THE UNIVERSITY OF CHICAGO

MR. SMOOT GOES TO WASHINGTON
THE POLITICS OF AMERICAN RELIGIOUS IDENTITY. 1900-1920

A DISSERTATION SUBMITTED TO
THE FACULTY OF THE DIVINITY SCHOOL
IN CANDIDACY FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

BY

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CHICAGO, ILLINOIS
JUNE 2000
To

Elbert Peck

for getting me started

and

Jan Shipps

for seeing me through to the end
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ACKNOWLEDGMENTS

I owe a debt to many. I am especially grateful to my teacher and dissertation advisor Clark Gilpin for his wise counsel and generous support during all stages of my education at the University of Chicago. It is also a pleasure to thank Martin Marty, David Tracy, and Richard Bushman for their constructive criticism of and enthusiastic support for this project. It was truly an embarrassment of riches to receive their attention to my work. In addition to my dissertation committee, many other scholars have generously shared their ideas and expertise with me. I thank especially Catherine Brekus, Jill Mulvay Derr, Ron Esplin, Harvard Heath, Joan Smyth Iversen, Jan Shipps, Patricia Lynn Scott, Steven Sorenson, and David Whittaker. While I alone am responsible for the use I made of it, their generous assistance improved this project materially, as well as gave me encouragement to proceed.

I thank the sponsors of the several fellowship programs which financially supported the research and writing of my dissertation. The 1996 Sawyer Seminar in Religion, Law, and the Construction of Identity, sponsored by Mellon and under the direction of Frank Reynolds, provided not only the means, but the occasion for discovering the significance of the Smoot hearings. A summer fellowship in 1997 at the Joseph Fielding Smith Institute at Brigham Young University gave me access to extraordinarily rich primary source material in Mormon history, as well as to the finest
minds who study it. A 1998 Lilly Fellowship for Future Theological Educators
disciplined me to consider the public implications of my work and for that I am deeply
grateful not only to the Lilly Endowment, but to Stephanie Paulsell and Clark Gilpin.
Finally, a 1999 Pew Dissertation Fellowship enabled me to devote myself full time to the
completion of this project and introduced me to many in the academy whose own work
constructively challenged and, hence, bettered my own. Likewise, I thank the American
Academy of Religion, the Mormon History Association, and the Western Historical
Association for providing forums in which I could present and develop portions of
chapters five and six of this dissertation.

Of course, dissertations can be no better than their sources. Therefore, I owe
much to several archivists and library lending staffs who patiently helped me through
their own collections and, where necessary, obtained materials from far off places.
Because of their number, I can only recognize them here by their institutional affiliations,
but I am no less personally indebted. I thank especially the staff of the Regenstein
Library at the University of Chicago, the Lee Library at Brigham Young University, the
Marriott Library at the University of Utah, the Giovale Library at Westminster College,
the Latter-Day Saint Church Historian’s Department, the Utah State Historical Society.
the U.S. Senate Historian’s Office, the National Archives and Records Administration.
and the Library of Congress.

Most personal and most impossible to express, however, is my indebtedness to
individuals who sustained me in a variety of ways during the preparation of this
manuscript. Their reading of drafts spared me much embarrassment. Their hospitality
gave me respite when away from home. They listened patiently as I tried repeatedly to speak my way through the tangles of this project and gently steered me in more productive directions. Just as importantly, they often gave me the means of escape. Much more could be said, but it must suffice to say here that each in his or her own way made it possible for me to do my work and live my life during a very challenging time. I thank Wendy and Dave Ulrich, Christine and George Durham, Aileen and Hal Clyde, Judith Friedman, Monica Cawvey, Brook and Jill Derr, Jennifer Meredith, Elouise M. Bell, Tony and Jan Shipps, Liz Dulany, Melissa and Darin Clay, and Brian and Ann Johnson. Finally, I thank my parents Frank and Juanita Flake for engendering in me a love of learning and desire for God.
ABSTRACT

Between 1904 and 1907, the U. S. Senate held an investigative hearing to determine whether the recently elected senator from Utah was fit to retain his seat. Instigated by a protest from the Salt Lake Ministerial Association and supported by a wide array of Protestant social reform groups, the hearing was ostensibly to determine whether Reed Smoot as an apostle of the Church of Jesus Christ of Latter-day Saints (commonly called "Mormon") was fit to retain the seat to which he had been elected. In actual fact, the hearing was a trial of the L.D.S. Church itself and provided the occasion for the country—formally through its elected representatives and on a more immediate level through the daily press and citizen petitions—to reconsider the role of religion in the new century.

The Smoot hearing constituted a definitive event in the history of America's continuing attempt to guarantee "free exercise religion." Although the specific conflict occurred over Mormonism, the Smoot hearing has broader significance for understanding America's use of law to define denominational status and the effect of law and politics on the religious landscape of the twentieth century. The Smoot hearing illuminates how radical religious otherness was finally circumscribed within the protections of constitutional law or, in political terms, the conditions on which denominational
citizenship was extended to the margins of American religion, including Catholics and Jews. Necessarily, with the shifting of the margins, the center was repositioned as well, and Protestant political and cultural dominance was diluted. The Protestant churches became what we now take for granted: merely another expression among several, equally valid varieties of American religious experience.

Ultimately, the goals of this project are threefold: first, to contribute to the historiography of America’s continuing effort to define the constitutional right to “free exercise” in an increasingly diverse culture; second, to integrate the narrative of the Protestant and Mormon experience in twentieth-century America; and, finally, to illuminate religious strategies for change that preserve religious identity in a pluralistic society.
"y' petitioners have it much in their hearts . . . to hold forth a lively experiment, that a flourishing civill State may stand, yea, and best be maintain'd . . . with a full liberty in religious concernm'  
– John Clarke (1663)

CHAPTER ONE
THE PROGRESS OF AMERICA'S LIVELY EXPERIMENT

Between 1904 and 1907, the U.S. Senate Committee on Privileges and Elections conducted an investigative hearing that captured the attention of the nation and ignited a fierce debate on the role of religion in modern America. The ostensible purpose of the hearing was to decide whether Reed Smoot, the recently elected senator from Utah, was entitled to take his seat. In actuality, it was a referendum on his religion. The hearing was initiated by a protest filed by the Salt Lake Ministerial Association, a coalition of Utah's Protestant leadership, and supported by national Protestant reform associations. The "protestants," as they were called collectively throughout the hearing, alleged that Smoot was not fit to serve in the national legislature because he was also an "Apostle," 2 a title applied to fifteen men with plenary authority over the Church of Jesus Christ of


2. The nearest analogy to a Latter-day Saint apostle is probably found in the office of Catholic cardinal, though the comparison can fail to express the extent of the apostle's plenary authority over L.D.S. Church affairs at all levels of administration. Technically, "apostle" is a priesthood office and lifetime appointment given members of the church's leading hierarchy of fifteen men: three of whom comprise the "First Presidency" and the remainder, the "Quorum of the Twelve Apostles." Upon the death of the church's president, his successor is chosen from among the apostolic quorum, another source of concern to the protestors.
Latter-day Saints, or the “Mormons.” Upon receiving the protest, the Senate referred it to committee for investigation of the protestants’ allegations and for a formal resolution upon which the entire Senate could vote.

Smoot’s election reinvigorated a standing debate over the Mormon church’s violation of federal anti-polygamy statutes. Polygamy, like Smoot himself, however, represented a deeper problem to the protestants. Through its practice of “plural marriage,” the nineteenth-century L.D.S. Church had gained a reputation for theocratic despotism and civil anarchy. A trial on these charges had been seventy-five years in the making, which may explain its length and intensity. The four-year proceeding created a 3,500-page record of testimony by one hundred witnesses on every peculiarity of Mormonism: its polygamous family structure, ritual worship practices, “secret oaths,” open canon, economic communalism, and theocratic politics. The public participated actively in the proceedings. In the capitol building, spectators lined the halls, waiting for limited seats in the committee room, and filled the galleries to hear floor debates. For those who could not see for themselves, journalists and cartoonists depicted each day’s admission and outrage. Public petitions from across the nation fill eleven feet of shelf space, the largest such collection in the national archives.

3. The term “Mormon” is heavily freighted with both historical and theological baggage. It originated in the nineteenth century as a pejorative reference for members of the church, to whom the Book of Mormon is scripture. In a biblically based culture, the term communicated succinctly the extreme otherness of the new religion. During the period discussed here, “Mormon” retained its highly pejorative connotation. Understandably, the church objected to its use as a denominator and preferred that its people be referred to as “Latter-day Saints,” which expressed the believer’s sense of continuity with primitive Christianity. In the present text, I will use the terms as nearly as possible in conformity with the meaning given them by the antagonists and protagonists of the Smoot hearing.
Notwithstanding the emotion generated by the trial, there was nothing new to report. Or, more accurately, the only news was that the Mormons had not changed. After following the hearing for a year and a half, Illinois Senator Shelby Cullom concluded that “Mormonism is the same menace to this country as it was from the beginning.” Indeed, the basic facts of the case were so familiar that over the years they had been reduced to a label: “the Mormon Problem.”

Only in hindsight is the real news of the Smoot hearing appreciable: through it, the nation finally solved its Mormon Problem and devised the terms under which it would incorporate religious diversity for the remainder of the twentieth century. Thirty years after the hearing, an observer could marvel that “the Church which was the great scandal of all right-thinking men is now one of the bulwarks of righteousness, being simply a more romantic version of American evangelical religion.” Today, nearly a century after the hearing, Mormon American-ness is such a given to both its critics and advocates that its nineteenth-century scandalousness is largely forgotten, as is the Smoot hearing itself. It is even ignored by the Latter-day Saints themselves, for whom it brought new forms of political power and a measure of social acceptance.


Such forgetting and selective representation is a measure of the change which the hearings catalyzed, not only for the Mormons, but also for the Protestant establishment that had opposed them for decades, and for the federal government that had long regarded them as a hostile, foreign power in the West. The purge of these differences by political trial required an evolution of American and Mormon identity, which today masks what was and why it is no longer. Ultimately, the Smoot hearing was the forge in which the Latter-day Saints, the Protestants and their senators hammered out a twentieth-century model for church-state relations, shaping for a new generation of Americans what it meant to be free and religious. The hammer struck both sides. The L.D.S. church’s new social and religious identity is the result of the nation’s reconsideration of the requirements of and for religious liberty. What the Senate decided on behalf of its citizens not only solved the Mormon Problem, but spared the nation additional problems later in the century, when non-Christian religious groups became a part of American polity.

Thus, the Smoot hearing is worth remembering for what it tells us about the criteria for obtaining religious liberty in twentieth-century America. Just as importantly, however, the hearing tells us how non-Protestant religions meet these criteria without losing their religious identity and especially their sense of continuity with their originating vision. Mormonism’s transition during the Smoot hearings from un-American to American, from dangerous infidel to peculiar church, is not its story alone, but the story of the changing relation of churches to the state in the early twentieth century.
The Terms of Religious Liberty

Necessity mothered the invention of American religious liberty and has directed its growth ever since. In the first one hundred years of the republic, freedom to be religious usually meant freedom to be Protestant. Homogeneity could be maintained by sending iconoclasts out into the seemingly limitless American frontier. During the last two decades of the nineteenth century, however, it was no longer possible to ignore that neither of these premises was true. American religious pluralism had altered radically, through new patterns of immigration and domestic religious innovation. When Mr. Smoot came to Washington in 1903, free to be religious could no longer mean free to be one of the varieties of Protestantism. A new interpretation of the scope of religious liberty was needed, and the Smoot hearing provided the occasion for finding it.

America's Catholic population doubled, making it twice as numerous as the largest Protestant denomination. During the same period, America's Jewish population quadrupled. In addition, Christian Scientists, Adventists and Latter-day Saints had not been evangelized into conformity, as hoped, and were growing through their own proselytizing efforts.

These were the years in which Protestantism was being reduced from the whole to a part, albeit a big part, of the complex of American religion. Though they still dominated the

7. See, for example. Ferenc Szasz, The Divided Mind of Protestant America, 1880-1930 (University, Ala.: University of Alabama Press, 1982), and William Hutchison, Between the Times: The Travail of the Protestant Establishment in America, 1900-1960 (Cambridge: Cambridge University Press, 1989), 3-18. It is generally agreed that during the first decades of the twentieth century, the theological concerns of the late nineteenth century—evolution, historical criticism and comparative religious studies—were only beginning to break out of the seminary into popular pulpit and culture. Liberal and conservative labels were about to cause
cultural center, the mainstream churches were losing their exclusive hold, and the margins were pressing toward the middle.

The profile Protestant center also was changing: Methodists and Baptists outnumbered Presbyterians, Lutherans, and Congregationalists, and all were feeling the strains which would lead to the crisis over fundamentals in the 1920's. Of course, the nation also was changing in many ways. Scientific advances in communications and transportation left everyone feeling the “centripetal tendency of the times” and the sense, if not the actuality, that the frontier was closed. It was no longer possible to imagine geographical buffer zones between religious antagonisms. Also, higher education and professionalism were diminishing the role and rule of Protestant ministry in America polity. In these new circumstances, the Smoot hearing hosted another outbreak of the old

institutions-wide breeches, but not quite yet. It was a period when the so-called mainline Protestant (Episcopalian, Presbyterian, Congregationalist, Baptist and Methodist) churches were, as Hutchison says, challenged but not threatened. The challenges are axiomatic to historians: immigration, urbanization, industrialization and the new national market with its oligarchical impulses. The role of religion in this era is defined in terms of its response to the social problems engendered by each of these social realities. My intention is not to minimize this aspect of the narrative of American religious history, but to add to it the interaction of the margins with the formidable, but relocating mainstream.


antagonism between the L.D.S. Church and Protestant America and invited
reconsideration of the meaning of religious liberty in an America that could no longer be
considered a Protestant nation demographically and could no longer expect to rid itself of
religious iconoclasts.

The Latter-day Saints had always tested the limits of America’s commitment to
“free exercise” of religion. The governor of Missouri considered the Mormons such a
problem that he issued an extermination order against them in 1838 and drove them from
the state with his militia. State officials in Illinois took actions that precipitated the
murder of church founder Joseph Smith in 1844 and the expulsion of his followers by
local mobs. In 1858, the federal government dispatched their army to the Rocky
Mountains to subdue the Mormons. The so-called “Utah War” caused much trauma and
expense, but little change. Brigham Young was deposed as Utah’s official governor, but
the Mormons continued to build their kingdom of God in the West, while North and
South fought a real war. Between 1862 and 1896, the nation turned to the
instrumentalities of law to solve its Mormon Problem: jailing polygamists, revoking
franchise, denying citizenship, disinheriting children, and confiscating property in an
attempt to force change on the church. The church’s promise, in 1890, to abandon
polygamy made possible Utah’s admission to the union of states in 1896. But a few years
later, to the nation’s chagrin, the Smoot hearing demonstrated that church economic,
political and familial orders, including polygamy, remained in place. At the end of the
hearing, Idaho Senator Dubois cannot be faulted for asking his colleagues: “Does it not
occur to the Mormons themselves, or to you, perhaps, that there is something inherently wrong in their organization or else this conflict would not be perpetual?"  

There were, indeed, two "organizational" (as opposed to creedal) reasons for the stubborn antagonism between the Mormons and the rest of America. First, the Latter-day Saints did not accept the major premise upon which Protestantism had crafted religious liberty in America. They did not subordinate their church to the federal state and they conflated locally their government and their religion. They preferred theocracy to democracy. Secondly, Latter-day Saints were not cast in the model of Protestant denominationalism, that "new kind of 'church' consistent with the practice of religious freedom."  

The Mormons considered themselves a theocracy of priests and priestesses called to mediate salvation, not a voluntary association of people assembled to accomplish a particular, shared purpose. These were essential differences in Mormonism that inspired in their fellow citizens the conviction that the L.D.S. Church was "inherently wrong" and a threat to the republic. Congregationalist Rev. A. S. Bailey spoke for many when he said:

Mormonism must first show that it satisfies the American ideas of a church, and a system of religious faith, before it can demand of the nation the protection due to religion. This it cannot do, for it is not a church: it is not religion according to the American idea and the United States constitution... It is a theory of Mormonism that all power, religious, business and political, belongs to the church. And if there is any doctrine


maintained by the church it is this: and this is anti-American. . . . in their very nature they will ripen into rebellion if they are not destroyed. The struggle of loyal Americans in Utah against these evils must now or in the near future be the struggle of America to maintain the principles of American government."\textsuperscript{13}

Utah Mormonism could not receive the benefit of "free exercise" until it disestablished itself both structurally from the offices of the state and theologically from its doctrines that conflated the Saints' temporal and spiritual purposes. Only then would it "satisf[y] the American ideas of a church, and a system of religious faith."

Traditionally, the freedom to be religious in America has been preserved by restraining the state from endorsing any religion. Hence, the legal guarantee of religious free exercise was joined to the requirement of religious disestablishment.\textsuperscript{14} This was meant to ensure that no particular religion could be exercised at the expense of another. Applying, as they did only to those deemed citizens, these protections did not extend to indigenous or enslaved peoples of other faiths. The U.S. Constitution contemplated only the peaceful cohabitation of the Christian churches known to colonial America. Notwithstanding these limits, it is virtually impossible today to appreciate the revolutionary character of the Americans' legal commitment to the disestablishment and free exercise of the religions they knew.


