>241</sup> Official Declaration 1, paragraphs 17–18; citing Cache Stake Conference, Logan, Utah, Sunday, November 1, 1891, reported in *Deseret Weekly*, November 14, 1891.

<sup>242</sup> Remember that Moses was commanded by the Lord to use similar tactics, as recorded in Exodus 3:17–22, in which the children of Israel were to portray themselves as leaving Egypt only for a short time, and were to “borrow” goods of their Egyptian neighbors.

<sup>243</sup> Official Declaration 1, paragraph 19; citing a discourse at the sixth session of the dedication of the Salt Lake Temple, April 1893. Type-script of Dedicatory Services, Archives, Church Historical Department, Salt Lake City, Utah.

<sup>244</sup> Quinn, “Authority and New Plural Marriages,” 50–51; citing First Presidency Office Journal, 20 August 1891, copy in *Conference Report* 1/48.

<sup>245</sup> George Q. Cannon, “Enduring to the End,” 5 October 1890; reported in *Collected Discourses: delivered by Wilford Woodruff, his two counselors, the twelve apostles, and others*, Vol. 2, edited and compiled by Brian H. Stuy, (Woodland Hills, Utah: B.H.S. Publishing, 1988), 119.

<sup>246</sup> See Matthew 28:19 and Acts 10. In this example too, some members of the Church continued to have difficulty accepting the new understanding. See Acts 11:1–18, Acts 15, Galatians 2:7–15; Titus 1:10.

<sup>247</sup> See: Thomas G. Alexander, “The Word of Wisdom: From Principle to Requirement,” *Dialogue: A Journal of Mormon Thought* 14:3 (Autumn 1981): 78–87; Robert J. McCue, “Did the Word of Wisdom Become a Commandment in 1851?” *Dialogue: A Journal of Mormon Thought* 14:3 (Autumn 1981): 66–74.

<sup>248</sup> Quinn, “Authority and New Plural Marriages,” 47; First Presidency Office Journal, 5 October 1890, copy in *Conference Report* 1/48; Abraham H. Cannon, Diary, 5 October 1890.

<sup>249</sup> Marriner W. Merrill, Diary, 6 October 1890; cited in Van Wagoner, *Mormon Polygamy*, 145.

<sup>250</sup> *Ibid.*, 94; citing Heber J. Grant to Joseph F. Smith, 5 January 1906, copy in Grant Papers; notarized statement of Olea S. Hill, 13 September 1944, Box 4 of Milton Shipp Musser Papers, USHS.

<sup>251</sup> William Gibson reportedly said, “We must let Babylon have her way for awhile, I suppose.” Cited in Quinn, “Authority and New Plural Marriages,” 48–49.

<sup>252</sup> B.H. Roberts, Journal, 10 February 1893; reprinted in Ronald W. Walker, “B.H. Roberts and The Woodruff Manifesto,” *Brigham Young University Studies* 22:3 (Autumn 1982): 365.

<sup>253</sup> *Ibid.*, 45–46.

<sup>254</sup> *Ibid.*, 49–50; citing First Presidency Office Journal, 7 October 1890, copy in *Conference Report* 1/48. Also Abraham H. Cannon, Diary, 7 October 1890; Marriner W. Merrill, Diary, 7 October 1890.

<sup>255</sup> *Ibid.*, 51–52; citing Kenneth Cannon II, “Beyond the Manifesto: Polygamous Cohabitation Among the General Authorities After 1890,” *Utah Historical Quarterly* 46 (Winter 1978) 24–36.

<sup>256</sup> Kenneth Cannon II, “After the Manifesto: Mormon Polygamy, 1890–1906,” *Sunstone* 8:1–2 (January–April 1983): 28.

<sup>257</sup> Quinn, “Authority and New Plural Marriages,” 61; citing Abraham H. Cannon, Diary, 12 November 1891.

<sup>258</sup> *Ibid.*, 83; citing Joseph F. Smith to I.E.D. Zundell, 21 December 1891, Smith Papers, Smith, Life of Joseph F. Smith, 487–490.

