Fred T. Dubois, Foe of the Mormons: A Study of the Role of Fred T. Dubois in the Senate Investigation of the Hon. Reed Smoot and the Mormon Church, 1903-1907

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FRED T. DUBOIS, FOE OF THE MORMONS
A STUDY OF THE ROLE OF FRED T. DUBOIS IN THE
SENATE INVESTIGATION OF THE HON. REED SMOOT AND
THE MORMON CHURCH, 1903-1907

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Master of Arts

by
Jay R. Lowe
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CHAPTER I

ANTECEDENTS TO THE SMOOT CASE

In the year 1903, the right of Reed Smoot to take his seat in the United States Senate was challenged. He had been elected to the Senate by the Republican legislature of Utah on January 20th of that year. Upon arriving in Washington to assume his senatorial responsibilities, he was confronted with a petition protesting his election. It was subscribed to by nineteen prominent citizens from Salt Lake City, Utah. Their challenge of Smoot's right to be seated resulted in an investigation of the charges made against him. The investigation lasted for three years and is one of the most interesting episodes in United States history relating to the problems of polygamy and separation of church and state.

This investigation grew out of a long history of friction between federal and state governments and the Church of Jesus Christ of Latter-day Saints, commonly called Mormon, over the issues of polygamy and church domination in politics. The supposition that the leaders of the Mormon Church dictated the politics of the members of the Church under the guise and subterfuge of divine revelation had been a source of friction between the Mormons and their neighbors down through the years. However, Mormons denied this and argued that the strife over politics was
merely symptomatic of the reality of this divine revelation and authority of God. They considered themselves to be "not of this world." It was their destiny as the people of God to be misunderstood by their neighbors and they believed literally in, "Blessed are ye, when men shall revile you, and persecute you, and shall say all manner of evil against you falsely, for my sake . . . for so persecuted they the prophets which were before you." On the other hand, it would seem natural and, perhaps, even justifiable for the Mormons or anyone else to react with political solidarity if they were being maligned and physically abused by their neighbors.

To further complicate matters, polygamy was introduced among certain members of the church as a divine revelation about 1841. At that time and for several years the practice of polygamy did not controve the laws of any part of the land. The Mormons considered it a scriptural and a godly practice and the revelation commanding it, a manifestation of divine favor. They looked upon it as having the practical purposes of increasing their numbers and, paradoxically, their purity.

The legality of the practice was brought into question through a series of legislative enactments and court decisions covering the last half of the nineteenth century. During this period, the Church, by and large, resisted enforcement of antipolygamous legislation on the ground that it was an infringement upon their constitutional rights of religious liberty and

1Matthew 5: 10-12.
freedom of conscience. Of course, this only made the government the more determined to bring about a cessation of the practice, and the distress brought on the Church through the prosecution of this determination came to be almost intolerable.

In 1890, President Wilford Woodruff issued the manifesto which forbade the further teaching and practice of plural marriage. This act marked a major capitulation of the Church. After this there was comparative peace for several years, but in 1898 there were charges of reversion to polygamy. This was the year that Brigham H. Roberts, a Democrat and a polygamist, was elected to Congress from Utah. His election was protested by a petition signed by more than seven million people representing all parts of the country. His case was referred to a House committee of nine members, which, after six weeks investigation, recommended that he not be seated. On January 25, 1900, Roberts was prevented from taking his seat in the House by a vote of two hundred and forty-four to fifty, thirty-six not voting.

The leader of the early anti-Mormon movement in Idaho was Fred T. Dubois. In 1880, he left his home state of Illinois to come to Idaho. He was a graduate of Yale College and a member of the Republican Party. In 1882, he manipulated an appointment to the office of United States Marshall and this was the year that Congress passed the first effective legislation against polygamy. Shortly thereafter a militant governmental policy was instituted to suppress polygamy. Dubois writes of this period:

I became absolutely obsessed with the Mormon problem...
The government was determined to stamp out polygamy and I felt I was the agent of the government and the people of the United States, and that the duty devolved upon me to see that the laws of the land were obeyed by the Mormon people in respect to their practices. 2

Dubois said he soon came to the conclusion that the only way to destroy polygamy was by taking away the political power of the Mormon Church, and "to this end I devoted my time." 3 In his determined effort to enforce the federal law against the Mormons, carried out with a blatant ruffianism which in many instances violated the constitutional guarantees of due process in law, he became extremely active on the political scene. He organized a virulent anti-Mormon party to expedite his fight against polygamy, contending that: "My entire thought was through my own political activities to destroy the political power of the Mormon Church and in this way, as I viewed, destroy polygamy." 4

But then comes the seemingly contradictory statement which provides the key for understanding the anti-Mormon strategy and psychology used by Dubois in the Smoot case:

Those of us who really understood the situation were not nearly so much opposed to polygamy as we were the political domination of the Church. We realized, however, that we could not make those who did not come actually in contact with it, understand what this political domination meant. We made use of polygamy in consequence as our great weapon.

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2Fred T. Dubois, "Autobiography", (unpublished manuscript in the Dubois Collection in the archives of Idaho State College Museum), p. 21. (Hereafter the Dubois Collection will be referred to as "DC").

3Ibid., p. 25.

4Ibid., p. 25.
of offense and to gain recruits to our standard.5

Through a somewhat strange mixture of sleuthing, juridical, political, and propaganda activities grew the anti-Mormon party headed by Dubois which in January, 1885, was successful in bringing the Idaho Territorial Legislature to pass the Election Test Oath. This law was so comprehensive that the whole Mormon population in the Territory of Idaho, whether polygamists or not, lost their voting franchise and most other rights of citizenship. In 1889, a Dubois-inspired, anti-Mormon Constitutional Convention wrote the "Test Oath" into the Idaho Constitution, verbatim.

In 1890, Dubois was elected to the Senate from the newly organized state of Idaho. The Idaho State Legislature finally withdrew its voting restrictions against the Mormons in 1893. In 1896, Dubois failed in his attempt to be returned to the Senate but there seems to be no evidence that a political conspiracy on the part of the Mormons caused his defeat. Dubois bolted the old line Republican Party in the year of his defeat to become prominent in the Silver Republican Party movement.

In 1900, with the support of the Democratic Party, he was successful in his attempt to be re-elected to the Senate. The free silver issue, his position relative to north Idaho's labor strife, and his anti-imperialist stand had won for him the support of the Democratic Party. Upon assuming his senatorial obligations he announced he would henceforth be counted as a Democrat, and, thus, he became the head of the Democratic Party in

5Ibid., pp. 25, 26.
Idaho.

This is a brief outline of the historical background which formed the basis of a new anti-Mormon campaign. The Roberts' case made it quite evident that the problems of polygamy and separation of church and state as it pertained to the Mormons were far from being solved. Democratic defeat in Idaho in the 1902 elections brought forth mild accusations of Church interference from Dubois and some of his former anti-Mormon associates. This excuse for defeat possibly would have been forgotten soon but for a particular turn of events in Utah. There the Republicans also won but their senatorial candidate was Reed Smoot, one of the Apostles of the Mormon Church. Dubois now recognized that the national issues of free silver and anti-imperialism were obsolete, and that his alliance with north Idaho labor interests may have been a liability in the 1902 elections. If his political fortunes were to continue to prosper, he was in need of a new issue. With Smoot on his way to the Senate, Dubois decided to inflame the country with the Mormon issues of polygamy and church domination in politics. Thus, out of the seemingly innocuous 1902 elections grew the bitter four year struggle of Reed Smoot to keep his seat in the Senate and its corollary, the second great anti-Mormon campaign in Idaho.
CHAPTER II

THE PROTEST, CHARGES, AND PREDISPOSITIONS

Fred T. Dubois ranks high as one of the most formidable enemies of the Mormon Church. In referring to his first campaign against the Mormons, he wrote:

I had every opportunity to understand their system and devoted the best energies of my life from 1882-1890, in combating their pernicious doctrines. When the Church issued its Manifesto to the world stating that polygamy had been abandoned and that the Church would no longer undertake to control its followers in politics, I ceased the fight.1

Twelve years later, Dubois was a member of the Senate Committee on Privileges and Elections which received from nineteen prominent citizens of Salt Lake City a strong protest against the seating of Reed Smoot. The protest charged that the Mormons had violated the Manifesto and not complied with the conditions upon which Utah was granted statehood. It was charged that the state had broken faith with the United States government, because a union of church and state had been established, and that the Church continued to dominate the state and interfere with its functions, and the practice of polygamous or plural marriages still prevailed. Therefore Reed Smoot, as one of the ruling authorities of that Church, was disqualified from membership in

1DC, Number I Office Letters, p. 332.
the United States Senate.\(^2\)

Other charges extraneous to this protest to the effect that Smoot himself was a polygamist and that as a Mormon who had gone through the temple had taken oaths that would be completely incompatible with the Senate oath were submitted by one John L. Leilich, a minister of Salt Lake City. Much to Dubois' chagrin, but at the same time partly through his own instrumentality, these separate and more spurious charges got all tangled up with those set forth in the more representative protest.

The Smoot case proved to be a "neat" dicotomy which progressed on two levels, one as the official hearings and the other as Dubois' "behind the scene" activities. The two separate sets of charges, in a very real sense symbolized this dicotomy. Dubois was anxious to exploit the Leilich charges for propaganda purposes in his "behind the scene" activities but equally anxious to clear the air of them in the formal proceedings of the case. Smoot, on the other hand, was most willing to be tried on the Leilich charges and contended that the only reasonable basis for his being rejected by the Senate would be if they were true. The fact that Smoot was not a polygamist, and otherwise, that his character was unimpeachable was his strongest defense. Dubois realized this and tried not to have the case decided on the grounds of Smoot's personal fitness, but rather on the basis of the grotesque defamation of the Church brought about through his

\(^2\)U.S., Congress, Senate, Committee on Privileges and Elections, Proceedings in the Matter of the Protests Against the Right Hon. Reed Smoot, a Senator from Utah, to Hold His Seat, 1904, 58th Congress, 2nd Session, 1, pp. 1-25.
"behind the scene" propaganda activities.

Dubois' anti-Mormon history and psychology, his need for a new political issue, and his membership on the Senate Committee which would review Smoot's credentials and also the charges against Smoot made it comparatively easy and politically desirable for him to instigate and lead a new fight against the Mormon Church. In so doing, he displayed a zeal at least equal and a finesse far superior to that which he displayed during his first fight against the Mormons in Idaho. He wrote somewhat reflectively after the hearings which were held to investigate the charges against Smoot had begun in 1904, stating: "This is the fight of my life. I have been engaged in it practically for twenty years, and have organized this present contest, and am in complete control of it."\(^3\)

His leadership began to show, not so much in the formal proceedings of the hearings, as in his "behind the scene" activities. The extent and variety of those activities are almost unbelievable, and through them he was able to bring about an investigation of the charges set forth in the protest and organize and direct, by and large, the case against Smoot for the opposition. Here again this dichotomy becomes apparent. Dubois, although prominent in the formal proceedings of the hearings, did not appear to be the undisputed leader that a study of his "behind the scene" activities reveals him to be.

He had enough experience fighting the Mormon Church to

\(^3\)DC, Number III Office Letters, p. 92
have ready-made "a very clear and distinct idea of what should be done. . . . There must be a systematic and orderly and unusually intelligent fight made, if we are to succeed against the forces with which we are to contend." According to Dubois, the Mormons had resumed the practice of polygamy. He was confident that a strong enough case could be made out of this so as to give him a potent propaganda issue. Thus, his old strategy of exploiting polygamy to defeat what he supposed was church domination in politics, which he considered to be the cardinal sin, was adopted for this campaign.

