Polygamy in Utah and Surrounding Area Since the Manifesto of 1890

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POLYGAMY IN UTAH AND SURROUNDING AREA:
SINCE THE MANIFESTO OF 1890

A Thesis
Presented to the
Department of History
Brigham Young University

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by
Jerold A. Hilton

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I selected this topic in 1962 primarily from curiosity to discover the facts concerning present day polygamy in Utah, allegedly still abundant. Perhaps the motivation may be described as an amateur detective's zeal. Considerable material seemed to be available about polygamy in Utah before 1890, when the practice was mostly abandoned by the Mormon people, but, apparently, little has been written on this subject covering the period since that date. Therefore, the purpose of this paper is to cover polygamy in Utah and close proximity from 1890 to the present (1965). Its scope includes: first, continued plural marriages for two decades after the 1890 Manifesto; second, the Mormon Church's view of such marriages and the rise of the "Fundamentalists"; third, polygamous organizations, people, and colonies; fourth, legal actions against polygamy in the twentieth century; lastly, some views on polygamy today and in the future. The appendix with alleged revelations from Mormon dissenter groups may be of some interest to L.D.S. readers.

I express appreciation to William Rogers, Arnold Boss, and many others for information given in interviews and for written material loaned to this author. I thank
my parents, who have pushed "to get the thesis completed," and particularly my father for proof reading much of the manuscript. I also appreciate the help of my wife for proof reading and helpful comments on the writing of the thesis, and Dr. Richard D. Poll and Dr. J. Keith Melville, members of my graduate committee, for their help.
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INTRODUCTION

Official polygamy among the Mormons began with a "revelation" written by Joseph Smith on July 12, 1843.¹ He assertedly received other divine messages on this subject some years earlier and may have taken a plural wife or wives before 1843.²

In 1843 the document was not made public, but some faithful members were instructed in plural marriage by Smith. Several other members also became polygamists before the Mormons came to Utah. The first public announcement of polygamy was made on August 29, 1852, during a special conference in Salt Lake City of the Church of Latter-day Saints.³

Polygamy at its height may have involved as many as fifteen to twenty percent of the membership of the Mormon Church.⁴ The high-point of such marriages was in

¹Doctrinal and Covenants of the Church of Jesus Christ of Latter-day Saints (Salt Lake City, 1951 ed.), Section 132.

²Brigham H. Roberts, A Comprehensive History of the Church of Jesus Christ of Latter-day Saints, VI (Salt Lake City: Deseret News Press, 1930), xxxi. Also, Andrew Jenson, Historical Record, VI (Salt Lake City, 1887), 219-34.

³The main reason, perhaps, for the delay in the public announcement of polygamy as a doctrine of the Mormon Church was to assure territorial status, first, for the Utah area.

⁴It is popularly considered among the Mormons that a maximum of three percent of the Church's membership ever practiced polygamy at one time. Further research, however,
1856 and 1857, and they dwindled to almost nothing by 1889, a year before the Manifesto, which allegedly ended polygamy as a L.D.S. Church practice in the United States and foreign lands.6

Opposition in Utah to this practice of the Church developed almost from the time it became public knowledge. Much of the challenge came from the non-Mormon element in Utah itself, i.e., the clergy, politicians, and lay citizens. The practice aroused widespread opposition, and anti-Mormon propaganda over the country led to an act of Congress in 1862, which prohibited bigamous marriages in the territories of the United States.7 Because of the difficulty in proving polygamy and getting Mormon controlled courts to convict violators, the law proved ineffective in stopping plural marriages. Latter-day Saints considered the law unconstitutional; but, even after the United States

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indicates that this figure may have represented only the male adults in the Church. Including women and children the total percentage of people in polygamist households was considerably greater at its height. Stanley S. Ivins, "Notes on Mormon Polygamy," Western Humanities Review, Vol. X, No. 3 (Summer, 1956), 230.

5"... as one of the fruits of 'the Reformation,' plural marriage skyrocketed to a height not before approached and never again to be reached. If our tabulation is a true index, there were sixty-five percent more marriages during 1856 and 1857 than any other two years of this experiment." Ibid., p. 231.

6For a copy of the Manifesto see appendix A; also, infra, pp. 6-8.

Supreme Court declared it constitutional in 1879, many Utahns thought it "better to obey God than man."

In 1874 another act, the Poland Law, was passed by Congress, which transferred criminal jurisdiction from local courts to federally controlled courts. This set the stage for polygamy conviction, but it was not until the 1880's that the federal government could effectively deal with plural marriages. In 1882 and 1887 amendments to the 1862 law, known respectively as the Edmunds and Edmunds-Tucker acts, had sufficient provisions to convict many polygamists and almost halt plural marriages. The first of these two amendments had measures against not only polygamy but also polygamous living, known as "unlawful cohabitation," which were easier to enforce. It also disqualified polygamists from voting, holding office, or serving on juries. In addition to that the statute appointed a commission to establish and supervise future elections in Utah.

The 1887 law contained still more stringent provisions, one of which provided that a wife could testify against her husband if she desired. Secondly, polygamist children were declared illegitimate and could not be heirs

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8 United States v Reynolds, 98 U. S. Supreme Court Reports 145.
9 18 U. S. Stat. at L., 253-56.
10 22 U. S. Stat. at L., 30-32.
of their fathers. Next, all voters, office holders, and
jurors were required to take a non-polygamy oath. Fourth,
the corporation of the L.D.S. Church was dissolved, and the
law required that proceedings be instituted against the
Church escheating all its property valued at more than
fifty thousand dollars. The law had other related provi-
sions, such as abolishing women suffrage and dissolving the
Perpetual Emigration Fund Company and the Nauvoo Legion. 11

By 1888, as a result of these laws, almost six
hundred people in Utah and Idaho had been either fined or
imprisoned for polygamy offenses. G. A. Jenks, acting
United States Attorney General stated in that year that:

There was one conviction in Utah in March 1875, and one
in April 1881; in October and November 1884, one in
Idaho and three in Utah; in 1885 beginning with the
March term, thirty-nine in Utah and sixteen in Idaho;
in 1886, 112 in Utah and twenty in Idaho; in 1887 214
in Utah and six in Idaho; and in 1888 one hundred in
Utah and five in Idaho—in all 589 convictions. 12

By 1890 it was estimated that this number had increased to
thirteen hundred 13 although the figure may be exaggerated.
The disfranchisement of Utahns, assertedly, was over twelve
thousand by the same year. 14 In addition to that the

11Ibid., 24:635-41.
12Congressional Record, 50th Cong., 1st sess., 19:10 (1888), 9231.
13George Q. Cannon, Deseret Weekly (Salt Lake City),
October 18, 1890, p. 550: also, Roberts, op. cit., VI,
211-12.
14Cannon, loc. cit.
Mormon Church had lost most of its property. With this situation and the ever increasing desire for statehood, many Utah citizens were ready to yield, and some urged the Church leaders to revoke the doctrine of multiple marriages.

Facing this bleak circumstance, the L.D.S. Church president, Wilford Woodruff, issued the Manifesto, but maintained that his action was based on divine revelation. The document ended the contest between the United States and the Mormon Church, and soon resulted in pardons to people involved in polygamy before 1890. It made possible the passage of the Enabling Act, which brought the much sought statehood to Utah in 1896.

15A petition, signed by L.D.S. authorities asking for amnesty for all polygamists, was sent to President Harrison in December, 1891. Supporting letters with the amnesty petition were written by the governor and other leading citizens, many of whom were non-Mormon. The President responded on January 4, 1893, by issuing a proclamation of pardon to all polygamists who had refrained from unlawful cohabitation since November, 1890. The property which had been escheated by the federal government was also soon returned to the L.D.S. Church.

16The Enabling Act was approved on July 16, 1894, and Utah became the forty-fifth state on January 4, 1896. Statehood was achieved for Utah after six previous attempts had failed, because of opposition to polygamy and the Mormon Church.
CHAPTER I

THE MANIFESTO AND THE YEARS OF ADJUSTMENT

To some Mormon people the Manifesto may have seemed not unlike the Latter-day Saint revelation entitled the "Word of Wisdom." That is, it was not given as an absolute commandment at first but later became a definite law of the Mormon Church.\(^1\) If the comparison is imperfect, the fact remains that some polygamous marriages were contracted after the Manifesto. Whether some of these marriages had official Church approval is still disputed. Anti-polygamists, or anti-Mormons, at the time claimed that most post-Manifesto polygamy had Church sanctions, while L.D.S. leaders denied such charges. There is evidence that certain ecclesiastical heads approved some plural marriages after the Manifesto.\(^2\) It appears that most of these marriages either occurred outside the United States, or else the engaging parties after the ceremony usually left this country for either Mexico or Canada, where polygamy was not illegal. Official L.D.S. Church records concerning post-

\(^1\)The "Word of Wisdom" concerned abstinence from alcohol, tobacco, coffee and tea. When originally issued it stated that these things were not forbidden by commandment. Later, however, these things were forbidden by commandment, and a person could not be a faithful Mormon unless he obeyed the injunction.

\(^2\)Infra., pp. 10-16.
Manifesto plural marriages are unavailable, if any were kept.

In a technical sense polygamous marriages performed outside the United States, probably, were not in violation of the Manifesto since it concluded with these words: "And I now publicly declare that my advice to the Latter-day Saints is to refrain from contracting any marriage forbidden by the laws of the land." Polygamy opponents, however, denounced such marriages as a breach of the spirit of the Manifesto. Woodruff in 1891, testifying about continued plural marriages outside the United States, supported this latter interpretation: "The manifesto was intended to apply to the Church of Jesus Christ of Latter-day Saints everywhere in every nation and country. We give no liberty to enter into polygamous relations anywhere." Succeeding Church presidents, Lorenzo Snow and Joseph F. Smith, concurred in this view of the Manifesto. Snow affirmed in 1900:

The Church has positively abandoned the practice of polygamy, or the solemnization of plural marriages in this and every other State [nation], and that no member or officer thereof has any authority whatever to perform a plural marriage or enter into such relationships.4

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3 Deseret Weekly, October 24, 1891, p. 576.

4 Deseret News (Salt Lake City), January 8, 1900, p. 4. To clarify that this statement forbidding polygamy in "every other State" meant "nation" and not merely states of the Union, see the statement made by the Mormon First Presidency. Improvement Era (Salt Lake City, June, 1911), 14:721-22.
Although the Manifesto brought a truce between the United States Government and the Mormon Church, it was still a violation of the law to cohabit with plural wives even if married before the Manifesto. Following 1890 some polygamists divorced their plural wives, but many regarded it as dishonorable to forsake wives and children of long relationship. Despite this, continued cohabitation brought some reaction from the anti-polygamy press in Utah, but the law was not actively enforced after statehood in 1896. Most people inside and outside the State seemed to tolerate these old polygamous relationships which were contracted before 1890.

In the Smoot hearing of 1904 President Joseph F. Smith was asked the reason why he continued illegally cohabitating with his five wives, and he explained:

> It is contrary to the rule of the church and contrary as well to the law of the land for a man to cohabit with his wives. But I was placed in this position. I had a plural family, if you please; that is, my first wife was married to me over thirty-eight years ago, my last wife was married to me over twenty years ago, and with these wives I had children, and I simply took my chances, preferring to meet the consequences of the law rather than to abandon my children and their mother; and I have cohabited—not openly,

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5 In this hearing Senator Reed Smoot of Utah was challenged on his worthiness to hold a Senate seat since he belonged to a church whose leaders violated the law on illegal cohabitation and, perhaps, still advocated polygamy. Although an apostle in the Mormon Church, Smoot testified that he did not believe in, nor practice, cohabitation, nor did he believe in continued polygamy. Even though the Senate committee reported against Smoot, he was seated and served many years in that body.
that is, not in a manner that I thought would be offensive to my neighbors--but I have acknowledged them; I have visited them. They have borne me children since 1890. And I have done it, knowing the responsibility and knowing that I was amenable to the law.  

Smith was further asked if he considered it an abandonment of his family to provide for them and maintain relationships with wives other than that of "occupying their beds." In reply Smith gave the following humorous and perhaps sensible reply: "I do not wish to be impertinent, but I should like the gentleman to ask any woman, who is a wife, that question."  

The Smoot hearing and other agencies produced evidence that some new polygamous marriages continued among the Mormons after 1890. Earlier reports such as that of the Utah Commission, which was authorized by the Edmunds Act of 1882, claimed that in the year of 1891 fourteen polygamous marriages occurred in Utah. In the following year the Commission reported that twenty-two male persons had engaged in plural marriages.  

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6 U. S. Congress, Senate, Committee of Privileges and elections, Reed Smoot Hearing (Washington, 1904-1906), I, 129.

7 Ibid., I, 130.


9 Ibid., (1892) p. 455.
public denial made in response to a Utah Commission report of 1890:

We have to say it is utterly without foundation... there have been no plural marriages solemnized during the period named. Polygamy or plural marriage has not been taught neither has there been given permission to anyone to enter into its practice, but on the contrary it has been strictly forbidden.\footnote{Ibid. (1891), p. 14. The Commission's report of 1894 stated that only three polygamy convictions had occurred in the Utah territory since the Manifesto. This fact may indicate that neither the Commission nor the Mormon Church was accurate in their earlier claims. The Commission may have exaggerated the situation, but the number of convictions does not necessarily give an accurate image of post-Manifesto polygamy since contractors could move to Mexico or elsewhere if danger of arrest was imminent. \textit{Ibid.} (1894), p. 65.}

Some years later, in 1910, the Salt Lake \textit{Tribune} published a list of two hundred names of men who had allegedly married plural wives since the Manifesto.\footnote{October 8, 1910, p. 6.}

Although unsubstantiated accusations implicated many prominent people in the L.D.S. Church with continued polygamy, some fairly well-founded cases were disclosed. One such case involved Stephen Workman, who sought permission from President Woodruff to marry a plural wife, Joan Williams, a few months after the Manifesto had been issued. Woodruff declined to give permission to the couple fearing the adverse effects on the Church. Upon Workman's promise to move to Mexico, the marriage was performed in the St. George Temple (Utah) by an apostle whose name was not...
disclosed. Workman moved to the Mormon colonies in Mexico.12

Another incident involved Mormon apostle Abraham Cannon, who married a plural wife in the early summer of 1896. The girl, Lillian Hamlin, was Cannon's recently deceased brother's fiancée. Cannon asserted that he married the girl for "time" so that his brother David might have her in the eternities.13 Cannon died shortly after the marriage, but one child came from the relationship.14

About 1900 another prominent Utahn, Benjamin Cluff, President of Brigham Young Academy, married a plural wife, Florence Reynolds, and was compelled to resign his position as head of the Provo school.15


13 Two kinds of marriages are recognized in the Mormon Church: those which are performed by civil authorities and ecclesiastical leaders for this mortal existence (time), and those which are performed in the temples which, it is believed, are binding for "all eternity." These marriages may be performed vicariously by a living individual for the dead. This, likely, is what Cannon intended to do for his brother. At the same time he gave the girl a husband for "time" keeping her from marrying anyone else.

14 This was disclosed by Mrs. Wilhelmina C. Ellis, the first plural wife of Cannon, formerly. Smoot Hearing, II, 67ff and 141ff.

15 This testimony was given by Miss Reynolds' father, George Reynolds, who was a high official in the L.D.S. Church. Smoot Hearing, II, 37-38; also, see the testimony of Senator Reed Smoot, Ibid., III, 198ff.
Others who continued to practice polygamy were disciplined by the Mormon Church. John Barclay married three wives after the Manifesto. He was said to have preached and practiced polygamy "rather openly" and "to have been dismissed from an important church position" in 1906.16

In a highly publicized scandal in Salt Lake City, Alpha J. Higgs in July, 1909, married a plural wife. He was the general secretary of the Church's Young Men's Mutual Improvement Association besides being the assistant manager of the Improvement Era, a L.D.S. Church publication. The new bride, Bessie Badger, was the daughter of prominent state senator, Carl Badger, and had been Higgs' assistant on the Era. Mormon leaders seemed embarrassed by the situation, and Mr. Badger was highly upset by the incident.17 Higgs was disfellowshipped from the Church for his actions.18

The Manifesto mostly ended Church sanctioned polygamy within the United States, but plural marriages continued outside this country for some fifteen years in places such as

16Young, *op. cit.*, p. 420.


18Interview with Arnold Boss, April 14, 1964, who discussed the incident personally with Higgs. Disfellowshipping limits a Mormon's activities in the Church. He can not take the sacrament or hold any church office. If the individual repents, he may again receive full fellowship in the Church. If not, he may be excommunicated.
as the Mormon colonies in northern Mexico, where it ended about 1904. Besides the Workman case, above mentioned, others traveled to the Colonies for plural marriages so as not to violate the law or the Manifesto—as they interpreted it. One such person was James Francis Johnson, who married a plural wife in Colonia Juarez in 1896. It was performed by Apostle Brigham Young, son of the illustrious Mormon colonizer.