\textsuperscript{14} In relevant part, the first amendment to the U.S. Constitution provides: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . . ." The viability of the balance between free exercise and disestablishment has been questioned increasingly in the late twentieth century. See especially the debates in the enactment of the Religious Freedom Restoration Act of 1993. 42 U.S.C.S. 2000bb et seq., and its invalidation subsequently in \textit{City of Boerne v. Flores} (1997).
For hundreds of years, the church had been the ordering influence of the state, but Americans inverted this relationship. Their state was to be independent from its churches and was made superior to them in authority in order to maintain that independence. It was believed, and still is, that: "the origin of free government in the modern sense coincides with, and can only coincide with, the solution of the religious problem, and the solution of the religious problem consists in the subordination of religion."\(^{15}\) Because disestablishment law is generally discussed as a protection of minority faiths from majority dominance, it can be forgotten that disestablishment also subjects all religion to the power of the state.

While the Latter-day Saints wanted the federal protection that disestablishment offered its minority status, they wanted also to establish their religion in the entire intermountain West. Technically, the constitution allowed this freedom, too. It wasn’t until 1947 that the establishment clause, as incorporated by the fourteenth amendment, was formally held to prohibit state establishment of religion\(^ {16}\). The Mormon challenge to the constitutional separation of church and state was, however, too radical to be susceptible to judicial resolution. More than bus fares, tuition waivers, or textbook subsidies were at issue. Rather, the Saints wanted to build a theocracy in the middle of the country and, while the nation was not looking, they succeeded.


\(^{16}\) *Everson v. Board of Education*, 330 U.S. 1 (1947) (state reimbursement for bus fares to attend religious schools is constitutional).
By the end of the nineteenth century, the Mormons made their church the ordering instrumentality of their state, the ultimate arbiter of their conduct, and the object of their highest loyalty. No wonder, then, that the L.D.S. Church was deemed a geo-political kingdom and attacked by both American army and statute. The Smoot hearing revealed that neither strategy had worked, however. According to the protestors, church leadership, including Senator-elect and Apostle Smoot, still claimed "supreme authority, divinely sanctioned, to shape the belief and control the conduct of those under them in all matters whatsoever, civil and religious, temporal and spiritual . . .""17 The church's power still needed to be subordinated to the United States. and Smoot's election reminded the nation of that fact.

*The Senate – Brokering Power and Establishing Supremacy*

Reed Smoot was elated by his reception in Washington. In a personally typed, eight-page letter to his church president, he reported:

I called on President Roosevelt this morning and met a great many Senators there, among them Senators Proctor and Hanna and they both assured me that they took no stock whatever in the charges filed against me. Yesterday, though it was Sunday, I called on Senator Aldrich and had a very pleasant interview with him. He told me he had received a great many petitions against me but had paid no attention to them. He had also received a great many letters from ministers demanding that he define his position and that these had all gone into the waste paper basket. . . .18


18. Reed Smoot to Joseph F. Smith, 10 November 1903, Reed Smoot Collection, Division of Archives and Manuscripts. Box 52. fd. 4. Harold B. Lee Library, Brigham Young
The Senate's acceptance of Smoot and their initial calm, throughout 1903 and in the midst of intense, anti-polygamy lobbying, was in no small part due to the fact that Smoot himself was not a polygamist. On March 5th, the Senate formally seated Smoot and authorized its standing Committee on Privileges and Elections to investigate the claims made by the protestants.¹⁹

Smoot's monogamous marriage may have gotten him past the threshold of the Senate, but most of the Republican leadership were willing to defend him because they had been told to do so. Their party and their president believed Smoot held the key to the new votes in the West that were disturbing old relations of regional, political power in national elections. When Smoot won his seat as the first native-born Utahan in the Senate, he arrived at the peak of the transfer of political strength from East to West. The demographics of a westward moving population had caused some change, but it was marginal compared to that of the westward movement of the republic itself. Eleven states lay beyond or along the inter-mountain corridor of the Rockies. Six of them were the particular domain of the Mormons, and the remainder were subject to Mormon

¹⁹ Cong. Rec. (58th Cong., Spec. Sess.), Vol. 37, pt. 1, 1 (March 5, 1903) (Hoar) "... when any gentleman brings with him or presents credential consisting of the certificate of his due election from the executive of his State he is entitled to be sworn in, and that all questions relating to his qualification should be postponed and acted upon by the Senate afterwards. If there were any other procedure the result would be that a third of the Senate might be kept out of their seats for an indefinite time on the presenting of objection without responsibility, and never established before the Senate by any judicial inquiry. The result of that might be that a change in the political power of this Government which the people desired to accomplish would be indefinitely postponed.")
influence. At a time when electoral colleges determined the presidency and state legislators elected senators, Mormon pluralities could make the difference in national politics. The significance of this was not lost on anyone, least of all the political parties. Ironically, while some in Congress argued the L.D.S. Church had too much power, others sought the exercise of that power in their behalf. Rumors abounded in Washington that the Republicans had promised to defeat any anti-polygamy legislation in return for the previously Democratic Mormon vote. Smoot's election seemed proof of the rumor to his contemporaries, and access to his correspondence confirms it today. As the hearings were about to begin in the winter of 1904, Smoot advised church leaders in Utah that Roosevelt's expected contest with Mark Hanna for the presidential nomination meant Roosevelt "is relying on me to control the convention for the nomination of delegates to the National Convention, and I ask you to help me to accomplish the same, for if I do not I may just as well go home, as far as any influence I will have with the administration." With Roosevelt's support, it appeared that Republican dominated Senate could be counted on to vote for Smoot. "Politics rules here," wrote Utah Congressman Joseph Howell to the church's leadership, "and with Senator Hanna a candidate for the Presidency, the outlook is very close, so that while Utah is but a small

20. Five states were admitted already: Nevada (1864), Colorado (1876), Idaho (1890), Wyoming (1890), and Utah (1896). Arizona and New Mexico's admission were subject to debates in the very year Smoot arrived. Because of inter alia anxiety over a potential plurality of Mormon voters, neither state would not be admitted until 1912.

21. Reed Smoot to Joseph F. Smith, 5 February 1904, Scott G. Kenney Collection, University of Utah Manuscripts Division, Box 7, fd. 3, Marriott Library, University of Utah, Salt Lake City, Utah.
State, even her few votes are worth looking after. That is about the key to the situation, and I believe sets the tide in our favor." 22 The church delivered its vote, as promised, but the tide for Smoot did not come in. The Republican-dominated Senate Committee on Privileges and Elections could not be controlled by the administration, giving Smoot reason to complain that "every Republican anti-Mormon Senator... is on this Committee."

23

The hearing panel was powerful in its own right and did not lack for star power. 24 Included among the eight Republicans was George Frisbe Hoar of Massachusetts, dean of the Senate, overseer of Harvard, descendant of Puritan framers of the constitution, and eminent Unitarian. His twenty-five years of experience on the Committee gave him authority to insist on a thorough investigation of Smoot and his church. As recently as 1901, Hoar had expressed himself in favor of an anti-polygamy amendment to the constitution and was rumored to see the hearing as an opportunity to "take a fall out of

22. Joseph F. Smith (Salt Lake City) to Representative James H. Anderson (Washington D.C.), 3 March 1903, Kenney Collection, Box 7, fd. 3.

23. Reed Smoot to Joseph F. Smith, 14 November 1903. Smoot Collection, Box 52, fd. 4. The only exception was the removal of Republican Senator Hale, "representative of the great protestant religious organizations of this country." Reed Smoot to Joseph F. Smith, 4 January 1903[4], Smoot Collection, Box 52, fd. 4.

24. Initially the Committee consisted of Republicans Julius C. Burrows (Michigan); George F. Hoar (Massachusetts), Louis E. McComas (Maryland), Joseph B. Foraker (Ohio), Chauncey M. Depew (New York), Albert J. Beveridge (Indiana), William P. Dillingham (Vermont); Albert J. Hopkins (Illinois), and Democrats Edmund W. Pettus (Alabama), Fred. T. DuBois (Idaho), Joseph W. Bailey (Texas), Lee S. Overman (North Carolina), and James P. Clarke (Arkansas). Senator Hoar died in September of 1904, during the first year of the hearing, and was replaced by Republican Senator Philander Knox of Pennsylvania. In 1905, Senator McComas was replaced by Jonathan P. Dolliver of Iowa, and Senator Clarke by James B. Frazier of Tennessee.
Likewise, Committee Chair Julius Caesar Burrows, Republican of Michigan, had a lingering distaste for Mormonism. Working on anti-polygamy legislation two decades earlier, he introduced a bill to make Mormons ineligible for a seat in the House. Now in the Senate, Burrows had not changed his mind and broadened the hearing to include all allegations against the L.D.S. Church, however unrelated to Smoot. Burrows' chief ally on the panel was Democrat Senator Fred T. Dubois, an old antagonist of the Mormons from his days as an Idaho federal marshal assigned to chase down Mormon polygamists. Dubois was also the chief strategist for the protestors and liaison with women's groups, believing that: "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."27

25. Edward Callister (District of Montana) to Carl Badger (Salt Lake City), 9 March 1904. Carlos Ashby Badger Collection, Division of Archives and Manuscripts. Box 1. fd. 3. File: 1298. Harold B. Lee Library, Brigham Young University, Provo, Utah.

26. Dana Orcutt, Burrows of Michigan and the Republican Party (New York: Longmans, Green & Co., 1917) II: 193. Burrows' antipathy to the Latter-day Saints may have an earlier origin, however. It appears that some of his family had converted to the L.D.S. Church in the nineteenth century, according to a conversation he had with Smoot who writes church president Joseph F. Smith, as follows: "In our conversation, it developed that he is related to you. His mother was a relative of your father, she was a sister of Sylvester Smith. I told him you were a son of Hyrum Smith and he asked me to write you and find out just what relation you are to his mother. He did not say that his mother was a Mormon but he did say that Sylvester her brother was." Reed Smoot to Joseph F. Smith, 12 March 1903. Smoot Collection. Box 52, fd. 4.

Though less politically or emotionally wedded to the issue, panel member Chauncey Depew, Republican from New York and former head of Vanderbilt’s railroad empire, was another Republican on record against Mormonism. Speaking a few weeks after Smoot arrived in Washington, Depew argued against granting statehood to the southwest by warning his colleagues about “the fine Italian hand of the Mormon apostles” in Arizona and New Mexico. “Nothing, he said, “so illustrates the power of concentration or the ability of concentrated power as the history and the present dominance of the Mormon Church.” Theoretically all in Depew’s audience were opposed to “concentrated power” because it seemed to compete necessarily with democratic institutions. In practice, however, Depew himself represented powerful private interests, nor was he alone in this respect. “Concentrated power” is a natural product of majoritarian government. Especially prior to the democratic election of senators, party politics existed to aggregate such combinations of power. Thus, it may have been ironic, but it was not impolitic that the Republicans were attempting to benefit from the “present dominance of the Mormon church” even as they were about to try it for having such dominance. As Depew said jokingly, when charged with as much during his speech on the statehood bill, the Democrats would have done the same if they could have.

America’s increasing level of comfort with private concentrations of power was manifest also in the Roosevelt administration’s anti-trust campaign. Though commonly


29. *Id.*
denominated “trust busting.” Roosevelt’s approach to monopoly power was more accurately an attempt at trust-regulating. His policy was not to demolish oligarchical, commercial and industrial institutions, but to control certain of their activities. Since the beginnings of anti-trust law, the aggregation of economic power was considered a problem only when it interfered with “democratic institutions” and “ordinary life.”

Concentrations of private power that subordinated their power to the state and refrained from interfering with its prerogatives, such as maintaining a free market or its citizens’ liberties, were not a problem. Those that did not were a problem to be solved by anti-trust regulation and litigation. The senate, which Mr. Smoot joined, was largely defined by its confidence in federal regulatory power and two of its most progressive senators sat on the hearing panel.

Its anti-trust experience provided the Senate a new way of looking at the Mormon Problem. In the nineteenth century, warfare or criminal penalties were the dominant models for solving the challenge of “concentrated power” inimical to the interests of the state and its citizens. By the early twentieth century, having had experience with domestic “concentrated power,” the Senate could imagine coexisting with the Mormons, if they would submit to the federal government. The church could be treated like Standard Oil, not Spain. The model of regulatory control allowed the Senate to moderate its demands on Mormonism and allowed the church to negotiate a settlement, which


31. Senator Albert J. Beveridge of Indiana, who was responsible for regulating the meat-packing industry, and Senator Jonathan P. Dolliver of Iowa, who’s regulation of railroad rates was the broadest exercise of federal regulatory power to date.
would leave it still in business. When the protesters' argued that Mormonism was a monopoly, the argument did not go far enough for the Senate. Rather, what the Senate needed to know was whether it was a "bad" monopoly and, if so, how it could be controlled.

The Salt Lake Ministerial Association was determined to prove that Mormonism was a bad monopoly, of course. One of its major arguments was the church's use of its concentrated power in politics. Like Republicans who hoped to exploit the church's power in the West, the ministers' protest was ironic. The Protestant churches and their reform agencies had combined politically to effect their shared purpose of getting the Mormon church out of politics. Smoot's lawyer delighted in making Protestant witnesses confess the political means and goals of their reform activities and the routine concentration of their powers to select non-Mormon candidates for office, observing wryly to one witness: "I understand you consider it politics for religious organizations to get a man into the Senate, but it is not politics to try to get him out."

nation. These claims had little to do with Smoot. The protest even stipulated that "We accuse him of no offense cognizable by law." Thus, it was obvious from the beginning that the protestors' interests ran deeper than the rejection of Smoot from federal office. They hoped, in the words of one commentator that "the Smoot case will abolish Mormonism without war. The scandalous blemish will be wiped out by the irresistible abrasion of the public intelligence, judgement, conscience and indignation."

The public's indignation was expressed in thousands of petitions to the Senate. Some made their appeals in one-sentence telegrams. Others sent multi-page letters attached to reams of signatures from every conceivable Protestant group in America, as well as some non-Protestants. The town of Southeast, New York, tallied its numbers for

33. The protest stated in relevant part that Smoot: "is one of a self-perpetuating body of fifteen men who, constituting the ruling authorities of the Church of Jesus Christ of Latter-Day Saints, or 'Mormon' claim, and by their followers are accorded the right to claim, supreme authority . . . to shape the belief and control the conduct of those under them in all matters whatsoever, civil and religious, temporal and spiritual. . . . encourage a belief in polygamy and polygamous cohabitation: . . . regardless of pledges made for the purpose of obtaining statehood and of covenants made with the people of the United States, and . . . protect and honor those who with themselves violate the laws of the land and are guilty of practices destructive of the family and the home." Proceedings I: 1.

34. Proceedings I: 25. An additional complaint, accusing Smoot of being a polygamist, was filed on February 26, 1903, by Rev. John Luther Leilich, superintendent of the Utah Methodist missions and a signatory on the original protest. Because this was patently false, Leilich's brethren in the Salt Lake Ministerial Association tried to distance themselves from the accusation and it was never seriously considered by the Smoot tribunal. Proceedings I: 26-30.


36. The geographical and social range of the dismay over Smoot's election is manifested in petitions from a sampling of the Senate files, which include petitions from the following: the Solebury Young Friend's Association of Aquetong, Pennsylvania; Alvin J. Kester, State Superintendent, Department of Medal Contests; all 1,600 members of the Mount Carmel, Pa. Methodist Episcopal Church; The Sabbath Association of Illinois; the Women's Reading Club of
the senators' benefit: 250 Presbyterians, 250 Methodists, 200 Baptists and 500 Catholics. Quakers, too, joined the fray, writing: "I hope thy voice will be against the retention of Reed Smoot." Promising heavenly rewards or, in the alternative, electoral damnation to the addressee, petitions were explicitly threatening, religiously and politically. One petition warned in red ink: "N.B. the last signature is the name of one of the strongest men politically in the State of Illinois." Numbers added force to the threats.

Manistique, Michigan: Unity Epworth League Chapter No. 6704 of Portland, Oregon; employees of the State Bank of Waterton, Minnesota; Methodist Episcopal Church, South, of the New Mexico Conference; Interdenominational Council of Women for Christian and Patriotic Service, New York City; citizens of Old Orchard, Maine: employees of the Pyne Poynt Library of Camden, New Jersey; the Women's Synodical Society of Missions of the Presbyterian Church of Oklahoma and Indian Territories (representing a 1,000 women); "Newington Public Schools (white)" of Gloucester, Virginia; citizens of Wenatchee, Washington and vicinity: the W.C.T.U. of Niagara, North Dakota; and the Women's Republican Club of Delmonico's, New York City. A sampling of the files from the state of Ohio shows the range of petitioners within one state: the Coterie of Fremont; Cincinnati Evangelical Alliance; Twentieth Century Club of Wellsville; the 42 members of the Jonathan Creek, Ohio, Congregation of the Reformed Presbyterian Church; Friday Afternoon Club of Dayton; Kingsville Ministerial Union; the Ladies Aid Society of the United Brethren Church West Elkton; the Missionary Society of the Friends Church, West Elkton; Sabbath School of the U.B. of Leukington; the 75 members of the Christian Church of Defiance, Defiance County: the W.C.T.U. of Mt. Gilead; and Congregational Christian Endeavor Society of Norwalk. In addition to the files in the National Archives, see, e.g., "Petitions Against the Seating of Reed Smoot," Congressional Record 58th Congress, 3d Session (7, 8, 12, 13, 14, 15, 16 December 1904) vol. 39, pt. 1, pp. 43-45, 63, 120, 186, 190, 253, 295, 340, 395; "Petitions Against the Seating of Reed Smoot," Congressional Record 58th Congress, 3d Session (4, 5, 6, 10, 11, 13 January 1905) vol. 39, pt. 1, pp. 434, 435, 456, 457, 510, 621, 674, 769; "Petitions Against the Seating of Reed Smoot," Congressional Record 58th Congress, 3d Session (20, 23, 25, 26, 27, 28, 30, 31 January, 1, 3, 4, 6, 8 February 1905) vol. 39, pt. 2, pp. 1116, 1121, 1218, 1326, 1382, 1440, 1441, 1442, 1502, 1572, 1573, 1622, 1667, 1814, 1815, 1860, 1910, 2057; "Petitions Against the Seating of Reed Smoot," Congressional Record 58th Congress, 3d Session (9, 10, 11, 13, 14, 16, 18, 20, 22 February 1905) vol. 39, pt. 3, pp. 2143, 2144, 2224, 2388, 2446, 2511, 2512, 2707, 2816, 2887, 2888, 3017; "Petitions Against the Seating of Reed Smoot," Congressional Record 58th Congress, 3d Session (25, 28 February, 1, 2, 3 March 1905) vol. 39, pt. 4, pp. 3361, 3598, 3599, 3600, 3718, 3821, 3927.