However, Dubois realized that polygamy would not officially be so potent an issue this time because Smoot was not a polygamist and if the Church were still practicing it at all, it was secret rather than overt as before. He perceived that the most valid charge against the Church from the official standpoint would be Church domination in politics as expressed by the following:

You will see by the Associated Press Dispatches this morning that we have now placed the Smoot fight on the proper basis. Senators say to me that if we can demonstrate that the Church authorities control in political matters and that members of the Church cannot accept political preferment unless they first secure the endorsement of their Church leaders, that Smoot will be unseated. In other words, if we can prove that such men as Smoot owe their first allegiance to the Church and not to the Government that there will be no question about his losing his seat. I have minimized the polygamy part of it constantly, and finally I think have the contest resting on the proper basis.5

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4DC, Number I Office Letters, p. 283.
5Ibid., p. 376.
We see from this that in the official proceedings of the hearings Dubois de-emphasized polygamy, but in his "behind the scene" activities we shall see that he continued to exploit it in a burlesque fashion for propaganda purposes.

In his first fight against the Mormons, Dubois had things pretty much his own way and used the above strategy with great success in launching his political career. But the 1903 situation was quite different from that of 1882. Both Idaho and Utah had since gained statehood on the condition that polygamy and church domination in politics had ended. In 1882, the Church had openly engaged in polygamy and maintained its right to do so under the Constitutional guarantee of religious freedom. The Government was then aggressively determined to bring about a cessation of polygamy and Dubois was its main arm in Idaho. But in 1903, the Church denied that it had violated the Manifesto. The Mormons constituted a majority in Utah and a powerful minority in Idaho, and there could be no doubt that it was going to be much more difficult for the federal government, Dubois, or anyone else to take action innimical to the interests of the Mormon citizenry of these states now that they had attained statehood.

In 1900, Congress had rejected Brigham H. Roberts, a Utah Democrat, a polygamist, and a member of the governing body of the Mormon Church, although not an Apostle.6 Roberts was exclud-

6B. H. Roberts was a member of the First Council of Seventy and one of the Seven Presidents of this Council. These Seven Presidents are general authorities of the Church and act under the direction of the First Presidency and Twelve Apostles, (Doctrine and Covenants, 107:34).
ed ostensibly because he was a polygamist, and also, the fact that his political party was not in the ascendancy at that particular time may have had some appreciable bearing on the outcome. But Smoot, a Republican, was not a polygamist and this would constitute the primary difference between these two cases. Furthermore, Idaho went Republican in 1902, and this was the dominant party of the West and the Nation, and the party which elected Smoot to the Senate. So, Dubois, a Democrat, surmised that he would have the opposition of the National Administration and the Republican Party, whereas, before he had their unqualified support. All these things Dubois well understood and, added to this, there is no doubt but what he had a high regard for the tenacity of his adversary, the Mormon Church and its leaders. In November, 1903, he wrote:

We must proceed with greatest wisdom and circumspection. I know the tremendous forces with which we must contend. There is the unlimited money of the Mormon Church, high political power of the dominant party of the United States and secret intrigues of the Mormon leaders.

These differences between the 1882 and 1900 cases and the 1903 case were impressive enough to evoke the comment, "When we began, there was no one here, nor out there for that matter, but what predicted dismal failure in this matter," from Dubois. He

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7 In January of 1903, Dubois had the encouragement of an article which appeared in the *Salt Lake Herald*. Thomas Kearns, Senator from Utah was reported to have stated: "This afternoon President Roosevelt requested me to state in the manner that I am now stating it, that he very much hoped that no Apostle would be elected, and that he desired to be placed on record as kindly but firmly advising against the election of any Apostle to the U. S. Senatorship." But after the election of Smoot, Roosevelt seemed to be favorable to Smoot being seated.

declares further, "In the beginning everyone 'poo-pooed' the idea of even an investigation of Smoot."\textsuperscript{10}

Realizing all this, did Dubois really think he had a chance of winning? In November, 1903, he wrote to one of his underlings in Idaho: "When I saw you last there was some doubt in my mind as to the outcome in Idaho, although there seemed to be none in yours. I agree now with your judgement."\textsuperscript{11} In the same letter he continued, "There is absolutely no chance to lose this fight -- it may not come immediately, but we will win it."\textsuperscript{12} This is typical of many such statements contained in his correspondence during the last quarter of 1903, and these are the more remarkable in that the Smoot Hearings hadn't yet begun and would not until the fore part of 1904. How do we account for Dubois' optimism at this very early date? Actually he already had done a prodigious amount of work and it seemed to have been sufficiently effective as to make him confident of the outcome of the hearings. His statement, "you have no idea the amount of work I have done quietly,"\textsuperscript{13} couldn't have been more true.

As has already been pointed out, Idaho went Republican in 1902, after Dubois had been in the Senate for two years of his six year term. He and his Idaho political coterie, consequently, were on the lookout for a strong issue or program which would return them to power. The Mormon issue had served them very well before, and now they saw in the Reed Smoot case a fortuitous opportunity to make it work for them again. They not only believed that it would bring them success on the state level, but they

\textsuperscript{10}Ibid., p. 454. \textsuperscript{11}Ibid., p. 287. \textsuperscript{12}Ibid., p. 290
\textsuperscript{13}Ibid., p. 454.
began to have grand illusions of the possibility of carrying the issue into the national campaign and thereby enhance the chances of a Democratic victory in the national elections the next year.

Lafe Pence, one of the more opportunistic and unpredictable members of this coterie, wrote to Dubois:

You should be presented as the embodiment of this issue. You should be upon the national ticket, and it seems to me it could be arranged without difficulty. It would be too much probably to figure upon you being as the head of the ticket, as other considerations would control as to that, but it seems to me that there ought to be not the least difficulty in having you named as the candidate for Vice President, and by virtue of your candidacy for that position, arousing, or, rather keeping alive the interest upon this question in the necessary Eastern and Middle States sufficient to accomplish a victory. 14

Dubois in his answer to Pence ignored the above thesis except to acknowledge that his propositions were very interesting, 15 but in a letter to one whom he considers more trustworthy, he wrote about this same time:

I am going to win the Mormon fight 'hands down' unless all the political instinct which I ever had has failed me. I believe I will unseat Smoot, ... I do not believe the Republican Senators will dare oppose the sentiment which is being made throughout the United States.

The impression is general in the east that the Democrats will elect the next President and sentiment is crystallizing on Parker of New York. It will be either Parker or Gorman. In either event I will be strictly in it. 16

Yet there is the problem of how to explain contradictory statements coming from Dubois about this time, such as, "I myself

14DC, (letter to Fred T. Dubois from Lafe Pence), March 7, 1904.
15DC, Number IV Office Letters, p. 42.
16DC, Number I Office Letters, p. 136.
15
have burned all bridges behind me, and will fight this contest out to the end, regardless of who suffers, I know, to begin with, that this ends my political career.\textsuperscript{17}

As, perhaps, one could guess, this was written to a minister and is a rather mild example of the type of propaganda which was an intrinsic part of Dubois' modus operandi. The fact is, he now imagines he has an issue which would immortalize his name and secure his political future.

\textsuperscript{17}\textit{Ibid.}, p. 346.
CHAPTER III

WAYS AND MEANS

It becomes apparent, almost from the day the protest was presented to the Committee on Privileges and Elections, that Dubois was standing by to support the protest according to a definitely pre-conceived masterplan of strategy,\(^1\) namely: propagandize polygamy and kindred sins to arouse public sentiment to bring pressure on the Senate Committee on Privileges and Elections and the Senate to hold an investigation which would prove, primarily, the allegations of Church domination in political affairs with the result that Smoot would be denied his seat in the Senate.

Dubois considered the Smoot Case the key to any future political success in Idaho or elsewhere for himself and his party. Said he:

Smoot will be unseated. If he is not, so much attention will be attracted to the contest and so much interest aroused in Idaho among the non-Mormon people that our fight in Idaho will be very much simplified.\(^2\)

Again:

I am thinking hard on the very pertinent lines . . . as to how best we can make this Mormon question a national issue, and have some tolerably well defined ideas, which I

\(^1\)Capital News, Boise, Idaho, November 7, 1903; DC, Number I Senate Letters, p. 168.

\(^2\)DC, Number I Senate Letters, p. 287.
will talk over with you, which will be sometime before the national convention.  

Admittedly, this struggle became Dubois' chief interest. He became absolutely obsessed by what he thought was the importance and necessity of winning it. He wrote, "I am working constantly on this subject, having discarded all other public questions as far as I am able to do so."  

I have paid no attention to any other legislation, as you have noticed, except some local legislation for the state. I have kept out of partisan debates because I did not want to offend anyone, and have devoted myself to being a good fellow, and in quietly dropping remarks in regard to Brother Smoot.  

In another letter written to C. C. Goodwin, in Utah, he said, "If they vote to retain him, I do not see what we can do, except move out."  

Dubois' first objective in this case was to stir up the moral sentiment of the country and then form this into well directed public pressure so that the national legislators would be forced to do his will. His plan comprehended, in the first place, enlisting the unqualified support of the national women's organizations. He esteemed the accomplishment of this objective the most important single factor in the over-all strategy he, optimistically, believed would win for him. Typical of the mass of evidence which supports this contention is the following by  

3DC, Number IV Senate Letters, p. 42.  
4DC, Number I Office Letters, p. 413.  
5Ibid., p. 454.  
6DC, Number IV Senate Letters, p. 46.
Dubois, dated December, 1903:

We are thoroughly organized here [Washington]. All the women's societies of the country are behind me, and you have no idea what a tremendous power they are. . . . I can see the effect that the constant hammering of petitions is having on the Senators. . . .

After Dubois had established his liaison with the protesters in Salt Lake City, Utah, he next proceeded to recruit the support of the leading women's organizations of the country. The person Dubois selected to be the leading lady in his "morality play" was the very respectable Mrs. Frederick Schoff, President of the National Congress of Mothers and Chairman of the Executive Committee of the National League of Women's Organizations. What a zealot she proved to be. After arriving back in Washington about the middle of November, 1903, almost everything he did or wrote relative to the Smoot case makes it clear that he considered his work with Mrs. Schoff and the women's organizations as being first in importance in getting the case started off right.

Furthermore, a sufficiently disproportionate amount of his correspondence and time is given to rallying and maintaining the support of the women through the many different episodes of the case as to suggest that he estimates all other aspects are, more or less, incidental in prosecuting and bringing it to a successful conclusion. Writing petitions for the ladies,

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7DC, Number I Senate Letters, p. 136.

holding conferences with them, and attending to the large correspondence necessary to enlist their support and effectively direct their efforts occupied most of his time. He was well aware of the great influence they had on the Roberts' Case and he used all his resources and sagacity in making this the decisive factor in the Smoot Case.9

In November, 1903, in a letter to C. J. Bassett in Idaho, he explained:

We have a good organization and are strengthening it daily. The leading ladies of the country representing women's clubs like Mrs. Senator Fairbanks, President of the Daughters of the Revolution, Helen Gould, Mrs. Schoff of Philadelphia, President of the Mother's Club, the President of the Inter-Denominational Society of Women and others are all in accord.10

Later in another letter to one of his cronies in Idaho, Henry Heitfeld, he wrote:

You have no idea the amount of work I have done quietly. I am in complete accord and touch with all the women's organizations in the country, and these thousands of protests which have been sent in from every State and Territory of the Union, and are still coming in, did not "happen"—it was no accident. On the other hand, it is the result of many letters and many conferences with the leaders of these various women's organizations.11

Whether we judge Dubois to be demagogue or crusader, he was eminently successful with the ladies and this seemed to be the type of work for which he was best fitted. "I did not expect at this time or at all to see public sentiment so molded

9DC, Number I Office Letters, p. 416; In writing to Mrs. Schoff, Dubois turns down an invitation to speak at one of their meetings but recommends Honorable Charles B. Landis, of Indiana, who made a ringing speech against B. H. Roberts. "The best part of his speech, . . . was the laudible terms in which he referred to the work of the women," wrote Dubois.