A long time resident of Provo, Utah, H. E. Farr, interviewed in 1957, explained his plural marriages which occurred in the Mexican colonies in the early 1900's. The substance of the interview was told by William Tolman:

In a stake within walking distance of the Brigham Young University campus [Provo, Utah] lives an eighty-

19 Land was purchased, and Mormon settlers began forming colonies in the State of Chihuahua during the late 1880's. The colonies were intended to be a place of refuge for polygamists if conditions became unbearable in the United States.

20 Although post-Manifesto polygamy, apparently, was opposed by various presidents of the Mormon Church, sanctioning seemed to have been given, in part at least, by other high L.D.S. officials who were sympathetic with continued plural marriages that did not violate the laws of the land. It is unknown how many of the Church's leaders knew what was occurring in Mexico. At least one, George Reynolds, testified that he was somewhat surprised at these Mexican plural marriages, as disclosed in the Smoot hearing, even though his own daughter had been involved in post-Manifesto polygamy. Smoot Hearing, II, 58.

21 Colonia Juarez is and was the main settlement established by the Mormon settlers. There are also several other towns in close proximity.

22 This testimony was given by Mrs. Clara Kennedy, the woman Johnson married. Smoot Hearing, I, 389ff.
two year old brother, a faithful active High Priest, with two lovely wives...

He spent a few of his early years in the same home as President George Albert Smith. In 1891 he went to Mexico where he was married and sealed to his first wife in 1893...

In 1902 he was sealed to his second wife for eternity. This was also in Mexico outside the temple. (I understand the ordinance was performed by Apostle Teasdale)....

They moved to the United States just before the Revolution of 1912 and have continued in full fellowship to the present time. They have always had temple recommends right up to the present. He told of being called before the High Council to answer for his practice [several times], but in each case he has been approved by the First Presidency and is at present serving as a ward teacher.

He told of an experience of recently going to a new stake president for signatures on their temple recommends. One wife accompanied him, and as the president was about to sign the two recommends, the other wife entered and placed her recommend before the president. He said, "Who is this intruder?"

"She is my wife."

"Then who is this woman?"

"She is also my wife." And the stake president nearly fell off his chair.23

Such prominent men in the Colonies as Joseph Bentley,24 Mormon bishop in Colonia Juarez, and Edward Eyring, father of Henry Eyring, present head of the Graduate School of the University of Utah, and others married plural wives after the turn of the century without apparent


24Bentley married a plural wife, Maud Mary Taylor, in 1901. "Joseph Bentley Family Group Sheet," Genealogical Society, Salt Lake City. Seven or eight years later he married his third wife. Interview with Anthony I. Bentley, son of the first wife, January 22, 1964.
Mormon Church disapproval. Bentley was one of the leaders in the evacuation of the colonists from Mexico during a revolution in 1912, and later became the Mormon stake president in the Mexican colonies.

Most of these polygamous marriages were assertedly performed by Anthony W. Ivins, stake president in the Colonies during the immediate years after the Manifesto and later a member of the Church's Quorum of Twelve Apostles and First Presidency. Bentley told his son, Anthony I. Bentley, a professor of religion at Brigham Young University, that Ivins never performed a plural marriage in Mexico after the Manifesto without first obtaining approval from the L.D.S. Church headquarters in Salt Lake City. Since Ivins was continually elevated in Church positions, he seemingly did not do much that was not in harmony with the position of the Church's leadership.

In 1904, after President Smith testified in the Smoot hearing, polygamy in Mexico, as well as other places

_Eyering wrote: _"In 1903 I decided to try and enter into the holy order of plural marriage, so with the help of my wife I was able to woo my wife's sister Emma and after considerable persuasion married her in November, 1903. We then built her a home on the lot joining our home._ Edward Eyering, _History of Henry Eyering and his Descendants_ (Mesa, Arizona, 1931), p. 17.

_In this year the lives of the Mormon colonists were so endangered by Mexican bandits that most evacuated their homes and fled to the United States. Within a year some of them were able to return to their Mexican homes._

_Bentley interview._
outside the United States, was, with some exceptions, discontinued. In the general conference of the L.D.S. Church at that time, Smith delivered an address which has been labeled the "second manifesto." The message warned the membership of the Church that anyone participating in or performing plural marriages "will be liable to be dealt with according to the rules and regulations thereof [Mormon Church], and excommunicated therefrom." 28

Some people in Mexico, as in other places, contracted plural marriages after 1904 and suffered partial if not total ostracism from the Church. Miles A. Romney, uncle of the present governor of Michigan and leader in the Mexican colonies, suffered this fate. He had married three sisters, Lilly, Elizabeth, and Emily Burrell, as plural wives after the Manifesto. The dates of all the marriages are unknown, but at least one of them, to Emily on November 2, 1909, 29 occurred after the "second manifesto." For this action he was removed from his position as stake Young Men's Mutual Improvement Association head and not allowed to hold any church leadership position for a time. Later, Romney was apparently forgiven since he again held official responsibilities. 30

28 Conference Report (Salt Lake City: Church of Jesus Christ of Latter-day Saints, April, 1904), p. 75.
29 "Miles A. Romney Family Group Sheet," Genealogy Society, Salt Lake City.
30 Bentley interview.
Another individual from the Colonies, Fredrick James, married a plural wife in the Manti Temple (Utah) in November, 1909. His actions were later discovered, and he was tried for his church membership before the Juarez Stake High Council. Anthony Ivins, representing the Mormon leaders of Salt Lake City at the trial, stated that President Smith felt "very strongly about the case and wanted James severely disciplined." He was disfellowshipped from the Church.\footnote{31}

Even in the highest councils of the L.D.S. Church the problem of continued polygamy occurred. In 1905 President Smith discovered that two members of the Quorum of Twelve Apostles, John W. Taylor and Matthias F. Cowley, were still performing plural marriages, and he promptly requested their resignation as "apostles of the Lord."\footnote{32} A contradictory report stated that this was not a sudden discovery by Smith, but the exposure of these two men to nationwide publicity, resulting from the Smoot hearing, prompted Smith to take this action to exonerate the Church and its leadership.\footnote{33}

\footnote{31}{Young, \textit{op. cit.}, p. 421.}

\footnote{32}{John Whitaker, \textit{Efforts of the Church to Control Polygamy} (Provo, Utah: Brigham Young University, n.d.), p. 3.}

In his letter of resignation Taylor explained his view on post-Manifesto polygamy.

I wish to state in the first place that I have not violated the laws of the United States, nor the State of Utah, in relation to polygamy or plural marriage...

I have always believed that the government of the United States had jurisdiction only within its own bounds and that the term "law of the land" in the manifesto meant merely the laws of the United States. I find now that this opinion is different to that expressed by the Church authorities, who have declared that the prohibition against plural marriage extended to every place and to every part of the Church. It is doubtless true that this view on the matter has been given by President Woodruff and others. But I have never taken that as binding upon me or the Church, because it was never presented for adoption by "common consent" as was the manifesto itself, and I have disputed its authority as a law or rule of the Church. 34

A public announcement of their dismissal was made in the L.D.S. general conference of April, 1906. 35 A month later Cowley was disfellowshipped, 36 and Taylor, in 1911, was excommunicated from the Church after he married another plural wife. 37 Years later Cowley was reinstated as a

34 Roberts, op. cit., VI, 400.

35 Reports indicated that Apostle George Teasdale may have also been dropped from the quorum had he not been elderly and in poor health. Tribune, April 9, 1906, p. 1.

36 Improvement Era, 14 (June, 1911), 750. Cowley served as a member of the Quorum of Twelve Apostles from 1897 to 1905. He married a plural wife, Luella Smart Parkinson, on September 22, 1899. Ibid., 43 (July, 1940), 414.

37 Taylor's story is similar to Cowley's. Taylor married two sisters, Roda and Roxie Welling, about 1896. He later married his sixth wife, Ellen Sandburg, and was excommunicated from the Mormon Church for this action. His story is novelized in a book written by one of his sons. Samuel W. Taylor, op. cit.
member in good standing in the Church, but Taylor was not. One of the new members of the Quorum of Twelve Apostles to replace these men was David O. McKay, president of the Mormon Church today.

Many years later another high Church official, Richard R. Lyman, is alleged to have been excommunicated because of a polygamous marriage. It is more commonly reported in the L.D.S. Church, however, that he was severed from the Church for adultery, not plural marriages.

Those involved in polygamy after the Manifesto may be divided into various categories. To a few, apparently, it became inconvenient to follow the instructions of the Manifesto since plans or plural engagements had been made prior to its issuance. For the majority the Manifesto was visualized as a plan to quiet a belligerent world, who demanded the extermination of the practice, but secretly inside or openly outside the United States, polygamy was still the right way of the Lord. Yet to others the Manifesto was seen as the weakening of a man before the pressures of the world and was not based on divine revelation. From the seeds of these and earlier plural marriages, evidently, has come the problem of polygamy to the Mormon Church and the state of Utah, as well as other surrounding states, in this century.

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39 Boss interview.
CHAPTER II

RISE OF THE FUNDAMENTALISTS

With the Manifesto calming most external opposition toward the L.D.S. Church, except for sporadic outcries, the opposition to the Church's position on polygamy developed from within. The new challengers were those who favored the continuation of plural marriages against Church opposition. This is perhaps not hard to understand, since it was the Mormon Church which had changed and not those who advocated continued polygamy. For three or four decades polygamists or their relatives had been living, sacrificing, and facing prosecution to maintain a principle they considered divine. They could not conceive of the Manifesto as heaven-inspired. Many of them thought the Church President had backed down because "the going had become too tough,"\(^1\) or because Utahns greatly desired statehood. Although the ratifying vote to accept the Manifesto, presented to the membership of the L.D.S. Church in the general conference of October, 1890, appeared to be unanimous,\(^2\) those who condemned it were either not present or abstained

\(^1\)Joseph W. Musser, *Celestial or Plural Marriage* (Salt Lake City: Joseph W. Musser, 1944), pp. 58-59, 89, 148.

from voting. Manifesto antagonists felt that the Church should never yield to "the ways of the world" by abolishing the practice of plural marriages.

From the opponents several arguments against the Manifesto and the Mormon Church leaders appeared. The first argument, that the Manifesto was the work of man and not based upon divine revelation, cited the wording of the document as the initial evidence. Nowhere could be found the words, "Thus saith the Lord," as were common in other Mormon revelations. Certainly, the whole language of the Manifesto did not sound like any previous revelation accepted by the Church; it was more like a report.

Next some opponents claimed that the author of the document was not President Wilford Woodruff but three other men, Charles Penrose, John White, and George Reynolds or Frank J. Cannon (there is some disagreement as to the three authors). These men, they claimed, wrote the document and then presented it to Woodruff, who affixed his signature to quiet a belligerent world. As supporting evidence an

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3There are some 136 revelations in the Doctrine and Covenants of the Church of Jesus Christ of Latter-day Saints; most of which begin with "Thus saith the Lord" or some similar salutation.

4Joseph W. Musser, The Law of Plural Marriage (Salt Lake City: Truth Publishing, n.d.), p. 1. Actually, the form and expression of the Manifesto indicates that it was intended to be a public announcement rather than scripture. See Appendix A.
alleged witness, some years later, stated that Penrose said in 1908:

I, Charles Penrose, wrote the manifesto, with the assistance of Frank J. Cannon and John White. It's no revelation from God, for I wrote it. Wilford Woodruff signed it to beat the Devil at his own game. Brethren, how can God withdraw an everlasting Principle from the earth? He has not and can not and I testify to you as a servant of God that this is true.5

Woodruff and other Mormon officials replied to these charges. In rebuttal to the claim that the Manifesto was not divinely inspired, Woodruff asserted that the Lord had shown him by vision what would happen to the Church if polygamy continued:

I have had some revelations of late, and very important ones to me, and I will tell you what the Lord has said to me. Let me bring your minds to what is termed the Manifesto...

The Lord showed me by vision and revelation exactly what would take place if we did not stop this practice [polygamy].6

After explaining what the Lord had shown him, i.e., how the temples would be inoperative and Church leaders imprisoned along with many heads of families, Woodruff continued:

I should have let all the temples go out of our hands; I should have gone to prison myself, and let ever 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


6 Deseret News, November 7, 1891, p. 4.
was clear to me. I went before the Lord, and I wrote what the Lord told me to write.\footnote{Loc. cit.}

In a federal court hearing in 1891,\footnote{This hearing was before a court, also known as the mastery of chancery, which was attempting to dispose of the Mormon Church's escheated property. Woodruff and other Church leaders appeared before the court in an attempt to procure some of this property for the L.D.S. school system.} \textit{Woodruff explained} why the Manifesto was not written in the form of a revelation. He was questioned initially by Franklin S. Richards, legal counselor for the Mormon Church, but was then interrupted with a pointed interrogative from Charles S. Varian, an attorney for the federal government, who questioned whether the Church leaders were really sincere in stopping plural marriages:

\begin{quote}
Q. Do you believe that the Almighty has revealed to the church through you, that the practice \footnote{\textit{Deseret Weekly}, October 24, 1891, p. 579.} [polygamy] should be discontinued and abandoned?

A. I do.

Q. (Mr. Varian) If that is the case, why didn't you declare it to your church as a revelation?

A. Well, men differ with regard to the principle of revelation. Of course, my view is that inspiration is revelation; it is from the same source. A man is not always required to say "Thus saith the Lord" in counsel or advice which he gives on certain matters.\footnote{\textit{Deseret Weekly}, October 24, 1891, p. 579.}
\end{quote}
George Q. Cannon, counselor to Woodruff, supported President Woodruff's stand. Cannon apparently had opposed anything like the Manifesto previously:

Upward of thirteen hundred men have been incarcerated, going for various terms from one to three months up to a year [for polygamy]...

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 [to halt polygamy in the Mormon Church]...

We have waited for the Lord to move in the matter; and on the 24th of September, President Woodruff made up his mind. He had prayed about it and had besought God repeatedly to show him what to do. At that time the Spirit came upon him, and the document that has been read in your hearing was the result. I know that it was right, much as it has gone against the grain with me in many respects, because many of you know the contest we have had upon this point. But when God speaks, and when God makes known His mind and will, I hope that I and all Latter-day Saints will bow in submission to it...Some have wondered and said, "Why didn't his counselors sign? Why didn't others sign?" Well, I give you the reason—because he is the only man on the earth that has the right and he exercised it.10

In opposition to the argument concerning the dubious authorship of the Manifesto, one of the asserted writers, George Reynolds, gave a different account from the alleged remarks of Charles Penrose. When asked about the Manifesto in the Smoot hearing, Reynolds gave the following explanation:

10ibid., October 18, 1890, pp. 550-51.
President Woodruff wrote it [the Manifesto] in his own hand—and he was a very poor writer, worse, I believe, than Horace Greeley—and he gave it into the hands of three elders to prepare it for the press. I was one of the three.11

Reynolds further stated that the three had used the notes of Woodruff to prepare the manuscript, and the substance of the finished document had remained the same.12

Before the mastery of chancery hearing, in response to questions as to whether the Manifesto was "advice" or a "commandment," Cannon replied:

President Woodruff is a very modest man. It would have been a commandment if some men had issued it, and it was a commandment in his case. He was fully persuaded that the Church at large, like himself, received a testimony that this manifesto was issued by inspiration from God.13

As polygamy continued and was publicized from time to time, condemnation was again heaped on the Mormon Church, which proved embarrassing to the ecclesiastical heads. These leaders, over the years, gradually took a firmer stand against polygamy. From a beginning in which the Church authorities urged their members to stop plural marriages, the leadership evolved to the point where excommunications were taken on violators. This attitude against polygamists became ever stronger until by the 1930's L.D.S. Church heads assisted law enforcement officials in prosecuting

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11 Smoot Hearing, II, 52-53.
12 Loc. cit.
13 Deseret Weekly, October 17, 1891, p. 579.
offenders. The Mormon Church made the full circle from violating the polygamy laws to assisting the enforcement of such laws.

This change can be unfolded in more detail by again considering the administration of President Smith. Following the admonitions of 1904, which threatened excommunication to polygamous violators, Smith in 1911 again spoke on this subject in L.D.S. conference.