<sup>259</sup> *Ibid.*, 62–63.

<sup>260</sup> *Ibid.*, 64; see also Hardy, *Solemn Covenant*, 227–232.

<sup>261</sup> *Ibid.*, 65–66.

<sup>262</sup> *Ibid.*, 66.

- <sup>263</sup> *Ibid.*, 67–68; citing Journal History, 15 September 1898, 2–4.
- <sup>264</sup> *Ibid.*
- <sup>265</sup> *Ibid.*, 68; citing Juarez Stake High Council Minutes, 29 October 1898, LDS Church Archives.
- <sup>266</sup> *Ibid.*, citing George F. Gibbs to Barnard Greensfelder, 8 November 1915.
- <sup>267</sup> *Ibid.*, 68–69; citing Miles A. Romney to John Henry Smith, 16 March, 14 May, 15 July 1898; Anthony W. Ivins Marriage Record, 23 October 1898; see also Quinn’s comments in footnote #236.
- <sup>268</sup> See *Ibid.*, 73–81.
- <sup>269</sup> *Ibid.*, 68; citing statement of Matthias F. Cowley in Minutes of the Quorum of the Twelve Apostles, 10 May 1911.
- <sup>270</sup> *Ibid.*, 69; citing Eugene Young, “Revival of the Mormon Problem,” *North American Review* 168 (April 1899): 484–85; Franklin D. Richards, Diary, 5 April 1899; *Deseret Evening News*, 3 June 1899, 10.
- <sup>271</sup> *Ibid.*, 71; citing *Deseret Evening News*, 8 January 1900, 1.
- <sup>272</sup> George Q. Cannon, “Enduring to the End,” 5 October 1890; reported in *Collected Discourses: delivered by Wilford Woodruff, his two counselors, the twelve apostles, and others*, Vol. 2, edited and compiled by Brian H. Stuy, (Woodland Hills, Utah: B.H.S. Publishing, 1988), 115–116.
- <sup>273</sup> Quinn, “Authority and New Plural Marriages,” 85–86.
- <sup>274</sup> *Ibid.*, 87.
- <sup>275</sup> *Ibid.*, 90.
- <sup>276</sup> *Ibid.*, 93.
- <sup>277</sup> *Ibid.*, 95–96.
- <sup>278</sup> *Ibid.*, 96.
- <sup>279</sup> *Ibid.*
- <sup>280</sup> Hardy, *Solemn Covenant*, 252–253.
- <sup>281</sup> Quinn, “Authority and New Plural Marriages,” 96–97; citing Smoot Case 1:129–30, 108 335.
- <sup>282</sup> *Ibid.*, 97–98.
- <sup>283</sup> *Ibid.*, 98.
- <sup>284</sup> First Presidency, “Official Statement on Plural Marriage [6 April 1904]”: 84–85; see also *Conference Report*, (April 1904): 75.
- <sup>285</sup> *Ibid.*, 102–103; citing Joseph F. Smith, John R. Winder, and Anthon H. Lund to John W. Taylor, 22 October 1904 (notation of a copy sent on 26 October 1904 to George Teasdale), First Presidency Letterbook.
- <sup>286</sup> See Thomas G. Alexander, “‘To Maintain Harmony’: Adjusting to External and Internal Stress, 1890–1930,” *Dialogue: A Journal of Mormon Thought* 15 (Winter 1982): 44–58.
- <sup>287</sup> See Hardy, *Solemn Covenant*. 261–262.
- <sup>288</sup> Quinn, “Authority and New Plural Marriages,” 105 puts the figure at less than 10; Hardy, *Solemn Covenant* 183 lists 28 from 1905–1910.
- <sup>289</sup> Quinn, “Authority and New Plural Marriages,” 100–102.
- <sup>290</sup> *Ibid.*, 102.
- <sup>291</sup> Hardy, *Solemn Covenant* 262.