10Ibid., p. 287 11Ibid., p. 454.
against the onward movement of polygamy and church domination in politics as it is throughout the east," wrote Dubois on January 11, 1904, about two months before the Smoot Hearings started.\(^\text{12}\) Even earlier he boasted, "You have no idea how I have these people here aroused and how intent they are in doing anything for me they can and I want to strike while the iron is hot.\(^\text{13}\) Hence, his exuberant optimism before the hearings were even under way. He was confident that Reed Smoot would be unseated because the pressure of the Nation's righteous indignation, as expressed by these tens of thousands (before the case was over they numbered in the millions) of petitions and protests, on the Senate would be irresistible.

The Mormon menace seemed not to be the bane of the learned cloth that it was to the women of the country. The cause received much impetus from the clergy and religious organizations, but they seemed almost to have fallen in line as an accommodation to the ladies. So far as it has been possible to determine there was not nearly the unanimity on this question among the clergy that existed with the ladies' organizations. The Catholics remained, more or less, aloof. The Lutherans, on at least one major occasion, condemned the movement against Smoot as being primarily political; the rest of the Protestants, and particularly the Presbyterians, espoused the cause with appreciable zeal and vociferousness.\(^\text{14}\)

\(^{12}\text{Ibid., p. 427.}\)
\(^{13}\text{Ibid., p. 378}\)
\(^{14}\text{Pocatello Tribune, September 15, 1903; Salt Lake Herald, May 29, 1903.}\)
21

Except in a few isolated instances where ministers aggressively proffered their services, Dubois appealed to the clergy exclusively through the ladies. His personal attempt to precipitate a program to have the ministers in Idaho preach sermons between December 19, 1903 and January 4, 1904, on this subject, and "have Christian people send in protests as rapidly as possible,"15 seemingly, was far from satisfactory judging by the dearth of protests from Idaho through this period.16 Later in the month of January, he turned the matter over to Schoff and the ladies by sending them a list of over thirty Idaho ministers.17 Typical of the attendant instructions, though having general application for all ministers, was his behest to "use every endeavor also to have the preachers denounce Mormonism with its attendant evils from the pulpit. This is the most telling thing which can be done."18

Dubois imagined his great nemesis throughout the case to be, variously, the press or the Republican Party and the National Administration or an illicit combination of both. He was certain that the Republican Party and Administration had sacrificed principle to political expediency, and, of course, they controlled a major part of the nation's press. However, in the early stages of the fight, Dubois took rapturous encouragement as he perceived definite signs of the hostility of these two agencies decreasing. This is manifested by: "I have been

15DC, Number I Office Letters, p. 396.
16Ibid., p. 399. 17Ibid., p. 436. 18Ibid., p. 447.
watching the papers very carefully and am pleased to note a gradual trend towards our line of thought. They cannot stand against it." A few days later he wrote to Si Donnelly, in Idaho:

I suppose you have noticed, as I have, the apparent change of sentiment as evidenced by the newspapers of the states regarding this question. None of the gentile Democratic papers of the state are now criticising this movement, and when the evidence comes out here, none of the Republican papers will undertake to defend it.

After the evidence had come out, his secretary, Charles Arney, was able to report that:

We are taking the Romelike clippings. Yesterday there were seventy-eight of these clippings in our mail. Fifty-four of these were against Smoot and against the Mormon Church; and twelve were against the Church, but not against Smoot; four were for Smoot and three non-committal.

Dubois exploited the women in every way possible to infiltrate these two powerful agencies with his anti-Mormonism. Much of his propaganda was circulated through the ladies to the press and the Republican Party and Administration. Evidently these two chief antagonists came to terms with the public pressure being generated by Dubois, simply by playing a stalling game. Dubois probably made a great tactical blunder by going along with them, thinking that this would work to his own political advantage. Whether he could have averted it or not is problem-

19Ibid., p. 336
20Ibid., p. 379
21DC, Number VII Office Letters, p. 472.
22Ibid., p. 413, 428.
23DC, Number IV Office Letters, p. 42.
atical. If he could have terminated this issue at this propitious time, the outcome might have been different than it was. He wrote to John Condron, one of his intimates in Spokane, Washington, about this time:

I think it is putting it mildly to say that the east is afire with this subject. In my judgement, the women of east will not let this matter be settled in Smoot's favor. There is no question but what sentiment is molded very thoroughly in our favor at the present time.24

As public pressure lessened, the ardor of the press and Republican politicians vaporized and in the end, they trampled Dubois' pearls under their feet and "turn[ed] around and rend[ed] him." But more about this follows later on.

The zeal of the ladies was constantly regenerated by Dubois through conferences, correspondence and by having C. M. Owen, who was the detective for the prosecution, keep them deluged with new anti-Mormon disclosures, particularly having to do with polygamy.25

The following words spoken to the Mother's Congress, March 14, 1905, are a mild example of Dubois in action with his women friends:

Off there in Utah, the hotbed of Mormonism, nineteen met and signed a petition to congress asking for an investigation. These men put principle higher than party and by their very act brought down upon themselves the contumely and vengeance of that great power, the Mormon Church. Some
day these men will take their place in the Hall of Fame with those who signed the Declaration of Independence . . . .

Mormonism today is a decided, if not the greatest, single menace which confronts us as a people. . . .

With the power of this organization spreading rapidly

24Ibid., p. 73.
25Ibid., pp. 347, 399.
over the entire western country, carrying with it everywhere the poison of polygamy, our only hope is in the good women of the United States.

We must and do appeal to you. Had it not been for the tremendous, unceasing, persistent efforts of your own magnificent organization, under the splendid leadership of your untiring and determined president, Mrs. Frederick Schoff, Mrs. Darwin R. James, Mrs. Margaret Dye Ellis and Mrs. Teunis S. Hamilton and the exalted ideals of American motherhood and womanhood everywhere, there would not even have been an investigation of the right of Apostle Smoot to a seat as a Senator of the United States, and the horrifying facts in relation to this organization would not have been known to the people of this country. 26

After charging the Mormon Church by inference or direct accusation with just about everything and contending that it had been more than adequately born out by the Hearings, Dubois told what further needed to be done in order to destroy this horrendous evil:

These results can only be accomplished, however, through the persistent, co-operative work of the highest type of humanity in the world, the American womanhood—you here assembled in co-operation with other magnificent organizations of the noble women who are doing so much to elevate our country, and you alone can eradicate this evil and avert the awful fate which awaits every polygamous child yet unborn. 27

Dubois drafted petitions, protests, and planks for political platforms to be used by the women. 28 Strikingly, the majority of the numerous petitions and protests conformed to Dubois' original drafts. 29

26Salt Lake Tribune, March 15, 1905.
27Ibid.
29Ibid., Baltimore Sun, November 12, 1903; Salt Lake Tribune, November 10, 1903.
Ironically, these petitions and protests deluged the Senate from everywhere except from the west and particularly Idaho and Utah. From these states there was a conspicuous (and perhaps symbolical) scarcity. Dubois became exceedingly upset over this inexplainable and intolerable situation. He anxiously wrote to a member of his coterie in Idaho pleading for complete lists of women's clubs, which he promptly turned over to Schoff and Ellis. Explaining the urgency of having these lists, he said:

I want to assure you that I am in thorough touch with them [national officers women's clubs] here, and by receiving these lists at once, and by this I mean I would like to have them as early in January as I can get them, I can certainly accomplish a great deal.30

Dubois instructed Schoff in Philadelphia:

In Idaho, have the petitions sent to my colleague, Senator Heyburn, who now is saying that while Mormons are very numerous in Idaho, no protests of any kind or description have come to him. It will be unfortunate if the Senators from these states, where the Mormons are so numerous, should rise in their places and controvert me by saying that the people of these states are satisfied with the conditions as evidenced by the fact that no protests have come to them.31

An example of the kind of static he got from Idaho was the response of the Women's Columbian Club of Boise, which belonged to the National Federation of Women's Clubs. It refused to protest against Smoot, on the ground that they were barred because it was a political question. Dubois wrote to Schoff, "The Federation in Idaho is very strong, and some way should be devised to reach these clubs in Idaho."32

30 DC, Number I Office Letters, p. 378.
31 Ibid., pp. 399, 412.
32 Ibid.
A few days later he exultingly responded by stating, "I received my first protest today which has come from Idaho for several weeks, but it indicates to me that it is the beginning of a larger list which is to follow."\(^{33}\)

But just one month later, he confessed, "I receive no expressions from Utah or Idaho, except an occasional letter, . . ."\(^{34}\)

In the beginning, every exertion was made to pressure the Committee of Privileges and Elections. Dubois enjoined the ladies to "be as industrious as possible in reaching them with all sorts of literature."\(^{35}\) He supplied them with lists "showing who these men are." His most immediate concern, at this time, was that the Committee would investigate the charges set forth in the protest. He seemed to be convinced that they had or could get the evidence to prove the allegations, but he must first arouse a sentiment which would compel "the Senators from the different states to listen and weigh carefully the facts."\(^{36}\) To this all important task he rallied the women of the country, and they did their job well, and the result was an investigation of Reed Smoot's worthiness to retain his seat in the United States Senate and of the Mormon Church.

\(^{33}\) Ibid., p. 416.
\(^{34}\) Ibid., p. 416.
\(^{35}\) Ibid., p. 373.
\(^{36}\) Ibid., p. 168.
CHAPTER IV

PROPHET VS. POLITICIAN (1904)

Dubois contended that "the question as to whether Apostle Reed Smoot shall be allowed to retain his seat in the Senate, involves a settlement of the Mormon question."¹ He maintained that there was no doubt but what new polygamous relations were being consumated, and that the leaders of the Mormon Church were dictating in the temporal and political affairs of its members.² The question asked by Dubois' opposition, and much of the press was: What did this have to do with Reed Smoot and his right to sit in the United States Senate as the duly elected representative of Utah if he himself were not a polygamist? The original protest from Salt Lake projected in rather definitive language the supposed inconsistency of allowing Smoot to take his seat in the Senate while the Church, of which he was one of the leaders, was presumably engaging in such unlawful activities. Dubois, with his usual adroitness in matters pertaining to the Mormon controversy, was quick to simplify the proposition with a simile so that none could misunderstand or fail to be impressed by the importance of the charges against Smoot even though he might appear to be circumspect in his personal life. He declar-

¹DC, Number I Office Letters, p. 332.
²Ibid.
Some Senators and a great many others who are not familiar with the organization say that if it cannot be proved that Smoot is a polygamist the Senate has no right to expel him from its membership. This argument can be replied to in a variety of ways. I would suggest one: If it is known that a man is at the head of an organized band of horse thieves and directs members of this band to go out and steal horses and they obey, the fruits of this stealing are shared in very largely by the man who directs it, but the man who directs it does not himself go out and actually engage in horse stealing, if under the circumstances the head of this organized band is not amenable to any law of punishment, then Apostle Smoot is not. The three Presidents of the Mormon Church, that is to say, the President and his Councilors [sic], who constitute the First Presidency, are all polygamists and new polygamist relations are being entered into constantly. Smoot is one of the high officials of the Church, and understands and approves fully of what is going on. The Senate in this contest will determine for the United States, whether, by the seating of Smoot, it will notify the Mormon Church that the government has made up its mind that it will not tolerate this infamous institution any longer, which shields polygamy and political hierarchy under the garb and name of Church.3

On February 6, 1904, the Committee of Privileges and Elections according to Dubois' announcement "Unanimously determined on the freest and widest and most complete investigation."4 There were a few of the Republican members of the Committee "who tried to limit the investigation, or claim want of jurisdiction, or make a strictly legal trial out of it in order to compel us to fasten directly, the guilt on Mr. Smoot."5 But now Dubois was able to announce that he had gotten rid of the "unfortunate Leilich charges," that:

Smoot is a polygamist, and that he took an oath as an apostle incompatible with his oath as a Senator. They have been denying these charges constantly and have been trying to place us in the position of resting our case on them. I have been using my utmost endeavors to try the case on

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3Ibid.  
5Ibid.
grounds completely outside of these two charges, and yesterday was completely successful. 6

Dubois and company, thereby, succeeded in bringing the Committee to investigate not Smoot but the Mormon Church.