There is no man or woman in the Church of Jesus Christ of Latter-day Saints who is authorized to contract plural marriages. It is not permitted, and we have been endeavoring to the utmost of our ability to prevent men from being led by some designing person into an unfortunate condition that is forbidden by the conference, and by the voice of the Church, a condition that has to some extent, at least, brought reproach upon this people. I want to say that we have been doing all in our power to prevent it or to stop it; and in order that we might do this, we have been seeking, to our utmost, to find men who

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14 Supra, p. 16. Excommunications were suggested by Church leaders as early as 1891 but were not carried out. In a statement read in the mastery of chancery hearing, the Church's attorney explained: "That the officers and members of said Church have been fully advised by the President or head thereof and those in authority therein, that in the future bigamous, polygamous or plural marriages entered into by any of the members of the said Church would be disapproved by the Church, and those in authority therein, and the person so violating the law of the Church, by entering into such a marriage, would be subject to excommunication from said Church." Deseret Weekly, October 24, 1891, p. 575. President Woodruff testifying before the same group, in answer to a question concerning plural marriages, stated: "It would now be contrary to the laws of the Church for any of its members to enter into plural marriage and anyone doing so would be liable to excommunication. Loc. cit.
have been the agents and the cause of leading people into it. We find it very difficult to trace them but when we do find them, and can prove it upon them, we will deal with them as we have dealt with others that we have been able to find.\textsuperscript{15}

President Heber J. Grant, himself once a polygamist, succeeded Smith as head of the Church. In April conference of 1921 he stated that several patriarchs had recently been excommunicated for performing polygamous marriages.\textsuperscript{16} As he continued in office, Grant accelerated the fight against polygamists by cooperating more with law enforcement agencies:

We have been, however, and we are entirely willing and anxious too, that such offenders [polygamists] against the law of state should be dealt with and punished as the law provides. We have been and we are willing to give such legal assistance as we legally can in the criminal prosecution of such cases.\textsuperscript{17}

The reason for such strong action, he continued, was to show positively that the Church stood against polygamy. This action also seemed to be an attempt by Church officers to curtail the influence which determined polygamists were having on new or "naive" Church members.\textsuperscript{18}

More recently L.D.S. officials have continued to maintain the practice established by Grant, but they have

\textsuperscript{15}Conference Report, April, 1911, p. 8.
\textsuperscript{16}Ibid., April, 1921, p. 202.
\textsuperscript{17}Ibid., April, 1931, p. 5.
\textsuperscript{18}Loc. cit.
apparently tried to avoid much involvement in the matter. William B. Rogers, one time special investigator for the Utah Attorney General's office on polygamy cases in the 1940's and 1950's, said that he could not exactly deter-
mine the Church leaders' attitude toward polygamy prosecu-
tions. He stated that the authorities of the Mormon Church usually tried to stay neutral in the fight between the State and polygamists, "but occasionally a list of names would come to our office from a certain general authority, and they would always check-out as polygamists." Other law officials have praised the Church heads for support given in polygamy prosecutions.

It should be pointed out, however, that while the Church tried to bring wayward polygamists into conformity, a hard core of pro-polygamists gradually developed inside the Church. Later, they found themselves outside the Church, as mentioned, but they continued advocating polyg-
amy. This group in resistance to the Mormon leaders kept up a "truth campaign" by teaching the doctrine of plural marriage and repeatedly charging some past and present L.D.S. leaders with secretly practicing polygamy themselves.


20 John S. Boyden, former assistant U. S. District Attorney, complimented the L.D.S. Church leaders along with local, state, and federal officials for their cooperation in arresting Utah polygamists in 1944. Deseret News, March 7, 1944, p. 1.
With the pressure of church excommunication and even more the fear of the law, polygamists' meetings were driven into semi-secrecy. By publishing pamphlets, however, they continued spreading their doctrines rather widely.

Although cut-off from the L.D.S. Church, polygamous leaders persisted in declaring that they were still members of the kingdom that Joseph Smith, Brigham Young, and other Mormon leaders down to Woodruff had established. They firmly believed that divine authority sanctioned continued plural marriages. Polygamy advocates contended that on September 27, 1886, President of the L.D.S. Church, John Taylor, had ordained five men to continue polygamy until "the Savior should return to the earth." The event, assertedly, occurred in Taylor's temporary residence in Centerville, Utah, where he had been living in exile while hiding from law officers because of polygamy violations.

The five men, John W. Woolley, Lorin Woolley, George Q. Whitaker, op. cit., p. 3.

21"John Woolley [sic], a neighbor of mine, while living in Centerville, became a worker in the Salt Lake Temple from its dedication. He performed marriages [polygamous] after the Manifesto and President Smith learning about it sent for him and said, 'Brother Woolley, is it possible you are performing plural marriages secretly?' 'Yes, President Smith, I can not lie to you.' 'Then we shall have to handle you.' The result was that after the trial, John Wooley was excommunicated from the Church..."
Cannon, Samuel Bateman, and Charles W. Wilkins, had been ordained "apostles and patriarchs" to continue polygamy forever. Polygamists, or Fundamentalists as they came to be known, also maintained that Taylor at this time received a divine revelation declaring that polygamy should never cease in the Mormon Church.

Those who refuted these Fundamentalists' claims asserted that it was Lorin Woolley who had originated the doctrine concerning the ordination and had first introduced it some forty years after it supposedly happened. The other four men had said nothing about the ordination. Lorin had presented the claim after the others were dead and could not refute the story.

Concerning the Taylor revelation, Anthony W. Ivins wrote in 1934 that there may have been one. He said,

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22 Bateman's diary records that he was in exile with Taylor at the time, but states nothing about this incident. Samuel Bateman, Diary, 1886-1909 (Provo, Utah: Brigham Young University, 1954), p. 5.

23 For a complete account of this incident as told by Lorin Woolley, see Appendix C.

24 See Appendix B for a copy of this revelation.

25 President Joseph Fielding Smith of the L.D.S. Church in a letter to Walter L. Whipple on April 24, 1956, referring to the claim of Lorin Woolley stated, "...no such meeting ever took place...I knew President George Q. Cannon, Samuel Bateman and Charles W. Wilkins and they were true men to President Wilford Woodruff, Lorenzo Snow and President Joseph F. Smith. Lorin Woolley's stories are after thoughts uttered when all these men are dead and can not speak for themselves." As found in Russell Rich, Those Who Would Be Leaders (Provo, Utah: Brigham Young University, 1959), p. 76.
however, that all that was left in Taylor's papers at death of what may have been a revelation was a small sheet of paper with some pencil writing on it, amounting to several paragraphs but without signature. 26

Other Mormon officials have said that it was never presented to the Authorities and Church membership for acceptance as was the custom. It was maintained that if such a revelation had been received there was nothing in it which contradicted the Manifesto. 27

It is now asserted that Lorin Woolley in 1929 organized the Fundamentalist group. Four men, J. Leslie Broadbent, John Y. Barlow, Joseph W. Musser and Charles F. Zitting, were originally ordained as leaders to continue polygamy. The organization developed with a council of high priest apostles to lead the polygamous movement, while Woolley was the presiding officer of the council. When Woolley died on September 19, 1934, Broadbent became the presiding official. At Broadbent's death the next year Barlow, the senior member of the council, assumed the helm. He retained this position until his death on December 29, 1949, when Musser became the leader. 28

26 Truth, XV (July, 1949), 44.

27 Loc. cit.

28 Lyle O. Wright, Origin and Development of the Church of the Firstborn of the Fulness of Times (M.S. thesis, Brigham Young University, 1963), pp. 52, 58, 61; also, Dean C. Jessee, A Comparative Study and Evaluation of the
During Musser's administration a major schism developed in the Fundamentalist organization, resulting in the two main groups of the movement today. Early in Musser's presidency he suffered a severe stroke impairing his health and mental abilities. Other members of the presiding council were unsatisfied with Musser, probably because they considered his ill health and mental lapses detrimental to effective leadership in the organization. The council reached a breaking point with Musser on September 18, 1951, when Musser ordained Rulon Allred as a high priest apostle and his special counselor. There were also objections to Musser ordaining Margarito Bautista, a Mexican Indian, as a high priest apostle. The council refused to endorse these actions claiming Musser mentally incompetent. In reaction Musser dissolved the council and formed a new one with Allred as its senior member. Most of the lay members of the Fundamentalist movement, however, remained with the old council. On March 29, 1954, Musser died leaving a problem of succession; each of the two councils claimed to be the rightful body, rejecting the other. 29

Latter-day Saint and "Fundamentalist" Views Pertaining to the Practice of Plural Marriage (M.S. thesis, Brigham Young University, 1959, pp. 19-20. A few of those excommunicated by the L.D.S. Church during this period were: John Y. Barlow, April 1, 1919; Joseph W. Musser, March 17, 1921; Lorin Woolley, January 15, 1924; and J. Leslie Broadbent, July 18, 1929. Jessee, op. cit., p. 246.

29 Wright, op. cit., pp. 61-62.
Of the two groups resulting from the split, the original body had difficulty securing a leader. In the old council Zitting was next in seniority, but he died on July 14, 1954, after a few month's leadership. The next two men in line of seniority, LeGrand Woolley and Louis A. Kelsch, declined the presiding office. LeRoy Johnson of Short Creek, Utah, who was next in line, finally agreed to take the office which he has retained to the present. In the other group Allred became the leading officer and is still in that position.30

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CHAPTER III

POLYGAMOUS GROUPS

Before the founding of the Fundamentalist organization, there allegedly were at least four other small polygamous groups in Utah. Little is known about three of them, but apparently they existed for only a short time. The first of these was a group headed by Josiah Hickman, which was organized some time between 1900 and 1905. They, assertedly, were strong believers in the Book of Mormon as well as the practice of plural marriages. Several of the group were believed to have gone to South America in an attempt to prove the authenticity of the Book of Mormon from external evidences. The Hickman group evidently met with little success.¹

About that same time John Tanner Clark of Provo had several followers. Clark was excommunicated from the Mormon Church in Provo on May 18, 1905, for circulating letters disclaiming the Manifesto of 1890 and the leaders of the L.D.S. Church.² Besides advocating polygamy, members

¹Kate B. Carter, Denominations That Base Their Beliefs on the Teachings of Joseph Smith (Salt Lake City: Kate B. Carter, 1962), p. 48; also, Wright, op. cit., p. 21.

²As found in John T. Clark, The Last Record to Come Forth (Salt Lake City, 1905), p. 49, quoted from the Provo Enquirer (July 18, 1905).
of this group declared that Clark was the "one mighty and strong," a leader prophesied to arise in the Mormon Church. There may be a few individuals alive today who still believe Clark to have been the one mighty and strong.

The third obscure group was allegedly led by Nathaniel Baldwin. They originated, assertedly, during World War I when Baldwin claimed to have received a revelation directing him to construct a radio receiver set superior to anything then on the market. He subsequently built a factory in East Mill Creek, Salt Lake County, and required his employees to practice polygamy. His community grew rapidly and made a sizeable fortune until Baldwin was reportedly convicted of mail fraud and sentenced to jail. The factory was then disbanded and the group dissolved.

3 John T. Clark, *The One Mighty and Strong* (n.p., 1930), passim.

4 *Doctrine and Covenants*, 85:7; also, Wright, *op. cit.*, pp. 27-50.

5 As evidence of this, several individuals have written pamphlets, more recently, supporting Clark's position. Harry Shewell, *Who is John T. Clark?* (n.p., 1935); W. A. Hudson, *Believe It or Not...* (Salt Lake City, 1953).

6 Apparently, there is some reason to doubt this charge since the federal district court has no record of any criminal conviction of Baldwin. *Criminal Index* (Salt Lake City: Clerk of U.S. District Court).

Gudmundson Colony

In Utah County about 1918 the fourth group originated. These people were led by Moses Gudmundson, a former music teacher at Brigham Young University. Most of his original followers were recruited from the "Springville Separatists," a group of over-zealous Mormons living in Springville, Utah. Gudmundson's group, not exceeding sixty members at the most, established a settlement in the dry, sparsely settled regions of western Juab County, Utah, in 1918.8 Gudmundson convinced his followers of the economic advantages of homesteading the area and establishing a cooperative community. The colony, Gudmundson also proposed, would help the members escape the temptations of the world. This moral attainment would be necessary to avoid the "horrible catastrophies" and "damnations" that he prophesied were soon coming.9

Gudmundson claimed to receive other divine messages for the group. One of which was a revelation concerning "true wife" or "spiritual wife." The doctrine, as he taught it, stated that often a person found another mate, who was his equal in social, intellectual, and spiritual qualities. These persons should marry for the benefit of

8 Young, op. cit., p. 427; also, Carter, op. cit., pp. 53-54.

themselves and their posterity, which would be superior by such a union, even though one or both may already be married. In the latter instance the person who lost the wife had to practice "wife sacrifice," i.e., give up his wife.\textsuperscript{10}

Gudmundson seemed to have originated this doctrine to justify his personal relations with Mrs. May Holtz, who acted as a co-leader to the group. She and Gudmundson were frequently together in their leadership responsibilities. The two took a trip to Idaho together to do proselyting work. After returning to the colony, Gudmundson was seen coming out of Mrs. Holtz's house early one morning. When confronted with this questionable behavior, he introduced the new dogma of "spiritual wife." Gudmundson and Mrs. Holtz became husband and wife over the objections of her husband, also a member of the group. The latter was finally appeased. Several others in the group practiced the doctrine, but apparently there was no promiscuity or free love, in the common use of the term.\textsuperscript{11}

In the early spring of 1921 the Mormon Church excommunicated five and disfellowshipped seven members of the colony for their unorthodox actions.\textsuperscript{12} Shortly afterwards the civil authorities conducted an investigation in the

\textsuperscript{10}\textit{Ibid.}, p. 429.

\textsuperscript{11}\textit{Ibid.}, p. 430.

\textsuperscript{12}\textit{Provo Herald} (Provo, Utah), March 17, 1921, p. 1.
community, which caused the group to disband. At the time no criminal action was taken against them. Later, charges of adultery were brought against Gudmundson and two other men by Juab County authorities when the group started to revive the colony. The two men, Eldon Houtz and David White, were convicted while Gudmundson was acquitted. The two men apparently were released on an appeal and never served their sentences. Gudmundson moved to California while most of the members either returned to Springville or moved to Idaho. It is thought that most of the group still believed in their type of polygamy even though they discontinued its practice. 13

The Davis County Cooperative

Another polygamous group in Utah is called the Davis County Cooperative, but they have apparently almost abandoned the practice of plural marriages. This group had its origin in the 1930's with a man named Eldon Kingston. At the death of the Fundamentalist presiding officer, Leslie Broadbent, in 1935, Kingston claimed to have been Broadbent's "second elder" and rightful successor in the organization. He also claimed to have received

13Young, op. cit., p. 432.
revelations and visions. Fundamentalists rejected his assertions, and Kingston left the group. 14

Kingston and several followers formed a new organization. They proclaimed that all priesthood had been lost and would have to be restored. The group went into the mountains east of Bountiful, Utah, in anticipation of a restoration, but no divine manifestation occurred. 15

After this they evolved into a communal society more interested in economic practices. One of their unusual beliefs concerned their clothing. The men wore blue coverall type uniforms tied with a string around the middle while the women wore plain blue dresses; to show renunciation of the world, they had no pockets in their clothing in which to put possessions. This dress was later abandoned. 16 In 1941, after another Kingston, Charles W., became the leader, the group became legally incorporated. Besides emphasizing their economic purposes in their "Articles of Incorporation," they indicated their pacifistic intentions: "To abolish war and bloodshed of all kinds ...it is better for the individual to be killed rather than to kill." 17

14 Wright, op. cit., p. 58.
15 Ibid., p. 59.
16 Loc. cit.
17 "Articles of Incorporation," (Salt Lake City: Utah State Capitol, February 7, 1941), Number 318.
Today with Charles Kingston's son, John Ortel Kingston, as the leader, the Cooperative has continued their economic interests. Previously, they had established several businesses in the Bountiful area and a coal mine in Huntington Canyon, Emery County, Utah. In more recent years the group has spread to other places and now has several businesses in Dragerton, Utah. They may also have other business interests in the state of Utah.  

Polygamy evidently has caused the Cooperative some problems. Charles Kingston now denies any connection with the practice. He maintains that in their earlier days the Cooperative had some "Musser Fundamentalists in the organization, but they did not work and were kicked out." Some years ago it was widely believed that polygamy was being practiced by a colony of Cooperative members in Huntington Canyon. The Mormon Church excommunicated many of them, who were L.D.S. members.

In evaluating the type of people living in the colony, former Mormon bishop in Huntington, Ken Basher, who conducted the investigation for the L.D.S. Church, stated several years later:

18 Interview with Charles W. Kingston, August 8, 1962; also, Rogers interview.  
19 Kingston interview.  
20 Interview with Ken Basher, August 8, 1962; also, interview with G. L. Olsen of Emery, Utah, August 8, 1962. Both men participated in the excommunication proceedings.
The people as a whole were honest, good people. As for the students in high school, some came to school quite well dressed while others were not, but most of them quit after the second year of high school. Those in school, generally, were not good mixers and kept pretty much to themselves.21

The author observed in 1962 that the colony seemed to have diminished in size until only a few families lived there, just enough, apparently, to run the mine.