- <sup>292</sup> *Ibid.*, 263; citing telegram from Reed Smoot to Francis M. Lyman, 8 December 1905, Reed Smoot–First Presidency Correspondence.
- <sup>293</sup> *Ibid.*, citing telegram from George F. Gibbs to Reed Smoot, 8 December 1905, Reed Smoot–First Presidency Correspondence
- <sup>294</sup> *Ibid.*, 264–266.
- <sup>295</sup> *Ibid.*, 266; citing Joseph F. Smith, quoted in Samuel W. Taylor, “Interviews with Nettie [Janet] M. Taylor,” 14–15 January 1936, 4.
- <sup>296</sup> *Ibid.*, 266–267
- <sup>297</sup> Doctrine and Covenants 124:49.
- <sup>298</sup> See Doctrine & Covenants 8, 9.
- <sup>299</sup> Hardy, *Solemn Covenant*, 50–51.
- <sup>300</sup> *Ibid.*, 104–105; citing Spencer W. Kimball, Oral History, interviewed by Gary L. Shumway, 1972, 1718, James H. Moyle Oral History Program, LDS Church Archives; George C. Parkinson and Fannie Woolley Family Group Sheets; Matthias F. Cowley Marriage Record, 1898–1903.
- <sup>301</sup> *Ibid.*, 103–105.
- <sup>302</sup> Mosiah 5:13; Alma 29:5, 41:3–5.
- <sup>303</sup> Bernard Shaw, *The Future of Political Science in America; an Address by Mr. Bernard Shaw to the Academy of Political Science, at the Metropolitan Opera House, New York, on the 11th. April, 1933* (New York: Dodd, Mead and Company, 1933) as cited in Richard Vetterli, *Mormonism Americanism and Politics* (Salt Lake City: Ensign Publishing, 1961), 461–462.
- <sup>304</sup> Brigham Young, “Plurality of Wives—The Free Agency of Man,” *Journal of Discourses*, reported by G.D. Watt 14 July 1855, Vol. 3 (London: Latter-day Saint’s Book Depot, 1856), 266.
- <sup>305</sup> Van Wagoner, *Mormon Polygamy*, 89
- <sup>306</sup> For an extensive discussion, see Bachman, “Polygamy Before the Death of Joseph Smith,” 218–257.
- <sup>307</sup> Van Wagoner, *Mormon Polygamy*, 89..
- <sup>308</sup> Douglas H. Parker, “Victory in Defeat—Polygamy and the Mormon Legal Encounter with the Federal Government,” *Cardozo Law Review* 12 (1991): 814
- <sup>309</sup> Hardy, *Solemn Covenant*, 9; an account of this encounter between Joseph and William can be found in Joseph W. McMurrin, “An Interesting Testimony / Mr. Law’s Testimony,” *The Improvement Era* (May 1903): 507–10.
- <sup>310</sup> He here refers to Dean C. Jesse’s landmark *Personal Writings of Joseph Smith* (Salt Lake City: Deseret Book Company, 1984).
- <sup>311</sup> Paul H. Peterson, “Understanding Joseph: A Review of Published Documentary Sources,” *Joseph Smith: The Prophet, the Man*, edited by Susan Easton Black and Charles D. Tate, (Salt Lake City: Deseret Book Company, 1988), 109–110.
- <sup>312</sup> Orma Linford, “The Mormons and the Law: The Polygamy Cases,” *Utah Law Review* 9, pts. 1, 2 (Summer, Winter 1964): pt. 1, 329–30; cited with explanation by Poll, “Legislative Campaign,” 107.