37. The Citizens of Southeast New York to the United States Senate, 5 November 1903, National Archives, Box 151, File: SEN59A-J97.

Pennsylvania Senator Patterson was notified that one thousand of his constituents, led by Swarthmore President Josiah Swain, gathered in Philadelphia’s Horticultural Hall to protest Smoot’s admission. In the end, however, regardless of their source, the petitions and personal letters showed the same combination of patriotism and religious sentiment: “As our forefathers so zealously guarded our country against future evils, . . . we urge a speedy investigation of the [Smoot controversy], believing that now is the time to deal a death blow upon the hydra-headed monster of evil.”

The extreme rhetoric of anti-Mormon sentiment tempts today’s reader to dismiss it as religious chauvinism. Protestant descriptions of Mormonism are, however, an important measure of both the degree and the kind otherness at stake in the trial. The Protestants had cause to resist the Mormon bid for legitimacy in what was still a very Protestant America. From a theological perspective, the Latter-day Saints insulted core Protestant beliefs by championing modern prophecy, sacramental ordinances, and universal salvation. When the Mormons insulted Protestants directly by proselytizing them, as if they were not saved, the favor was returned by Protestants insisting that the Mormons were not Christians, but barbarians. In addition to theological anathema, the church raised the specter of anarchy by creating an organization of priestly believers in a


40. In 1856, the Republican Party in which Smoot would rise to leadership called upon the federal government to eradicate the “those twin relics of barbarism — Polygamy and Slavery.” In 1904, no doubt inspired by the hearing on Senator Smoot’s election, the Democratic Party followed suit. Donald Bruce Johnson and Kirk H. Porter, National Party Platforms, 1840-1972 (Urbana: University of Illinois Press, 1973), p.27.
living prophet, who did not limit himself to spiritual guidance, but sought political office. The Mormons also undermined America's capitalist economy both in their communal philosophy and by clannish practice. The loudest objection to the Latter-day Saints was, of course, that they were a menace to the moral underpinnings of the state by sanctioning multiple female partners within marriage and constructing extended family relationships more akin to tribes than families. Thus, while Protestant characterization of Mormons as barbarians may not have been kind, neither was it an inaccurate description of their felt sense of Mormon otherness.

By the twentieth century, the Protestant denomination was firmly established as the American idea of religion, as informed by Reformation theology and Enlightenment philosophy. The denominational church is a voluntary organization defined primarily by its purpose, not its confessional commitments. Most generally speaking, the shared purpose of American Protestantism was the building of a Christian America. This was the unity which would overcome the diversity of creedal preferences. Denominationalism was not only a social response to pluralism, however. It had its theological roots in Protestantism's rejection of the sacraments as instrumentalities of objective salvation and, --

41. In 1844, Joseph Smith was a candidate for the president. Brigham Young was territorial governor of until 1857.

42. In Russell E. Richey, "Denominations and Denominationalism: An American Morphology." in Reimagining Denominationalism: Interpretive Essays, ed. Robert Bruce Mullin and Russell E. Richey (New York & Oxford: Oxford University Press, 1994). pp. 74-98, the author argues that the definition of denomination is "period specific." In doing so, he places his emphasis on the role which shared purpose plays in the definition of denomination. My emphasis is on the function of tolerance in the definition and what it implies about claims to authority, thus allowing subordination to the state.
consequently, the placement of salvation outside the control of the church. The church may prepare the seeker for conversion, but conversion itself is a personal experience. Personal experience is the basis for church participation, not vice versa. The Latter-day Saints took an exactly opposite view. The church was necessary; it had the authority to perform the sacraments, and such authority made it the only true church. The purpose of the church was to save its members, not civilize the nation. Indeed, the nation was to come to the church for its proper order, not vice versa. To make peace with Protestant America in the twentieth century, the Mormons had to adopt a denominational stance and demonstrate a sense of shared purpose. This would be made easier by the changes Protestantism was experiencing at the same time.

In the nineteenth century, the larger Protestant denominations had at their disposal the instrumentalities of the U.S. government to enforce sameness upon the Saints and did not hesitate to employ them. By the early twentieth century, however, Protestant power had begun to diminish and was heading for what Handy calls “the second disestablishment.”43 Wilson, too, calls it “a period of ‘disestablishment’ – not of state-recognized churches but of a Protestant religious consensus.”44 There were many reasons for the loss of consensus and related loss of social power. As mentioned, Catholic and Jewish immigration was radically affecting the numerical dominance of Protestantism. Urbanization was eroding the traditional base of Protestant political and


social power. Higher education and industrialization were challenging the churches' cultural authority and moral values. Meanwhile, the outsider churches such as Adventism, Christian Science, and Mormonism had not been converted away from their heresies. In short, Progressive Era churches were in flux and coming to terms with the radical pluralism and increasing ambiguity of modernity that Americans take for granted today.

Confronted by America's diversifying population, the dominant churches of the nineteenth century abandoned their expectation of moral consensus through individual conversion. Instead, they adopted a federalist model to maximize their resources, as well as regulate and coordinate inter-denominational differences, which time (and civil war) had shown were not going to be evangelized away. A second adaptation of Protestantism is reflected in its turn to a "social gospel" for shaping an immigrant, industrialized, oligarchical America that was thriving independent of Protestant evangelical action. These are the decades when the social worker replaced the circuit preacher as the model of American religious activism. Even the home mission movement, which, for nearly three hundred years, had been dedicated to evangelizing the frontier, began devoting itself to American cities and "the social question." 45 National organizations began removing ministers and money from the frontier. Faced with their own higher-critical, nascent-

45. The bibliography on the social gospel movement is extensive and will not be recapitulated here. Given that the Smoot hearing concerns a contest over the L.D.S. concept of the kingdom of God, however, it is useful to note Robert T. Handy's observation that: "The new social Christianity had a vision of a vastly better human society, but it was essentially the old vision of a religious nation socialized." Handy, Christian America, p. 139. The "socialization" of that vision changed it, however, an adaptation not unlike what the Saints were being asked to do.
fundamentalist differences and feeling the burden of saving the cities. Protestant leadership in the East can be forgiven for not taking the threat of barbarism in the western frontier as seriously as they once did.

Protestant home missionaries in Utah were undistracted, however. They both wanted and needed to keep their national organizations mindful of Mormonism. One near contemporary commentator summarized the response of those serving outside the urban centers: “by 1906 the Protestant churches reflected overexpansion in the West, faced a diminishing rural population throughout the country and began for the first time to feel the cost of their competitive divisions. . . . A divided Protestantism also faced rapidly growing, unified Roman Catholicism . . . State federations were formed in America as early as 1900 and 1901.”^46 The Salt Lake Ministerial Association was one such federation, and it believed the anti-polygamy campaign was necessary to accomplish Protestantism’s shared purpose to civilize America. Aside from its substantive relationship to their purpose, anti-polygamy was also the Utah missionaries’ means of competing for national financial support.

Utah was a difficult field of labor, and sources of support were few. Following the westward immigration of the American settlers, Protestant ministers had come to Utah a day late and a dollar short. The non-Mormon population had trickled into Utah

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beginning in the 1870's, after the completion of the intercontinental railway and in service of non-Mormon business and governmental interests. The Saints were deeply entrenched by then, having used their time well to organize their own economy and culture. In addition, those non-Mormons free enough and hardy enough to exploit commercial opportunities in Utah did not tend to be church-going folk. Even as their families joined them, this small group of Protestants could not afford to support clergymen, build churches and schools, and proselytize unbelievers. Consequently, Utah’s ministers were unusually dependent upon the financial support of their sponsoring institutions in the East. As national mission boards turned their attention to the cities and the barbarians abroad, Utah’s missionaries were forced to compete for ever-decreasing resources. The task was made harder by the conviction of many that it was useless to try to convert the Mormons. In 1896, a Methodist minister reported to his board:

> The Churches are not reaching the Mormons. During the last twenty-five years two millions of dollars have been put into Utah by the Christian Churches of the East . . . . But, so far as converting the Mormons is concerned, this has been largely wasted. If two hundred real Mormons have been changed and made into earnest evangelical Christians during that time we have not been able to discover them.\(^\text{47}\)

What has been said of the Presbyterians could be said of all the Utah Protestants:

> "Clearly, the Presbyterian cause in Utah was in a state of crisis as the nineteenth century ended."\(^\text{48}\)


Timing may not be everything, but Smoot’s appearance in Washington in 1903 could not have been timed better for the Latter-day Saints to make a bid for inclusion in the America idea of religion. After fifty years of fighting the nation, the Saints had decided to join it. In 1901, they had a new president with a new agenda: Joseph F. Smith, nephew of its founding prophet and first president from among the second generation of the church. He had participated in virtually every battle the church had fought with the nation and now would try to wage peace.

*The L.D.S. Church – Designing to Change the Conditions of Things*

The Mormons went to the Rocky Mountains, outside the territorial boundaries of the United States, because the extremity of their differences made coexistence with their Protestant neighbors impossible. Apostle Orson Pratt spoke for many of his co-religionists when he said in 1845:

> It is with the greatest joy that I forsake this republic: . . . . If our heavenly father will deliver us out of the hands of the bloodthirsty Christians of these United States and not suffer any more of us to be martyred to gratify their holy piety, I for one shall be very thankful. Perhaps we may have to suffer much in the land of exile, but . . . . Liberty in a solitary place, and in a desert, is far more preferable than martyrdom in these pious states.”

Of course, the feeling was mutual. Protestants were hard-pressed to object even to efforts to exterminate the Mormons. A Presbyterian newspaper noted that anti-Mormon mobs “are wholly at war with the genius of our institutions, and as subversive of good order as the conduct of the [Mormon] fanatics themselves. Perhaps, however, it was the only

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method which could have been effectively put in practice to get this odious description of population out of the way."\textsuperscript{50}

The Mormons, too, wanted to be "out of the way" and found the perfect place in the Great Salt Lake Basin. There they succeeded in establishing a social structure completely "motivated" by their religious "moods," in Geertz's terms. Buffered from the East by the Rocky Mountains and from the Pacific West by the deserts of Nevada, the Saints had found their "liberty in a solitary place." By the 1860's, thanks to their geography and the nation's neglect, the church had largely succeeded in constructing political, economic and familial structures that expressed their highest theology and governed their everyday lives. It consisted of a communal economic system, which conscientiously rejected capitalism; a political system that mirrored the church's ecclesiastical hierarchy; and a polygamous family structure. If proto-sociologist de Tocqueville had lived to see it, he probably would have been amused that the nation with the soul of a church had given birth to a church with the soul of a nation. But, the conflict inherent in the situation was serious. The church and the nation were soon at war with each other.

Having solved the first barbarism in the slaveholding South, the republic turned its attention west to eradicate the other barbaric twin: polygamy. In 1862, the year Reed Smoot was born, Congress enacted the first anti-polygamy statute and for the next twenty-eight years Smoot's people would be in open conflict with the United States. However challenging were the Mormon kingdom's political and economic structures,
nothing was as problematic as its family structure. The church's open practice and moral
defense of polygamy were met with outrage and anxiety in the East and, for the last half
of the century, generated an extraordinary number of dime novels, federal statutes and
judicial opinions. Beginning in 1862 with the Morrill Act, which equated plural marriage
with bigamy, moral outrage was coupled with federal legislative might to impose criminal
sanctions on individuals and political penalties on the Utah Territory in order to bring the
Saints into conformity with the moral philosophy and social institutions of the rest of the
country.

In addition to being criminalized, the Mormons were universal objects of ridicule
and scorn. Burlesque treatments in plays and romantic novels made the Mormon man the
symbol of unrestrained and predatory sexuality: Mormon woman, the dupe and sexual toy
of a Rocky Mountain harem; and their children, abused and deformed offspring. Gender
stereotypes and racial slurs were freely applied. As late as 1906, Committee-member
Dubois, speaking at a Methodist anti-polygamy rally, "commenced by comparing the

51. The classic treatments of anti-Mormon fiction are David Brion Davis, "Some
Themes of Counter-Subversion: An Analysis of Anti-Masonic, Anti-Catholic, and Anti-Mormon
A. Cannon, "The Awesome Power of Sex: The Polemical Campaign Against Mormon
Polygamy." *Pacific Historical Quarterly* 43 (February 1974): 61-82. See also, Leonard
Arrington and Jon Haupt, "Intolerable Zion: The Image of Mormonism in Nineteenth Century
American Literature," *The Western Humanities Review* 22 (Summer 1968): 243-60. For a more
recent study devoted exclusively to the subject of polygamy see Sarah Barringer Gordon, "Our
National Hearthstone: Anti-Polygamy Fiction and the Sentimental Campaign Against Moral
Diversity in Antebellum America." *Yale Journal of Law* 8 (Summer 1976): 295-350. See also,
Terry L. Givens, *The Viper on the Hearth: Mormons, Myths, and Construction of Heresy* (New
York: Oxford University Press, 1997). Analysis of relevant Supreme Court cases is found in a
number of sources, of course. One of the more complete treatments is Orma Linford, "The
308-70, 543-91.
Mormons to the negro, and asserted that, as the South will not be ‘dominated’ by the
negro, so the loyal American citizenship of the Rocky Mountains will not be dominated
by the Mormon.”52 Even where they were not damned in such good company, the
Mormons were considered sexual and social curiosities. Mark Twain captures the less
venomous spirit, when he writes of his trip to Salt Lake City:

There was fascination in surreptitiously staring at every creature we took
to be a Mormon. This was a fairyland to us...a land of enchantment, and
goblins, and awful mystery. We felt a fascination to ask every child how
many mothers it had, and if it could tell them apart; and we experienced a
great thrill every time a dwelling house door opened... for we so longed
to have a good satisfying look at a Mormon family in all its comprehensive
ampleness.”53

An entire generation of Latter-day Saints matured in this climate of antagonism and
shame, including Senator Smoot. Understanding the testimony of the Smoot hearing
witnesses for either side requires remembering the complexity and intensity of feelings
engendered during this period.

By the time Smoot was in his late twenties, nine hundred Mormons were in
federal penitentiaries around the nation. Since these men constituted the leadership of
L.D.S. communities and since the chief leaders of the church, who had as yet not been
arraigned, were in hiding, the church was under tremendous organizational strain. In
addition, heavy fines for those convicted, loss of family support from those in prison, and
confiscation of church property by federal agents were impoverishing the church and its

52. Carl Badger to Rose Badger, 4 December 1906, Badger Collection, Box 2, fd. 2.
53. Mark Twain, Roughing It (Hartford, Conn.: American Publishing Co., 1872; reprint.
members. Meanwhile, completion of the transcontinental railroad and consequent growth of mining and mercantile had attracted a large number of non-Mormons in the previous two decades. By 1890, Latter-day Saints were only 56 percent of the Utah population and faced political parties constituted entirely on religious grounds. Adding insult to injury, the anti-Mormon party won the Salt Lake City elections that year.

Most significantly, however, 1890 was a terrible year for the church in court. In February, the Supreme Court upheld an Idaho statute disfranchising and barring from public office those who believed in polygamy, whether they practiced it or not.\textsuperscript{54} This effectively removed rights of citizenship for all Idaho Mormons and later served as the model for a proposed anti-polygamy amendment to the constitution. In another case, ominously entitled \textit{Late Church of Jesus Christ of Latter-day Saints vs. U.S.}, the Supreme Court upheld statutory seizure of the church’s property, including places of worship. The Court reasoned: “The organization of a community for the spread and practice of polygamy is, in a measure, a return to barbarism. It is contrary to the spirit of Christianity and of the civilization which Christianity had produced in the Western world.” \textsuperscript{55} With defeat of the church’s last possibility for appeal, the federal marshal notified its president Wilford Woodruff that he was about to seize the Mormon temples. The limits of L.D.S.

\textsuperscript{54} \textit{Davis v. Beason}, 133 U.S. 333 (1890). "Bigamy and polygamy are crimes by the laws of all civilized and Christian countries. . . . To call their advocacy a tenet of religion is to offend the common sense of mankind. If they are crimes, then to teach, advise and counsel their practice is to aid in their commission, and such teaching and counseling are themselves criminal and proper subjects of punishment, as aiding and abetting crime are in all other cases." \textit{ld.} at 341-42.