There are several facts about the group which remain undiscovered. Since they deny polygamy altogether, it is unknown if the group has privately claimed or does now claim some authority to perform plural marriages. The size of the group is also unknown, but quite likely it involves at least several hundred people.22

The "Perfect" Church of Jesus Christ of "Immaculate" Latter Day Saints

In 1955 an alleged group of polygamous Indians in Mexico, known as the "Perfect" Church of Jesus Christ of "Immaculate" Latter Day Saints, was disclosed. The knowledge was made public by Dr. William C. Conway of Redondo Beach, California, who is the asserted head of another church organization, the Restored Apostolic Catholic Church. Conway stated that he visited these Indians in 1955 to give

22 Rogers interview.
a lecture concerning his church and learned their story, which he wrote in a pamphlet addressed to the heads of the Mormon Church. 23

According to Conway the Indians claim that when the L.D.S. Church issued the Manifesto in 1890, Jesus Christ "walked out" of the Mormon Church and founded His Church anew among a group of Indians gathered at Walker Lake, Nevada. The Indians through "dreams and visions" had been instructed to gather at that particular time and place. In the new Indian organization Christ chose twelve disciples, seventy apostles, and a "White Indian Seer," as the leader. Years later, on April 7, 1932, these Indians claim that Lorin C. Woolley conferred the keys of plural marriage and the "united order" on the White Indian Seer. Subsequently, in May, 1940, at Lake Chapalla, Jalisco, Mexico, where the Indian tribes of the Western Hemisphere "amalgamated themselves in One Mighty Nation," the White Indian Seer was selected as "Chief of Chiefs" of all Indian tribes. 24

Besides advocating plural marriages the group, according to Conway, believes that certain individuals, such as Joseph Smith, Mulek (of the Book of Mormon), and

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24 Conway, Open Letter, pp. 5-8.
others have been reincarnated and are now assisting the "Perfect" L.D.S. Church. Conway estimates their membership at 150,000, all of whom are Indians in Mexico, Central or South America.  

Since several people had briefly written about Conway and the "Restored" L.D.S. Church, the claims of Conway seemed quite probable. But when this author corresponded with Conway, he claimed, among other strange things, to travel in "flying saucers." Thus, it became evident that Conway is eccentric and that his assertions concerning a polygamous Indian group are most likely imaginary also.

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25 Conway correspondence; also, Open Letter. pp. 7, 9.
26 Carter, op. cit., pp. 64-65; also Wright, op. cit., pp. 24, 42-43.
27 Conway to author, February 26, 1965.
<table>
<thead>
<tr>
<th>Leader or name of Group</th>
<th>Date of Origin</th>
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<tbody>
<tr>
<td>Josiah Hickman</td>
<td>1900 - 1905</td>
</tr>
<tr>
<td>John Tanner Clark</td>
<td>1905 (?)</td>
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<td>Nathaniel Baldwin</td>
<td>1918 (?)</td>
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<td>Moses Gudmundson</td>
<td>1918</td>
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<tr>
<td>Fundamentalists</td>
<td>1929</td>
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<tr>
<td>Kingston Group (Davis County Cooperative)</td>
<td>1935</td>
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<tr>
<td>Allred Fundamentalists</td>
<td>1954</td>
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<td>Church of the Firstborn of the Fulness of Times</td>
<td>1955</td>
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CHAPTER IV

SHORT CREEK FUNDAMENTALISTS AND THE
CHURCH OF THE FIRSTBORN OF THE
FULNESS OF TIMES

The two main polygamists groups in the West today are the Fundamentalists and the relatively new Church of the Firstborn of the Fulness [sic] of Times. Both of these groups will be discussed in this chapter. Although the main body of Fundamentalists live in Salt Lake County and will be briefly covered in a later chapter, the best known Fundamentalist group is located at Short Creek.

Short Creek or Colorado City, as the community is presently known, is located in an isolated area on the Utah and Arizona border, accessible only by a long drive from either Hurricane on the Utah side or Fredonia in Arizona. Lately, a more modern highway has been built from Hurricane. Unlike most Utah or Arizona communities Short Creek was not established by early pioneers in the mid-nineteenth century but has grown to its present population of five hundred or more people in the last fifty years.¹ The town was started by J. M. Lauritzen, a non-Fundamentalist, about 1913 when he purchased the land from James Maxwell. Lauritzen also

¹Interview with LeRoy Johnson of Colorado City, August 4, 1962.
obtained the water rights to the area, which made possible limited irrigated farming. The locality grew slowly as a few people began to move into the area to join the Lauritzen family.\(^2\)

The first seeds of polygamy in the area were planted by Isaac Carling, the Mormon leader in the locality, who had been influenced by his cousin, Price Johnson, a practicing polygamist living at Lee's Ferry, Arizona. The first actual polygamists in Short Creek were Johnson and his two associates, Edner Allred and Carling Spencer, who were also from Lee's Ferry. They all moved to Short Creek when it was learned that the Mormon Church was about to excommunicate them for practicing plural marriages. Polygamy continued to increase in the area until in 1931, Johnson, Spencer, and nineteen others were excommunicated from the L.D.S. Church.\(^3\) Within several years Arizona civil authorities prosecuted a couple of the polygamists, Johnson and Spencer. These two men were brought to trial, convicted, and sentenced to short jail terms. Their case will be discussed later in more detail.\(^4\)

\(^2\)Young, op. cit., p. 432.

\(^3\)Truth (Salt Lake City: Truth Publishing, October, 1935), I, 49-50; (February, 1936), I, 121-123; also, Young, op. cit., pp. 433-34.

\(^4\)infra. pp. 69-70.
During that troubled period two Fundamentalist leaders from Salt Lake City, Joseph W. Musser and John Y. Barlow, came to assist the two polygamists on trial. These leaders visualized the community as the "first city of the Millennium." Musser soon left Short Creek, but Barlow stayed for many years as the leader of the community. LeRoy Johnson, present leader of the town, assisted Barlow, and Barlow ordained Johnson as his successor in Short Creek. Barlow allegedly performed many polygamous marriages in the community. As the locality continued to grow, some polygamists from other areas occasionally used Short Creek as a place to keep a plural wife.

Short Creek had several other conflicts with law enforcement agencies because of continued polygamy. One encounter occurred in 1944 when several men were convicted for violation of the Mann Act, as well as for other federal and state crimes. Again in 1953 Short Creek had difficulties with the law. Both of these events will be covered later in more detail.

5Young, op. cit., p. 434.
6Johnson interview.
7One actual polygamous marriage is a matter of public record. State in Interest of Black, 3 Utah Reports 2d 315, 283 Pacific Reports 2d 887.
8Young, loc. cit.
9Infra., pp. 70-71, 80-81.
Since these rather unsuccessful attempts to halt polygamy in Short Creek, little has been done to interfere with the practice there. When this author visited the community in 1962, Arizona authorities were maintaining a deputy sheriff, Alfonzo Nyborg, in the town. Although he did little to hinder polygamy, the Fundamentalists seemed to resent having a "watch dog" near them.\textsuperscript{10} The people apparently practiced polygamy quite openly. Even though they did not tell people outside the community who their spouses were, this author found that some Fundamentalists in Colorado City readily admitted practicing polygamy. Johnson said, "I don't believe anyone can touch us now," but he still seemed a bit cautious for fear someone might again try.\textsuperscript{11}

In 1962 the over five hundred inhabitants of Short Creek were enjoying a prosperous standard of living in comparison with their reported poverty stricken past. Since the area is unsuited for much agriculture, practically all food had to be transported from outside the community. In the mid-1930's most people were allegedly living on welfare and were often in poor circumstances. The housing was

\textsuperscript{10}Johnson interview.

\textsuperscript{11}Johnson interview.
inadequate since many of the cedar logged homes still had dirt floors and were without plumbing or electricity.\textsuperscript{12}

In 1962 the community was not too different from other small rural towns in Utah and Arizona. In contrast to many small localities, however, the Colorado City community in recent years had increased in population.\textsuperscript{13} Many new homes had been constructed to accommodate the large families. Some of them were three and four bedroom type while others were larger. Many were built of cinder-block, which was manufactured in the community. While neat in appearance, the new homes were not elaborate.

Reports of a decade ago indicated the existence of inadequate housing for some families in Short Creek. (In 1962 the same may have been true in some cases.) In a 1954 juvenile court case involving custody of children in Short Creek, the following testimony was given:

...none of the houses occupied by his [the polygamist's] three wives had any inside plumbing; one had a bathtub but no running water; it had a drain to drain it out; [and there were] no sanitary facilities in the house where the third wife lived...the house consisted of two rooms, kitchen and living room combined, and one large bedroom. Six of the seven children and wife sleep in the house in two large [[beds]], and one small bed for the youngest boy.\textsuperscript{14}

\textsuperscript{12}Doherty, op. cit., p. 9.

\textsuperscript{13}Johnson interview.

\textsuperscript{14}State in Interest of Black, 3 Utah 2d 315, 283 Pac. Rep. 2d 887.
In 1955 a Senate judiciary subcommittee investigated information that plural marriages involved minors in Short Creek. They held a two day hearing in the town. Testifying before the committee, Frank L. Porter, sheriff of Mohave County, Arizona, described the worst of conditions in Short Creek as follows:

The homes are referred to up there as coops, chicken coops, many of them. They are little lean-tos and they really are chicken coops. Some of them are old car bodies that everybody abandoned, or somebody abandoned or wrecked, and five or six children sleep in those old car bodies out alongside the house or in these coops on the floor.

You walk into the house proper where there are several of these children, and some of them, one in particular had, I think, thirty-four or thirty-five children in this one room; and it was summertime, and flies were present; and I think those of us who have children know that small children have a habit many times, some of them, of urinating in the bed; and the bed clothing is not washed; and there is the strong odor of urine and sour milk; and then the human smell, all together mixed up; it is not, of course, good in the way of sanitary conditions.

This was all in the summertime, in the presence of flies, [and the] lack of refrigeration, which they don't have. It is a sorry situation, very sorry.15

How general such living conditions were is not known, but they have evidently substantially improved in recent years.

In 1962 the town had a new private high school, part of which was still under construction at the time. It was made of adobe blocks and will have twelve or more classrooms when finally completed. The construction work

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was being done by volunteer laborers from the community. The school had about one hundred students enrolled in the 1962-63 school year, who paid a tuition of seventy-five dollars a semester per student. An increased enrollment was predicted for subsequent years.  

Principal Claud Cawley, a young University of Utah graduate, had established a normal high school curriculum but with some of it on a higher plane. Although their enrollment was small, Cawley planned to offer a wider course coverage for the future than is offered in many high schools. He hoped some day to include accredited junior college work in the school.

The faculty consisted of six people, mostly college graduates. Two of the teachers had had previous experience in public school teaching. They were all paid a low wage but received free rent, food, and other items from the community. All, assertedly, were devout believers in the Fundamentalist movement. Arizona refused to accredit the high school, in part at least, because all of the teachers were not certified.

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16 Interview with Claud Cawley, August 5, 1962.
17 Cawley interview.
18 Cawley interview.
19 Interview with Iona Elison of Fredonia, Arizona, August 4, 1962, who is a teacher in Colorado City but is not a Fundamentalist.
In the same year there were two small ill-kept, publicly operated grade schools in Colorado City, one on the Utah side and the other in Arizona. These schools were staffed partly by believers from the community and partly by non-Fundamentalists, who commuted from either Fredonia or Hurricane. The Arizona school was the poorer of the two, even lacking indoor toilets. However, the Utah school district had threatened to close its school and transport the children to Hurricane unless improvements were made in the building used for the school house. The community, not wanting their children taken elsewhere, were in the process of remodeling the school. Since the building also served as the community center and the Fundamentalist's church house, the project was being done without school district funds.

Their educational program seemed about the same as elsewhere. There were approximately 130 children in the Utah grade school in the 1962-63 school year. Standard tests given in the school system indicated that the children

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20 Elison interview.

21 Before 1954 the children on the Utah side were placed in the Arizona school, and compensation was made to the Arizona school district. With the raid of 1953 and the removal of most children in Arizona, no school was held in the 1953-54 school year. The Utah district had to establish its own school for the forty-one children in Utah. The community building was needed for that purpose, and two teachers were hired by the Washington County School District. Juvenile Delinquency, pp. 126-29.
were normal for their age group.\textsuperscript{22} One teacher stated that parents were interested in their children's education, in contrast, perhaps, with previous years when most youths, reportedly, did not go past the eighth grade.\textsuperscript{23} With the new high school further education was more convenient for Colorado City youths.

Church meetings among the Fundamentalists in the community in 1962 were not too different from Mormon Church services. They held Sunday school, primary, relief society, and preaching services. Fundamentalists from outside the community often attended the latter services, which were held two or three times a month. At a meeting attended by the author in that year, two songs were sung from the regular L.D.S. song book, but no sacrament was passed. This was followed by talks from three apparently prominent Fundamentalists, Newel Steed, Marion Hammon, and a Mr. Dockstader. The speakers were fluent, and among other things they recognized LeRoy Johnson as a prophet of the Lord and holder of the keys of the priesthood. Johnson was the concluding speaker, and in his remarks he lamented the fact that his people had been "cast out of the mother church for living the higher law [polygamy]." The benediction of the meeting was given by Johnson's brother and patriarch to

\textsuperscript{22}Elison interview.

\textsuperscript{23}James Gary, "The Untold Story of Short Creek," \textit{American Mercury}, 78 (May, 1954), 123.
the community, who prayed to "speed the day when the Church [Mormon] will be purged." Families seemed to be sitting together, but it was difficult to determine if men were sitting with their plural wives. Some men did have several adult women nearby.24

An unusual practice, that was occurring in Colorado City in 1962, concerned the dating, courting, and marrying of the young people. Youths were discouraged from picking their own mates; neither was parental arrangement of marriages apparently the usual custom. Their marriages, ideally, were prophet directed. Fundamentalists believed that marriages are made in heaven before this mortal life. The faithful were to consult the prophet who would reveal this proper mate.25 In practice the young men may have to go outside the community to find a wife while the young women may be married to men already with one or more wives.26

Years ago, it was alleged that often young girls in their early teens were led into marriage, but this was denied as a practice in 1962. In the past some undesirable marriage practices evidently did occur. At the time of a police raid on Short Creek, July, 1953, for example, the Governor of Arizona released this statement to the press:

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24Fundamentalist church meeting attended by the author at Colorado City, August 5, 1962.

25Cawley interview.

26Elison interview.
Here is a community—many of the women sadly right along with the men—unalterably dedicated to the wicked theory that every maturing girl should be forced into the bondage of multiple wifehood with men of older ages for the sole purpose of producing children to be reared to become mere chattels of this totally lawless enterprise.27

Judge J. W. Faulkner of Mohave County, Arizona, who heard cases and took statements from juveniles taken into custody in the same raid, gave the following information to the Senate committee investigating Short Creek in 1953:

All told there were about a dozen young girls, I should say, from fourteen to seventeen years of age, who were either pregnant or had children, and one or two of them had two or three children that had been fathered by men who were much older than they, and legally married to other women.28

In 1954 Washington County, Utah, officials sought to convict polygamists living on the Utah side of Short Creek. As a result of their investigation, Judge David F. Anderson of the sixth district stated that similar conditions existed in Utah.29 A number of stories, even more deplorable, exist concerning marriages that have occurred in Short Creek, but their accuracy is subject to debate.30

Marriages to persons outside of the movement in 1962 were, of course, discouraged. Teenagers were also

27As found in Juvenile Delinquency, p. 15.
28Ibid., p. 17.
29Ibid., p. 121.
30For examples of these stories see Frank Mensel, loc. cit.; also, Gary, op. cit., pp. 120ff.
discouraged from going to other towns to seek entertainment. The young people in Colorado City obtained some recreation from community dances, which were held occasionally.\(^31\)

Since the shortage of water prevented much agriculture near the community in 1962, many people worked outside the town. Various methods were used to maintain community solidarity. Some men had worked on the Glen Canyon Dam while it was under construction. Others worked in the Kaibab Forest.\(^32\) It was not uncommon for women and older girls to work part of the year in Kanab, Salt Lake City, or other localities while children were cared for by other women in Colorado City.\(^33\)

The community in 1962 had a common law trust in both states called the "United Effort." This cooperative owned two farms, one in Hatch, Utah, and the other in Alton, Utah, which were operated by people from Colorado City.\(^34\) Johnson claimed that the town was fairly self-sustaining, except for clothing. They operated a community storehouse to support their members in need, according to

\(^{31}\)Johnson interview.  
\(^{32}\)Johnson interview.  
\(^{33}\)Cawley interview.  
\(^{34}\)For other suggested holdings of this cooperative, see "The Lonely Men of Short Creek," *Life*, XXXV (September 14, 1953), 35.
Johnson, and most of the group paid a tithing to the Fundamentalist organization.\textsuperscript{35} Previously, others asserted, however, that they operated a communal society, giving much of their income to a central fund and receiving some of it back for their needs.\textsuperscript{36} Even though many men had large families and employment opportunities were limited, several new cars could be seen in the town; however, they may have been owned by the leaders.