The Hearings got under way March 1, 1904. The first witness was Joseph F. Smith, President of the Mormon Church. He shocked the nation with his candor and frankness. There was a great deal in his testimony that was readily interpreted as a vindication of the charges of the protesters. His testimony revealed that pre-manifesto polygamous relationships were being maintained and that in numerous instances children had been born in these families since 1890. He testified that he had decided that he would "take his chances with the law" rather than abandon his wives and children and that this seemingly had been the prevailing attitude within the Church. Smith also testified that the Church had a policy requiring an Apostle such as Smoot to gain the consent of the First Presidency of the Church before engaging in any political or economic activities. This, of course, was construed to be and publicized as an ominous manifestation of church domination.

As the case proceeded the fact that Dubois up to this point had been the undisputed leader of the opposition seems not to have become generally known. He was not at all conspicuous as the testimony was being taken. 7 There was definitely

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6 Ibid.

7 There may be criticism of this study because it deals so little with the actual proceedings of the Hearings and the testimony taken. The reason for this is that a study of the
some concern in the DuBois' camp as to whether or not he was getting the credit and publicity he should for the progress in the Smoot case. His secretary writes reassuringly back to Idaho, "I think we are getting credit for most things which Fred accomplishes, and not as you say, allowing his colleagues to take the credit."\(^8\)

DuBois may not have been too conspicuous as testimony was being taken but a study of the testimony makes it apparent that he, of all the members of the Committee of Privileges and Elections, was by far the best informed and most effective. Initially he determined who would be called as witnesses. His whole approach to this most important part of the case is expressed in a letter to Reverend Wm. Paden of Salt Lake City, in which he stated, "of course, we do not want to take the chance of subpoenaing anyone unless we are satisfied that they \(\text{Sic}\) will testify clearly and \(\text{In}\) such a way as to help us."\(^9\)

When recalcitrant Republican members of the Committee had lapses of memory or pangs of conscience as to the legitimacy of the proceedings and wondered audibly about the perti-

testimony casts DuBois in a role that is not particularly different from that of his colleagues serving on the committee who are opposed to Smoot. It gives practically no hint of the unusual and significant antics and machinations of DuBois during and before the investigation. Others who have written of the investigation using as a primary source the testimony have not attributed any particular or unusual prominence to DuBoise. This is true of such distinguished writers as B. H. Roberts, Joseph Fielding Smith, and Milton Merrill. For particularly good analyses of the official proceedings and the testimony taken one may refer to Comprehensive History of the Church, Vol. VI, by Roberts and "Reed Smoot, Apostle in Politics", unpublished Ph.D., dissertation by Merrill.

\(^8\)DC, Number IV Office Letters, p. 317. \(^9\)Ibid., p. 49.
nency of the testimony to the right of Smoot to be seated, Dubois, in careful but emphatic language, reminded them that this was an issue long since resolved. On one such occasion he answered Senator Hoar of Vermont:

Mr. Chairman, I want to bear my testimony as to what occurred. Both of those contentions referring to the Lielich charges7 were set aside entirely. It was not contended that they should be attempted to be proven by the attorneys representing the protestors. Those two questions being entirely eliminated, the counsel for the protestors announced what he would attempt to prove, which is set forth in the proceedings of the committee, and on that the hearing was ordered. It was not ordered at all either upon the charge that Mr. Smoot was a polygamist or that he had taken an oath incompatible with his oath as a Senator.10

Not long after this Senator Beveridge of Indiana asked for a clarification of the charges upon which the case was being tried and Dubois again answered him with substantially the same as above. Then he went on to explain:

The committee understood, if I at all rightly interpret the Committee, and I have had the pleasure of being present at every meeting, that the respondent was being tried upon the charges preferred by the committee of nineteen, which struck at the polygamous practices of this hierarchy, and the control, the absolute control, which this hierarchy exercises in temporal and political affairs.

For the first time in fifty years this committee understood, if I understand the committee rightly, that the relations of this organization to the United States were to be investigated at this meeting.11

Dubois had not always felt this way about the case.

There is much in his early correspondence with Leilich and a

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7U.S., Congress, Senate, Committee on Privileges and Elections, Hearings in the matter of the protests against the right of Hon. Reed Smoot, a Senator from Utah, to hold his seat, 1904, 58th Congress, 2nd Session, p. 114.

10Ibid., p. 126.
few other individuals to indicate that he started out in the controversy expecting to be able to unseat Smoot for being a polygamist. Leilich misinformed Dubois on Smoot's marital status, and also maintained that he could produce evidence that the Mormon Church had made a deal with the Republican Party to supply votes in exchange for non-interference in their local affairs relative to polygamy, political domination, etc. Leilich wrote Dubois that: "The compact of nondisturbance is to be taken for granted, especially in the light of what you say, viz: That Hanna, Platt and Quay are against the unseating of Smoot." Leilich then offered to provide proof for this. Dubois answered: "It seems to me that it is your highest duty to make plain this trade and bargain if possible." This was never done by Leilich.

Among the protestors were some wily combatants with a long history of anti-Mormon activity. Dr. Wm. Paden, Attorneys E. B. Critchlow and C. S. Varian, and the editor of the Ogden Journal, Frank Cannon, although not one of the original protestors, helped to bring about Dubois' disillusionment on the Leilich accusations. Often these men were more shrewd in their analysis and astute in their understanding of the Mormon vulnerability than Dubois. There is no doubt that they influenced Dubois significantly in his approach to the case. However, they were reluctant to enter into the case as prominently

\[12\] DC, Letters, 1903, (Leilich, November, 1903).
\[13\] DC, Number I Office Letters, p. 345.
as Dubois would have liked. He wrote to Frank Cannon:

I am very anxious to have an attorney from Utah who thoroughly understands the situation. Dr. Paden thinks it will be impossible to get one. He says such men as Dicksen, Varian and Critchlow are so tied up with the Mormons in business affairs that they will not serve. If you could kindly suggest to me some attorney there whom we could secure, I would like to have you do so.14

Dubois would have liked to have had C. S. Varian from Salt Lake City enter the case. He was one who undoubtedly had much to do with initiating the protest but, as it turned out with many of the protestors, he at first refused to back up the protest by actively entering the case. Dubois laments Varian's reluctance in the following:

If I only had you here as an attorney to conduct our case I would have no doubt whatever of the result. I have understood from Dr. Paden and others that you would not under any circumstances enter the fight again. I do not know that I can blame you, but it would be so easy if you were here to conduct the investigation. I, myself made the fight, of course, because I am on the Committee of Privileges and Elections and confronted with the question, and understanding it as I do, there was nothing left for me except to expose the rottenness of the institution as best I can.15

Varian finally did agree to enter the case and he became a prominent and effective witness for the protestors.

Dubois persuaded Attorney E. B. Critchlow, the author of the protest, to give his consent to be subpoenaed as a witness with the following:

Your presence here would be of greatest value to us. I have understood all the time that if it is at all possible we should have some Salt Lake attorney who is familiar with these people and their peculiar methods. ... I regard

14 DC, Number II Office Letters, p. 83.
15 DC, Number I Office Letters, p. 374.
this as the most important fight we have ever made against the church. Congress refused to allow a polygamist to retain his seat, who was an alleged Democrat and if they refuse to allow a monogamist Mormon who is an Apostle and an alleged Republican, to retain his seat, it will be the most staggering blow ever administered to the political power of the authorities.16

After the testimony of the first detail of witnesses had been taken Dubois felt that he had victory within his grasp. He exultingly announced that the testimony of President Joseph F. Smith and Francis M. Lyman was a distinct shock and that the East was aroused more fully than ever before. "I believe the eastern folks understand this question better now than they ever did before, and of course, they will understand it still better after we have heard the next batch of witnesses."17

The committee finished with the first group of witnesses the middle of March, 1904, and the Hearings were resumed April 20th. Sensational and forthright as the testimony had been up to this point, still Dubois contended: "There is much more astonishing information in connection with this condition of affairs, . . . which has not been brought out so far."18 Actually his problem after the first session of the Hearings had been completed was to keep the rest of the trial from becoming anti-climatic. Never again does his cause enjoy such no notoriety and public support.

Before the second session of the Hearings was underway

16Ibid., p. 418.
17DC, Number IV Office Letters, p. 46.
18Ibid., p. 12
Dubois postulated that the Republican Senators seemed to be of the opinion that it would be better for their party if they did not vote on the Smoot case before the national election of 1904.\textsuperscript{19} It was tentatively agreed, however, to send a sub-committee to Utah during the summer to continue the investigation. Dubois was to be a member of this committee which pleased him a great deal. He, thus, would be able to keep the issue before the people. At this point this would be tantamount to victory and, at the same time, leave the case wide open for future political exploitation. He felt the Republicans were making a mistake politically "in not crowding a vote before adjournment. However, I care nothing about that,"\textsuperscript{20} he wrote.

Whether or not Dubois could have avoided postponement is doubtful, but the very fact that he was willing to go along with it, undoubtedly thinking it would work to his advantage, was his first and perhaps most crucial strategic mistake in the case. Dubois never stood in a better position to bring about the exclusion of Smoot from the Senate, but he evidently felt delay would be advantageous to his own political ambitions, the very least of which was to be re-elected to the Senate in 1906.\textsuperscript{21}

It became obvious that he was a little afraid of this issue giving out too fast and leaving him politically impotent

\textsuperscript{19}Ibid., p. 46. 
\textsuperscript{20}Ibid. 
\textsuperscript{21}Ibid., p. 42, DC, Number VII Office Letters, p. 415.
to accomplish his minimal objective, and especially in his own state, which was not overly sympathetic to the Mormon fight. Thus Dubois felt the Republicans were playing right into his hands with their delaying tactics. He succeeded in bringing many Republicans into his camp on the Mormon issue but they wished it handled in such a way as not to impair their own political status. Chairman Burrows, a Republican, was an avid Mormon-hater but even a more astute politician.

As the list for the second detail of witnesses was being set up, Dubois noticed that many important names had been omitted. He immediately wrote to Robert W. Taylor, attorney for the protestors, asking him to write Burrows suggesting that he subpoena certain witnesses whose names had been deleted.

You will recall that we have the names of these gentlemen on the list submitted to Burroughs. Burroughs has stricken from the list you furnished him nearly all the witnesses who will come. He has cut it down so that you will not have more than half a dozen, and those not very important. You need not mention my name if you write him for I have argued these questions with him in a friendly but unconvincing way.\(^{22}\)

And all this was less than two months after Dubois had exercised a perfectly free hand in dictating who would be called as witnesses. At that time he had written of Burrows:

Chairman Burrows is as earnest and aggressive in this fight as I am, and he has been given unlimited power to send for witnesses and papers, and to appoint a committee, if it is deemed advisable to go to Salt Lake to make further investigations. I am in close and constant communications with Burrows, and he makes no move without advising with me first.\(^{23}\)

\(^{22}\)DC, Number IV Office Letters, p. 415.

\(^{23}\)DC, Number I Office Letters, p. 455.
This being an election year the national reaction to the first session of the Smoot hearings apparently had thrown a scare into the Republicans. The Smoot Case had begun to shape up as a political issue in favor of the Democratic Party. President Theodore Roosevelt favored the seating of Smoot and was, at least, not antagonistic to the Mormons. A statement of a later date by Dubois' secretary that, "Unless this great Republican machine starts to grinding, I believe we will accomplish our purpose," would have been more appropriately and prophetically true after the very first session of the hearings. Beginning at this point Dubois began to lose the complete and unchallenged control over the case which he had thus far exercised. Undoubtedly no single individual was more responsible for this than President Roosevelt. He was a friend to Smoot and the Mormons, and likely his friendship was not motivated by political expediency as was Dubois' antagonism.\textsuperscript{25}

\textsuperscript{24} DC, Number VII Office Letters, p. 482.