\textsuperscript{55} \textit{The Late Corporation of the Church of Jesus Christ of Latter-day Saints vs. United States}, 136 US 1, 49 (1890).
resistance had been reached. It appears the Mormons could give up their property, their
liberty, and even their rights of citizenship, but they could not part with their temples. On
September 24, 1890, Wilford Woodruff issued a statement that would become known
simply as “the manifesto.” and its meaning would preoccupy the Smoot hearing panel. It
read: “Inasmuch as laws have been enacted by Congress forbidding plural marriages,
which laws have been pronounced constitutional by the court of last resort. I hereby
declare my intentions to submit to those laws, and to use my influence with the members
of the Church over which I preside to have them do likewise.”

Most historical discussions of the L.D.S. Church end here, with the issuance of
the manifesto against polygamy. The manifesto was, however, just the beginning of the
end of the Mormon Problem. The language of the manifesto was ambiguous and, hence,
couraged an ambivalent response both inside and outside the church. Although the
Saints agreed by their law of common consent to accept Woodruff’s advice as the “will of
the Lord” and binding on them, it had been a “weak vote.” Some Mormons thought the
manifesto was a political expediency designed to save the church. All of the anti-
polygamists knew it was and continued to use every available forum to state their case.

Smoot’s election provided them with their most effective forum.

56. The Doctrine and Covenants of the Church of Jesus Christ of Latter-Day Saints (Salt

57. Marriner W. Merrill, journal entry for 6 October 1890 in Utah Pioneer and Apostle
Marriner Wood Merrill and His Family, ed. Melvin Clarence Merrill (Marriner Family, 1937).
The Beginning of the End of the Mormon Problem

The coalition of Christian institutions, social reformers and women's groups had every reason to expect that they could convince the Senate to send Smoot packing. As recently as January, 1900, they had successfully blocked the admission of Utah's congressional representative, B. H. Roberts by using the same charges and strategies. It was a quick rout, lasting only six weeks. Unseating Smoot would prove to be a much more difficult challenge. Unlike Roberts, who was a polygamist, albeit one with a presidential pardon, Smoot's marital status, coupled with the Senate's concern for constitutional questions, enabled him to obtain his seat initially. This shifted the burden to the protesters to prove why he should not keep it, rather than to him to prove why he should obtain it. The Republican party's desire for the western vote gave Smoot immediate political support. As important, however, was the ecclesiastical support given to Smoot by new church president Joseph F. Smith.

Smith knew that his church's loss of control over Utah and its increasingly necessary relation to the United States removed any hope of re-building Brigham Young's version of kingdom of God. The Saints had hoped statehood would bring them autonomy again, but it brought them democracy and pluralism instead. Smith recognized

this and was resigned to doing what was necessary to heal the breach between his church
and the nation. As the church’s most experienced officer, as well as nephew and
namesake of its founding prophet, the new President Smith had the personal and
institutional power to induce change within the church. In his inaugural address, he
announced to church members that they could not accomplish their god-given mission
unless they overcame their reputational problems. Speaking at their 1901 general
conference, he explained:

We have been looked upon as interlopers, as fanatics, as believers in a
false religion: we have been regarded with contempt and treated
despicably: we have been driven from our homes, maligned and spoken
evil of everywhere, until the people of the world have come to believe that
we are the off-scourings of the earth and scarcely fit to live. There are
thousands and thousands of innocent people in the world whose minds
have become so darkened by the slanderous reports that have gone forth
concerning us that they would feel they were doing God’s service to
deprive a member of this Church of life, or of liberty, or the pursuit of
happiness, if they could do it. The Lord designs to change this condition
of things, and to make us known to the world in our true light—as true
worshipers of God. . . . If there is anything that I desire above another in
this world, it is that my children shall become established in this
knowledge and faith . . . .\textsuperscript{59}

This is the only explanation Smith would give for his administrative policies of the next
several years, including the decision to support Smoot’s candidacy through all that would
follow. First, the church needed to be accepted by the nation in order to do its work. The
concrete expression of this need is probably most obvious in the church’s missionary

\textsuperscript{59} Joseph F. Smith, Sermon, in \textit{L.D.S. Conference Reports, Seventy-first Semi-Annual
Conference} (Salt Lake City: Deseret News, November 1901), p. 70. The previous week he had
signaled the end of polygamy as well when he explained at a local, church conference: "The Lord
withheld this principle from the people because 96 per cent did not obey it and ninety per cent of
those who did obey it had abused it. . . ." Anthon H. Lund Diary, 27 October 1901. Anthon H.
Lund Papers. L.D.S. Church Archives, Box 62, fd. 3, Vol. 20, File: 2737, Salt Lake City, Utah.
program. In the American south, missionaries and new members were subject to mob violence and death threats. Meanwhile, European governments in cooperation with the U.S. State Department were proscribing the organization of L.D.S. congregations and deporting L.D.S. missionaries. Because of L.D.S. millenarian theology, this crisis was not one of growth or conversion rates but attacked its raison d’etre as harbinger of the millennial reign.

Secondly, as he says, Smith was concerned about establishing the next generation in the church. Most immediately, this can be understood as fearing the consequences of a federalization of the Idaho anti-polygamy act, which legitimized the disfranchisement of church members and the confiscation of all church property. It was not beyond the realm of possibility that the church could once more be unincorporated. Given this view of the church’s future, it is not difficult to understand why the Mormons wanted an apostle in the senate. While Roberts’ experience and Roosevelt’s objection were a reminder of the one set of negatives, they paled in comparison to the church’s present vulnerabilities. When it became apparent that the object of the hearing was going to be the church and only nominally its senator, a member of the church’s presidency worried to himself in his journal: “It is now certain that the Senate demands an investigation of the Church. For it is not Reed Smoot, but the Mormon church they are aiming at. If this matter is pushed where will it end?” He did not have to conjecture. The church’s experience of the previous twenty years left nothing to the imagination should they fail in their attempt to negotiate a settlement with the Senate.

The Beginning of the End of the Mormon Problem

When the hearing began, three groups had both a vested interest in and incommensurate goals for the proceedings. The protestors wanted to put an end to the Mormon church because of their sincere conviction that it was destructive of home and nation. The Latter-day Saints wanted to be “known to the world in our true light” and wanted the political leverage of a senate seat to make that possible. In the middle and sometimes falling on either side was the Senate, whose greatest concern was the church’s capacity for anarchy. The Senate wanted proof that the Church was willing to submit finally to civil law, even if it meant disobeying the law of their god. They wanted the church to conform to “religion according to the American idea and the United States constitution.” The conflicting interests of all these three groups, like all litigants, appeared insurmountable as the hearing commenced. In the end, however, the Smoot hearing did what the U.S. army and federal criminal penalties had failed to do: it finally solved the nation’s Mormon Problem. The hearing succeeded in large part because political trials allow for compromise, where military arms and criminal, statutory penalties do not.

Changes in the parties themselves were as critical as the change in forum for their grievances. Protestant authority, both as theologically defined and socially experienced, had been undermined during the last decades of the nineteenth century, making the protestors dramatically less able to coerce their terms upon the barbarian Mormons. Meanwhile, the American government was responding to pluralism by giving up its nineteenth-century job of inculcating virtue in its citizens. The shift in Protestant identity
(from architect to lobbyist of American society) and in government's function (from arbiter to referee) positioned the Mormons to obtain denominational status with its associated social privileges and political liberties.

Changes in the L.D.S. Church of the Progressive Era were no less definitive than in Protestantism and the state. For the first time, the Mormons felt they had something to gain by negotiating for denominational status. It did not come without a price, of course; that is the nature of litigation: all parties go home a little unhappy when they do not get everything they want, but because they can live with what they did get, they do go home. With respect to the Smoot hearing settlement, the Protestants ensured the supremacy of their model of marriage for the remainder of the twentieth century; the Senate received overt obeisance from the L.D.S. Church; and the church placed its apostle in the Senate for the next thirty years, where he became one of its most powerful members. Before these results could be achieved, however, the parties had to challenge each other in that mixture of bear-baiting and theater known as a Senate investigative hearing.

Senate proceedings are not governed by the rules of civil courts, including that most commonsense limit, relevance. The Smoot hearing would range far beyond the senator's qualifications for office. The protestors' hope of unseating Smoot and obtaining an anti-polygamy amendment to the constitution lay in proving the Mormon church had not changed and would not change unless coerced to do so. This required them to broadly attack the Mormon church and lobby heavily to ensure that its leaders would testify in defense of their religion and against Smoot's interest in retaining his seat. The new senator did all he could, even compromising his defense, to stave off the
movement to subpoena the church hierarchy, writing his church president: "... I could have made it much stronger by making specific allegations and explanations, but I was afraid to do this for the reason that an allegation made by me would compel me to prove it, and it might be that in order to prove it to their entire satisfaction, they might require some of the Presidency to testify. I contented myself with simple denials and admissions." But, it was to no avail. On the eve of the hearing, Chairman Burrows "very frankly" told Smoot that he "was not on trial, but that they were going to investigate the Mormon Church." On March 2, 1904, the protestants called their first witness: church president Joseph F. Smith.

"Is not a man's duty as a citizen perfectly consistent with any conception that exists in this country of his religious duty?"
— Sen. Joseph W. Bailey (D-Texas). 20 April 1904

CHAPTER TWO
SUBORDINATION TO THE STATE

On Wednesday, March 2, 1904, the president of the L.D.S. Church was called to the witness stand. The usual first questions introduced the witness better than most could appreciate. Name? — Joseph F. Smith. Place of residence? — Salt Lake City. Duration of residence? — Fifty-six years. Each of the witness's answers was a critical marker of both his identity and the crux of the matter before the Senate Committee. He was named "Joseph" after his uncle, the church's founding prophet, and "Fielding" after his immigrant English mother, with whom he had made the forced march from Illinois to the Rockies. He had lived in Salt Lake City for fifty-six of his sixty-six years, making him an original citizen of the Mormon kingdom and first-hand participant in every phase of the nation's Mormon Problem. Smith's character and personality were shaped in an environment of extraordinary personal sacrifice and by experiences of abject loss and extreme terror. Both in his personal history and his ecclesiastical office, Smith embodied

2. Id., I: 80.
the conflict of authority between a nation with the soul of a church and a church with the soul of a nation.

Born in 1838, Smith was immediately caught up in the Saints' brutal flight to Illinois, catalyzed by the Missouri governor's extermination order. Over the next few years, Smith saw the Mormon utopia, Nauvoo, Illinois, created out of a swamp on the Missouri River and soon evacuated by force of mob violence. On his thirty-sixth birthday, Smith wrote in his journal ""my soul has never thoroughly dispelled the darkening shadows cast upon it by the lowering gloom of that eventful period."

The church's second exodus in six years was precipitated by the murder of Smith's father and uncle, while in protective custody of Illinois' governor. The memories of it were sufficiently traumatic that Smith did not visit the site of his father's martyrdom until 1906, notwithstanding his having been in the vicinity several times. Of the visit, a traveling companion reported: ""he sank down in a chair and wept in the little jail room . . . . The more immediate effect of the violence on him is implied in a letter he wrote his wife when passing through Nauvoo on his way to England in 1860: ""I could pick out nearly every spot that I had known in childhood, . . . [including] the little Brick Out house where I shut myself up to keep from going to prison as I supposed."" Throughout his six-


5. Joseph F. Smith (Colchester Illinois) to Levira Annette Clark Smith (Salt Lake City), 28 June 1860. Kenney Collection, Box 5, fd. 16.
day ordeal on the witness stand in the Smoot hearing. Smith wore on his lapel a small picture of his father. One can only guess its significance, but it must have reminded the son that no sacrifice was too great for the family faith. To others who may have inquired about the button on his lapel, it communicated the Mormon conviction that they continued to be a persecuted people, in this tribunal, as they had been for the previous sixty-six years of Smith’s life.

Joseph F., as he was called within the church, matured in the Utah territory under circumstances that continued to school him in the destructive antagonism between his church and the United States. His mother died from the hardships of building a homestead in the barren Salt Lake Basin, making him an orphan at thirteen. His temper earned him an early mission call at the age of fifteen to the Sandwich Islands.\(^6\) When he returned five years later, he found “all Utah . . . aflame with the war spirit . . . preparing to resist the impending invasion of Salt Lake Valley.”\(^7\) The U.S. Army had been sent to subdue the Mormon kingdom, and Smith’s first night home was spent, he said: “molding

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\(^6\) Throughout his life, Smith struggled with rage, often evoked by events triggering past associations with his own powerlessness. The following is an account from a colleague’s journal: “Pres. Smith . . . warned against yielding to impulses. Related how he at one time felt when a man in Iowa told him that he lived near Carthage where his father and the Prophet were murdered. This man said he was present. Joseph said when he heard this everything turned black and, when he [the speaker] further stated his opinion concerning that act had not changed, but was the same today, the President said he could only think of that dastardly crime and that here was one of the perpetrators before him. What a relief to have the man say that he thought it was one of the most wicked crimes ever committed . . . The President said I woke up as of a trance and found my knife open in my hand. Had he boasted of being one of the murderers I would have killed him. How thankful I was that I was preserved against such a fate. The Lord says ‘Revenge is mine.’ Men must not take it themselves.” Anthon H. Lund Diary, 8 November 1902. Lund Paper. Box 62, fd 4.

\(^7\) Joseph F. Smith, "My Missions," Deseret Evening News (Salt Lake City), 21 December 1901.
rifle bullets from a pig of lead. . . I then proceeded to the front. . . .”

For the next forty years, Smith was on the front line in every battle his church fought with its host nation.

No wonder, then, that the Saints regarded him as “a reflex of the best character of the 'Mormon' people -- inured to hardships, patient in trial, God-fearing, self-sacrificing, full of love for the human race, powerful in moral, mental and physical strength.”

When, in 1904 at age sixty-six, he faced the Senate committee, Smith embodied his church no less than the image he wore on his lapel. As the chief hierarch of the Mormon church, husband to five wives, and father of forty-eight children, Joseph F. Smith served an equally representative function for the protestants.

*The Protestants Make Their Case*

Newspapers for March 2 through March 7 described the atmosphere, as well as Smith’s testimony, in great detail. “The Mormons sit in a stolid row . . . on the right-hand side of the great table that extends down through the middle of the room . . . .” said the *New York World*. The protestants and their attorneys, Robert Taylor and John Carlisle, sat opposite Smoot and his brethren. The Committee was arrayed at the head of the table and spectators were crammed in every nook of the remaining space. How they viewed the defendants is conveyed by the *World’s* “Graphic Pen Picture:”

Nearest the door is President Joseph F. Smith, a man of five feet eight or nine, with broad shoulders, a short neck and a general appearance of squattiness. . . . His eyes are small and shifty. They sparkle behind his glasses and are never still. . . . His words are well chosen. It is evident

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8. *Id.*

that he has had much practice in talking to the public. His temper is not well in hand, for at time he flares up and answers questions sharply. He rarely moves when other witnesses are on the stand. He watches each man closely, but betrays neither satisfaction at nor disapproval of the testimony.\textsuperscript{10}

Smith was the viper on the nation's hearth, and its citizens were transfixed by the spectacle of his six-day cross-examination by some of their finest lawyers.\textsuperscript{11}

The hearing was a cause celebre for obvious reasons. A Salt Lake City paper reported "the gallery corridors on the Senate side of the capitol building were lined with people anxious to catch a glimpse of the men who had a multiplicity of wives. . . ."\textsuperscript{12} A stringer for the Associated Press concluded: "At times, the trend of questions indicated that counsel for the protestants proposed to lift the bed curtains in the homes of every official of the Church . . . ."\textsuperscript{13} The Washington Evening Star headlined in bold type: "NOW HAS FIVE WIVES/ Admission by 'President' Smith of Utah . . . ." and reported it was "[n]ecessary to post policeman at door; no one allowed in except those directly interested; others blocked the passageway."\textsuperscript{14} Directly behind the Mormon patriarchs, forty or more representatives of the women's groups sat in a section reserved for their

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\bibitem{12} \textit{Salt Lake Tribune} (Salt Lake City). 3 March 1904.

\bibitem{13} \textit{Deseret Evening News} (Salt Lake City). 3 March 1904.

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use. Noted among the attendees were: Margaret Dye Ellis, general superintendent of the Woman's Christian Temperance Union; Teunis S. Hamlin, treasurer-general of the Association of Women's Clubs and wife of the pastor of Washington's Church of the Covenant; and "Mrs. Phoebe Cousins, of Iowa, a woman suffragist . . ." 15 Everyone else had to scramble for a seat. On any given day, as many as twenty members of the House and several senators, not on the Committee, were in attendance, some forced to stand along the walls of the hearing room.

Directly across from the "stolid row" of Mormons, the protestants took their seats at the table "more sanguine of success than at any time heretofore during the campaign . . . [because their] campaign has now progressed to the point where the church, rather than one of its apostles, is about to be placed on trial before the nation." 16 On the eve of the hearing, the Committee had permitted the protestors to modify their complaint to charge that "the President and a majority of the Twelve Apostles now practice polygamy and polygamous cohabitation and some of them have taken polygamous wives since the manifesto of 1890: [and] that these things have been done with the knowledge and countenance of Reed Smoot: . . . ." 17 Joseph F. Smith and the church's apostolic quorum were now the express object of the Senate's investigation. Though it was


16. Baltimore Sun (Baltimore), 2 March 1904. See also. "Smoot Trial Begins with Brief Meeting."

17. Unsigned [probably Franklin S. Richards-the church's attorney] (Washington D.C.) to L.D.S. First Presidency (Salt Lake City), 18 January 1904, Smoot Collection. Box 50. fd. 5.
doubtful that their conduct was legally relevant to a determination of Smoot’s qualifications, the political nature of the hearing made it possible to consider much that was impermissible in a court room. After a year of having his objections to relevance overruled, Smoot’s lawyer could only find comfort grumbling sarcastically to the Committee: “It would be well in the course of the investigation to have his [Smoot’s] name mentioned once in a week at least.”