Most of the women wore an old style of clothing with long sleeves, long skirts and dark stockings. Many of them wore no make-up. The women often wore more stylish apparel and make-up when going outside Colorado City so as not to be conspicuous. Some, however, wore the older fashions everywhere.\textsuperscript{37}

The community of Colorado City apparently served several functions for the polygamists. First, it was the home for people who had lived there most of their lives, even before becoming polygamists, such as LeRoy Johnson and his brother. To others it served as a place of retreat when the pressures of society had become too unpleasant. It was a place where Fundamentalists could feel equal with everyone else; thus, they had moved there from Salt Lake

\textsuperscript{35}Johnson interview.

\textsuperscript{36}Juvenile Delinquency, pp. 36-37.

\textsuperscript{37}Cawley interview.
City area and other places over the years. Occasionally, Colorado City had served as a home for a plural wife while the husband lived elsewhere. Some of the population in 1962 seemed a bit transient, readily moving in and out of town. Many, perhaps, would not have stayed in this remote community if they were accepted as equals in other parts of the state or county. From a population of 350 in 1950, \(^{38}\) therefore, Short Creek had grown to a population of over 500 in 1962 \(^{39}\) and was apparently still growing.

In 1962 most of the people seemed sincere in their beliefs. They were friendly, but some were apprehensive about talking to strangers. This was not the case with some of the young adults or the leaders who were fairly frank in discussing their beliefs and practices. The children, however, if asked about their parents or families, gave evasive answers, apparently having been trained that way by their elders. \(^{40}\) Most adults also were reticent

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\(^{40}\) Rogers interview.
in discussing specific family relationships and "don't want others meddling into personal business." The people seemed to have high moral standards, and as Johnson remarked, "There is no alcohol or tobacco used here and very little coffee." The Fundamentalists in Colorado City evidently disliked some other polygamous groups, such as the Church of the Firstborn of the Fulness [sic] of Times. At the church meeting before mentioned, several of the speakers warned the congregation about being "led astray" by missionaries of that organization. The Church of the Firstborn members were proselyting among the Fundamentalists. When asked if Firstborn members came to Colorado City, Johnson replied that occasionally they did, but further stated, "They are meek when they arrive" and "come mostly to steal our women."

Church of the Firstborn of the Fulness of Times

The Church of the Firstborn of the Fulness of Times was founded on September 21, 1955, by three brothers, Joel, Cawley interview.

Johnson interview.

Church meeting.

Interview.
Ross, and Floren LeBaron. Joel was ordained the president of the church while Ross was made the patriarch and a counselor to his brother Joel. On the same day they filed incorporation papers in the state of Utah.\footnote{Wright, op. cit., pp. 99-100; also, Henry W. Richards, A Reply to "The Church of the Firstborn of the Fulness of Times" (Salt Lake City: Deseret News Press, 1965), pp. 2, 11-14, who has photostatic copies of both the Articles of Incorporation and the minutes of their first meeting.}

As for the background of the LeBaron brothers, they were defectors from the L.D.S. Church and have lived in northern Mexico most of their lives. Their father, Alma Dayer LeBaron, was the first apostate from the Mormon Church in the family. Around the turn of the century and early in his life, Dayer settled in the Mormon colony of Colonia Juarez, Mexico. He returned to the United States during the Mexican revolution of 1912. Dayer and his wife were then excommunicated from the L.D.S. Church for "viola
tive conduct" on February 17, 1924, in La Verkin, Utah.\footnote{Ibid., p. 87.} They later returned to Colonia Juarez where Dayer married a plural wife. For this action the Mormon high council in the area forbid any social gatherings being held in their home. This caused some social isolation for the children although the youths were members and participators in the Mormon Church. When the boys became of age to receive the priesthood, they had to decide whether to follow their
parents or adhere to the teachings of the L.D.S. Church. They evidently decided on the latter and, as they grew older, were ordained and advanced in the priesthood.\textsuperscript{47}

Most of the family remained in the Mormon Church until 1944 when the men were excommunicated. Ross was excommunicated on April 14, 1944, for "advocating plural marriage." In June of that year four other brothers, Joel, Ervil, Alma, and Benjamin, were excommunicated for advocating polygamy or other unorthodox beliefs. At the time Joel and Ervil were missionaries for the L.D.S. Church.\textsuperscript{48}

After that, the LeBarons began participating in Mormon schism groups. In 1951 Margarito Bautista, an Allred Fundamentalist\textsuperscript{49} leader, organized a small church or branch, as it is called in Mormon terminology, near the LeBaron ranch in northern Mexico. Joel, Ervil, and Maude LeBaron were baptized by Bautista; then Joel and Ervil were ordained elders in the organization. Ervil was made the first counselor to the branch president, and Joel became the Sunday school president. The branch continued for a year and was disbanded.\textsuperscript{50}

\textsuperscript{47}Ibid., pp. 87-88.

\textsuperscript{48}Ibid., pp. 90-91.

\textsuperscript{49}Supra, p. 30.

\textsuperscript{50}Ibid., pp. 89, 94 and 97.
Before that, in the 1930's, Benjamin claimed to be the "one mighty and strong." In the 1940's Alma and Ervil became followers of Ben as did a distant cousin, Owen LeBaron. When Ben entered a mental hospital in 1953, Owen formed a new organization. He established the group claiming ordination from Ben. Owen allegedly also claimed to have received divine revelation starting a practice of free love and nudism and taught that nothing was sin unless it bothered the conscience. With the exception of Alma, the LeBaron brothers had little to do with Owen, and he was eventually expelled from the ranch.\(^51\)

In 1953, also, the LeBarons established a communal society on their ranch under the direction of Bautista, with Joel as its leader. Because of "selfishness and overbearingness" the society was mostly unsatisfactory. Several times the LeBarons confessed their failings before Allred Fundamentalist leaders and pledged to improve. In 1955 Joel and Floren went to Salt Lake City where before Fundamentalist heads they affirmed their continued support.\(^52\) But following this the two LeBarons met with their brother Ross, who was already in Salt Lake City, and formulated the Church of the Firstborn of the Fulness of Times. Perhaps Joel thought that these Fundamentalist leaders would join

\(^{51}\)Ibid., pp. 95-96.

\(^{52}\)The LeBarons later denied many of these connections with the Fundamentalists. Wright, op. cit., pp. 95, 99.
their new church since he allegedly received a divine manifestation calling Rulon Allred as his counselor. However, Allred refused, suggesting that the revelation was not authentic.\textsuperscript{53}

The new church had an uncertain beginning. After a brief period Ross split with Joel and formed his own church entitled simply the Church of the Firstborn. Joel and Floren soon left Salt Lake City and returned to their Mexican home. The pair were able to convert three other members of their family, two brothers, Ervil and Alma, and their mother. The next convert was not until October, 1957, when Noel Pratt joined the group. Missions were soon established in Mexico, Utah, California, and Canada, with Ervil appointed as general mission president. A number of Mexican Indians were converted to the sect along with others from the United States. After several years they claimed their membership had reached five hundred people.\textsuperscript{54}

The greatest boon to the organization was the conversion of a number of L.D.S. French missionaries in 1958. William Tucker, a missionary, was considered the instigator of the conversions. Prior to his mission service Tucker had read Fundamentalist literature and apparently was converted to some of the doctrines. Tucker eventually became

\textsuperscript{53}\textit{Ibid.}, pp. 97-107; also, see Appendix D for a copy of this revelation.

\textsuperscript{54}Wright, \textit{op. cit.}, pp. 102-115.
a leader in the French mission, as a counselor to the L.D.S. mission president, where he clandestinely taught Fundamentalist doctrines to other missionaries. Elders David T. Shore and Stephen M. Silver believed Tucker's teachings and helped spread them to their other associates. One key idea that they promulgated was that living polygamy would be necessary for those who build the "New Jerusalem." Most missionaries in the Paris area eventually heard their various doctrines.55

When Shore finished his missionary duties and returned to Utah in January, 1958, he obtained some Firstborn reading material and sent it to Tucker. Tucker was impressed by the literature and circulated it among other sympathizers; several missionaries ordered more material about the Church of the Firstborn of the Fulness of Times. Because of newly acquired Firstborn beliefs, Ronald Jarvis and Harvey Harper decided they could not continue as missionaries and started for home in the United States.56

Before they left, the whole situation was exposed. On September 8, 1958, Tucker, Silver, and Bruce Wakeham, leading advocates of the new teachings, were interviewed in London by head authorities of the Mormon Church, who had assembled for the L.D.S. London Temple dedication. All

55Ibid., pp. 121-22, 125.
56Ibid., pp. 126, 129.
other French missionaries were subsequently interviewed and asked if they still believed David O. McKay, head of the Mormon Church, a prophet of the Lord. Those who had not retained this belief were given brief trials for their membership in the L.D.S. Church. As a result nine missionaries were excommunicated and sent home. Among the ousted were Tucker, Wakeham, Silver, and three lady missionaries. Before the group left Europe, another young lady missionary joined them although she was not excommunicated. 57

Upon returning to the United States, six of the nine excommunicated individuals joined the Church of the Firstborn of the Fulness of Times. Shore also joined with his former associates and was first assigned as Canadian Mission President for the Firstborn Church and, as late as 1963, was reassigned as a missionary to the Salt Lake City and northern Utah areas. Tucker married Marilyn Lambourne, one of the former lady missionaries, as his first plural wife. He was then appointed California mission leader for the Firstborn organization. Wakeham married Juna Abbott, another former missionary, as his first polygamous wife and was assigned to help Tucker. 58

Not all the former missionaries became part of the Firstborn Church. When Jarvis returned to the United

57 Ibid., pp. 129-30.
58 Ibid., pp. 130-34.
States, he joined the Firstborn organization and was excommunicated from the L.D.S. Church. Eight months later, however, he left the Firstborn group and rejoined the Mormon Church. Two others, Neil Poulsen and Loften Harvey, also rejoined the L.D.S. Church. Marilyn Wessel, the woman who left the mission with the other nine, remained in the Mormon Church and returned to her missionary work.\textsuperscript{59}

The doctrines that converted these missionaries, as well as other people, emphasized new priesthood offices rather than polygamy. Among the Firstborn members plural marriage is practiced but the doctrine evidently is not preached openly. In the LeBaron family at least four of the brothers are polygamists. Joel is alleged to have at least three wives, Ervil and Alma two, and Verlan three. It is believed that plural marriage is not taught openly because it would detract from their main doctrine, which concerns priesthood.\textsuperscript{60}

In their priesthood they claim two positions above the highest offices in the Mormon Church. Their highest position is held by the "Right of the Firstborn," which means "the right to stand in the stead of the First Born [Christ] in His absence" and is held by Joel LeBaron. They believe that this authority was originally held by Adam,

\textsuperscript{59}Loc cit.

\textsuperscript{60}Ibid., pp. 149-52.
Abraham, and other Old Testament prophets until the time of Moses; then the position left the earth until Christ came. Besides the Savior, according to their doctrines, John the Baptist was also ordained with this high office. 61

The "Right of the Firstborn" again left the earth until 1836 when John the Baptist conferred the office on Joseph Smith at the Kirkland Temple in Ohio. The office was then passed along a hereditary line until Joel received it. Smith ordained the LeBaron brothers' great-grandfather, Benjamin F. Johnson, with the position. Johnson, a close friend of Smith, was allegedly an adopted son of "the Prophet." In 1905 Johnson conferred this authority on his grandson, Alma Dayer LeBaron, and Dayer gave the office to his son Joel on January 1, 1951. 62

The second highest office in the organization is the Presiding Patriarch. The line of authority for this position is similar to that of the Fundamentalist group. It is traced from Joseph Smith through several Mormon patriarchs with the last name of Smith, then given to John W. Woolley. This authority was then passed from one leader to another in the Fundamentalist organization, i.e., Lorin Woolley, J. Lester Broadbent, John Y. Barlow, Joseph W.

61 Ibid., pp. 137, 139-140; also, Richards, op. cit., p. 4.

62 Ervil M. LeBaron, Priesthood Expounded (Buenaventura, Mexico: Mexican Mission of the Church of the Firstborn of the Fulness of Times, 1956), pp. 54-55.
Musser, and Margarito Bautista, respectively. Ervil M. LeBaron, the present Patriarch, assertedly received the office from Bautista. Upon these offices of priesthood is the Firstborn's chief claim as the true organization of the Lord.\(^63\)

Besides practicing polygamy and advocating various priesthood offices, this group has other unique but less significant doctrines, i.e., the Holy Ghost is Joseph Smith, missionaries travel "without purse or script," the "Adam-God theory," and the "gathering of Israel" in Mexico. In the past Joel has also claimed to be the "one mighty and strong."\(^64\)

Firstborn members claim that their organization has supremacy over the Fundamentalists or the Church of Jesus Christ of Latter-day Saints. The Fundamentalist group, they believe, prepares an individual for their higher organization. The Mormon Church, assertedly, is a lower appendage of the Church of the Firstborn of the Fulness of Times; the offices of the Presiding Bishop, President of the Church, and Quorum of Twelve Apostles in the L D S. Church are subordinated to the Right of the Firstborn and the Presiding Patriarch in the Firstborn Church.\(^65\)

\(^{63}\)Wright, op. cit., pp. 140-41; also, Jessee, op. cit. pp. 22, 43.

\(^{64}\)Wright, op. cit., pp. 148, 153-54.

\(^{65}\)Ibid., pp. 136, 138, 147; also, Richards, op. cit. p. x.
CHAPTER V

LAW ENFORCEMENT

Although polygamy exists today as it has for years in many western states, Canada, and Mexico, legal prosecution of the practice has occurred mostly in the states of Utah and Arizona. In this century within these two states, law enforcement did not take place until the 1930's.

Arizona has not had the widespread polygamy problem that Utah has faced. With the growth of polygamy in Short Creek, however, Arizona law enforcement authorities have had a sizeable problem, which they have intermittently attempted to solve.

In the 1930's Mohave County, Arizona, officials received complaints about polygamous living in Short Creek. On welfare applications, also, county officers discovered several women claiming the same man as a husband in Short Creek. In September, 1935, the county attorney, E. Elmo Bollinger, accompanied by the county sheriff visited the community in an attempt to gain evidence against polygamists. During that day the two county officials thought they had sufficient facts against two men, Price Johnson and Carling Spencer, to convict them. The accused were brought before the justice of the peace, J. M. Lauritzen, who released the two for lack of evidence. Later in the
day Bollinger and the Sheriff again believed they had adequate proof to hold Johnson and Spencer, but by this time the two men had left town. Johnson and Spencer along with Sylvia Spencer, the latter's plural wife, hid in a mountain cave near Short Creek for seven days. The trio finally surrendered, and on September 28 in the county seat of Kingman, the two men and the plural wife stood trial. All three were convicted; Price and Spencer were sentenced to the state penitentiary while the woman was released on probation so that she could care for her children. After serving two years in prison, Price and Spencer were released and are believed to have abandoned polygamy. Others, however, continued the practice in Short Creek.¹

By initiating a massive raid on the Arizona side of Short Creek in 1953, Arizona officials again sought to put an end to their polygamy. Previously, ten thousand dollars had been appropriated by the state legislature to employ a detective agency, which would investigate polygamy in Short Creek.² The Burns agency of Los Angeles conducted the probe and uncovered extensive polygamy. On Sunday, July 26, 1953, more than a hundred state and county law enforcement


officials descended upon the town to arrest polygamists. When the polygamists realized that they were hopelessly outnumbered, they offered no resistance. One commentator, Judge J. W. Faulkner, stated that he was sure there would have been bloodshed had there not been so many officers. Some thirty-six men and eighty-five women, along with approximately two hundred children, were taken into custody. The adult male prisoners were lodged in Kingman but were soon released on bail and returned to their homes. Later, those convicted were released on probation upon signing statements promising to refrain from future polygamous living. The women and children were retained in custody of the court. Many of the children, subsequently, were placed in foster homes in Phoenix and sent to the local schools. In less than two years the women and children were released, and most returned to Short Creek where many again resumed polygamous living.\(^3\)

In Utah the polygamy problem has been more complex, but law enforcement has also been relatively ineffective. Under existing federal statutes polygamy convictions were numerous for several years following the Manifesto of 1890. The Utah Commission reported in the fall of 1894 that since November, 1890, in the Utah territory, there had been three

\(^3\) _Juvenile Delinquency_, p. 17.