\textsuperscript{25} Brigham H. Roberts, \textit{A Comprehensive History of the Church}, (Salt Lake City, Utah, Deseret News Press, 1930), VI, p. 414.
CHAPTER V

POLITICAL VENDETTA IN IDAHO (1904)

Dubois was very pleased with the tentative plan to have a sub-committee resume the hearings in Utah during the summer of 1904. He was confident this would help rally his party behind him and make it possible to overcome the predominance of the Republican strength in the November elections in Idaho. The attempt of Burrows to tone down the second session of the Hearings had been somewhat averted by the public pressure Dubois was able to exert through the women's organizations. Now, according to Dubois, if the committee would camp on the home ground of this "peculiar people" the testimony they would get there would "make it impossible for any congress to decide against our contention."¹ There they could take a look "behind the scenes for a glance into the hidden secrets of the hierarchy."²

Dubois soon suspected that the Republicans didn't intend to go ahead with the tentatively scheduled summer session of the Hearings in Utah. On May 6, 1904, Dubois wrote to Schoff informing her of his suspicions and urging her to call

¹DC, Number IV Office Letters, p. 116.
²Ibid., p. 315.
on her "good people to insist that this investigation be made this summer." On May 12, he wrote to Critchlow of Salt Lake City saying he had just had a long talk with Burrows and that Burrows didn't want to go to Utah until after the elections and offered "one excuse after another."4

It had now become evident that Dubois intended to inject the Mormon fight into the politics of his state as the primary issue in the November elections regardless of his sanctimonious pretensions to the contrary.5 As early as May, 1904, in the letters he wrote back to Idaho, he made many statements of which the following is typical:

I regard it as necessary that the fight commence now. If it be delayed much longer, it cannot be commenced at all. We have an advantage now, owing to the testimony before the United States Senate Committee, which has aroused our people, which we will not have at any other time. That testimony can be put in the hands of our speakers, and I do not believe that any party can stand against us if we stand together as a party.6

Dubois, of course, felt that having a sub-committee go to Utah to take testimony during the summer would make their fight in Idaho much easier.7

In conversation with Burrows, Dubois assured him that they had sufficient witnesses there to perfectly establish the case against Smoot and pointed out the danger of "allowing things to remain quiet, and not take [sic]7 advantage of the interest already excited and the hopes created in the hearts of the Gentiles of both Utah and Idaho."8 This line of argument could have

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3Ibid., p. 314. 4Ibid., p. 349. 5Ibid., pp. 128, 147.
6Ibid., pp. 128, 147, 341. 7Ibid., p. 349. 8Ibid.
contributed substantially to Burrows decision not to go if he were guilty of "playing small politics" as Dubois contended.

Two days after he had his conversation with Burrows, Dubois wrote Reverend Paden of Salt Lake City:

The pressure must be brought to bear on Burrows and the President. The President can suggest to Burrows that it is necessary for him to go out and that ends it. I am doing what I can here to concentrate the efforts of the women on Burrows and the President. The ministers would be of great assistance. . . . If you can conscientiously say so, it would be well for leading Republicans in Salt Lake to write to the President as Republicans, after you have recited the moral reasons, that it will be hurtful to the Republican cause in the Mormon infected states, if the investigation is not pursued this summer. Sad to relate, Mr. Burrows is playing small politics.9

Dubois instructed C. M. Owen, the prosecution's chief detective, to give Burrows something pretty strong every day, even if he had to draw on his imagination. "Do not fail to bombard Burrows so that at the end, he cannot aver that he did not have sufficient warrant to justify him in going out." He suggested that Owens send letters constantly "to our women friends, telling them of new disclosures, and urging them to write Burrows and the President, insisting on the prosecution of the inquiry this summer."10

After his suspicions that there would be no summer session had been confirmed, he wrote to Schoff on this subject. The letter is quoted at length to show how he approached the ladies for their support:

I am going to Idaho to engage in a desperate fight against polygamy and church domination in our state. I

9Ibid., p. 364. 10Ibid., p. 347.
am satisfied it means my political destruction but it is pleasing to know that I have almost three years yet in the Senate to continue my opposition, and that no matter what happens to me personally, so far as my continuation in the Senate is concerned, I am pleasing myself in acting in accordance with my own ideas of right.

Mr. Burrows and the Administration are determined at the present time not to have any investigation this summer. The inspired statement was given out in the papers here that the Administration did not want to disturb conditions in the States where the Mormons are, and that nothing further would be done until after the November elections. ... Bring pressure to bear on the President and Mr. Burrows, to have a sub-committee go out immediately after the St. Louis convention.11

But the "great Republican machine had started to grind," and Dubois once again found himself in the midst of the "shoals and rocks."

Dubois had lost his "complete control" over just about everything but the women's organizations. He headed for Idaho where his type of prophet was largely without honor. There he indulged himself some especially absurd panderings which seemed to be born of a growing sense of desperation.

Dubois had already committed himself to support Alton B. Parker for the Presidential nomination of the Democratic Party at the national convention. When he arrived back in Idaho, in June, 1904, he found that democratic sentiment was strongly in favor of William Randolph Hearst. In order to induce the Democratic state delegate convention to accept the anti-Mormon issue and send his delegation to the national convention in St. Louis he had to agree to switch his support from Parker to Hearst.12

11Ibid., p. 389.
Then, at the convention, ironically enough, he was able to extort a national Democratic plank against polygamy only by leading the break from Hearst to Parker.\textsuperscript{13}

Dubois, never known for consistency, was hard put to explain his actions at the National Convention when he returned to Idaho. The State Convention at Lewiston was in the process of rejecting him and his issue when he made a strong personal appeal which resulted in the convention reversing its previous decision and acceding to his desires.\textsuperscript{14} In preparation for what proved to be the Senate show-down between William E. Borah and Dubois in 1906, Borah led the campaign against Dubois. Dubois campaigned almost exclusively on the anti-Mormon issues and in such a way as to leave him vulnerable to the sharp satire of his erstwhile political opponent. Anti-Mormon demagoguery was made to appear ludicrous as Borah proceeded to demolish their sensational expose with:

> Mr. Dubois dares not come before you this year and discuss his position on the inter-oceanic canal question, or the tariff question, or any of the questions in which you all are so vitally interested, instead he comes before you with a story about some Mormon Bishop who back in 1869 married a third wife, and using that as a basis tries to make you ladies believe that you are in an imminent danger of becoming the third wife of some Mormon if you do not vote the Democratic ticket this fall.\textsuperscript{15} Referring to William Hyde Stalker, the "very bright young man" who accompanied Dubois in the campaign and depicted

\textsuperscript{13}Ibid. \hspace{1cm} \textsuperscript{14}Ibid. \hspace{1cm} \textsuperscript{15}Montpelier Examiner, October 7, 1904; Sandpoint News, October 21, 1904.
"in graphic language the horrors of Mormonism" Borah said:

I say now that Stakler's statements are false. When he says there are seven hundred men living polygamy in Idaho, when he says the Mormon People erect whipping posts in their back yards where their plural children are beaten to insensibility, when he says their women are murdered or would be if they refused to live in polygamy, and that these things have continued all these years, he libels not only a large class of our people, but indirectly the whole state of Idaho. Such miserable falsehoods make the name of Idaho abroad in sister states synonomous with lawlessness, immorality and indencency, for such things could not exist without having been known long ago by all. If one half he says is true then Idaho is a state of rendezvous for shameless women and lawless men. Mormons would not alone be responsible for the whole state. Here I now publicly denounce such statements as false.17

Borah challenged Dubois to file a complaint against one of the much publicized seven hundred polygamists in Idaho and he would see that the man was prosecuted. C. M. Owen, the detective for the Smoot opposition, at the order of Dubois, sent Borah a list of twenty names. Borah turned this to his advantage by showing that the list was made up entirely of pre-1890 cases. He contended that they had all been pardoned after the manifesto and that one of the polygamists was 84 years old and had not been married since 1849. Not a single post 1890 polygamous marriage in Idaho was verified by Dubois.18

His campaign had been designed primarily to appeal to the women of Idaho. The fact that they had the franchise was one of the most important reasons he had been so optimistic. "What we must do is educate" was the frequently expressed sen-

17Montpelier Examiner, (October 7, 1904).

18Idaho Capital News, (October 27, 1903); Pocatello Tribune, (November 10, 1904); Salt Lake Tribune, (October 17, November 3, 1906).
timent of Dubois in regard to the Idaho Campaign. His expla-
nation for the unpopularity of this issue in Idaho had been
that the people had become numbed or immuned by proximity to
the evil effects of Mormonism. Thus it was necessary to im-
port some of his eastern protegees to shock them out of their
indifference. In North Idaho, Miss W. H. White of Pennsylvan-
ia, representing the International Council of Women, inveighed
against South Idaho brothels which, supposedly, were unparallel-
ed outside of New York and London. So reprehensible was the in-
formation that these eastern ladies had about conditions in Id-
a ho that it was considered unsuited for mixed audiences. Secret
meetings for women were held to divulge the sordid facts. 19

But as the campaign drew to a close Borah simply and ef-
effectively summed up the situation with:

The charge of polygamy is the least of their charges;
it is not sufficient to satisfy; they paint in universal
shame, a fallen, greed controlled, lust ridden, lawless
and shameless community. The integrity of men is chal-
lenged, the honor of women is clouded, a community libel-
ed, a state slandered and discredited in order that the
false pretense at Lewiston may work fruition to its or-
ingators. 20

The results of the election were disastrous for Dubois
and the Democrats in Idaho. Merle W. Wells, Idaho historian,
has said:

Had Dubois been an ordinary politician interested en-
tirely in how to pick a successful vote-getting issue, he
should have learned in 1904 that revival of anti-Mormon-

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19 Pocatello Tribune, (November 2, 1904); (October 16, 18, 1904).

20 Caldwell Tribune, (October 15, 1904).
ism would not serve in that capacity. But rather, he seemed to be more determined than ever to regroup his forces and prepare to make this a winning issue in 1906.

CHAPTER VI

RETURN TO THE NATIONAL FORUM (1905)

Dubois seemed to imagine that the seeds of progress and ultimate victory were germinating in each new setback of his anti-Mormon fight. The rising of his morning star was always most imminent while he stood midst the shambles of defeat. Only occasionally did he venture into the realm of critical and realistic evaluation. In a few letters written shortly after the 1904 fiasco he admitted, "It does not look very bright politically for the next campaign in Idaho."¹ And to Frank Cannon he wrote: "I do not know where all this is going to land us, but so far as you and I are concerned, we are eternally right, and must fight to the finish."² In a letter to Rebecca Mitchell, one of his female leaders in Idaho, he wrote:

I must say that the result of the election last fall was somewhat of a surprise and disappointment to me. We had believed that there would be more evidence of support on the part of the good women of the State than appears from the returns.³

One thing Dubois did succeed in doing in the 1904 and 1906 elections was to turn the Mormons of Southeastern Idaho solidly against him. Thus he was able to cite conspicuous Mor-

¹DC, Number IX Office Letters, p. 421
²Ibid., p. 341.
³DC, Number VIII Office Letters, p. 106.
mon opposition to justify his contention of Church dictation in politics. This he proceeded to do through the remaining battles of the Smoot case.4

The next session of the hearings in Utah began December 12, 1904, and concluded January 18, 1905. Dubois wrote to Charles Jackson, Chairman of the Democratic Party in Idaho, after this new session had been concluded:

It seems to me, after what we went through last fall, that it is at least a great satisfaction to you and I [sic7] to know that three months after the close of the campaign, that 101 percent of the people of Idaho . . . are assured that the Mormon question is a live issue.5

Five days earlier, he had written to M. J. Walters of Idaho:

Our platform was all right and our campaign was all right. . . . The issues which we fought for the last campaign cannot be put aside. They are just as bound to succeed as can be.