- <sup>313</sup> Mangrum, "Mormonism, Philosophical Liberalism, and the Constitution," 131.
- <sup>314</sup> Poll, "Legislative Campaign," 112, citing *Congressional Globe*, 41st Cong., 2d session, 72.
- <sup>315</sup> Mill, *ibid.*
- <sup>316</sup> Ray Jay Davis, "Plural Marriage and Religious Freedom: The Impact of Reynolds v. United States," *Arizona Law Review* 15 (1973): 301; cited in Firmage, "Enduring Questions," 109.
- <sup>317</sup> John Cairncross, *After Polygamy Was Made a Sin: The Social History of Christian Polygamy* (London: Routledge & Kegan Paul, 1974), 222.
- <sup>318</sup> Givens, *Viper on the Hearth*, 144; citing Louis Kern, *An Ordered Love: Sex Roles and Sexuality in Victorian Utopias—the Shakes, the Mormons, and the Oneida Community* (Chapel Hill: University of North Carolina Press, 1981), 191.
- <sup>319</sup> Givens, *Viper on the Hearth*, 141–142, 150; italics in original.
- <sup>320</sup> Fawn M. Brodie, *No Man Knows My History* (New York: Knopf, 1945), 304 see also 73, 86, 210 for further evocations of Joseph's 'magnetism'; cited in Hugh W. Nibley, "No, Ma'am, That's Not History: A Brief Review of Mrs. Brodie's Reluctant Vindication of a Prophet She Seeks to Expose," *Tinkling Cymbals and Sounding Brass*, volume 11 in *The Collected Works of Hugh Nibley* (Salt Lake City: Deseret Book and FARMS, 1991), footnote 115, 132 <<http://farms.byu.edu/display.php?table=transcripts&id=47>> (last accessed 13 September 2005)
- <sup>321</sup> Compton, *Loneliness*, 456.
- <sup>322</sup> *Ibid.*, 455–456.
- <sup>323</sup> *Ibid.*, 262.
- <sup>324</sup> Roberts 2:360–361.
- <sup>325</sup> Compton, *Loneliness*, 296.
- <sup>326</sup> *Ibid.*, 455.
- <sup>327</sup> Smith, "Nauvoo Roots of Mormon Polygamy," 10.
- <sup>328</sup> *Ibid.*, 21–22; citing Sarah S. Leavitt, *Autobiography*, 22–23, Special Collections, Marriott Library.
- <sup>329</sup> Smith, "Nauvoo Roots of Mormon Polygamy," 10.
- <sup>330</sup> Compton, *Loneliness*, 406.
- <sup>331</sup> *Ibid.*, xiv–xv.
- <sup>332</sup> Modern figures put the prevalence of some form of depression at about 4–5%; lifetime incidence is about double this rate. See, for example: Health Canada, *A Report on Mental Illnesses in Canada*, (Ottawa: Canada, 2002), 17, 33.
- <sup>333</sup> D. Michael Quinn at Utah Valley State College, 3 February 2005; reported in "Historian delivers talk at UVSC," *Caleb Warnock Daily Herald*, 4 February 2005, D1.
- <sup>334</sup> Doctrine & Covenants 6:9, 11:9.
- <sup>335</sup> Dallin H. Oaks, "Alternate Voices," *Ensign* (May 1989): 27, emphasis added.
- <sup>336</sup> Danel W. Bachman and Ronald K. Esplin, "Plural Marriage," *Encyclopedia of Mormonism*, edited by Daniel H. Ludlow, (New York: Macmillan Publishing, 1992), 1091–1095. <<http://ldsfaq.byu.edu/emmain.asp?number=145>> (14 May 2005).
- <sup>337</sup> See: <<http://ldsfaq.byu.edu/emmain.asp?number=145>> (14 May 2005).
- <sup>338</sup> Van Wagoner, *Mormon polygamy*, ii.
- <sup>339</sup> Compton, *Sacred Loneliness*, xv.
- <sup>340</sup> Searches conducted on 18 May 2005 at <<http://catalog.lib.byu.edu/uhtbin/cgiirsi/nWlp3YQQqC/LEE/213820006/60/496/X>>.
- <sup>341</sup> <[https://deseretbook.com/store/product?product\\_id=100011039](https://deseretbook.com/store/product?product_id=100011039)> (15 May 2005).
- <sup>342</sup> <[https://deseretbook.com/store/product?product\\_id=100010764](https://deseretbook.com/store/product?product_id=100010764)> (15 May 2005).
- <sup>343</sup> <[https://deseretbook.com/store/product?product\\_id=100011043](https://deseretbook.com/store/product?product_id=100011043)> (15 May 2005).
- <sup>344</sup> <[https://deseretbook.com/store/product?product\\_id=100010677](https://deseretbook.com/store/product?product_id=100010677)> (15 May 2005).
- <sup>345</sup> <[https://deseretbook.com/store/product?product\\_id=100010972](https://deseretbook.com/store/product?product_id=100010972)> (15 May 2005).
- <sup>346</sup> <[https://deseretbook.com/store/product?product\\_id=100010973](https://deseretbook.com/store/product?product_id=100010973)> (15 May 2005).
- <sup>347</sup> Neal A. Maxwell, "The Stern but Sweet Seventh Commandment," *New Era* (June 1979): 36.
- <sup>348</sup> John Taylor, "Polygamy and Prostitution, etc." *Journal of Discourses* 25:344.
- <sup>349</sup> Brigham Young, "Plurality of Wives—The Free Agency of Man," *Journal of Discourses* 3:266.
- <sup>350</sup> Jacob 2:30
- <sup>351</sup> Doctrine & Covenants 132:30–34.
- <sup>352</sup> Douglas H. Parker, "Victory in Defeat—Polygamy and the Mormon Legal Encounter with the Federal Government," *Cardozo Law Review* 12:805 (1991): 808. This sub-section draws heavily on Parker's article, except where footnotes indicate otherwise.
- <sup>353</sup> Givens, *Viper on the Hearth*, 18–93
- <sup>354</sup> Robert J. McCue, "The Attitude Toward Plural Marriage in Canada, 1887–1992" in *Regional Studies in LDS Church History*, Vol. 2, (Provo, Utah: Department of Church History and Doctrine, Brigham Young University, 2000): 281, 290.
- <sup>355</sup> John Taylor, "Polygamy and Prostitution, etc." *Journal of Discourses* 25:344.
- <sup>356</sup> Doctrine & Covenants 132:36.
- <sup>357</sup> Genesis 22.
- <sup>358</sup> Pearl of Great Price, Abraham 1:5–18.
- <sup>359</sup> Søren Aabye Kierkegaard, *Fear and Trembling*, translated by Alastair Hannay, (London: Penguin Classics, 1985), 53.
- <sup>360</sup> *Ibid.*, 58, 86, 88.
- <sup>361</sup> Luke 14:26.