\(^4\) "The Lonely Men of Short Creek," _Life_, XXXV (September 14, 1953), 35-39; also, _Juvenile Delinquency_, pp. 1-22.
convictions for polygamy, one for bigamy, and 135 for unlawful cohabitation.\textsuperscript{5} Between 1894 and 1896, the two years prior to statehood, convictions were few because federal authorities had apparently ceased prosecuting cohabitators.\textsuperscript{6} Since statehood convictions on polygamy and unlawful cohabitation charges have also been few in number each year.\textsuperscript{7}

For the first decade subsequent to statehood, the records indicate that nine cases of polygamy were tried in court with four being convicted, one acquitted, and four pending at the time of reporting. As for the cases of illegal cohabitation, no convictions were reported to the Utah Attorney General after statehood until the biennium of 1905-06. In these years two cases of cohabitation were prosecuted, and both were determined guilty. Over the years since that time, generally, two or three polygamy prosecutions have been recorded in each biennium with one or two convictions. Few unlawful cohabitation cases were brought to trial until the 1940's when twenty-seven were

\textsuperscript{5}Utah Commission Report (1894), p. 65.

\textsuperscript{6}Smoot Hearing, III, 709-11.

\textsuperscript{7}For a biennial breakdown of polygamy and unlawful cohabitation convictions since 1896, see Table II. The records are somewhat inaccurate because of incomplete reporting from some judicial districts particularly during the first few biennial reports, and because uncontested cases were often not reported to state attorney general’s office from the judicial districts. Biennial Report of the Attorney General to the Governor of the State of Utah (Salt Lake City, 1896).
TABLE II
REPORTED POLYGAMY AND COHABITATION CONVICTIONS IN UTAH SINCE STATEHOOD\textsuperscript{a}

<table>
<thead>
<tr>
<th>Year</th>
<th>Prosecutions</th>
<th>Convictions</th>
<th>Acquittals or Dismissals</th>
<th>Case Pending at Time of Reporting</th>
</tr>
</thead>
<tbody>
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<td>1</td>
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<td></td>
</tr>
<tr>
<td>1897-98</td>
<td>2</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1899-1900</td>
<td>(not reported)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>1901-02</td>
<td>2</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1903-04</td>
<td>2</td>
<td>1</td>
<td></td>
<td>1</td>
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<td>1905-06</td>
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<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1907-08</td>
<td>1</td>
<td>1</td>
<td>(Incomplete)</td>
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</tr>
<tr>
<td>1909-10</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1911-12</td>
<td>3</td>
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<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1913-14</td>
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<td>1</td>
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<tr>
<td>1915-16</td>
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<tr>
<td>1917-18</td>
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<td>1</td>
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</tr>
<tr>
<td>1919-20</td>
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<td>1</td>
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<td>1</td>
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<tr>
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<td></td>
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<tr>
<td>1925-26</td>
<td>5</td>
<td>3</td>
<td>2</td>
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<td>1927-28</td>
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<td>1</td>
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<td>1</td>
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<td>1931-32</td>
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</tr>
<tr>
<td>1961-62</td>
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Total 63 38 14 11
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<tr>
<th>Year</th>
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<td>1961-62</td>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>35</strong></td>
<td><strong>27</strong></td>
<td><strong>5</strong></td>
<td><strong>3</strong></td>
</tr>
</tbody>
</table>

*a Biennial Report, 1896 through 1962.

*b Since bigamy is included under the definition of polygamy, it is impossible to determine how many of these convictions were actually for polygamy.
tried, resulting in twenty convictions. The biggest year for such trials was 1944 when sixteen people were found guilty. ⁸

During the early years of statehood several prominent Utahns were accused of illegal cohabitation. On September 8, 1899, Heber J. Grant, an apostle of the Mormon Church, pleaded guilty in district court to polygamous living and was fined one hundred dollars. ⁹ In the same year Angus M. Cannon, president of the Salt Lake Stake, and his counselor, Joseph E. Taylor, also paid small fines for cohabitation violations. ¹⁰

Brigham H. Roberts, another Mormon apostle, was convicted of the same offense in district court and fined one hundred fifty dollars. On appeal to the Utah Supreme Court in 1901, his case was dismissed because of defective information. ¹¹ In 1906 president of the L.D.S. Church, Joseph F. Smith, pleaded guilty to a charge of unlawful cohabitation and was fined three hundred dollars. ¹²

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⁸ *Infra.,* p. 48.
⁹ *Salt Lake Tribune,* September 9, 1899, p. 8.
¹⁰ *Smoot Hearing,* I, 12-13.
polygamous actions were exposed by self-incriminating testimony in the Smoot hearing.\textsuperscript{13}

Utah territorial laws, legalizing these convictions, were in force prior to statehood. The first effort by the people of Utah to outlaw polygamy occurred in 1887 when a draft of a proposed state constitution declared the practice illegal. When submitted to the citizens for ratification, it was accepted by a vote of 13,195 in favor to 504 against.\textsuperscript{14} The affirmative vote did not necessarily reflect an anti-polygamy sentiment among Mormon residents but evidently indicated their strong desire for statehood and reflected distaste for arrests resulting from enforcement of federal anti-polygamy laws.\textsuperscript{15}

In 1888 a territorial law was passed which alluded to polygamy stoppage. It forbid marriage to an individual with a living spouse.\textsuperscript{16} Four years later the territorial legislature passed a stronger bill against polygamy and also forbid illegal cohabitation. The cohabitation section stated:

That if any male person, hereafter, cohabits with more than one woman, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than three hundred dollars,

\textsuperscript{13}Supra, p. 8.
\textsuperscript{14}Roberts, op. cit., VI, 217.
\textsuperscript{15}Ibid., pp. 217-19.
\textsuperscript{16}Utah Law (1888), sec. 2584, pt. 2.
or by imprisonment in the county jail for not more than six months, or by both said punishments, in the discretion of the court.

The Constitution of 1895, which was officially adopted at statehood in 1896, also had a provision outlawing polygamy. It read:

The following ordinance shall be irrevocable without the consent of the United States and the people of this state...polygamous or plural marriages are forever prohibited.

This statement was taken almost verbatim from the Utah Enabling Act passed previously by the national Congress.

To give the proposed constitution a higher probability of acceptance on the national level, the convention formulating the document inserted an amending clause specifically retaining in force, after statehood, the 1892 territorial polygamy law.

All laws of the Territory of Utah now in force, not repugnant to the Constitution, shall remain in force ..."An act to punish polygamy and other kindred offenses," approved February 4th, A.D. 1892, in so far as the same defines and imposes penalties for polygamy, is hereby declared to be in force in the State of Utah.

Following statehood no new polygamy laws were passed; however, in 1898 a commission compiling the laws

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17Utah Law (1892), pp. 5-6.
18Utah Constitution, Art. III, Sec. I.
20Constitution, Art. XXIV, Sec. II; also, Proceedings of Constitutional Convention (Salt Lake City, 1895), II, 1736-49.
included the 1892 territorial statute in the first Utah law codification after statehood, which officially enforced the Constitution with a state law.\textsuperscript{21}

In 1901 the state legislature attempted to nullify the unlawful cohabitation part of the law. The legislature passed a statute, the Evan's bill, which would have virtually halted cohabitation convictions.\textsuperscript{22} It prevented a complaint being filed against a cohabitor unless it was signed by either the spouse or a close relative of the accused.\textsuperscript{23} The measure passed both legislative houses but was vetoed by the governor, Heber M. Wells, who warned:

I have every reason to believe its [Evan's bill] enactment would be a signal for a general demand upon the National Congress for a constitutional amendment directed solely against certain conditions here; a demand which under the circumstances would assuredly be complied with.\textsuperscript{24}

Some Utah opponents of the cohabitation law apparently also supported it fearing that a federal constitutional amendment might be enacted as a replacement. The polygamy provision of the law of 1892 has remained substantially unchanged to the present. The cohabitation provision

\textsuperscript{21} Revised Statutes of Utah (1898), sec. 4208-09; also, Roberts, op. cit., VI, 327.

\textsuperscript{22} Smoot Hearing, I, 11.

\textsuperscript{23} Complaints against Mormon leaders and others who continued living with plural wives were usually signed by individuals unsympathetic toward Mormonism. This bill would have prevented these people from signing such complaints.

\textsuperscript{24} Smoot Hearing, I, 11.
of the same law remained unchanged until 1935 when it was amended to make the practice a felony and provided that all persons, including wives, must testify against a defendant. 25

Although there have been scattered convictions for polygamy violations in various counties in Utah through the years, the first major attempt at stamping it out occurred in 1944. In that year the Utah state law enforcement agencies, along with officials from other states, cooperated with federal agents in bringing to trial a number of polygamists on various state and federal charges. Forty-six people were initially found guilty; twelve were women. Some of these individuals were later released when their cases were appealed. 26

For violation of state laws, thirty-three people were convicted in Utah district court for conspiring to commit acts injurious to public morals by advocating polygamy and cohabitation. Twelve of the thirty-three convictions were upheld by the Utah Supreme Court while the others were released for "lack of evidence." 27


26"Fundamental Polygamist," Newsweek, XXIII (March 20, 1944), 86; also, Deseret News or Salt Lake Tribune, March 7, 8, and 9, 1944.

27State v. Musser et. al., 110 Utah Reports 534, 175 Pacific Reporter 2d 724, 335 U.S. Supreme Court Reports 95. Unfortunately, most of the court transcripts of polygamy cases in Utah are unavailable for examination. The Utah Third District Court destroyed all but one of their records.
### TABLE III
MAJOR POLYGAMY PROSECUTION EFFORTS IN UTAH AND ARIZONA SINCE 1890

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>State or Federal Charge</th>
<th>Number of Convictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sept., 1935</td>
<td>Short Creek, Ariz.</td>
<td>State</td>
<td>. . . 3</td>
</tr>
<tr>
<td>1943-1944</td>
<td>Short Creek (both Utah and Arizona) and Salt Lake County, Utah</td>
<td>State (Utah) (conspiracy)</td>
<td>. . . 12</td>
</tr>
<tr>
<td></td>
<td></td>
<td>State (Utah) (cohabitation)</td>
<td>. . . 15</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Federal</td>
<td>. . . 6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Federal</td>
<td>. . . 3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Mann Act)</td>
<td>(kidnapping)</td>
</tr>
<tr>
<td>July, 1953</td>
<td>Short Creek, Ariz.</td>
<td>State</td>
<td>. . . 36(^a)</td>
</tr>
<tr>
<td>1954</td>
<td>Short Creek, Utah (Black case)</td>
<td>State</td>
<td>. . . None</td>
</tr>
<tr>
<td>1955-1956</td>
<td>Salt Lake County, Utah and Davis County, Utah</td>
<td>State</td>
<td>. . . 4</td>
</tr>
<tr>
<td>1959-1960</td>
<td>Davis County, Utah (grand jury)</td>
<td>State</td>
<td>None(^b)</td>
</tr>
</tbody>
</table>

\(^a\)This figure represents the men convicted; all of whom were subsequently released on probation.

\(^b\)One person was indicted, but he fled the area before being arrested. It is unknown if he was later apprehended.
Fifteen individuals were declared guilty of unlawful cohabitation by the same district court. All fifteen of these convictions were upheld by the Utah Supreme Court. 28

On federal charges against the same group, six men were found guilty by a lower federal court for violation of the Mann Act, and these six convictions were upheld by the United States Supreme Court. 29 Several individuals were indicted by a grand jury for conspiring to commit an offense against the United States for mailing obscene materials. These accusations were dismissed. 30 Finally, three people were charged with kidnapping in connection with a plural marriage and were convicted. 31 This made a total of nine people convicted on federal charges.

The federal district court in Salt Lake City sent all of their criminal case transcripts over twenty years old to Denver.


30 United States v. Barlow et al., 56 Federal Supp. 795, 323 U.S. 805. This charge was based on the fact that Fundamentalists were promoting polygamy in personal letters and through the Fundamentalist magazine Truth, as well as other Fundamentalist literature being sent through the mail. Loc. cit.

31 Loc. cit. William Chatwin, Charles F. Zitting, and Edna Christensen were convicted of violating the Lindbergh Act. They had "decoyed and carried away," against the will of the parents, a mentally retarded fourteen year old girl from Provo, Utah, to Short Creek for polygamous purposes. It was asserted that the seventy year old Chatwin married
In 1954, spurred by the recent arrests in Short Creek by Arizona authorities, Washington County, Utah, officials initiated court proceedings against a polygamous couple on the Utah side of that community. District Judge David F. Anderson commenced a case against Mr. and Mrs. Leonard O. Black to remove their children from them; because of polygamy the household was assertedly unfit for child rearing. Black was the husband of three wives and father of twenty-six children. Vera Black, the other defendant, was his third wife. She had eight children who were from two to seventeen years old. The case was based on the proposition that, because the parents were Fundamentalists and polygamists, their influence and teachings would motivate their children in the same direction. Therefore, the children, it was charged, should be removed from that immoral environment and put in foster homes. As supporting evidence it was pointed out that of Mr. Black's six married daughters five were polygamous wives. At the conclusion of the trial, the children were made wards of the juvenile court when the Blacks failed to comply with the

the girl in Juarez, Mexico, and that they had two children when the criminal charge was brought in 1944. Loc. cit.; also, "Fundamental Polygamists," Newsweek, XXIII (March 20, 1944), 86.

Although Black visited his plural wives and families, the defendant claimed that he had not maintained a husband's relationship with his plural wives since his arrest in the 1953 Arizona raid, where he signed a statement promising to refrain from polygamous living. State in Interest of Black, 3 Utah 2d 315, 283 Pac. Rep. 2d 887.
following court requests: sign a sworn statement promising to refrain from teaching polygamy to their children, obey the laws of Utah regarding polygamy, and teach their children to obey the same. 33

The Blacks appealed to the Utah Supreme Court, which upheld the lower court's decision. But the children were released to their parents when the Blacks finally signed a statement similar to the one earlier required. 34 Since the Black case no Utah court has attempted to halt plural marriage by removing children from polygamous parents.

In 1955 and 1956 another series of polygamy convictions occurred in Utah. Prior to this the state legislature appropriated twenty thousand dollars to the Utah Attorney General for polygamy investigations. As a result of the probe that followed, five men were convicted for cohabitation violations. One of the five was later released in a retrial for lack of evidence. 35

The last attempt in Utah to prosecute polygamy violators took place in connection with a 1959-60 grand jury

33 Loc. cit.
34 Loc. cit.
in Davis County. The jury investigated polygamy mostly in connection with the Davis County Cooperative. In six months of questioning witnesses, the legal body indicted fifteen people on various charges; however, only one was for illegal cohabitation and he evaded arrest.

In summary, polygamy prosecutions in Utah and surrounding areas since the Manifesto have left the problem mostly unresolved. For several years after 1890, convictions were numerous, being handled by federal officials. For the years immediately after statehood the records are incomplete, but apparently there were few convictions. During the first forty years of this century convictions for polygamy and unlawful cohabitation remained minimal. In the 1940's and 1950's federal, state, and local authorities took some legal actions against continuing polygamy. For a brief period in 1943 and 1944, federal officials aided in polygamy prosecutions, but since that time have not. After the arrests in 1935, Arizona officials made one major effort, almost twenty years later, to eliminate polygamy on their northern border. But its final result was ineffective in stopping polygamy in Short Creek. Utah authorities made several efforts to check plural marriages.

36 Supra, pp. 31-34.
In the 1940's they assisted federal officials in conducting a successful drive against polygamists. These actions are believed to have impeded polygamy for a time in Utah. In the 1950's the Utah Legislature appropriated money to the Attorney General for polygamy investigations, which resulted in several convictions. A grand jury in Davis County during 1959 and 1960 investigated a group that apparently had almost abandoned polygamy; therefore, their results were almost wholly negative.