I am satisfied that all of us who are engaged in this great battle are making history very rapidly.6

Dubois blamed the loss of the 1904 elections in Idaho on two things: "lack of money and the lack of newspapers which always accompany us."7 He had now become convinced that getting personal control of a paper would make it possible for them to succeed in 1906. Thus Dubois embarked upon an involved but unsuccessful attempt to buy the Boise Capital News. If he had

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5DC, Number VIII Office Letters, p. 330.

6Ibid., p. 268.

7DC, Number XIII Office Letters, p. 353.
been successful he not only would have had one of the most influential Democratic organs in Idaho but also, would have eliminated one of his most bitter critics.\textsuperscript{8} The opposition of this Democratic paper before the 1904 election had severely nettled Dubois: "All the Democratic papers support me but the Capital News and it could not be more servile, were it the Deseret News."\textsuperscript{9}

After the election he wrote to Henry Hietfield, who had been their unsuccessful gubernatorial candidate in 1904:

> Very confidenially, I want to say to you that I am making a desperate effort to get the Capital News for myself, and I believe I have arrangements made so that friends will buy it for me, provided we can get an option and buy the paper at anything like a reasonable price. The Mormons are trying to buy it; and of course the Capital News people would not sell out to me if they knew that I was to be the purchaser. If I can get this paper, it can be made to make a lot of money, and with it I believe I can win our fight in two years.\textsuperscript{10}

In a letter to Mrs. Darwin R. James, Vice-Chairman of the National League of Women's Organizations, he wrote that getting the paper was the "greatest single thing for the success of our contention."\textsuperscript{11}

While the purchase of the paper was pending Dubois concerned himself with two other matters. The most important of which was to neutralize the opposition of President Roosevelt.

\textsuperscript{8}DC, Number IV Office Letters, p. 372.

\textsuperscript{9}\textit{Ibid.}

\textsuperscript{10}DC, Number IX Office Letters, p. 234.

\textsuperscript{11}\textit{Ibid.}, p. 484.
The other was to organize women's clubs in Idaho through which the National League of Women's Organizations would be able to most effectively fulfill their educational objectives. "The women must attend to this," wrote Dubois to Schoff, emphasizing: "President Roosevelt is our chief obstacle... The most important thing is to get him straightened out." He was now convinced that Smoot would be unseated if the pressure was not too strong from the White House.

In June of 1905, Mrs. Schoff came to Idaho at the suggestion of Dubois. He subsidized her trip by procuring a pass on the railroad for her. While in Idaho she took a personal and active interest in organizing and educating women's clubs along anti-Mormon lines.

An option to buy half the Capital News for twenty thousand dollars was finally obtained but an intense effort on the part of Dubois and his women friends to raise the necessary capital failed. Faced with the prospect of making the 1906 fight for re-election to the Senate without a paper he imagined the necessity of prolonging the Mormon fight and, once again, organized and utilized to the fullest possible extent, his old reliables, the Eastern women. Thus, in 1905 he purposely applied

12 Ibid., p. 490.
13 DC, Number VIII Office Letters, p. 147.
14 DC, Number X Office Letters, pp. 174, 191.
the brakes so that there would be no Committee report or vote on the Smoot case before Congress adjourned. His strategy was to try to get the Committee to go out again to Utah during the summer and then push for final disposition of the Smoot case in 1906. The summer session did not materialize, however, but on February 5, 1906, the hearings resumed in Washington for a short period.

Dubois was convinced he would have to unseat Smoot to win in Idaho. Shortly before the hearings were resumed he wrote:

The great foundation stone of our work in connection with the Mormon problem centers about the disposition of the Smoot question in the Senate. After this is done, if right prevails, the rest will be easy.

Often, as the case progressed, Schoff, a Minister, or someone else ambitiously suggested adding a frill or two to the original "battle plan." Dubois resolutely refused to consider anything extraneous to the "one great objective." On one such occasion he answered Schoff:

I trust you will pardon me if I again impress upon you that no legislation of any kind, should be attempted or thought of, until after the Smoot case is disposed of. The evidence which will be brought out in this investigation will make it easy to pass any needed legislation which we desire, no matter whether Smoot retains his seat or is turned out. The one great objective, which should engage all our energies and best abilities, is the turning out of Smoot. We should not allow ourselves to be diverted at all from that. Further legislation and further action depends for success on the result of the investigation of Smoot.

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16DC, Number IX Office Letters p. 234.  17Ibid.  
18DC, Number XI Office Letters, p. 201.  
19DC, Number I Office Letters, p. 447; Number XI Office Letters, p. 90; Number X Office Letters, p. 325.
Dubois' concern had always been that the Smoot case would be disposed of too soon to give optimum force to his political aspirations of 1906. After the 1904 election his optimism had noticeably lessened but in the early part of 1905 it had been completely renewed. This was evidenced by his expression: "I do not see, for the life of me, how he can retain his seat." 20

After the hearing had officially ended in February, 1906, Dubois' motion that "Smoot was not entitled to a seat as Senator of the United States from the State of Utah," prevailed in the Committee by a vote of seven to five. 21 Within a week the Committee submitted its report to the Senate. The five dissenting Senators prepared and submitted a minority report. 22

The margin of victory in the Committee, though narrow, was enough to give Dubois real encouragement for the Senate battle. He recognized that the President would have a great deal to do with the final outcome in the Senate. The Republicans were a majority in the Senate and he would have to have several of their votes to win. But things definitely now seemed to be coming his way. Shortly before the Committee had acted against Smoot, Dubois had a talk with the President and reported:

The President is amenable to reason now. I had a heart to heart talk with him regarding it about ten days ago. He is

20 DC, Number XI Office Letters, p. 260.
21 U.S., Congress, Senate, Committee on Privileges and Elections, Hearings in the matter of the protests against the right of Hon. Reed Smoot, a Senator from Utah, to hold his seat. (59th Cong., 2nd sess., Document No. 486, 1906, IV), pp. 495-8.
22 Ibid., p. 505
not nearly so "cocky" as he was. Mrs. Schoff and other strong influences have lately appealed to him.  

Now began the supreme test for all of Dubois' efforts of the last three years and upon which hung his political future. Had his once tremendous power been dissipated by the lapse of time and mismanagement? The questions before him at that time were: Could he unleash the public pressure on the Senate which he did in 1903 and 1904? Would this issue, now that it had been quite thoroughly aired, still be as effective in arousing public indignation as it had been two years earlier? There can be no doubt that by now it had lost a great deal of its popular glamour and appeal. Much ignorance concerning the Mormons had been dispelled. Myth and superstition had been exploded by bringing the leaders of the Church to the public forum. This worked to the advantage of the Church. Smoot and the leaders of the Church, by and large, had been cooperative and even submissive to many outrageous indignities. This all tended to dilute much of the hostility of the earlier years.

On portentous condition had not changed, and it is symbolized by a statement of Dubois to Mrs. Schoff in the early part of 1905:

It is extremely difficult to impress the other Senators with the iniquity of this institution when the Senators from the states where they live insist that the Mormons are all right.  

In 1906, with all Dubois was able to do, and it was con-

\[23^{DC, \text{ Number XIII Office Letters, p. 196.}}\]

\[24^{DC, \text{ Number IX Office Letters, p. 490.}}\]
siderable, he was not able to get this matter resolved by the Senate before it adjourned. The Senate was deluged with a new rush of petitions and letters from all over the country. Dubois sent an urgent call for help to the Utah protestors for Gentile Republicans to come to Washington from Salt Lake City. However, this request went unheeded and in a letter to Critchlow he lamented: "Regret Republican gentlemen were not sent from Salt Lake." 25

"The Republican Steering Committee blocked further progress of the case for the present session," 26 was the report of Dubois' secretary, Arney. Regardless of all the pressure that was brought to bear it was just that simple. However, there is evidence that after a surreptitious poll of many members of the Senate, Dubois decided at the eleventh hour that it would be better if there were "no action this session." 27 In other words he couldn't have possibly won. He wrote to Schoff that "the temper of the Senate was not right" and that he would meet with her soon in Philadelphia to make future plans for the Idaho fight. 28

25 DC, Number XII Office Letters, p. 494.
26 DC, Number XIII Office Letters, p. 466.
27 Ibid., p. 486.
28 Ibid.
CHAPTER VII

PRESIDENT VS. POLITICIAN

Back in Idaho in the summer of 1906, Dubois prepared for what he conceded would be a very difficult fight. He had hoped to enter this campaign with a clear-cut victory in the Smoot case and the complete personal control of the Boise Capital News. He had neither, so actually there was nothing to really set this campaign apart from the one he conducted in 1904, except for the fact that now he, himself, was up for re-election. He had the situation a little better organized from the standpoint of having had Schoff and other Eastern women carry on organizational activities in the intervening two years which he hoped would now enable them to be more effective in the coming campaign.

As before, Dubois' female anti-Mormon coterie would have to be his one great hope. He refused to believe that the people of Idaho would reject him and his issue if they were properly apprised of the facts. Thus anti-Mormonism was his sole issue for the coming campaign. He proceeded to portray Mormonism as "the greatest menace today to American civilization."¹ In a pronouncement to the Democratic committee, May 14, in which he outlined the 1906 campaign, he said:

The appalling evidence which has shocked the country, aroused its patriotic and moral sentiment, makes effective legislation imperative. The demand which has gone up from the motherhood of the country owing to the hideous facts

¹Evening Capital News, Feb., 13, 1906.
which have been revealed, of the aims, teachings and practices of the Mormon hierarchy will not be satisfied until the pollution of the home and civil life as plainly taught and practiced by the Mormon organization, is restrained by effective laws. There can be no permanent material well being in Idaho while this incubus of Mormon control and polygamous corruption parades itself unchecked and with effrontery in our midst. 2

The testimony which had been taken during the Smoot case enabled Dubois to present proof, at least from the anti-Mormon point of view, for the wide variety of charges. He charged that polygamous marriages had occurred since the 1890 Manifesto and he advocated radical legislation such as re-enactment of the Test Oath and a return to anti-Mormon county administration and to open venire juries in order to suppress this condition. He contended that the Mormons opposed health and birth registration laws in order to conceal polygamous births. He attacked the so-called Mormon sugar factory monopoly to validate his charges of economic domination which he coupled with the issue of political domination. He maintained that the Saints taught religious doctrines to gentile children in the public schools. All this supplemented with the usual assortment of horror stories, scandal and manifestations of vehemence provided variety and stimulated considerable interest in the campaign. 3

Once again Wm. E. Borah was the chief opposition of Du-

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bois. In Southern Idaho he effectively demolished the North Idaho campaign which was built around the Eastern women who toured Idaho in behalf of Dubois. Referring to two of these ladies he said:

One of them is from Pittsburg, that holy, holy spot upon the face of the earth, (laughter) the other is from New York, another of the earth's holy places, (more laughter). There is nothing for them to do back there; there are no necessary reforms in those places. We all know there are no polygamists nor adulterers in Pittsburg or New York. They are here from states where women cannot vote for coroner, (applause) to a state where women can vote for president, to teach the women of the west how to protect their homes and to give them the benefits of the refined civilization of the east. (Laughter) We are glad to see them. We have no doubt they are good women, women of high character and entirely in earnest. Like all good missionaries, who go to teach the savages, the Indian and the Chinaman they are thoroughly interested in our deplorable condition.4

While the campaign was in progress Secretary of War William Howard Taft, came out to Idaho ostensibly to help the Republican cause by pressing the issue of law and order in the case of the assassination of former governor Frank Steunenberg which was the main campaign issue of Republican Governor Frank R. Gooding.5 Taft, of course, was representing President Roosevelt and the evidence for the real relationship between his appearance and Dubois' anti-Mormon campaign is circumstantial. It is quite apparent that there was some connection

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4Idaho Statesman, November 6, 1906, or September 29, October 8, 10, 17, 1906. Women's groups, the Idaho state W. C.T.U., the Pennsylvania Congress of Mothers, etc., all admonished Idaho women to vote for Dubois to preserve purity of the home.

because, certainly, aiding the Republicans on any issue in Idaho this particular year was tantamount to opposing the anti-Mormon campaign.6

Dubois may have been short on Idaho newspaper support but his Utah friends, C. C. Goodwin and the Salt Lake Tribune, under Frank Cannon, helped a great deal in taking care of the deficiency. They

"propagandized the state, north and south, to present Dubois' conception of the election as a referendum upon Mormon church control resolved in terms of seating Smoot. Bipartisan re-election of Fred T. Dubois to rebuke Smoot, and to reenact the Idaho test oath, would strike at the problem of church control.7

Of all the things that were done during the campaign this was certainly the most rational approach and probably the most effective.