The Senate continued to look past Smoot to his church, however. As the national legislature, it possessed a broad understanding of its custodial responsibilities and regulatory prerogatives. Because the Senate was primarily concerned about the extent of church power and its exercise at the expense of republican institutions, the Committee was willing to hear any evidence of the L.D.S. Church’s ability to control those who came within the sphere of its influence, especially with respect to economic and political matters. His identity having been established, the first substantive question asked Smith concerned the extent of his business holdings. The answer covered four pages and included references to every major commercial and financial institution in the state: banks, utilities, railroads, newspapers, manufacturing plants and retail outlets. It was soon established that Smith’s engagement in these businesses was as president and that the boards which supported him were also comprised of L.D.S. ecclesiastical officers. This information must have shocked and dismayed his audience. The 1887 Edmunds-Tucker Act had dissolved the church and confiscated its property. It had only been returned twelve years ago and, even then, only in part. Yet, the church appeared to be no

worse for the experience and back in control. Such testimony could have only added to the fear of the church’s imperviousness to federal authority and the suspicion that it was less than forthcoming about the actual extent of its holdings. Neither did it appear that the church was adverse to extending them. In December, 1903, one month before the hearing began, the church had participated in a consolidation of certain transportation and power companies, which gave Smith a “working monopoly of all street railways in Salt Lake City and Ogden and of all electric generating facilities for...[the State’s most populous] counties.”

Equally distressing as the church’s commercial dominance was its apparent political control over the lives of American citizens. Judge Orlando W. Powers, non-Mormon lawyer, resident of Utah for nineteen years, and former associate justice of its supreme court, testified “that from the earliest history of the Mormon Church it has been more or less a political institution...” and that its negative experiences with the American people and government made it at best disinterested and at worst hostile to “our national policies.” Moreover, since most of the church had emigrated from the “Old World, unacquainted with our institutions and our system of government...,” there was no impediment to their being “taught to look up to and follow the leaders of the Mormon Church...[which instructs them in] the necessity for unity — unity of action; the necessity of obeying counsel...of not questioning that which may be said to you by men

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19. *Id.*, I: 81-83 and 86.

claiming to be inspired.” As evidence, Judge Powers described naturalization hearings of
Mormon immigrants, who insisted repeatedly that they would obey the authorities of the
L.D.S. Church, even if in conflict with the law of the United States.

Finally, despite their efforts, the apostles’ personal practice of post-Manifesto
polygamy was a very poorly kept secret. The protestants were able to prove that, in
addition to those cohabiting with pre-manifesto plural wives, at least four of the quorum
were married plurally after 1890: Abraham H. Cannon, John W. Taylor, George W.
Teasdale, and Abraham O. Woodruff. The protestants also produced testimony that four
members of the quorum performed plural marriages for others: Matthias Cowley, John
W. Taylor, George W. Teasdale, and Marriner W. Merrill.21 This shocked the country
and produced an emotional response that swamped Senator Smoot’s constitutional
argument. Utah’s delegate in the House of Representatives warned a friend in Utah, “... it looks more serious for the Mormon people than they seem to realize at home. It is
summed up in this: The question is not, Shall Reed Smoot keep his seat in the Senate?
but, Shall the Mormon Church be declared an alien organization, and its members unfit to
hold the rights of citizenship?“22

21. The seminal articles evaluating the evidence of post-Manifesto polygamy are:
1896, and June, 1905, respectively, apostles Abraham H. Cannon and Abraham O. Woodruff
were not themselves subject to question. Their post-manifesto polygamous marriages became an
issue during the hearing, however.

22. James H. Howell (Washington D.C.) to Ed Callister (Salt Lake City). 18 January
1906. Kenney Collection, Box 7, fd. 6.
Many, even among those unsympathetic to him, agreed that holding Smoot accountable for the actions of his co-religionists violated his rights and was corrosive of religious liberty for all. "Mormonism is bad if not rotten," opined the Independent Magazine. "but bad men have political rights. The cure for Idaho or Utah is religious, and educational, and social, not political."23 Harper's Weekly argued:

In other words, a majority of the Committee on Privileges and Elections will ask the United States Senate to declare that no man holding a post of honor and power in the Mormon hierarchy is eligible to a seat in either House of the Federal Legislature. This, although he is admitted to be personally innocent of any violation of a State or Federal law. Is the establishment of such a precedent by the Senate reconcilable with the third section of Article VI of the Federal constitution, which provides that no religious test shall ever be required as a qualification to any office or public trust under the United States? . . . Where religious duty and duty to civil power conflict, as might conceivably be the case in the minds of Roman Catholics. could more be required constitutionally of a Catholic citizen than personal obedience to the law? This is a question the seriousness of which will be recognized by statesmen who have an eye to future contingencies.24

Smoot's opposition was not without a persuasive rebuttal, however. An exchange between competing editorialists in Poughkeepsie, New York, captures the contrasting views inspired by Smoot's trial. The Daily Eagle announced: "We think it is high time that the American people . . . realized just what all this talk means. It means simply that a man is to be excluded from public office because he believes things which we do not believe." Two days later, The Poughkeepsie Press retorted: "Much that the Eagle says about the rights of men to freedom of conscience is excellent, although there are a few


left in this bigoted age who do not recognize freedom of conscience as a license to violate
the statutes and outrage the decent sense of the whole nation.”

25  As in Poughkeepsie, so also in the Senate and the nation. American devotion to religious liberty was outweighed
by the fear of Mormon anarchy. First Amendment concerns could be postponed until
after the Committee determined the more basic question of whether the Mormons would
subject themselves to the laws of the land. Chairman Burrows told the Utah Senator: ""It
is the Mormon Church that we intend to investigate, and we are going to see that these
men obey the law.”

26  The Law of the Land

Two kinds of unlawful conduct were put at issue by the protestants: polygamy and
unlawful cohabitation. Polygamy had been statutorily forbidden since the Morrill Act of
1862. 27  Because the church claimed it did not keep written records of marriages.

25. The Eagle (Poughkeepsie, New York), 28 December 1904; The Poughkeepsie Press
(New York), 30 November 1904.

26. [Franklin S. Richards] (Washington D.C.) to L.D.S. First Presidency (Salt Lake
City). [Franklin S. Richards] (Washington D.C.) to L.D.S. First Presidency (Salt Lake City), 18
January 1904.

27. Congress eventually enacted three more statutes regarding Mormon marriage
practices. In addition to the Morrill Act of 1862 outlawing polygamy, Congress passed the
Poland Act of 1874, placing the Territorial courts under federal jurisdiction in order to enforce
the Morrill Act; the Edmunds Act of 1882, imposing civil penalties, such as disenfranchisement,
and simplifying the evidentiary burden for polygamy convictions; and, finally, the Edmunds-
Tucker Act of 1887, dissolving the corporate status of the Church and providing for confiscation
of its property. The historiography of anti-polygamy law is voluminous, but three sources stand
out for their comprehensiveness and balance: Richard S. Van Wagoner, Mormon Polygamy: A
History (Salt Lake City: Signature Books. 1986); B. Carmon Hardy, Solemn Covenant, the
Mormon Polygamous Passage (Urbana: Univ. of Illinois Press, 1992); and Edwin Brown
Firmage and Richard Collin Mangrum. Zion in the Courts: A Legal History of the Church of
Jesus Christ of Latter-Day Saints, 1830 - 1900 (Urbana: University of Illinois Press, 1988).
Other sources which provide further depth of analysis will be cited infra.
however, polygamy was practically impossible to prove, and convictions were virtually nonexistent. Mormon juries were disinclined to find guilt on any evidence, much less the circumstantial kind, and cooperating witnesses were not to be found. Consequently, in 1882, Congress passed the Edmunds Act, which created a category of crime termed "unlawful cohabitation" and provable by inferences from social conduct.

The ultimate goal of the anti-polygamy laws was to enforce the regnant concept of American marriage as a contract between one man and one woman, not merely to proscribe sexual activity among multiple partners. Certainly, polygamy's sexual dimension was its most scandalous and titillating aspect. But, anti-polygamous sentiment was equally aroused by the assumed negative social and psychological effects of plural marriage on women, the moral well-spring of the home and, thereby, of the nation. Therefore, anti-polygamy law was intended to de-legitimize plural marriage in all its dimensions as a domestic partnership. The crime of unlawful cohabitation was defined especially broadly to encompass a variety of behaviors that permitted the inference of a marriage.

The confusion inherent in the situation is revealed by an exasperated judge's instructions to an otherwise law-abiding, Mormon bishop:

I can tell you just what is expected of you, that you shall not cohabit and live with your plural wives as your wife, must not hold her out to the public, and your associations must not be such as the people who are unacquainted with your relations would naturally infer that you were

husband and wife. You are under a moral obligation to support, educate, and provide and care for your children. The limitations on your conduct that the law imposes are not such that you shall not visit there to look after your children in times of distress and sickness, but you are expected to give them your care and attention. The law does not expect and will not permit you to go and cohabit with the woman as your wife and rear children by her: to be plain about it, to occupy the same couch and live and sleep with her and associate with her as your wife. That is the limitation that the law imposes in these cases.  

This was easier said than done. of course. As one non-Mormon witness put it: “If they go there, if they visit the home, this other thing is bound to occur.”

The protestants did not take such a lenient view of human nature, however, and believed it was a ruse to argue that the anti-polygamy laws required men to abandon their families. Robert Taylor, protestants’ counsel, demanded of witness Smith: “Do you consider it an abandonment of your family to maintain relations with your wives except that of occupying their beds?” Joseph F. replied: “I do not wish to be impertinent, but I should like the gentleman to ask any woman, who is a wife, that question.” Smith would not budge from his assertion that pre-manifesto marriages, including his own, were legitimate and that the families produced by them had a higher claim on the Saints than the civil law did. The fact that these families, including Smith’s, had continued to produce children was especially aggravating to the Chairman, who challenged Smith’s representation that he was law-abiding. Burrows interrupted Beveridge to demand of the

29. Proceedings II:898, citing from the record of 6th Judicial District Court of Utah, 21 October 1899.

30. Id., II: 736.

31. Id., I:131.
witness: "Do you obey the law in having five wives at this time and having them bear you eleven children since the manifesto of 1890?" Smith attempted to answer: "Mr. Chairman. I have not claimed that in that case I have obeyed the law of the land." The Chairman interposed: "That is all." Smith doggedly continued: "I do not claim so, and I have said before that I prefer to stand my chances against the law." To which the Chairman huffed: "Certainly." But, Smith hung on for the last word: "Rather than abandon my children and their mothers. That is all there is to it." Smith's sore temper on the subject was a function of his experience. One of Smith's wives remembered the previous twenty years as a time when "our families were scattered and, to obey the laws of the land, changes were made in our family customs, which grieved us all."  

During the 1880’s, increased numbers of federal agents were assigned to conduct "cohab hunts" or raids on Mormon settlements to arrest polygamists. Eventually more than thirteen hundred L.D.S. men and women were fined and assigned to prisons in Arizona, Michigan, South Dakota, Idaho, and Utah. Pursuing information on people's

32. Id., I:197.


34. Melvin L. Bashore, "Life Behind Bars: Mormon Cohabs of the 1880’s," Utah Historical Quarterly 47, no. 1 (1979): 24. The extent of the practice of polygamy in the Mormon community was virtually impossible to calculate under the circumstances. Modern scholars have arrived at various estimates. The best summary is provided by Thomas Alexander: "At present, perhaps the best estimates of the number of polygamous families among late-nineteenth-century Latter-day Saints range between 20 and 30 percent. Nevertheless, studies of individual communities show a wide variation in the incidence of plurality. Using 1880 census data, geographer Lowell C. "Ben" Bennion found the lowest percentage of polygamous families — 5 percent — in Davis County's south Weber and the highest — 67 percent — in Orderville. He found 15 percent in Springville. In a study of St. George, historian Larry Logue found nearly 30 percent of the families polygamous in 1870 and 33 percent in 1880. . . . Approximately
domestic arraignments was a thankless task for some and a satisfying crusade for others in Mormon communities. “Mind your business” became part of the Saints’ creed during a time when bribes were offered to anyone who would testify against another; the credibility of accusers went untested: and the presumption of innocence was reversed. Bounties were offered for information leading to arrest of church leaders, causing the majority to live in hiding or out of the country for years at a time. The effects of the law were, as intended, thoroughly disruptive of Mormon society and morale. A polygamist wife later described the period in her autobiography:

It is difficult to picture the unsettled conditions in Utah and Idaho during the raid against polygamists. Homes were broken up and families scattered among relatives or friends. . . . Some had secret hiding places in their own homes; others trained the children to watch for the Deputy Marshal, and to evade or deceive when asked questions by strangers or deputies about family relations. If people were at any public gatherings and the federal marshal entered the town, there was a scattering of local Church authorities. . . . Mothers ran with their babies to the neighbors; old men took to the fields. . . . It was almost impossible for a stranger, who may have had only innocent motives, to get any reliable information about resident members of a town, because of the suspicious attitude of the citizens and their aversion to answering questions.35

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two-thirds of the polygamists married one plural wife . . . . Some men did marry a large number of women. . . . Polygamous families represented the elite of Mormon communities. . . . As a result, fewer polygamous wives (32 percent versus 48.9 percent of monogamous wives) had to support themselves from frugal budgeting of resources.” Thomas Alexander. *Utah The Right Place: The Official Centennial History* (Salt Lake City: Gibbs Smith Pub., 1995), pp. 188-189. By 1904, these percentages had been reduced, but by how much it was impossible to tell. Understandably, it was a hotly contested issue. Smith testified that “only about 3 or 4 percent of the entire male population of the church have entered into that principle . . . .” Senator and former federal marshal Fred Dubois argued this was merely the number convicted. *Proceedings* I: 200 and 208.

One mother instructed her children that, if asked, "they didn't know what their name was: they didn't know where they lived: they didn't know who their dad or mother was." The campaign for and against polygamy made the Mormon inter-mountain community a society of deceivers and snoops. Church officials, too, engaged in "double speak" about the doctrine of plural marriage, avoiding reference to it where non-Mormons were likely to be present and denying its practice when asked. Obfuscation and even prevarication appears to have become commonplace, both individually and institutionally, when dealing with federal officials and the national press.

As the majority of polygamous families aged, cohabitation was increasingly a crime of relationship inferred from otherwise innocent conduct, e.g., visiting too often or too late: giving gifts to ostensibly unrelated children: or being seen at public gatherings with different women. Those best able to observe such quotidian events were also least inclined to prosecute. J.W.N. Whitecotten, an attorney and non-Mormon employee in Smoot's bank, explained to the Senate Committee: "when it comes [to] ... making complaint against a neighbor ... it calls up to us all these things of an unpleasant character among neighbors: throwing the only support the women have into the penitentiary maybe, or taking the substance of the man to pay the fine. It makes a man hesitate, and a man who would do that must be a man peculiarly made for seeing nothing but the law." The non-Mormon chair of Utah's Republican Party expressed an even


more lenient view when cross-examined by Senator Dubois, who asked him
incredulously: “Mr. Booth, do you not understand that these children who are now being
born into the world in this polygamous relation come into the world contrary to the laws
of God and man?” Booth replied: “Well, they do contrary to the laws of man. The other
law is not so well defined and definitely settled as to enable me to testify concerning it. . .
. I would despise a man who would abandon these women.”38 Even more
magnanimously, the otherwise anti-Mormon witness, Orlando Powers said:

They are a God-fearing people, and it has been a part of their faith and
their life. Now, to the eastern people their manner of living is looked upon
as immoral. Of course it is, viewed from their standpoint. Viewed from
the standpoint of a Mormon it is not. The Mormon wives are as sincere in
their belief in polygamy as the Mormon men, and they have no more
hesitation in declaring that they are one of several wives of a man than a
good women in the East has in declaring that she is the single wife of a
man.39

In sum, testimony at trial showed that, while not they did not endorse polygamy, most of
those who lived among the Mormons believed in their sincerity and agreed with them as
to their familial duties. The Mormons’ neighbors were convinced that the practice of
polygamy was moribund and, if not given further energy by persecution, would be
quashed by the new generation of Saints.

The national reform movements, however, were convinced that this laissez-faire
approach was the cause of new polygamy and desired to apply a more exacting standard.
As Burrows told Smoot “‘if a man was seen with a plural wife he was guilty of

38. Id., II: 732-733.
39. Id., I:844.
polygamy.\textsuperscript{40} To the Chairman and the protesters, Smith's defense of cohabitation was an act of defiance and his homes were "houses of prostitution."\textsuperscript{41} The reformers recognized, however, that Utah could not be compelled to enforce anti-polygamy and unlawful cohabitation laws. Having joined the union of states, Utah had the power to govern itself within constitutional limits. As the testimony of post-manifesto polygamy and cohabitation continued to mount during the trial, some called for the revocation of Utah's state charter on the grounds it had entered the union on false pretenses. No one knew exactly how to do that, however. Besides, few, even among those willing to punish Smoot for his church, were willing to punish the entire state. Most of those concerned with Utah's lackadaisical enforcement were content with demanding a constitutional amendment, like the Idaho test oath statute, that would disfranchise those who believed in polygamy or belonged to an organization that espoused the principle. The protesters hoped to garner support for the amendment by using the Smoot hearing to expose the continuing lawlessness of the church. So far, they were succeeding. \textit{Goodwin's Weekly} observed, "the people of this country are being stirred to the depths over this attempt to push into the Senate a man who holds another government as more binding upon him than the government under which he is born."\textsuperscript{42} The Senate, too, was outraged. \textit{The New

\textsuperscript{40} [Franklin S. Richards] (Washington D.C.) to L.D.S. First Presidency (Salt Lake City), 18 January 1904.