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38 Rogers interview.
CHAPTER VI

POLYGAMY TODAY

In 1956 the State Welfare Commission of Utah estimated that two thousand people lived in homes where polygamy was practiced. This appraisal broken down by counties was as follows: in Salt Lake County 1,600 people lived in polygamous families; in Washington County, which includes the Utah side of Short Creek, 150 people; in Davis County about the same number; and in Emery County sixty-six people.\(^1\) This was a smaller figure than has been estimated by the Utah Attorney General's office, which has reported the number as closer to twenty thousand.\(^2\) The more conservative estimate of two thousand or the twenty thousand computation did not include the polygamists in other areas, such as Arizona, California, northern Mexico, Idaho, western

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\(^2\) Robert Cahn, "The New Utah: Change Comes to Zion," *Saturday Evening Post*, 234 (April 1, 1961), 46; also Rogers interview. One apparent explanation for this difference in statistics between these two agencies is that the welfare department may have reported only those cases they were absolutely sure were polygamists; many of whom, allegedly, were supported by welfare funds. The Utah Attorney General's office, on the other hand, must have included all known as well as a great many suspected polygamists. The Attorney General's figures, although perhaps exaggerated somewhat, are probably more nearly correct.
Canada, and perhaps others states in the western United States.

The Salt Lake City area in the past has had the majority of the Fundamentalists, and this is apparently true today. Their presence has not been as conspicuous as polygamists in other areas, i.e., in Short Creek for instance. Thus, the Salt Lake City polygamists have not been as widely publicized. One reason for this situation is that in this large metropolitan area many polygamists may live relatively unknown to the majority of the population.  

Most Fundamentalists have attempted to live in an inconspicuous manner. Children are often trained not to talk about their family and to lie, if necessary, to conceal polygamy. Sometimes they are restricted from playing with other youngsters for fear of disclosing information about their parents. For most polygamous families, however, this prohibition has not seemed necessary. Another precaution, that of having wives widely dispersed in the city or in different areas of the state or country, has been practiced. Yet some men have housed their wives and families side by side and felt safe.

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3Rogers interview.

4Rogers interview. Because of economic problems a polygamist may be forced to house his wives and families in one large home, but the usual practice, apparently, is to keep them in separate domiciles.
The leaders as well as the majority of Fundamentalists have lived in the Salt Lake City area. From Lorin Woolley to Joseph Musser the headquarters for the movement has been there. When LeRoy Johnson became the leader, the headquarters of the organization left Salt Lake City for the first time. The Fundamentalists evidently still hold meetings in the Salt Lake City area, but they are apparently on a rather clandestine basis.

Polygamy continues to exist in Utah as well as in other western states for several reasons. The public apathy toward polygamy is perhaps the main one. Although the Mormon Church has at times worked actively to assist law enforcement officials in stopping polygamy, many of the lay members do not oppose plural marriages for two reasons: first, many Latter-day Saints have had noble polygamous ancestors of whom they are proud; second, some Mormons believe that the L.D.S. Church still accepts the doctrine of plural marriage, but that only the practice is forbidden. For these two reasons some Utahns hesitate to condemn those who practice polygamy today. Another common attitude may be expressed as "live and let live."

Since most polygamists, assertedly, are good citizens with

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5 Supra, pp. 31-32.
6 Boss interview.
7 Rogers interview.
rather high moral standards, people who know them may hesitate to give legal evidence against them. This situation does not include polygamists who live on farms or sparsely inhabited areas where they have only minimal contact with others. For most people, however, the chief reason for this apathetic condition is that they are unaware that polygamy is still widespread. Often people may not know that a person is a polygamist even though they have contact with him everyday.  

Another reason for the relative immunity which polygamists have enjoyed has been the inability or unwillingness of law enforcement agents to take action against them. In Utah it has been the state authorities who have exercised the greatest initiative. Former Attorney General Walter Budge was quite active in the fight against plural marriages even to employing a special investigator, William Rogers, to search out evidence against violators. It is said that when Mr. Budge died in the early 1950's so did the fight against plural marriage in the State. Assertedly, Budge's successor showed little interest in pursuing polygamy investigations. As a consequence of this situation at the state level, relatively little action has been taken at the county level.  

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9Rogers interview; also, interview on June 17, 1962, with former Utah Attorney General A. Pratt Kesler.
Several county agencies in both Utah and Arizona have prosecuted polygamists. However, because of costs involved some opposition has developed to counties assuming the burden of prosecution. Because of these high expenses the 1936 polygamy trial in Mohave County, Arizona, had some aftermath of opposition. Even though polygamy continued widespread in that county after 1936, financial opposition may explain why more convictions were not again sought in Short Creek until 1953, when state assistance was given. An investigation in 1959 by the Davis County grand jury brought a reaction against public officials because of the costs incurred. The Davis County commissioners, who paid the jury's costs, were irked in turn with the Utah Attorney General, who had encouraged the investigation. This expense of fifteen thousand dollars required the county commissioners to cut departmental budgets by 10 percent in the following year. The turn of affairs is likely to discourage Davis County from having another grand jury probe for some time. Financial motives may have also discouraged other counties from pursuing polygamists.


11 Supra, p. 83.

Another financial reason why county or state officials hesitate to support polygamy prosecutions is because imprisonment of the men generally places an additional burden on the welfare agencies' funds. The Salt Lake County Welfare Department in 1959, for example, reported that to imprison convicted polygamist Albert E. Barlow would "raise the state's cost of supporting the family from $224 to $633 monthly." He had three wives and eighteen children.13

A shortage of personnel at the county level presents another difficulty in stopping polygamy. According to Rogers:

Too few sheriffs and county attorneys have either the manpower or money at their disposal to prosecute the cultists [Fundamentalists] successfully. Cases of this kind are difficult to build. The cultists can only be charged with unlawful cohabitation. Prosecution on this charge must establish that the defendants are living with two or more women.14

The difficulty in gathering incriminating information against polygamists, in part at least, is due to the evasive methods used by them to avoid prosecution. Participants are generally married secretly to plural wives without obtaining a marriage license. Or they may divorce their first spouse before marrying a second, yet continue living with both women. Polygamists explain this action

14"Fascinating Career," loc. cit.
by stating that under civil law they are not married, but before God they are still husband and wife having been joined by divine authorization. Polygamists naturally do not admit practicing plural marriages unless danger of legal actions is remote. Because of these reasons it is difficult to prove that the unlawful cohabitation law has been violated. The best way found to convict polygamists is to have their homes constantly watched for evidence of illegal cohabitation. This is a time consuming method and evidently requires more manpower than most counties can long afford. Cases of this type are formulated slowly and convictions are assertedly unsure even though investigated thoroughly.  

The federal agencies apparently are hesitant about prosecuting polygamists as was done in 1944 for violation of the Mann Act. One Federal Bureau of Investigation official reportedly stated:

If they [the F.B.I.] prosecuted polygamists for crossing state lines, they would have to arrest everyone else who did the same, and how many men take their girl friends or secretaries across state lines for similar immoral purposes.  

The implication was that such a mammoth job is impossible; therefore, the polygamists are also left undisturbed.

\footnote{15}{Rogers interview; also, Anderson, op. cit., p. 385.}

\footnote{16}{William B. Rogers stated that he was told this by a F.B.I. official.}
Some believe that most Fundamentalist adults will not deviate from the practice of plural marriages even though confronted with jail terms. The way of halting the practice, they explain, lies in preventing its spread to the Fundamentalists' children, who hold the key to the continuation of polygamy. Judge David F. Anderson suggested a possible solution to this situation. In answer to questions asked in the 1954 Senate committee hearing in Short Creek, Anderson explained:

I think the only solution is something along the lines of the judgment entered in the J case [Black case] that if the children are to be prevented from going into polygamy, they will have to be taken from the custody of their parents and placed in a new environment.

I don't think anything short of that will be successful in preventing them from going on [practicing polygamy].

However, even though this advice is followed, the courts may be lenient and somewhat reluctant to remove children from their parents as occurred in the Black case. Or it may be difficult to build a case against polygamous parents unless the defendants give self-incriminating evidence as also occurred in the Black trial.

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17 *Juvenile Delinquency*, p. 122. In this document letters of the alphabet replace actual names, but it is evident from further reading that the "J" case is the Black trial.

18 *State in Interest of Black*; also, *supra*, pp. 81-82.

19 *Loc. cit.*
In the future polygamy prosecutions may not take place unless they occur momentarily when the public and law officials become sufficiently provoked. Perhaps the analogy used by Abraham Lincoln during nineteenth century polygamy troubles may apply today. He likened the Mormons of that day to a log and then explained, "It was too heavy to move, too hard to chop, and too green to burn. So we just plowed around it." For Utahns aware of the polygamy dilemma, many, perhaps, would rather "plow around it."

Law enforcement may not be the answer to this enigma. One polygamist suggested that the best way to end the practice of plural marriages is to leave it alone and it will die out. Similarly, others suggest that by allowing polygamist parents to mingle freely in society most of their children will accept the normal culture of society and abandon plural marriages. This theory has been inconclusively tested in the Salt Lake City area where polygamist youths live as somewhat normal citizens. Here many children, ostensibly, have abandoned polygamy while others have continued its practice or still believe the

20 As found in Gustive O. Larsen, Outline History of Utah and the Mormons (Salt Lake City: Deseret Book, 1958), p. 196.

21 This comment was quoted by Mrs. Elison in her interview.

doctrine although they are not active participants.\textsuperscript{23} On the other hand some oppose this permissive attitude since it is unlawful and unconstitutional to allow the practice to continue unchecked. In a like manner others believe that prosecution of polygamists tends to make them scatter and discourages the younger generation from practicing multiple marriages.\textsuperscript{24}

At the heart of the polygamy problem remains the question of why people practice plural marriages today. One answer is that many of the older and middle aged believers perpetrate polygamy because they were reared in homes where plural marriages were still practiced, being a carry over of pre-Manifesto or earlier Mexican polygamous marriages. Three examples of this are the leaders of the Fundamentalist and Church of the Firstborn organizations. LeRoy Johnson came from a polygamous family living at Lee's Ferry, Arizona, while the LeBarons and Rulon Allred had polygamous parents in Colona Juarez, Mexico. The same is apparently true with many others. Why these people continued this anachronism, while others reared in polygamous families gladly abandoned it, is difficult to determine. One obvious explanation is that the example and teachings of their parents made a more lasting impression. Some

\textsuperscript{23}Rogers interview.

\textsuperscript{24}Anderson, \textit{loc. cit.}
individuals have been converted to polygamous organizations without prior connections with plural marriages, especially in the Firstborn Church, but evidently most of the others have not.25

Since many who become Fundamentalists are devout believers in Mormonism, it may seem paradoxical that they embrace polygamy either as a believer or an active participant and thus relinquish membership in the L.D.S. Church. Fundamentalists, however, teach doctrines which lessen the dread of excommunications. They profess that the Mormon Church and the priesthood, which directs the Church, are two separate entities with the priesthood having jurisdiction over the Church. A person may be excommunicated from the Church but can still be a faithful Latter-day Saint. Since Fundamentalists are living God's higher law of plural marriage, the priesthood cannot be withdrawn from them. The Manifesto, some concede, may have applied to the Church but not to the priesthood. The Church relinquished polygamy because of the pressures of the "world" and the desire for statehood, but the priesthood, they teach, did not nor can it abandon the practice.26

The L.D.S. Church does not consider this claim to be true. Excommunications, they maintain, remove all

25 Rogers interview; also, Johnson interview.
authority of the priesthood as well as other church rights. In the past Fundamentalists, allegedly, sent their young men to participate in Mormon activities so they might receive the priesthood. Realizing this was happening, however, L.D.S. leaders reportedly have since refused to ordain children to the priesthood who have Fundamentalist parents.  

Another doctrine expounded by polygamist leaders may give their followers a feeling of being "super" Mormons. This dogma, which they substantiate with statements from early Mormon leaders, states that for a person to gain the greatest glory in heaven he or she must practice plural marriage. Some believe that this doctrine is the impetus that converts some active Mormons to Fundamentalism. Rogers  

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27 Rogers interview.  

28 Here are two examples of quotations used to support these beliefs. The first is from the past Mormon president Joseph F. Smith: "Some people have supposed that the doctrine of plural marriage was sort of superfluity or non-essential to the salvation of mankind. In other words, some of the Saints have said and believe that a man with one wife, sealed to him by the authority of the priesthood for time and eternity, will receive an exaltation as great and glorious, if he is faithful, as he possibly could with more than one. I wish here to enter my solemn protest against this idea for I know it is false...The marriage of one woman to a man for time and eternity by the sealing power, according to the law of God is a fulfillment of the celestial law of marriage in part...But this is only the beginning of the law, not the whole of it. Therefore, whosoever has imagined that he could obtain the fullness of the blessings pertaining to this celestial law, by complying with only a portion of its conditions, has deceived himself. He cannot do it..."
maintains that this dogma causes the women to participate in polygamy, and they are the "backbone of continuing plural marriages." Some men, he asserts, are in "for a lark," but the women "believe firmly in what they are doing." They are the ones that often bring other women, sometimes their sisters, into the practice. In a similar manner of referring to L.D.S. scriptures and the statements of early Mormon leaders, people are converted to the Church of the Firstborn of the Fulness of Times.

The Davis County Cooperative may have used religious doctrines to gain converts in the past, but now, assertedly, they use economic motives to increase their membership. One procedure is to help people who have extreme financial difficulties become economically solvent by loaning them money or other needs. Following this the

The second is from Brigham Young: "If you desire with all your heart to obtain the blessings which Abraham obtained, you will be polygamists--at least in your faith, or you will come short of enjoying the salvation and the glory which Abraham has obtained. This is as true as that God lives...The only men who become Gods, even the sons of God, are those who enter into polygamy."

Musser, Celestial or Plural Marriage, pp. 11-12, 35; also, G. D. Watts and others, Journal of Discourses (Liverpool, 1854-1886), 20:28-30, 11:268-69.

29 This was taken from the copy of a talk given by Rogers; a copy of which is in this author's possession.

30 Supra, p. 66-67.
recipients may feel obligated to support the Cooperative and often still depend on the organization for continued monetary assistance.  

31 Olsen interview; also, Rogers interview.
CONCLUSION

A graphic description of polygamy and unlawful cohabitations can be drawn showing the fluctuations in the extent of its practice. For several years before 1890 and for several years after that date, the number of plural marriages was low. Because of many previous polygamous marriages, however, unlawful cohabitation violations remained numerous during this period. Some men divorced their plural wives after the Manifesto, but generally the number was only reduced as polygamists died. By the 1920's most of the former participants were gone. Yet after the Manifesto some new polygamy continued through the early twentieth century. Subsequent to the formation of the Fundamentalist organization in 1929, these plural marriages apparently increased until by the 1940's and 1950's there were many polygamists again. In the present decade it is unknown if plural marriages have reached their peak and are decreasing, or if they are still on the rise. However, the number of polygamists in Short Creek is evidently slowly increasing.

Although the future of polygamy is difficult to determine, it does not appear that law enforcement agencies can or, perhaps, really want to stop the practice. To some Utahns polygamy is deplorable, but most seem apathetic.
The Mormon Church would like to see polygamy cease, but because some people outside the L.D.S. Church still associate the practice with the church organization, Mormon leaders evidently try to avoid the publicity which usually accompanies polygamy investigations. Therefore, they apparently remain neutral when it comes to encouraging legal investigations of the practice. In summary, the status quo will likely continue into the indefinite future.
SELECTED BIBLIOGRAPHY
SELECTED BIBLIOGRAPHY

Laws, Statutes, Court Records, etc.

Arizona Constitution.

Criminal Records. 3rd. District Court. Salt Lake City: City-County Building.

Federal Supplement.

Laws of Utah.

Pacific Reporter.

Revised Statutes of Utah (1898).

U. S. Statutes at Large.

U. S. Supreme Court Reports.

Utah Code Annotated (1953)

Utah Constitution.

Utah Reports.

Government Publications

Biennial Report of the Attorney General to the Governor of the State of Utah. Salt Lake City, 1896-. This report, which is issued every two years, contains information about reported polygamy and cohabitation convictions.

Congressional Record. 50th Cong. 1st. sess. 19:10 (1888), p. 9231.


U.S. Congress. Senate. Committee of Privileges and Elections. Reed Smoot Hearing. Washington, 1904-06. 4 vols. This record contains much testimony on Mormon polygamy which occurred from 1890 to 1904.


Books


Clark, John T. The One Mighty and Strong. n.p., 1930. This is a mimeographed book explaining Clark's claims.

Church of Jesus Christ of Latter-day Saints. The Doctrine and Covenants. Salt Lake City: L.D.S. Church, 1951 ed. It contains revelations accepted as divine by the Mormon Church.


Jenson, Andrew. The Historical Record. Salt Lake City, 1882-1990. 9 vols. This is a record written by the L.D.S. Church historian.


Richards, Henry W. A Reply to "The Church of the Firstborn of the Fulness of Times." Salt Lake City: Deseret News Press, 1965. This recently published book was written to refute the claims of the Church of the Firstborn of the Fulness of Times.


Young, Kimball. Isn't One Wife Enough. New York: Holt, 1954. It has a good account of polygamy among the Mormons since the Manifesto.