As in 1904, the great appeal was to the women of both parties. H. W. Lockhart, chairman of the Democratic Committee of the State of Idaho in an address said:

The women of Idaho have been given at once a great privilege and a great duty, and we urge them so to act in this campaign that the claims made in their behalf shall be vindicated, viz, whenever a question of morality should be presented to the people, the votes of the women would be cast fearlessly for the right. Can you, women of Idaho, looking into the clear, innocent eyes of your children, fail to help us free the polygamous children of the course of bastardy? . . . Is not the question whether or not you will continue to permit these little ones to be offended put straight to the hearts of the women of Idaho to-day in this campaign; or whether, joining with us, you will put

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down forever the practice of polygamy in this State?

I am not appealing to the partisan sentiments of the Democratic party, but, rather, I am addressing in this campaign all the citizens of Idaho regardless of party; to Democrats and Republicans alike, because their interests are being injured in the most vital places; to the women of Idaho, regardless of party affiliation, because crime is practiced in this State which particularly affects them.

Before any other question can be answered the people of this State must, by their solemn votes, affirm that liberty is dearer to them than their party affiliations and that the purity of the home must be preserved and that the children born in this great Commonwealth shall face the world without a stain upon their birth. ⑧

Dubois seems to have made headway in North Idaho with this type of campaigning but where the people had any contact with the Mormons, his accusations were not accepted, by and large, simply because the people knew that they were very much exaggerated or entirely untrue. The anti-Mormon contentions were decidedly rejected by the Idaho electorate by a majority of 38,386-29,496. The state legislature elected Borah over Dubois to the U. S. Senate, 53 - 18. ⑨

The scene changed again to Washington D. C. where the Smoot case was called up in the Senate on the 11th of December, 1906. Dubois made an exhaustive speech supporting the resolution of the committee "that Reed Smoot was not entitled to a seat as a senator of the United States from the state of Utah." The most striking aspect of the speech was the daring attack he made on President Roosevelt. ⑩ He denounced him for send-

⑧ U.S., Congress, Senate, Speech of Hon. Fred T. Dubois, December 13, 1906; Also Congressional Record, 59th Congress, 2nd Session, 1907, XII, p. 340-341.

⑨ Ibid., p. 343. ⑩ Ibid., pp. 347, 348.
ing Secretary Taft to Idaho during the previous campaign and for ignoring the public sentiment as expressed by more than a million petitions asking that Smoot be denied his seat in the senate. Caustically he continued:

It may make no difference to President Roosevelt that he has lost the respect and support of these women organizations. He may not care, because he has this great political asset which can return six Senators and soon can return ten to this body.11

Then Dubois read a letter which had been prepared for him by the League of Women's National Organizations and signed by Mrs. Frederic Schoff, Chairman, and Mrs. Margaret Dye Ellis, Secretary. They wrote in part:

The desire to secure the solid vote of the Mormons, which Joseph F. Smith can promise to whom he will, has caused the investigation into Reed Smoot's right to a seat in the Senate to drag on for three years, because in that time Presidential and Congressional elections have been held. It has been a bitter sorrow and disappointment to the women to learn that the terrible conditions revealed in Utah and adjoining States sink into insignificance when a political party needs the Mormon vote.

Last May representatives of women's organizations, numbering in their constituency 10,000,000 women, met at the New Willard, in Washington, and unanimously adopted resolutions urging the Senate Committee on Privileges and Elections to report on the Smoot case before the closing of the session. They also called on the President at the White House and placed in his hands a copy of the resolution, assuring him that the women of the country, realizing his interest in the sanctity of the home, believed he would aid in destroying this enemy of the home, the wife, and the mother.

Women in Utah and in Idaho who were standing for the protection of their homes, for the protection of their children, and for the freedom from the weight and thraldom of this un-American power, were, with the women of the nation, dismayed when, by the order of the Chief Executive, Secretary Taft visited Idaho just previous to the election

11 Ibid.
in support of the Republican party, which is dominated in these States by the Mormon hierarchy.

All honor to the brave men who have placed principle above party, and who by either vote or influence have refused to perpetuate the greatest crime of the century.\(^{12}\)

In this final, crucial stage the Smoot fight had become a personal battle between the President and Dubois. With great temerity Dubois charged the President of the United States with political conspiracy. He had given up all hope of conciliating or pressuring him. There was just one chance left and nothing much to lose now by taking it. This was to meet the President head-on and either plow him under or be plowed under. In closing his speech he said:

I appeal to you, brother Senators, as representatives of American States, to aid us in the continuation of the struggle for American institutions in these States of the American Union. The burden, the hardship, falls on us who live amidst these conditions, as it always has and always must. We ask you not to allow the apostle Senator from Utah to retain a seat in this great body of lawmakers for an enlightened nation. Should you do so and thus vote your approval of Mormonism and your condemnation of our efforts, you will make the fight the harder for us and for them. We think we are entitled to your earnest support. If you will not give this, we demand as our right that the President of the United States cease allowing the power of his great name and office to be invoked and made use of against our efforts.\(^{13}\)

Mormon domination and American Commonwealths can not exist together under our system of government. One or the other must be destroyed. The American States will survive in our mountain country, and no President or party, however great or powerful, can make them long continue subservient to priestly rule.

In closing, I warn the Republican party not to reenact the darkest page of its history when they undertook to place the negro in control in the South. It has resulted in a solid white South against you. If you attempt to put in control of the American citizenship of the Rocky Mountain States this Mormon hierarchy you will find your support narrowed in the future to followers of the Mormon hierarchy.\(^{13}\)

\(^{12}\text{Ibid.}\) \(^{13}\text{Ibid., p. 348.}\)
Dubois' secretary, Charles Arney said: "It is now a
game of cold politics," and we are struggling for the "accom-
plishment of the high stakes we have been playing for for a
long time." 14

The issue finally came to a vote February 20, 1907. The resolution reported from the committee read: "Resolved:
that Reed Smoot is not entitled to a seat as a senator of the
United States from the State of Utah." The resolution was amend-
ed by Senator Hopkins of Illinois by adding: "Two-thirds of the
senators present concurring therein." On the resolution so
amended the vote was; yeas 28; nays 42; not voting 20. "So the
resolution was rejected, two-thirds of the senators present not
voting therefor," and Mr. Smoot retained his seat. 15

What did Dubois have to say about the outcome? "I feel
as though we are temporarily beaten. . . . We cannot give up
the fight." 16 "We could have won the fight both in Idaho and
here if certain things had been done, the necessity and impor-
tance of which were perfectly apparent." 17 Referring to the
Idaho election, he said: "The sentiment is there, and it looks
now as though we might take charge of affairs next election." 18
Again, with reference to the Idaho fight: "What we have needed
most is a paper. We could have won the fight." 19

14 DC, Number XIV Senate Letters, February 8, 1907, p. 13
15 Congressional Record, op. cit., IXL, p. 3429-3430.
16 DC, Number XIV Senate Letters, p. 189.
17 Ibid., p. 193. 18 Ibid., p. 277. 19 Ibid., p. 1
Dubois was determined to carry the anti-Mormon fight into the 1908 election. Because of his relentless insistence upon the anti-Mormon issue the Democratic Party split into two bitter factions. The controversy was finally resolved in favor of the anti-Dubois faction on September 28, 1908, by the Idaho Supreme Court. Having lost before the high tribunal, Dubois' anti-Mormon movement collapsed.

He made the attempt to revive it in the 1912 presidential election. He again came into prominence as Champ Clark's Western states campaign manager. He had hoped, if his candidate were victorious, to revive the anti-Mormon fight. There is good evidence to support the contention that Clark encouraged him in this.20 Dubois did a remarkable job of lining up delegates for Clark, who, nevertheless, lost the nomination to Woodrow Wilson. However, he was able to take consolation in the fact that Wilson defeated Roosevelt in the presidential election. One can't help but wonder if, perhaps, he didn't make an indirect contribution, at least, to Roosevelt's defeat.

The interesting sequel to this study is that in the years after Dubois' forced retirement from politics he went to Reed Smoot and asked him if he couldn't arrange a political appointment for him. Smoot arranged to have Dubois appointed to the Boundary Commission. This job required him to meet four times a year, for which he was paid $10,000.00 annually. He finished out his life acting in this capacity.21

20 DC, Letters, 1912.
21 Information related to Preston Nibley by Reed Smoot.
So ends the political career of one who dedicated his whole mature and productive life to fighting the Church of Jesus Christ of Latter-day Saints, otherwise called Mormons. It is the opinion of the writer that no one person has fought the Church more consistently, dedicatedly, and effectively than did Fred T. Dubois.
CHAPTER VIII

VENGEANCE, VIGILANCE, OR EXPEDIENCY

Dubois' interests in obtaining a particular judgment as a result of the Smoot hearings were something more than could be considered consistent with his assignment as a member of the investigating committee. This is shown by his intense partiality to the cause of the protestors, his clandestine role as their leader and inspirer, and his objective of making public pressure a powerful and decisive factor in the case.

His activities in the case, which were always intended to be beneficial to the cause of the protestors, extended beyond what could be considered to be discreet and proper. His underground work with the press, women's organizations, and clergy; his threats to withhold patronage and favors and "never be reconciled" to certain ones if they opposed him; and his crude methods of obtaining and evaluating evidence all bear this out.

Dubois was not politically and morally naive in that he did not perceive that these irregular activities and interests in the case were inconsistent with his responsibility as a member of the committee conducting the hearing. Therefore, there are at least three considerations. Dubois was an inveterate Mormon hater. This is suggested by his obsession with the idea
that this was the fight of his life. He seemed to receive a morbid satisfaction of making the Mormon church his "whipping boy." He sincerely thought that anyone who felt differently about this matter than he did was either deceived, dishonest or guilty of sacrificing principle to expediency—a fault of which he was so often accused.

The next consideration is that Dubois was motivated primarily by political expediency. He needed an issue that would rally the Democratic party in Idaho around him. Because his was the minority party, he needed an issue which would have non-partisan appeal and thus enable him to overcome the pre-dominance of the Republican party. Furthermore, in the early stages of the case at least, he seriously thought that this issue would catapult him to the national political scene. It could be argued that the ethics of his methods and activities in the case would logically be the result of political rather than moral motivation.

But then there is the possibility, as Dubois himself frequently averred, that he thought that making the fight would be politically suicidal. Was he motivated primarily by principle and conviction of the righteousness of his fight? He claimed that if it were politics on his part to make the fight then it was good politics and the only type of politics that honest men should engage in. Thus, he was always anxious to hazard the fight regardless of the consequences or calculated risks. As to the ethics of his methods and activities, he adopted the usual crusade morality adequately defined by the
expression "the end justifies the means."

Was Dubois sincere in his belief that he was on the side of right? As his own witness, he said:

I earnestly believed, . . . that the duty devolved upon me to solve this problem, which was agitating the entire country . . . I did not have any feeling of animosity toward the Mormon people. I regarded them as other people but set in their blind obedience to their spiritual leaders, and in their belief in the practice of polygamy. My personal opinion of them has never changed. So far as the common vices and frailties of humanity are concerned they are on a par with Methodists, Catholics, Presbyterians and members of other church organizations. As individuals they are just as frail as the members of other sects but not any more so, and they possess as many virtues as people of other organizations do, and no more. My personal relations with them were at all times friendly and I have at all times during my life numbered many Mormons among my real good and true friends. My controversy was with the organization and as I say I was completely dominated by the thought that it was up to me to stamp out the iniquities of the system.