\textsuperscript{41} \textit{Proceedings II:741}.

\textsuperscript{42} \textit{Goodwin's Weekly}, 14 February 1903, quoted in Milton R. Merrill, \textit{Apostle in Politics} (Logan, Utah: Utah State University Press, 1990), pp. 32-33. The anxiety over dual allegiances also was a key element in anti-Catholicism in this same period. See David Brion Davis, "Some Themes of Counter-Subversion: An Analysis of Anti-Masonic, Anti-Catholic, and
York Times reported: “The admissions made by President Smith were received with astonishment by the committee. Evidently the Senators had not believed the allegations that had been made against the Mormons.”

Defending the Faith

The day before the hearing began, Smoot’s young secretary and law student Carl Badger wrote in his journal: “The answer [to the protestants’ new claims] seems a very difficult one to meet. The contradictions at home are peculiar, and if they hold the Senator responsible for them out he will go.” “Contradictions” was Badger’s euphemism for the fact that, while the church maintained an official policy against polygamy, its members continued to practice it. The Saints had lived with such contradictions for a long time. Only the young among them, like Badger, could think the contradictions “peculiar.” They did not have the history to recognize in these contractions the church’s traditional defense for its practice of plural marriage. As early as 1835, church officers had issued a formal Article on Marriage, stating: “Inasmuch as this Church of Christ has been reproached with the crime of fornication and polygamy, we declare that we believe that one man should have one wife, and one woman but one husband . . . .” The assertion was true


45. The full text of the Article on Marriage is found in Brigham H. Roberts, Comprehensive History of the Church of Jesus Christ of Latter-Day Saints, 6 Vols. (Provo, Utah: Brigham Young University Press, 1965), 2:247. Joseph Smith himself appears to have practiced polygamy as early as 1833, but did not institutionalize the practice until the early 1840’s and, even then, only among a select group of church authorities. Smith was absent when the
only in the most technical sense. If “we” were construed to apply to the church collectively and not its members individually, “we” were not practicing polygamy.

In 1890, a similar strategy was used in the manifesto, which provided: “I [Wilford Woodruff] hereby declare my intentions to submit to those laws, and to use my influence with the members of the Church over which I preside to have them do likewise.”46 By its terms, the manifesto did not explicitly commit the church to any course of conduct. It merely advised church members to obey the law of the land. The logical and, no doubt, intended inference to outsiders was that Woodruff was acting in his official capacity as president to dictate church policy. To insiders, the message was simply a continuation of the policy under which many had lived for fifty-five years. It was an announcement that members were to take personal responsibility for deciding whether to obey the law of their god or their government. Thus, in 1899, the apostolic quorum could agree that “a man must take care of his family, but he must be responsible for his own acts.”47

Records of quorum meetings show also that, as late as October, 1903, apostle Marriner W. Merrill exhorted his younger brethren to take additional wives.48 Though President Joseph F. Smith had left the meeting prior to Merrill’s comments, it appears he __________________

proclamation was promulgated, but knowledgeable of it and probably directed others to draft it. For a history of Smith’s own practice of plural marriage, see Todd Compton, In Sacred Loneliness: The Plural Wives of Joseph Smith (Salt Lake City: Signature Books, Inc., 1997). Smith’s institutionalization of the practice is detailed in Richard S. Van Wagoner, Mormon Polygamy: A History (Salt Lake City: Signature Books, 1989). pp. 17-88.

46. Deseret Evening News (Salt Lake City). 11 October 1890, 2.


would not have objected to the sentiments. In his journal, a local leader records being
told by Apostle Matthias Cowley "in confidence that it was not the policy of Prest. Joseph
F. Smith to censure any man for entering the order of plural marriage since the days of the
manifesto, provided he had acted wisely and done so with the sanction and by the
authority of the proper authority. . . . "49 Many such indications exist in private letters
and journals that polygamy was being preached and practiced by Latter-day Saint
leadership in the early twentieth century. Probably the most telling evidence is from
quorum minutes taken on the day after Smoot filed his answer to the protest and eleven
days before opening arguments. One of the eight apostles present at the meeting reports:
"The principle topic of discussion was the present agitation in Congress . . . . The
brethren were cautioned not to exercise the keys of sealing in plural marriage at present
and to be wise and prudent in all their doings. . . . "50 As for those at risk of exposure,
they knew their fate: "'Anyone who enters the Principle [of plural marriage] these days
must bear his own burden,'" apostle John W. Taylor is reputed to have said. "'I have
been charged. If I can't protect myself, I will be dropped from the Quorum.'"51 He was
right. When evidence of new polygamous marriages was produced at the Smoot hearing,
church lawyer Franklin D. Richards writes Smoot: "I feel sure of one thing that if half of
what is rumored . . . is true, they have done a great wrong to their brethren and to the

49. Joseph Eckersley Diary, 9 November 1903. Joseph Eckersley Papers, L.D.S. Church
Archives, Box 3, fd. 1.


51. Samuel Woolley Taylor. Family Kingdom (Salt Lake City: Western Epics, Inc.
church and they, not the church, will eventually have to answer for it. I feel sorry for
them, but they must take the consequences. I must defend the church."52

In addition to attempting to protect the church by treating it as a corporate entity
with a separate existence from the activities of its directors and officers, church leaders
endeavored also to shield their president and later its three-member presidency from both
direct knowledge of and public accountability for the continuing practice of polygamy.53

As a consequence, the church’s presidency could give Smoot the following advice
regarding the protestants’ charges:

We telegraphed you to deny knowledge of violations of law on the part of
the Presidency and Apostles. We did so judging you by ourselves, for we
could not say that we knew of any one of them violating the laws of the
State and we did not think you knew of any either. If there be violations
they are not by the counsels of the church. but contrary to our counsel, and
therefore the law-breakers, if any there be. must be held responsible for
their own acts.54

Because Smoot’s diary for these years is missing, his feelings about this defense cannot
be known. Seven years later, however, when the church was again accused of harboring
polygamists. Smoot recorded in his journal: “They seem to think that the fact that the
church has not approved or sanctioned the marriages [means] it cannot be held

52. Franklin S. Richards to Reed Smoot (Washington D.C.), 16 April 1904, Smoot
Collection. Box 6, fd. 2..

53. This strategy, too, can be traced to the early practice of polygamy when the 1835
Article on Marriage was drafted in Joseph Smith’s absence, albeit with his approval. For its
continuance during Joseph F. Smith’s administration, see Matthias F. Cowley, “Family History:
Sketch of the History of Matthias F. Cowley.” Marriott Library Special Collections, University
of Utah, Salt Lake City.

54. L.D.S. First Presidency (Salt Lake City) to Reed Smoot (Washington D.C.), 20
January 1904, Smoot Collection. Box 50, fd. 5. (emphasis in the original).
responsible for them." Smoot did not "seem" to agree, but he did not break ranks publicly during the contest over his seat. His formal answer to the protest stipulated that the church had abandoned "belief in the practice of polygamy and belief in and practice of polygamous cohabitation. . . . where continued it is on the sole responsibility of such persons, and subject to the penalties of the law." 56

Though church leaders were intent upon maintaining the defense that they were acting individually in exercising their priestly authority to perform marriages, corporate control over these men and their constant counseling with each other made their position untenable. It was simply unbelievable that this close knit group of fifteen men, bound by work, faith, and even familial kinship, did not know the identity and number of each other's wives and whether their marriages occurred after 1890. Badger best describes the predicament: "I feel sick sometimes and sometimes I just feel unwell. The Committee is insisting that John W. [Taylor] and Brother [Matthais] Cowley come and they ought to,

55. Reed Smoot Journal, 14 March 1911, Kenney Collection, Box 7, fd. 2, p. 58. In the next sentence, Smoot adds: "Many of them were authorized by President [George Q.] Cannon." George Q. Cannon was a former territorial representative to Congress and counselor in the church's presidency at the time the Manifesto was issued. Until his death in 1901, he appears to have had the responsibility of authorizing plural marriages, while enabling church presidents Woodruff and Snow to deny their occurrence. For Cannon's role see Victor Jorgenson and B. Carmon Hardy. "The Taylor-Cowley Affair and the Watershed of Mormon History." Utah Historical Quarterly 48, no. 4 (Winter 1980): 16. Examples of Cannon's authorization to Mexican church authorities to perform plural marriages are contained in the Anthony W. Ivins Collection, Ms. B-2, Utah State Historical Society, Salt Lake City, Utah.

56. Proceedings I: 34.
but I do not want them to come and lie, and I do not know whether I want them to tell the truth. So there you are. -- the devil and the deep sea."

On February 24, 1904, the first set of subpoenas arrived in Salt Lake City. Included on the list were: church president Joseph F. Smith and apostles Francis M. Lyman, John Henry Smith, Hyrum F. Smith, George Teasdale, John W. Taylor, Matthias F. Cowley, and Marriner W. Merrill, as well as three of Merrill’s polygamous sons. Local reaction ranged from feisty optimism to angry dread. Some, both in and outside the church, were furious with Smoot for bringing unwanted attention to the church and to Utah. The Democratic *Salt Lake Herald* believed “the senator has invited the very thing Utah people do not want – an investigation on the drag-net plan which will involve the state in publicity of a kind and to an extent that Gentile, Jew and Mormon alike will deplore.”

The church’s official position was that the hearing would redound to the Saints’ benefit: “Whatever may grow out of the present uproar against it, one result is certain: the Church will be the stronger, the world will be attracted towards its principles and its power, and the purposes of the Almighty will be accomplished, no matter what may happen to individuals and their desires.”

57. Carl Badger to Franklin S. Richards, 23 March 1904, Badger Collection, Box 1, fd. 7, Letterbook. 459.


59. *Deseret Evening News* (Salt Lake City), 25 February 1904. As it turned out, there were some positive effects on the church’s missionary work. On February 26, 1904, the *News* reported that anti-Mormon speeches by the protesters and the plethora of news arising from the hearing was increasing attendance at missionary meetings, if only out of curiosity. A missionary in Albany, New York, is quoted as saying “The Smoot agitation opens up many avenues which we Elders could not reach.” The next month a Pittsburgh newspaper reported that “Gottlieb Gassman, his wife and three children left here today for Salt Lake to join the Mormon Church.”
In response to speculation that the named witnesses would flee, the editor of the church-owned *Deseret News* assured the nation that “all who are well and at home will respond, and be at Washington when required...”60 As it turned out, however, several were not well and not at home. Of the church’s top leadership, only President Smith, his apostle son Hyrum, and chief apostle Francis M. Lyman responded to the subpoenas. Two apostles were prevented by illness from responding, though one testified at a later date. Another four apostles avoided subpoena by leaving the country. After counseling with his brethren on his marital situation, 73-year-old George Teasdale arrived in Colonial Dublan, Mexico, on February 18, 1904, a week before the subpoenas arrived. Apostles John W. Taylor and Matthias Cowley fled to the north and, because of their relative youth and recent polygamous activity, soon became the focus of the Senate’s wrath.61 A fourth apostle, Heber J. Grant, was already safe beyond the Senate’s reach in England, heading the church’s European mission.

When making a $150 donation to the state university the previous November, Grant had announced it represented $50 for himself and each of his two wives. It was

60. *Deseret Evening News* (Salt Lake City), 25 February 1904.

61. John Henry Smith and Marriner W. Merrill produced doctors’ certificates to excuse their absences. Smith recovered sufficiently to appear at the hearing the following December. Merrill never recovered fully and died two years later. For the background to the unavailability of Teasdale, Taylor and Cowley, see the George Teasdale Papers, Reel 10, 3 April 1902–25 August 1906. File: 678, Marriott Library, University of Utah, Salt Lake City, Utah. When asked about Teasdale, Smith testified that he had “an attack of grip, and asked for permission to go away from home and from duties for a little while to recuperate.” *Proceedings* 1:386.
very bad timing for a joke. That very month, the Senate had reconvened, and Smoot was asked to answer the protest. When Smoot asked the President’s support for an expedited hearing, Roosevelt mentioned Grant’s “unfortunate” donation: “The President told me that . . . . delegations wait upon him calling attention to the remarks and claiming they disclosed the true attitude of the Church toward the Government, that the people were still defiant and law-breakers. . . .”62 Though he had already been called on a foreign mission, Grant’s indiscretion greatly accelerated his departure and kept him out of the country until the end of the Senate investigation.63 Thus, although the church’s newspaper downplayed the subpoenas as providing “a rare opportunity for a spring vacation at Washington without expense to their individual pocket-books,” there was growing fear about the scope of the investigation.64

Joseph F. Smith appeared to be the least worried. He dropped by the marshal’s office—twice—to get his subpoena. A Republican operative reported to Smoot that: “Politicians view with alarm . . . the protracted hearing which it now appears plain has

62. Reed Smoot (Washington D.C.) to Joseph F. Smith (Salt Lake City). 8 January 1904, Smoot Collection, Box 50, fd. 4. Grant would succeed Smith as church president in 1918.

63. Grant was told by fellow apostle John Henry Smith that he “could not come home until the Smoot case was out of the way.” Confidential Unsigned [Benjamin F. Grant] (Taylorsville Utah) to Heber J. Grant (Salt Lake City), 7 July 1905, Kenney Collection, Box 6, fd. 9. Teasdale remained banished in Mexico until August, 1906, and Grant in Europe until November, several months after the Committee issued its findings to the Senate.

64. The cost to the taxpayers was a recurring theme in the Deseret News. For example, on March 8th they informed their readers of the exact “Allowance for Witnesses In Smoot Case,” namely, railroad fare, meals, sleeping car fare, porterage and thirteen days at $3.00 a day each.
been outlined. but Alrota [Joseph F. Smith] does not seem alarmed.”65 Smith was a
curious combination of frontier toughness, political sophistication, and religious certainty.
He had participated in every stage of the Saint’s colonization of a vast territory in the
American West and had traveled widely throughout the United States, the Pacific islands
and Europe. For a self-educated frontiersman, he had a surprising breadth of knowledge
and facility with argument, as the Committee would discover. While he was his people’s
undisputed leader in spiritual matters, having served in the highest counsels of church
government since 1867, he was also captain of their many industrial, commercial and
political activities. Testimony of his business offices and activities fill four pages of
hearing transcript. Politically, he had served both his church and state as colonist, city
councilman, legislator, Washington lobbyist, and drafter of Utah’s constitution. It was
Smith who engineered the church’s alignment with the Republican party, and he was
Smoot’s chief advocate against those who called for resignation rather than endure the
scrutiny of a Senate investigation.

Smoot’s senatorship was Smith’s personal gambit, and it was “a bold game for the
Mormon leaders to put Smoot in front of the cannon . . .”66 B. H. Roberts’ eviction from

65. James Clove (Provo Utah) to Reed Smoot (Washington D.C.), 16 January 1903,
Smoot Collection. Box 52, fd. 8. “Alrota” was a code name applied to Smith. Correspondence
between Smoot and Utah leadership were often coded, especially telegrams. As late as 1917,
Smith and Smoot were corresponding in code. See, Joseph Heineman, “Reed Smoot's 'Secret
Code.,” Utah Historical Quarterly 57, no. 3 (Summer 1989): 254-63. For information on
Smoot’s Utah correspondents, see Biographical Record of Salt Lake City and Vicinity
Containing Biographies of Well Known Citizens of the Past and Present (Chicago: National
Historical Record Co., 1902).

the House merely two years earlier left little doubt of the country’s mood. Nevertheless, Smith remained committed to keeping the apostle in the Senate. To one who disagreed, he said: “in the most forceful and positive manner: 'If ever the Spirit of the Lord has manifested to men anything clear and plain and positive, it is this, that Reed Smoot should remain in the United States Senate. He can do more good there than he can anywhere else.’”67 As far as Smith was concerned, Smoot was in the Senate for the church’s benefit, and God would ensure he stayed there.

Though Smith was prepared for a fight and confident of ultimate victory, he may have underestimated his potential losses. Eventually, he would have to ask apostles Taylor and Cowley to fall on their swords for the good of the church. Initially, however, Smith tried to satisfy the Senate with his own willingness to testify and with official statements designed to counter concerns about the church’s economic and political power. Two months before trial was scheduled to begin, Smith responded publicly to the Senate protest. Entitled “The Kingdom of God,” Smith’s published address was an extraordinarily plain and economical statement of what would become Smoot’s defense. The Senator received a copy of it prior to publication and did not deviate from its direction at any point during the three-and-a-half year hearing.