Periodicals


Anderson, Jerry R. "Polygamy in Utah," Utah Law Review, V (Spring, 1957), 381-89. This article has basic information on Utah polygamy court cases in the 1940's and 1950's.


Conference Reports. Salt Lake City: Church of Jesus Christ of Latter-day Saints, 1897-. This contains talks given in the L.D.S. general conference, which are held twice yearly.


"Fundamental Polygamists," Newsweek, XXIII (March 20, 1944), 86.

"Fundamentalists: Raid on Polygamists," Time, 43 (March 20, 1944), 55.


Improvement Era. Salt Lake City, 1897-. An official organ of the Church of Jesus Christ of Latter-day Saints.


"Polygamy Battle at Short Creek," Time, 67 (January 23, 1956), 40.

Pratt, Noel (ed.). Rolling Stone. Salt Lake City, 1957-58. No. 1-11. This is a mimeographed publication by a critical Firstborn member.

United Outcasts of Israel. Alexandria, Va., 1960. No. 1-2. It is a publication by Pratt after he left the Firstborn Church.


Star of Truth. Murray, Utah, 1953-56. 4 vols. It is a publication of the Allred Fundamentalists.

Truth. Salt Lake City: Truth Publishing, 1935-56. 20 vols. (This is an official Fundamentalist publication."


Newspapers

Deseret News, Salt Lake City, 1850-.

Deseret Weekly, Salt Lake City, 1850-98.

Provo Herald, Provo, Utah, 1909-.

Tribune, Salt Lake City, 1871-.

Unpublished Material

Bateman, Samuel. Diary, 1886-1909. Provo, Utah: Brigham Young University, 1945. (This is a typewritten reproduction.)


Harvey, Loftin. "Personal Statement," typewritten copy, n.d. It is a copy of Harvey's experiences with the Firstborn Church and is in the possession of William B. Rogers.

Jessee, Dean C. A Comparative Study and Evaluation of the Latter-day Saint and "Fundamentalist" View Pertaining to the Practice of Plural Marriage. Unpublished M.S. thesis. Brigham Young University, 1959. This thesis contains useful information about the Fundamentalists. It is not available at the B.Y.U. library but can be found at the L.D.S. Church Historian's Office in Salt Lake City.

Rogers, William B. "Talk." n.p., n.d. This is talk occasionally given by Rogers on the subject of present day polygamy prosecution. A copy is in this author's possession.


Tolman, William O. "The Fundamentalist as a Break-off from the Church of Jesus Christ of L.D.S." Mimeographed paper, 1957. It is in Tolman's possession.

Wright, Lyle O. The Origin and Development of the Church of the Firstborn of the Fulness of Times. Unpublished M.S. thesis. Brigham Young University, 1963. This is an excellent thesis on the Firstborn Church and good information on other Mormon schism groups.

Pamphlets


Carter, Kate B. Denominations That Base Their Beliefs on the Teachings of Joseph Smith. Salt Lake City: Kate B. Carter, 1962. This undocumented publication contains brief sketches of L.D.S. schism groups.

Clark, John T. The Last Record to Come Forth. Salt Lake City, 1905. It describes the L.D.S. excommunication proceedings of Clark.

Conway, William C. An Open Letter to the General Authorities of the Church of Jesus Christ of Latter Day Saints. Redondo Beach, Calif., 1958. This pamphlet states most of the claims of the alleged "Perfect" Church of Jesus Christ "Immaculate" Latter Day Saints.

Darter, Francis. The Four Rejected Revelations. 3rd ed. Salt Lake City, 1948. This is a pro-Fundamentalist publication.

Dockstader, George. An Epistle to the Blind. n.p., n.d.

Hudson, W. A. Believe It or Not... Salt Lake City, [1935]. It is a pamphlet favorable to John T. Clark.
LeBaron, Ervil M. *Priesthood Expounded*. Buenaventura, Mexico: Mexican Mission of the Church of the Firstborn of the Fulness of Times, 1956. It explains various priesthood beliefs of the Firstborn Church.

Musser, Joseph W. *Celestial or Plural Marriage*. Salt Lake City: Joseph W. Musser, 1944. It is a pro-Fundamentalist publication.


Official Statement of the First Presidency of the Church of Jesus Christ of Latter-day Saints, as found in *Deseret News* Church Section, June 17, 1933, 4pp.


**Interviews**

Basher, Ken, August 8, 1962.

Bentley, Anthony I., January 22, 1964.


Cawley, Claud, August 5, 1962.

Elison, Ione, August 4, 1962.


Kingston, Charles W., August 8, 1962.

Olsen, Gerald L., August 8, 1962.


**Correspondence**

APPENDIX
APPENDIX A

Manifesto of 1890

To Whom it May Concern: September 25, 1890

Press dispatches having been sent for political purposes, from Salt Lake City, which have been widely published, to the effect that the Utah Commission, in their recent report to the Secretary of the Interior, allege that plural marriages are still being solemnized and that forty or more such marriages have been contracted in Utah since last June or during the past year, also that in public discourses the leaders of the Church have taught, encouraged and urged the continuance of the practice of polygamy—

I, therefore, as President of the Church of Jesus Christ of Latter-day Saints, do hereby, in the most solemn manner, declare that these charges are false. We are not teaching polygamy or plural marriage, nor permitting any person to enter into its practice, and I deny that either forty or any other number of plural marriages have during that period been solemnized in our Temples or in any other place in the Territory.

One case has been reported, in which the parties allege that the marriage was performed in the Endowment House, in Salt Lake City, in the Spring of 1889, but I have not been able to learn who performed the ceremony; whatever was done in this matter was without my knowledge. In consequence of this alleged occurrence the Endowment House was, by my instructions, taken down without delay.

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.

There is nothing in my teachings to the Church or in those of my associates, during the time specified, which can be reasonably construed to inculcate or encourage polygamy; and when any Elder of the Church has used language which appeared to convey any such teaching, he has been promptly reproved. 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.

Wilford Woodruff

Doctrines and Covenants (1951), pp. 256-57.
My son John: You have asked me concerning the New and Everlasting Covenant and how far it is binding upon my people; thus saith the Lord: All commandments that I give must be obeyed by those calling themselves by my name, unless they are revoked by me or by my authority, and how can I revoke an everlasting covenant for I the Lord am everlasting and my everlasting covenants cannot be abrogated nor done away with, but they stand forever.

Have I not given my word in great plainness on this subject? Yet have not great numbers of my people been negligent in the observance of my law and the keeping of my commandments, and yet have I borne with them these many years; and this because of their weakness, because of the perilous times, and furthermore, it is more pleasing to me that men should use their free agency in regard to these matters. Nevertheless, I the Lord do not change and my word and my covenants and my laws do not.

And as I have heretofore said by my servant Joseph: All those who would enter into my glory must and shall obey my law. And have I not commanded men that if they were Abraham's seed and would enter into my glory, they must do the work of Abraham?

I have not revoked this law, nor will I, for it is everlasting, and those who will enter into my glory must obey the condition thereof; even so, Amen.

APPENDIX C

Lorin Woolley's Claim

Statement of Lorin Woolley with reference to the revelation of 1886, on the subject of Celestial or plural marriage given September 22, 1929.

There were present Lorin C. Woolley, Daniel R. Bateman, John Y. Barlow, J. Leslie Broadbent and J. W. Musser, Prayer was offered by John Y. Barlow.

Lorin C. Woolley related the following:

While the brethren were at the Carlisle residence (in Murray) in May or June of 1886, letters began to come to President John Taylor from such men as John Sharp, Horace Eldridge, William Jennings, John T. Caine, Abraham Hatch, President Cluff and many other leading men from all over the Church, asking the leaders to do something, as the Gentiles were talking of confiscation of their property in connection with the property of the Church.

These letters not only came from those who were living in the plural marriage relation, but also from prominent men who were presiding in various offices in the Church who were living in this relationship. They all urged that something be done to satisfy the Gentiles so that their property would not be confiscated.

George Q. Cannon, on his own initiative, selected a committee comprising himself, Hyrum B. Clawson, Franklin S. Richards, John T. Caine and James Jack to get up a statement of manifesto that would meet the objections urged by the brethren above named. They met from time to time to discuss the situation. From the White home, where President Taylor and companions stopped, after leaving the Carlisle home, they came out to father's. George Q. Cannon would go and consult with the brethren of the committee, and take him back and forth each day.

On September 26, 1886, George Q. Cannon, Hyrum B. Clawson, Franklin S. Richards, and others met with President John Taylor at my father's residence at Centerville, Davis County, Utah, and present a document for President Taylor's consideration.

I had just got back from a three day's trip, during most of which time I had been in the saddle, and being greatly fatigued, I had retired to rest.

Between one and two o'clock P.M. Brother Bateman came and woke me up and asked me to be at my father's home, where a manifesto was to be discussed. I went there
and found there were congregated Samuel Bateman, Charles H. Wilkins, L. John Nuttal, Charles Birrell, George Q. Cannon, Franklin S. Richards and Hyrum B. Clawson.

We discussed the proposal at length, but were unable to become united in the discussion. Finally George Q. Cannon suggested that President Taylor take the matter up with the Lord and decided the same the next day.

Brothers Clawson and Richards were taken back to Salt Lake. That evening I was called to act as guard during the first part of the night, notwithstanding the fact that I was greatly fatigued on account of the three day's trip I had just completed.

The brethren retired to bed soon after nine o'clock. The sleeping rooms were inspected by the guard as was the custom. President Taylor's room had not an outside door. The windows were heavily screened.

Some time after the brethren retired and while I was reading the Doctrine and Covenants, I was suddenly attracted to a light appearing under the door leading to President Taylor's room, and was at once startled to hear the voices of men talking there. There were three distinct voices. I was bewildered because it was my duty to keep people out of that room and evidently someone had entered without my knowing it. I made a hasty examination and found the door leading to the room bolted as usual. I then examined the outside of the house and found all the window screens intact. While examining the last window, and feeling greatly agitated, a voice spoke to me saying, "Can't you feel the Spirit? Why should you worry?"

At this I returned to my post and continued to hear the voices in the room. They were so audible that although I did not see the parties I could place their position in the room from the sound of their voices. The three voices continued until about midnight, when one of them left and the other two continued. One of them I recognized as President John Taylor's voice. I called Charles Birrell and we both sat up until eight o'clock the next morning.

When President Taylor came out of his room about eight o'clock on the morning of September 27, 1886, we could scarcely look at him on account of the brightness of his personage.

He stated, "Brethren, I have had a very pleasant conversation with Brother Joseph (Joseph Smith)." I said, "Boss, who is the man that you were with until midnight?" He asked, "What do you know about it, Lorin?" I told him all about my experience. He said, "Brother Lorin, that was your Lord."

We had breakfast, but assembled ourselves in a meeting. I forgot who opened the meeting. I was called to offer the benediction. I think my father, John W. Woolley, offered the opening prayer. There were present
at the meeting, in addition to President Taylor, George Q. Cannon, L. John Nuttall, John W. Woolley, Samuel Bateman, Charles Wilkins, Charles Birrell, Daniel R. Bateman, Bishop Samuel Sedden, George Earl, my mother, Julia E. Woolley, my sister, Amy Woolley, and myself. The meeting was held from about nine o'clock in the morning until five in the afternoon, without intermission, being about eight hours in all.

President Taylor called the meeting to order. He had the manifesto, that had been prepared under the direction of George Q. Cannon, read over again. He then put each person under covenant that he or she would defend the principle of Celestial or plural marriage, and that they would consecrate their lives, liberty and property to this end, and that they personally would sustain and uphold that principle.

By that time we were filled with the Holy Ghost. President Taylor and those present occupied about three hours up to this time. After placing us under covenant, he placed his finger on the document, his person rising from the floor about a foot or eighteen inches, and with countenance animated by the Spirit of the Lord, and raising his right hand to the square, he said, "Sign the document—never! I would suffer my right hand to be severed from my body first. Sanction it—never! I would suffer my tongue to be torn from its roots in my mouth before I would sanction it!"

After that he talked for about an hour and then sat down and wrote the revelation which was given him by the Lord upon the question of plural marriage (the text of which revelation is given above). Then he talked to us for some time and said, "Some of you will be handled and ostracized and cast out from the Church by your brethren because of your faithfulness and integrity to this principle, and some of you may have to surrender your lives because of the same, but woe, woe, unto those who shall bring these troubles upon you." (Three of us were handled and ostracized for supporting and sustaining this principle. There are only three left who were at the meeting mentioned—David R. Bateman, George Earl, and myself. So far as I know those of them who have passed away all stood firm to the covenants entered into from that day to the day of their death).

After the meeting referred to, President Taylor had L. John Nuttall write five copies of the revelation. He called five of us together: Samuel Bateman, Charles H. Wilkins, George Q. Cannon, John W. Woolley, and myself.

He then set us apart and placed us under covenant that while we lived we would see to it that no year passed by without children being born in the principle of plural marriage. We were given authority to ordain others if
necessary to carry this work on, they in turn to be given authority to ordain others when necessary, under the direction of the worthy senior (by ordination), so that there should be no cessation in the work. He then gave each of us a copy of the revelation. I am the only one of the five now living, and so far as I know all five of the brethren remained true and faithful to the covenants they entered into, and to the responsibilities placed upon them at that time.

During the eight hours we were together, and while President Taylor was talking to us, he frequently arose and stood above the floor and his countenance and being were so enveloped by light and glory that it was difficult for us to look upon him.

He stated that the document (referring to the manifesto), was from the lower regions. He stated that many of the things he had told we would forget and they would be taken from us, but that they would return to us in due time as needed, and from this fact we would know the same was from the Lord. This has been literally fulfilled. Many of the things I forgot, but they are coming to me gradually, and those things that come to me are as clear as on the day on which they were given.

President Taylor said that the time would come when many of the Saints would apostatize over the principle for which we are now in hiding; yea, and possibly one-half of the other half, (rising off the floor while making the statement). He also said the day will come when a document similar to that (Manifesto) then under consideration would be adopted by the Church, following which "apostasy and whoredom would be rampant in the Church."

He said that in the time of the seventh president of this Church, the Church would go into bondage both temporally and spiritually and in that day (the day of bondage) the one Mighty and Strong spoken of in the 85th Section of the Doctrine and Covenants would come.

Among other things stated by President Taylor on this occasion was this, "I would be surprised if ten percent of those who claim to hold the Melchizedek Priesthood would remain true and faithful to the Gospel of the Lord Jesus Christ, at the time of the seventh president, and that there would be thousands that think they hold the priesthood at that time, but would not have it properly conferred upon them."

John Taylor set the five mentioned apart and gave them authority to perform marriage ceremonies, and also to set others apart to do the same thing as long as they
remain upon the earth; and while doing so, the Prophet Joseph Smith stood by directing the proceedings. Two of us had not met the Prophet Joseph Smith in his mortal lifetime and we—Charles H. Wilkins and myself—were introduced to him and shook hands with him.

APPENDIX D

LeBaron Revelation

Revelation given to Rulon C. Allred through the medium of Joel F. LeBaron, the morning of the first day of October, in the year of our Lord 1955, at the home of Price W. Johnson, Salt Lake City, Utah.

Thus saith the Lord unto my servant Rulon C. Allred, I have called my servant Joel F. LeBaron out of the land of Mexico, even from bondage, for the prayers of my saints have ascended unto my ears and I have heard them and in this manner do I answer them, even through him whom I have appointed unto this power to hold the fullness of the Melchizedek Priesthood, even as it was held by my servant Melchizedek and Moses, to be my mouthpiece to my people even as my servants of old were ordained unto this power.

And I say unto my servant Rulon, call those whom I have appointed to be thy counselors together in the forming of plans whereby my people may gather to the place I have appointed to be a land of Zion unto them, even the place known as Colonia LeBaron in the land of Mexico in the state of Chihuahua, in the municipality of Galena.

And I call you by mine own voice out of the heavens to be a counselor to my servant Joel that he may have help in the establishing of this work and say unto you, go forth together with all those who will receive this word and gather together money by honorable means, to be consecrated unto the Lord for this work that my people may not be over-come by their enemies, and send capable and honorable men before you that the proper preparation may be made, that all things may be done in order for mine house is a house of order, saith the Lord.

And again I say unto you: the time has fully come spoken of by the mouths of mine holy prophets, when I have set my hand again the second time to gather my people to Zion, and this sign I give unto you that you may know, that all those who reject these words and do not speedily repent shall be turned over to the buffetings of Satan and shall be cut off from among my people and Satan shall have power over his and I will have power over mine, and
I will be even in the midst of them, that the sheep might be divided from the goats, and that the wheat might be divided from the tares that my people might be prepared to be caught up unto the clouds while fire and brimstone are rained upon the face of the whole earth to the utter destruction of the wicked and ungodly.

Even so, amen.