<sup>362</sup> Kierkegaard, *Fear and Trembling*, 43.

<sup>363</sup> Helen Mar Whitney, *A Woman's View: Helen Mar Whitney's Reminiscences of Early Church History* (Provo, Utah: BYU Religious Studies Center, 1999), 187.

---

---

## ABOUT THE AUTHOR

Greg Smith has an indulgent wife and three amazing children. After serving in the France-Paris mission from 1991–1993, he did three years of honors physiology at the University of Alberta, taking enough English courses for a minor and then being refused credit for some because he'd taken too many.

He received his M.D. in 2000 and completed a residency in family medicine at McGill University in Montreal. He currently practices rural family medicine in Raymond, Alberta, and teaches in the University of Calgary's undergraduate and graduate medical programs.

Having studied classical piano for twelve years, Greg fakes being a guitar player. He likes war games, European and LDS Church history, fantasy and science fiction, reading when he should be asleep, and playing rock music much too loudly.

## ABOUT FAIR

The Foundation for Apologetic Information & Research (FAIR) is a non-profit organization dedicated to providing well-documented answers to criticisms of LDS doctrine, belief and practice. Seeking to assist the lay member and scholar alike to respond to intentional and well-meaning attacks on individual faith, FAIR helps publish articles and books that defend the LDS Church, operations Web sites that receive thousands of visitors each day, and sponsors research projects and conferences that provide the LDS scholarly community an outlet for getting information into the hands of the average member. With a 501-C(3) tax exempt status from the IRS, FAIR is funded by the generosity of its members and contributors, now grown to more than 5,000.

To learn more about FAIR, visit our Web site:

<http://www.fairlds.org>

You can also write to us at:

FAIR  
PO Box 2144  
Mesa, AZ 85214