The essential point of Smith’s proclamation was that “the system called ‘Mormonism’ . . . is solely an ecclesiastical organization . . . separate and distinct from

the state.” 68 Using biblical references to reassure his audience that the Mormons did not constitute a political threat, Smith likened the role of his restorationist church to that of John the Baptist, whose job was to announce that “The kingdom of God is at hand.” Contemporary attacks on the church, Smith said, were merely “history repeat[ing] itself with the old cry of ‘treason’ . . . and the charges that the ‘Mormon organization is imperium imperio.’” The L.D.S. Church was not the kingdom of God, but merely preparatory to it. Smith tried to state as authoritatively as possible that any “[s]ermons, dissertations and arguments by preachers and writers in the Church” implying church dominion over temporal affairs were “incorrect, no matter by whom set forth . . . “ 69 The remainder of the address was devoted to describing the ways in which the church “is solely an ecclesiastical organization” both as it operated vis-a-vis other social institutions


69. Clark, Messages of the First Presidency., 4: 82.
and in the lives of its members.70 However, Smith’s answer begged the question posed by the Smoot hearing.

*American Popery and Protestantism*

The Protestant protestants wanted Smoot out of the Senate because they were convinced that the Mormon hierarchy claimed “supreme authority, divinely sanctioned, to shape the belief and control the conduct of those under them in all matters whatsoever, civil and religious, temporal and spiritual . . .”71 Polygamy was merely the most obvious example of the strength and perversity of Mormonism’s priestly hierarchy. The true

70. *Id.*, 4: 79. Smith repeated the Saints’ argument for statehood, namely, that the unity of church and state in Utah was an historical, not a theological phenomenon. Because they were the first and, for a significant time, the only non-indigenous people in the territory, it was only natural, he argued, that they would occupy the offices in the government and industry which they had created. The United States recognized as much when it made prominent churchmen the first territorial officers. Unfortunately, Smith explained, the unanimity of political voice consequent to these developments “favored the impression abroad that they voted as they were required . . . but the ecclesiastical and political systems were kept distinct. . . .” Testimony at the Smoot hearing showed that this was largely true. Though exceptions could be found, they were susceptible to convincing rebuttal. The protestants relied heavily on the 1897 case of former apostle Moses Thatcher, who had been released from his position after insisting on running for the Senate in opposition to the wishes of his brethren in the quorum. See Thatcher’s testimony and accompanying documents at *Proceedings* I: 936-1050. Though called by the protestants, Thatcher testified in support of Smoot’s contention that the requirement of high church officers to obtain church permission to run for office was neither an infringement on right to run, if denied permission, nor an endorsement for election, if granted permission. Rather, denial signaled concern for loss of time devoted to church concerns if elected and approval was merely a leave of absence from church responsibilities. See also Smoot’s testimony at *Proceedings III*: 187. Evidence at trial of the numbers of non-Mormons elected to office at the expense of Mormon candidates and testimony of non-Mormon party leaders from Utah and Idaho depicted both states as independent commonwealths, which operated on the basis of party, not religious loyalties. Several of Smoot’s witness were devoted to proving this argument. See, e.g., *Proceedings II*: 784 (William Hatfield), 796 (John Meakin), 857 (William P. O’Meara) and *III*: 145 (Glen Miller), 162 (John Hughes), and 335 (J.U. Eldridge). Whatever dominance the church possessed in Utah politics in the early twentieth century appeared to be the function of democratic principles coupled with human affinities.

problem brought before the Senate was the priestly character of the Mormon church, which made it a radically different kind of church in Protestant America: "not a church: not religion according to the American idea and the United States constitution." As stated by a contemporary divine, for mainstream Protestantism:

whose pride is in that sixteenth-century movement which broke the spell of external union, and whose primordial principle is the freedom before God of the individual conscience. . . . [t]o press the necessity of visible oneness is the very essence of popery. It involves a conception of ecclesiasticism, and of the externality of the kingdom of God, and of what is meant by oneness in Christ, and of the nature of Church ordinances, and of the nature and validity of ministerial function which is utterly foreign to that on which our Christendom has been built. 73

The Latter-day Saints failed this test of Protestantism on all counts. They consciously endeavored to create a "visible oneness" both in the sense of proselytizing to Christian and non-Christian alike and in bringing all aspects of human existence within the ambit of the church. Mormon proselytizing was an insult to the Protestant nation, which sent its missionaries to convert only heathens. The Saints' conflation of the temporal and spiritual was a political problem. At one point in the interrogation of Smith, Senator Bailey of Texas becomes concerned by the extended examination of Smith's beliefs and interposes: "Before we proceed any further, I assume that all these questions connected with the religious faith of the Mormon Church are to be shown subsequently to

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have some relation to civil affairs.” Hoar gets him back on track by reminding him:

“what we might think merely civil or political they deem religious matters.”

The problem of the Saint’s “externality of the kingdom of God” was compounded by their believing themselves led by one who spoke for God. Though entitled “president,” the head of the church was considered by the faithful to have all the rights and powers of an Old Testament prophet, priest, and king. It did not matter that all male members of the church were considered priests. Because they were organized hierarchically in a system that culminated in the designation of a living prophet, the L.D.S. seemed to have achieved a “visible oneness [that] is the very essence of popery.”

To Protestants, this “foreign,” even “barbarian” conception of church made the Mormons primarily loyal to their prophet and, thus, fundamentally disloyal to their nation. “[T]he only reason why they do not rise up in revolt against the United States government is because they are too infinitesimally weak. At heart they are all traitors,” said a non-Mormon resident of Utah to a Michigan newspaper. That the Saints espoused a different order of marriage put them in violation of federal law. That they violated the law in obedience to a higher authority – not in heaven, but on earth mediated by a prophet – made them lawless and Smoot a representative of anarchy in the national legislature.


America's "Mormon Problem" was a conflict of laws, not merely of morals. While the battle was joined over differences in marital ethic and order, the war itself was over the Saints' non-democratic, non-rational system of authority, e.g., prophets and prophecy. Hence, the senators found themselves uncomfortably, but necessarily, entangled in theological questions when trying to determine whether the Saints were loyal to their god or their country.

Tayler began questioning Smith "as to the method in which a revelation is received and its binding or authoritative force upon the people." Smith responded that the "guidance" he received from God was "the same as any other member of the church." Moreover, all members of the church were free to accept or reject any revelation presented to them by Smith. Revelation was not binding upon the church by virtue of its enunciation by the hierarchy, but only upon acceptance by vote of the congregation, and even then some latitude was allowed. Smith emphasized that all may receive divine guidance through "the spirit of revelation." Similarly, he portrayed Smoot's authority as "No more than [that of] any other member of the church, except as a body or a council of the church." With the help of Senator Hoar, Smith admitted he knew of no revelation from church leadership that had been rejected by church members as a whole. Chairman Burrows and Senator Overman wanted to know what happened to individuals who disagreed: are they "unchurched?" To the extent they were, Smith answered, they "unchurched themselves . . . . By not accepting [the revelation]."

77. Proceedings I: 96ff.

78. Id., I: 95-96 and 135.
remainder of the exchange bounced back and forth between equally frustrated and
frustrating answers and questions. Finally, Senator Hoar declared: “The point is, which,
as a matter of obligation, is the prevalent authority, the law of the lands or the
revelation?” Smith replied: “Well, perhaps the revelation would be paramount.” Hoar
erupted: “Perhaps? Do you think “perhaps” is an answer to that?” Smith tried again:
“With another man the law would be accepted, and this was the condition of the people of
the Church were in until the manifesto settled the question.” At this point, Smoot’s
attorney Worthington tried to bail him out: “Let me ask you a question in that
connection.” Hoar would have nothing of it: “I had not quite gotten through, Mr.
Worthington.” Worthington begged the senator’s pardon, and Hoar resumed: “... I want
to go a little farther. Suppose you should receive a divine revelation, communicated to
and sustained by your church, commanding your people to-morrow to do something
forbidden by the law of the land. Which would it be their duty to obey?”

Smith’s task on the witness stand was not an easy one. He had to find a way to
rationalize convincingly the subordination of prophecy to democracy and do so without
undermining the church’s ecclesiology. Theologically and philosophically, virtually all
Americans would have agreed with the Mormons, as Belva Lockwood points out in her
public letter of refusal to sign an anti-Smoot petition:

You say that the Mormon church claims to be superior to the government. So do all orthodox churches, and the thirteen united colonies were founded on the principle that conscience is superior to law, and I say to you that although a law-abiding woman and a lawyer by profession for twenty-five years, whenever a law impinges on my conscience, as the old Fugitive
Slave law did, it is conscience first and not the law. God is above the law and the constitution.\textsuperscript{79}

What the Smoot hearing makes clear is that while God may be above the constitution, churches are not.

In his testimony, Smith provided the only possible answer under the circumstances. First, to answer the Committee's concerns, he turned the protestants' argument back upon itself. While the church obeyed the laws of the land, the church could not infringe upon the agency of its members to coerce obedience to the law. Smith assured the Committee that church members are "at liberty to obey just which they pleased. There is absolutely no compulsion."\textsuperscript{80} Secondly, Smith attempted to show that L.D.S. obedience to civil authority was one of its doctrinal tenets. He proffered scriptural support from L.D.S. canon: "'Let no man break the laws of the land, for he that keepeth the laws of God hath no need to break the laws of the land.'"\textsuperscript{81} This statement, like so much else in the trial, was a definitional bait-and-switch, however. What the Committee heard and what Smith meant were most certainly two different things. In 1882, the same year the Edmunds Act was passed, Smith had interpreted this scripture for Saints gathered in general conference:

the law of the land, which all have no need to break, is that law which is the Constitutional law of the land, and that is as God himself has defined


\textsuperscript{80} \textit{Proceedings} I:313.

\textsuperscript{81} Doctrine and Covenants 58:21.
it. And whatsoever is more or less than this cometh of evil. Now it seems to me that this makes this matter so clear that it is not possible for any man who professes to be a member of the Church . . . to be in doubt as to the course he should pursue under the command of God in relation to the observance of the laws of the land. . . . If lawmakers have a mind to violate their oath, break their covenants and their faith with the people, and depart from the provisions of the Constitution where is the law human or divine, which binds me, as an individual, to outwardly and openly proclaim my acceptance of their acts?"82

Clearly, the Smoot hearing was not the place to state his whole position. And, as will be discussed infra, ultimately the Senate was more interested in Smith’s actions than his representations.

In addition to the Committee, however, Smith was answerable to his people. For their benefit and his own sense of integrity, no doubt, Smith consistently refused to apologize for his own or the Saints’ marriage practices and continuing family relations. He also reiterated the church’s belief in the principle of plural marriage as revealed to the church’s founding prophet. The law, he said, “did not change our belief at all.”83

Furthermore, as to why the church was now willing to obey civil law instead of the revelation, Joseph F. asserted that even the change in L.D.S. action was a response to their god, not their government. Beveridge wanted to make sure he understood, asking: “Is the committee to understand that you and your church regard the law of the land as more binding upon your actions than your religious beliefs?” Smith responded: “No, sir: not in that sense. I understand that we are under injunction by the manifesto not to

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practice plural marriage. . . . not to continue plural marrying. Under that injunction we refrain from teaching it, inculcating it, and advocating it, and out of respect both to the law and to the manifesto of President Woodruff.\textsuperscript{*84}

In this manner, Smith attempted to appease the Committee and not displease his people. Ultimately, he succeeded, but not before three more tumultuous years of investigation into the church's practices. No amount of logic, however, could answer the evidence of post-manifesto polygamy. For that, other strategies were required.

\textit{All's Fair}

Since trial attorneys are schooled in asking only those questions to which they know the answer, defendants are given only a choice between confession or perjury. Thus, trials, especially political trials, foster those "forms of lying [which] are ethically permissible and [are an exercise in] how to lie in the most enlightened, constructive, successful, pleasurable, and humane ways possible."\textsuperscript{*85} For all the litigants, the Smoot hearing was rife with moral dilemma, the more so because each felt the stakes were high and each thought the other a superior power. The church saw in its opponents the might of the national government and a cabal of Protestant agencies. The protestants believed

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84. \textit{Id.}, I:196. The Committee members challenged Smith mercilessly both for his people's disobedience to civil law in the name of their god's law and for their obedience to civil law at the expense of their god's law. The former line of questioning is treated at length in this and following chapters. One example of the former must suffice. After answering in the affirmative that the church no longer preaches plural marriage because of the demands of the law of the land, Smith is asked by Hoar: "Is it, in your judgment, a good reason for abstaining to make known to mankind a commandment of the Lord, that it may give public offense -- the teaching of the Lord?" \textit{Proceedings} I: 194-5.

they were tackling "an oligarchy working under an autocrat beside whom the Czar is a weakling ..." 86

Moreover, each side was conscious of being at war with the other. When the Senate decided not to subpoena polygamous wives and their children to testify, it was because "it was not desired to 'make war on women and children'" 87 For their part, the Saints referred to Washington as "the seat of war." 88 This attitude affected their assumptions of what was morally permissible under the circumstances. As Sissela Bok concludes in her classic study: "If the designation of a foe is open, as in a declaration of war, deception is likely to be expected on all sides. While it can hardly be said to be consented to, it is at least known and often acquiesced in." 89 Or, as observed by the press during the hearing: "The non-Mormon witnesses in the rear of the committee room chuckled as the clever parrying proceeded and the head of the church was brought nearer and nearer to where he must make a direct reply. Even ex-Representative Tayler's


88. George A. Smith (Salt Lake City) to Reed Smoot (Washington D.C.), 27 February 1904, Smoot Collection. Box 51, fd. 10. Matthias Cowley illustrated the extent to which L.D.S. ethics were a function of their relationship, when he explained at his own church trial: "I am not dishonest and not a liar and have always been true to the work and to the brethren... We have always been taught that when the brethren were in a tight place that it would not be amiss to lie to help them out." "The Trial of Apostle Matthias F. Cowley [10 May 1911]." New Mormon Studies CD-ROM: Comprehensive Resource Library. Smith Research Associates, 1998.

impassive countenance lighted up at the clever maneuvering."90 The Smoot hearing
provides a classic example of deception by foes or "clever maneuvering."

Only one of the protestants was placed in the docket: Edward B. Critchlow, a
former U.S. Attorney who drafted and signed the Smoot protest. Thus, the protestants'
vulnerability under oath was limited. Indeed, Critchlow exemplifies the witness who is
led to make admissions against interest. Again, Badger was there to record the event:

in regard to church influence it was made strongly to appear that the Salt
Lake Ministerial Alliance has been just as much in politics, and as
successful, as it is claimed the Mormon church has been. I, for one, felt
like forgiving Critchlow for all of his meanness when he gave away his
case with such readiness, he owned up like a gentleman even though it
knocked a hole in the bottom of his tongue, he had a rather sickly smile on
his face before he got through though."91

In their conduct of the case, however, the protestants were not so "gentlemanly." For
example, though they had stipulated in 1903 that Rev. Leilitch’s claim of polygamy
against Smoot was false, the protestants later used the same allegation to reopen the
hearing. They also padded the evidence. Smoot’s one recorded outburst during the long
ordeal came when Charles Mostyn Owen, the protestants’ investigator and Utah’s
resident rumor-monger, introduced a list of persons whom he represented to be
polygamists. This galvanized the Senator in a way that surprised his secretary, who
writes his wife: “Just before one the session[s] began, Senator Smoot leaned over and
called Owen a ‘liar’, and Owen told the Senator he was not a gentleman. This pass took


place over the list Owen submitted and which he said did not contain any mistakes. The truth is that it contains many . . ."^92

The truth is, however, not always susceptible to litigation. Even the Committee was pressed to disagree: "The hearing was enlivened by a controversy between Senators Hoar and Foraker, who renewed their recent scrap on the floor of the senate, and each informed the other in parliamentary terms that he was not speaking the truth."^93 Later, Senator Beveridge would call his Chairman "'a damn liar'" for inferring that Smoot had a second wife and telling the Committee that the rules permitted it to gather "'secret evidence, not under oath, and which the Senator [Smoot] has no opportunity of meeting by cross-examination.'"^94

There is no question, however, that the Latter-day Saint witnesses were most often backed onto the moral ropes of the fight. It appears that Joseph F. Smith was sufficiently concerned for his personal integrity and sufficiently skilled in casuistry to avoid lying outright. It is obvious, however, that he intentionally misled his interlocutors and used every conceivable strategy to deceive and frustrate them. For example, Smith was asked whether he performed the rumored plural marriage of deceased apostle Abraham H. Cannon. Burrows phrased the question carefully: "When you were in Los Angeles and


^93. "Polygamy Revealed by God to Mormon Prophet/To Reject It Would Be Equivalent to Rejecting the Deity." Salt Lake Herald (Salt Lake City). 5 March 1904.

went out to an island [with Cannon and company] ... was any ceremony performed by
you?" The reference to "any ceremony" was an attempt, no doubt, to prevent evasion on
whether and what kind of marriage was performed. But, Smith was able to answer
absolutely "No, sir ... None whatever" because Cannon's marriage appears to have
been performed in Salt Lake City by Smith and as a proxy marriage.95 And, so it went
throughout all six days of Smith's testimony. When asked to enumerate the wives of
absent apostle Grant, Smith answered: "Only two that I know of." Chairman Burrows
interjected: "Only two?" Smith replied: "Only two. Pardon me for saying 'that I know
of.' Mr. Chairman. I am like other men; I only know what I know." It appears that
Smith's standard of knowledge was Baconian empiricism. Smoot's attorney returned to
the issue three days later, and Smith answered: "All I know about it, sir, is that these men
who are in the polygamous status with myself take their own chances individually as to
the consequences of living with or abstaining from living with their families. They are
amenable to the law." Worthington noticed the evasion and replied: "That does not
answer my question. ... what knowledge you have ... in any way — as to whether or not

95. See Quinn, "New Plural Marriages.", p. 85 ("Wilford Woodruff had approved
Abraham H. Cannon's entry into a proxy polygamous marriage on behalf of his brother. When
Lillian Hamlin was endowed in the Salt Lake Temple on 17 June 1896, she was sealed by proxy
to the deceased David H. Cannon. Abraham H. Cannon was the proxy, and Joseph F. Smith
performed the sealing. The next day, the Smiths and Cannons left Salt Lake City for California.
Therefore, Joseph F. Smith actually performed his only post-Manifesto polygamous marriage as
a proxy ceremony in the Salt Lake Temple for Abraham H. Cannon but could legally claim that
he simply officiated in a sealing on behalf of the deceased brother.").
they are actually cohabiting with more than one woman?” Smith responded: “Not having inquired into the matter at all. I am really not in a position to say. I do not know.”