I am inclined to think that the Mormon Church in those days was the most complete, systematic, and powerful organization in the world. It could turn the whole body of the people from one party to another overnight, and they exercised this power almost constantly. As I remarked before, I early became convinced that in order to destroy polygamy it was necessary to destroy the political power of the Mormon hierarchy.

I am confident that in my politics I was not influenced by personal considerations or the desire for personal political preferment.1

Did Mr. Dubois really believe the Mormon Church was as bad as he made it out to be? Dubois probably would have answered:

I know well of their nefarious methods years ago, but until I began studying it again I did not know that they had pursued their infamy to such an extent as they have since the date of the manifesto. I find that it is even worse than I had predicted it could be.2

1DC, Autobiography, (unpublished manuscript), pp. 21-27.
2DC, Number I Senate Letters, p. 357.
The hierarchy in Utah selected Apostle Smoot as a candidate for the U. S. Senate and elected him. I am a member of the committee on Privileges and Elections, and was for two years before Smoot was ever thought of, in connection with the senatorship, so that when he was elected, and the protest was filed against his retaining his seat as a member of the senate, I was called upon to take a position either for or against what he stood for. I had nothing whatever to do with bringing about this contention. When I read the protest . . . signed by eighteen representative citizens of Utah, most of whom I knew personally, I knew the allegations were true. I could not, as a senator of the U. S. and representative of our state, say they were false. My temperament is such that I could not sit on the committee and be neutral. There was nothing left for me except to use my knowledge and influence, whatever it might be, to give those making the charges, every opportunity to prove them.  

Did Dubois believe his intense partiality to the cause of the protestors, his clandestine role as leader and inspirer of the protestants, and his objective of making public pressure a powerful and decisive factor in the case were ethical? How would he account for the following threats to withhold patronage and favors and "never be reconciled" to certain ones if they continued to oppose him? In writing to Jules Bassett, one of his cronies, whom he chose to act as mediator between himself and the Boise Capital News, he said:

The Democrats will elect the next president. In that event, I will be the sole distributor of patronage. There are some very pleasant places around Boise. The Land Office for instance nets $3,000.00 a year, and in addition there are a great many ways by which I could aid a friendly Democratic newspaper at the Capital. It would not hurt them at all to have someone of their staff appointed to one of these comparatively sinecure lucrative offices. I am a good friend and one who never forgets to aid those who stand by him. On the other hand, as no one knows better than yourself, I am a pretty good enemy.

The news seems to take delight in attacking me on account of this Mormon proposition. The News is very unwise . . .

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3Ibid., p. 468.
They had better consider carefully and revise their judgment and stand with me in this Mormon fight. If they do this, I am their friend. If they do not, they will have to take all the consequences which will come to them.4

The above is representative of other attempts to get newspaper and other types of support.5

In the matter of obtaining evidence the following suggest methods and attitudes which could be considered to be irregular and improper.

Of course, we do not want to take the chance of subpoenaing anyone unless we are satisfied that they will testify clearly and in such a way as to help us.6

Give him Burrows7 something pretty strong every day, even if you have to draw on your imagination. The evidence is there, and it will come to us, if the Committee goes out to Utah7.

Ordinarily no attention should be paid to an unsigned letter, but it has been our experience in this hearing (and we have received very many) that sometimes they afforded us good sources of information."8

How would Dubois justify these methods? Perhaps, as he did when he wrote to Delia L. Williams, Corresponding Secretary of the Women's Home Missionary Society suggesting that she in a "quiet way" send each member of the senate a letter like the one she had previously sent to him.

I feel justified in going to this extent and know my premises very well, from having lived among these people for over 20 years... I desire you to regard this letter as confidential for the present, at least.9

6DC, Number IV Senate Letters, p. 49. 7Ibid., p. 347.
8DC, Number VII Senate Letters, p. 480.
9DC, Number I Senate Letters, p. 421.
Was Dubois a chronic Mormon hater? Undoubtedly he would vehemently deny that he was. In writing to Frank Cannon, he said, "I have not one particle of feeling against the Mormon people and I believe in years to come, when they refer to my actions, they will say that I was among their best friends." Dubois was intelligent, ambitious, and very strong willed. By his own admission he was a "good enemy" and would never be reconciled to those who got in his way. "If ever I thank God for any one attribute, it is that he made me a vigilant hater."

After Dubois' infamous campaign against the Mormons in Idaho during the 1880's, he had the audacity to attempt to enlist the support of the church for his re-election to the Senate in 1896, with the following which was directed to the Presidents of the Mormon Church:

In behalf of the friendship which we have shown toward you in your time of need, we invoke your earnest support of Senator Fred T. Dubois for re-election. The question will be decided by your people. You have the opportunity to be magnanimous or the opposite. If you act it should be without delay. Please wire answer.

There was no answer so a later appeal was made to Frank Cannon, requesting that he seek help for Dubois from his father George Q. Cannon, who was a member of the First Presidency. Dubois lost the election and, although, there was no evidence

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10DC, Number II Senate Letters, p. 82.
11DC, Number I Senate Letters, p. 292.
12DC, Number XIII Senate Letters, p. 304.
13DC, Senate Letters marked "D", p. 118.
14Ibid., p. 157.
that the Church openly opposed him, there was, likewise, no evidence that the Church helped him. In 1900, he was able to get re-elected to the senate on the strength of the free silver issue, his position relative to north Idaho's labor strife, and his anti-imperialist stand.

In 1902 his party was defeated in Idaho. This left him with two alternatives for the future. He would have to get the Mormon vote or an issue that would have sufficient non-partisan appeal to bring him enough votes out of the Republican Party to make up for the loss of the Mormon vote and the minority position of his party. He had learned in 1896 that the Mormon vote wasn't available. So in the summer of 1903 he made the decision to make a new anti-Mormon fight out of the election of Smoot which had come at a most fortuitous time.

There is no doubt that Dubois disliked the so-called hierarchy of the Mormon Church. There was nothing personal about it. He was on friendly terms with some of the church leaders. But as an institution he hated it because it always represented a threat to his political future by being as he supposed, guilty, of political domination of its members. He hated the Mormon Church because it was his nature to hate and strike out at those things which opposed him. He did it under the principle of hating the evil which he believed the church represented and not the people. Hatred or vengeance was not his primary motivation in the Smoot case. It was a factor, however, for Dubois considered his disposition to hate one of his most valuable assets in any fight.
Was Dubois' motivation political? He would say yes, but:

You will often hear it said that this is politics on my part. I will not discuss that proposition at all. The answer is perfectly easy, and if it is politics it is good politics, and politics which decent people ought to endorse. If they do not help me play this politics, then they help the Mormons and their elders and abetters to play their politics, which is to sustain the Mormons in their open and pernicious practices.15

There can be no doubt that politics played an important part in Dubois' motivation, but it was not primary.

His primary motivation was his conviction of the righteousness of his cause. He was absolutely convinced that he was right in the general aspects of his fight. He knew polygamy was wrong; he knew political and economic domination of a church was wrong and most of the people of this country agreed with him. He was convinced that the Mormon Church was guilty of these crimes against society. It is true he misrepresented; he libeled; he threatened; he slandered; he exaggerated; he was indiscreet; he was unethical; he hated; he was a demagogue, and he was a political opportunist. But back of all this he was a crusader. He was a sincere zealot. His lack of ethical rectitude, his arrogance, his ambition, his disposition to hate caused him to misjudge the Mormon Church in the extreme. This is not meant to exonerate the Mormon Church. There were some individuals in the Church to whom Dubois could point who were just as he represented many of them to be. It was not all his imagination. You don't get the testimony he got or rouse the public sentiment which he roused unless there is something

15 DC, Number IV Senate Letters, p. 341.
pretty substantial behind it.

That Dubois' fight against the Mormons was primarily moral rather than political seems to contradict the consensus of opinion. Until now this question has been resolved without the full revelation obtained by a thorough study of Dubois' private papers. Dubois was absolutely sincere in his belief that he was on the side of right and that eventually right would prevail.

He was a typical crusader who was not averse to his cause bringing him personal aggrandizement. He planned it that way. His zeal, determination, and optimism grew out of his conviction of the righteousness of the cause and the inevitability of its success. There is no question about the impropriety of his methods and "behind the scene" activities. He was unfair, unethical, and dogmatically partial in gathering, interpreting, and presenting evidence in the Smoot case. By Machiavellian standards he was a saint. This has to be conceded, but the question is: Which did Dubois place first, the cause or personal ambition? The answer is: the cause! But he did this with the confident expectation that the by-product would be personal-

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16 The following men have done some really fine work in this area. Gibbs, in his Ph. D. dissertation, makes a fine study of the 1880-90 period, otherwise identified as the test oath period. Wells, in his Ph.D. dissertation, covers both anti-Mormon campaigns dating from 1876-08. Beal in his History of Southeastern Idaho gives a good general overview of the periods in question. Beal and Wells, collaborating on a fine three volume work, entitled History of Idaho, make a very worthwhile contribution to this subject.

17 DC., Idaho State College Museum.
ly rewarding. Where has it ever been otherwise with a true crusader?
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______, Senate Letters.

(Senate Letters bound and marked "Numbers I, II, IV, VII, IX, X, XI, XII, XIII, and IVX" have been used very extensively. They are in the possession of the Idaho State College Historical Museum, Pocatello, Idaho.)

______, Miscellaneous Letters.

(Letter received and sent by Dubois other than his Senate Letters. These are uncatalogued and unprocessed. They have been sorted together according to the year in which they were received or sent. Otherwise they are completely un-sorted and it would be difficult to locate any specific one. These have not been used too extensively in this study. However, it is possible that they would have been of much more value to this study had there been more systematized organization of them. They are in the possession of the Idaho State College Historical Museum.)

______, Documents and Manuscripts.

(Numerous other documents and manuscripts are found in this collection at Idaho State College. There is no systematized organization of them and locating any spe-
cific one would be quite a haphazard process. However, they have been very helpful in completing this study.)

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ABSTRACT

In the year of 1903, the right of Reed Smoot to take his seat in the United States Senate was challenged in a protest signed by nineteen prominent citizens from Utah. The protest was submitted to the Senate Committee of Privileges and Elections, a member of which was Fred T. Dubois, Senator from Idaho. The protest charged that the Mormon Church was still practicing polygamy and exercising political domination of its members and that therefore Reed Smoot, an Apostle and leader of this church, was unfit for senatorial obligations. Dubois, believing the worst concerning these charges, took it upon himself to head the movement against Smoot. He surreptitiously organized national sentiment and caused an investigation of the charges contained in the protest by bringing public pressure to bear on the United States Senate.

The Mormon Church turned out to be more the object of the investigation than Smoot. It looked for awhile as though Dubois would be successful in unseating Smoot, but as the case wore on the opposition of the Republican Party, the press, and President Theodore Roosevelt proved to be too much for him. From the time he took up this anti-Mormon fight his lack of success in politics seems to parallel his unsuccessful efforts to get Smoot kicked out of the Senate. In 1906, just prior to the time that the Senate voted to retain Smoot, Dubois, him-
self, was defeated in his bid to be returned to the Senate.

Dubois' anti-Mormon fight was a popular issue everywhere but in the west and particularly Idaho. He had plenty of warning that such was the case but he couldn't be reconciled to the fact that the people of Idaho wouldn't accept his anti-Mormonism. His self-deception relative to the iniquities of the Mormon Church were absolute and sincere but fatal to his political aspirations.

President Roosevelt undoubtedly contributed most to Dubois' defeat. But, it wasn't just his defeat. To the very end he had the sentiment of the women's organizations throughout the country behind him. This probably contributed much to his reluctance to accept the "handwriting on the wall."

Dubois used this Smoot controversy for political purposes, but more important than this was the fact that he sincerely thought he was on the side of right and that in the end it would be victorious.