With respect to the critical question of whether the church continued to practice polygamy, as opposed to unlawful cohabitation, Smith repeatedly testified: “... there never has been a plural marriage by the consent or sanction or knowledge or approval of the church since the manifesto.” Later, he said: “I wish to say again, Mr. Chairman. that there have been no plural marriages solemnized by and with the consent or by the knowledge of the Church of Jesus Christ of Latter-Day Saints by any man. I do not care who he is.” The next day he repeated: “Let me say to you, Mr. Senator [Beveridge] -- I have said it, but I repeat it -- there has not any man, with the consent or knowledge of approval of the church. ever married a plural wife since the manifesto.” Thus, to the critical question of whether post-Manifesto polygamist marriages had been performed, Smith employed repeatedly the. by now, traditional distinction between the church and its members. In doing so, he belied the fact that he himself had performed several such marriages. As Protester E. B. Critchlow said in his own testimony: “When he [Smith]

96. *Proceedings* I: 328. As indicated, it is also clear that Smith did his best to not know. In 1890, Smith had written a colleague: “I know nothing about his [Benjamin Cluff, who would be come a subject of the Smoot hearing] domestic arrangements nor do I want to, the less I know about some things the better for me at least and perhaps for others concerned... my motto is and always has been to protect to the uttermost in my power the rights and the secrets. if secrets there may be. of my friends and the friends of the kingdom of God.” Quinn, “New Plural Marriages,” p. 86.

97. *Id.* I:130.

98. *Id.* I: 77.

99. *Id.* I:143.
says that plural marriages have stopped. I understand him to use the words in a different sense from what I would use them, or anyone else would use them..." 100 But, neither opposing counsel nor the Committee were able to shake Smith's testimony. 101

Those who testified immediately after Smith were not as successful. Each in his and her own way provided evidence of the extent to which plural marriage was still a way of life among the elite of the church. The ten witnesses who followed Smith during the remainder of the month of March included a woman who testified that an apostle performed her post-manifesto polygamous marriage: an apostle who testified he would have to defend the principle of plural marriage if it were assailed: a former bishop who argued he committed adultery, rather than admit to polygamy, and who gave Smoot the credit for his arrest: and an apostle's son who claimed his father did not know the son was married pluraly, notwithstanding the proximity of their respective homes and the fact that the father had performed the marriage. Of course, Smoot won a few victories, such as the

100. Id., I: 612. See also Richard R. Young's answer on the same subject: "My explanation of both those notices [denying the practice of polygamy by Joseph Smith] would be this, that possibly the effect of each of them would be that they would be construed in the public mind to be a denial of the existence of polygamy. Technically, I think, they may escape that construction. But I think some justification for those announcements might be found in the exigency of the times and the circumstances." Id., II:966.

101. Michael D. Quinn, "L.D.S. Church Authority and New Plural Marriages, 1890-1904." Dialogue 18 (Spring 1995): 9-104, gives the most thorough accounting of post-manifesto marriages in which Smith participated. In discussing Smith's testimony during the Smoot hearings, Quinn omits the nuances to the exchange that serve as the basis for my conclusion that Smith engaged in sophistry, but did not lie. I agree, however, with Quinn's ultimate conclusion, that "Joseph F. Smith set a pattern for all other witnesses in the Smoot investigation by exposing himself to public ridicule and to criminal prosecution for unlawful cohabitation by telling the truth about his personal marital relations, but at the same time risking a perjury indictment by concealing any evidence detrimental to the Church as an institution or to any individual (including himself) who acted in his capacity as a Church official in promoting post-Manifesto polygamy." Id., pp. 97-98.
testimony of the anti-Mormon Utahen who had to admit there was no difference between "good Methodist brothers" and Mormons with respect to political interference, except the latter were "more effectual." At times, even the participants could not resist laughing at the absurdity of the situation and the answers it inspired. But, no one was amused by the growing amount of irrefutable evidence that the nation still had a Mormon Problem.

The Mormons' Own Problem

Recently returned to Utah, Joseph F. Smith knew he, too, had a problem. Though the Committee did not succeed in obtaining a confession from him, they did obtain a promise. Smith had been forced to agree that the church would discipline those who had married after the manifesto. In response to verbal pursuit from the former "cohab hunter" and now Idaho senator, Fred Dubois. Smith had said: "If any apostle or any other man claiming authority should do any such thing as that, he would not only be subject to prosecution and heavy fine and imprisonment in the State under the State law, but he would also be subjected to discipline and excommunication from the church by the proper tribunals of the church." Smith must have regretted saying it, but by the logic of his own argument, he had no choice. After taking the position that new plural marriages were unsanctioned, he had to admit that grounds existed to sanction the persons performing them. This the church had never done. In the fifty-year history of anti-polygamy law, not one Latter-day Saint had ever been disciplined for practicing plural marriage.

102. id., 1: 390, 447, 504, 417, and 691.

103. id., 1: 178.
As he had the previous December, Smith first attempted to satisfy the Committee through a public pronouncement. Immediately after returning from Washington and at the April, 1904, general conference of the church, Smith called for a sustaining vote on the proposition that: "all such [post-manifesto plural] marriages are prohibited, and if any officer or member of the Church shall assume to solemnize or enter into any such marriage he will be deemed in transgression against the Church and will be liable to be dealt with, according to the rules and regulations thereof, and excommunicated therefrom." 104 By May, however, it was clear that a policy statement was not enough. The church’s lawyer returned to Salt Lake City to report that Smoot’s case was in crisis and the only cure was to "discipline such men who have brought reproach upon the Church." 105

Throughout 1904, the protestants made their case: the Mormon political, economic, and polygamous kingdom was intact, though diminished since its zenith under Brigham Young. The church still controlled much of Utah’s commercial interests and dominated political affairs. Most damaging to the church’s reputation and credibility, however, were the countless witnesses to its continuing practice of polygamy. Without further action to dismantle the Mormon political, economic, and marital systems, Senator-Apostle Smoot would never be seated in Congress.

104. Clark, Messages of the First Presidency, 4:84.

105. Anthon H. Lund Diary, 16 May 1904, Lund Papers, Box 62, fd. 6, File: 2737.
"... if Mr. Smoot wants to wholly differentiate himself from his church and his people and the doctrine and life and living of those people, then that is for him to determine: but I do assert, and that is the heart of this thing, that he must do that or else declare himself subject to this church of which he is member."

– Robert Tayler, attorney for the protestors.

CHAPTER THREE

FINDING COMMON CAUSE

After Joseph F. Smith’s dramatic testimony in March, 1904, the protestors found it difficult to maintain public interest in the hearing. Smith had set a high standard of sensational disclosure, and subsequent witnesses had trouble meeting it. In addition, repetition had robbed the case of its power to titillate. Finally, the Chairman’s fellow Republicans convinced him to adjourn until after fall elections, for fear the hearing would prejudice Roosevelt’s campaign. When the Committee reconvened on December 12, the public’s attention was elsewhere and had to be recaptured. The L.D.S. temple ceremony offered the best means for doing so.

The original protest alleged that Smoot should be unseated because he had taken an oath in the Mormon temple that was incommensurate with his duties as a senator. All


2. For their own political reasons Democrats concurred. In particular, the protestors’ chief ally on the Committee, Senator Dubois of Idaho, hoped to use anti-Mormon sentiment to help in his own campaign in 1906 and, therefore, wanted to prolong the hearings through the spring of 1905, at least. Jay R. Lowe, "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," M.A. thesis, Brigham Young University, 1960). p. 35.
L.D.S. witnesses were adamant that there was nothing about the liturgy which affected their ability to serve the country, but simultaneously refused to disclose the ceremony. To the Saints, the ceremony was sacred. To others it was a conspiratorial secret. Even those, who were not suspicious, were curious. When J. H. Wallis, Sr., detective Owen's shoemaker and a disaffected church member, took the stand, the Committee seemed poised to throw open the doors, not only to Mormon bedrooms, but to its temples as well and most of America wanted a look. They would not be disappointed.

Charles Mostyn Owen posed in temple clothing for the national press, and the women's reform groups provided forums for his performance of the ceremony to the general public. No doubt the protestants enjoyed ridiculing Mormon worship practices. They had, however, a more serious point to make than Mormon eccentricity. Wallis was prepared to testify that temple-going Mormons took an oath of vengeance for the murder of Joseph Smith. Wallis restated the oath as best he remembered it: "'That you and each of you do promise and vow that you will never cease to importune high heaven to avenge the blood of the prophets upon the nations of the earth or the inhabitants of the earth.'" He returned to the stand two days later to correct himself, saying the oath applied not to the inhabitants of the "'earth," but to "'this nation.'"


There was much confusion, throughout the hearing, over whether the disputed practice was a vow or a prayer and, in either case, whether the protestants had produced an accurate representation of it. Neither was there evidence that the desire expressed had ever been acted upon, at least recently, and certainly not by Senator Smoot. Nevertheless, the existence of the sentiment and its enshrinement in liturgy, even as an artifact from the Saints’ past, evidenced a continuing antipathy towards the nation and, even in its most benign form, showed a desire for anything but the common good. By the time the hearing adjourned for the Christmas holiday, a majority of America believed the Utah Senator should lose his seat. Carl Badger wrote home: “I have just read sixty-five clippings, and out of that number I find only about five that think that Senator Smoot would retain his seat. . . .”

One from the majority editorialized:

If Senator Smoot has been obliged . . . to take such oaths as described by witnesses, he cannot be received in the Senate as one whose fidelity to country is undisputed. It is no longer a question of personal chastity with him. Whether the doctrine of polygamy is still upheld by the church leaders and followers is now a subordinate matter of the greater question of the relation of the church toward the country.

Like polygamy, the temple ceremony represented a definitive aspect of the Mormon Problem. Whereas plural marriage revealed Mormon lawlessness, the temple

5. The protestants believed that an 1857 attack on a wagon train, as it passed through southern Utah on its way to California, was an act of retribution. Nothing more recent could be found and “the Mountain Meadow Massacre,” as it was called, was grist for the newspaper campaign, not the hearing itself. The history of the attack and its aftermath is found in Juanita Brooks, *The Mountain Meadows Massacre*, 1950, 2d ed. (Norman: University of Oklahoma Press, 1962).

6. Carl Badger (Washington) to Rose Badger (Salt Lake City), 24 December 1904. Badger Collection, Box 1, fd 8.

oath revealed the fundamentally flawed "relation of the church toward the country." The Mormons did not share in the vision of America as the righteous empire and did not work for its establishment. To the contrary, the oath of vengeance showed that Mormons sought the triumph of their own institutions at the expense of the nation's. This was a direct reversal of the way religion was supposed to work in America.

Common Cause

Traditionally, American Protestantism has had two sources of identity that together contributed materially to its denominational character. The first was a sense of intra-church purpose which defined one denomination as distinct from another. As Sidney Mead described it, this purposiveness was a natural response to pluralism in an environment of religious liberty and disestablishment. Since congregational participation was voluntary, churches had to present themselves through a distinctive purpose which could provide a basis for affiliation. The second basis for identity, especially for mainstream Protestantism, was found in a common goal to construct and maintain a Christian culture. Contributing to this objective defined America's churches at good citizens and tacitly qualified them for the privileges of citizenship, e.g., free exercise at home and protection abroad. Conversely, failure to contribute defined other religious groups as unqualified.

The ideal of a Protestant nation had been expressed first in the sectarian efforts of the Puritans. One hundred and fifty years later, when the union of states required an

accommodation of religious diversity, Protestant idealism was invested in the nation as a whole. By the nineteenth century, the conversion of America’s frontier populations provided a missionary enterprise that, for all its sectarian competition, expressed Protestantism’s solidarity of purpose. Protestantism found common cause in reviving America’s religious sensibilities as a way of strengthening the nation’s institutions and enlarging its boundaries. Though the means of constructing and perpetuating a Christian America changed over time, the goal did not.⁹

In 1905, the Progressive Era version of Protestantism’s common cause was given at the initial meeting of the Federation of Churches. The chair of the Federation’s Business Committee explained: “the Church exists for the State, to maintain that righteousness that exalteth a nation.”¹⁰ Maintaining the state’s “righteousness” was a principal means by which each denomination recognized the other as an legitimate

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⁹. These generalizations have become commonplace in the analysis of American religion. Designed to bring order to the complexity of American religious history, they necessarily simplify “out” much else that happening during period. Social historians have yet to recapture the complexity for the period 1900 to 1920, and Sidney Mead’s work remains the standard interpretive paradigm for American denominationalism during this, as well as all other, eras. See especially, Lively Experiment, pp. 115-121. Robert T. Handy provides the most thorough analysis of Protestant identification with the state at the turn of the century in Robert T. Handy, A Christian America: Protestant Hopes and Historical Realities, rev. 2d ed. (New York, Oxford: Oxford University Press, 1984), pp. 101-158. See also, Russell E. Richey, "Denominations and Denominationalism: An American Morphology," in Reimagining Denominationalism: Interpretive Essays, ed. Robert Bruce Mullin and Russell E. Richey (New York & Oxford: Oxford University Press, 1994), pp. 82-87, for a brief discussion of the institutional effect of these changes from “missionary denominationalism” to “corporate organization.”

member of the American religious economy and, hence, eligible for religious liberty
under American law. The perceived failure of the Mormons to contribute to this
deavor was a subtle, but pervasive, theme of the Smoot hearing. Of course, the Latter-
day Saints and other marginalized religions were not invited to participate in the
Protestants’ joint venture and were reticent to participate for their own reasons, such as an
ambivalence towards modernism among the Catholics. But, obviously, mutual
antagonism was the chief cause of non participation by non-Protestants. As noted by one
editorialist: “for intelligent Mormons to find a common cause in the industrial upbuilding
of the country with unembittered Gentiles [or non-Mormons] has been made increasingly
difficult.”

Nevertheless, “Gentiles” had cause to distrust the citizenship skills of a group who
had exploited its outcast status so effectively to create vigorous socio-political institutions
which competed directly with those of righteous America. The Saints had spent the
nineteenth century building their church within the nation, not the nation through their
church. Countless sermons to this effect could be found, and many were introduced into
the record of the Smoot hearing in order to show the Mormons did not seek the welfare of
the America as an end in itself, but as a means of building their own kingdom within it
and with the intention of ruling it. For the participants and observers of the Smoot

p. 6.

12. Excerpts were included in the formal complaint filed by the protestants.
Proceedings 1:1-29. Much has been written about the L.D.S. Church’s aspirations for political
dominion and the ways in which they achieved it in the West. All agree that, to a remarkable
degree, that the church constituted a separate nation state, which competed effectively with
hearing. Mormon nationalism was not yet history. Though statehood had dampened their hopes of complete autonomy, as late as 1903 the flag of the “State of Deseret” was flown at apostle Brigham Young Jr.’s funeral in Salt Lake City. To be sure, this was a last gasp of political chauvinism, but it showed nevertheless that the protestants were onto something when they argued that the Mormons had a problem in relation to the nation, that they stood apart from, not together with the American denominational churches who were devoted to the American ideal.

The Saints’ otherness was equally apparent in their iconoclastic mores and parochial sensibilities. In 1908, young Claton Rice, recently graduated from Princeton Seminary, was assigned to the Presbyterian mission in southern Utah. Upon arriving he found it “doubly clear that the Mormon church with its constantly iterated statement that all other churches are apostate churches, would not cooperate with Protestant Christian American governments and negotiated with foreign ones. Why the church did so is a source of disagreement, however, as evidenced conveniently in the titles of two histories: Klaus J. Hansen, Quest for Empire: The Political Kingdom of God and the Council of Fifty in Mormon History (Lansing, Mich.: Michigan State University Press, 1967; reprint, Lincoln, Neb.: University of Nebraska Press, 1974). and Marvin S. Hill, Quest for Refuge: The Mormon Flight from American Pluralism (Salt Lake City: Signature Books, 1989). It should be noted, however, that the Saints’ reasons were theological as well. Their Zion was to fill the American continent, broadly defined by geographical, not political boundaries. In 1842, in response to the request of the editor of the Chicago Democrat, Joseph Smith listed his church’s key beliefs, including: “We believe . . . Zion will be built upon this [the American] continent . . .” James R. Clark, Messages of the First Presidency, Vol.1, p.142 Based on Book of Mormon prophecy, this teaching was carried forward by Brigham Young and subsequent leaders of the church. A summary of the relevant historiography is found in “The Metamorphosis of the Kingdom of God: Toward a Reinterpretation of Mormon History,” in The New Mormon History: Revisionist Essays on the Past, ed. D. Michael Quinn (Salt Lake City: Signature Books, 1992), pp. 221-46, p. 239, n. 1.

13. D. Michael Quinn, The Mormon Hierarchy: Extensions of Power (Salt Lake City: Signature Books, 1997), p. 263. See also Steven Parker, “Deseret” in the Encyclopedia of Mormonism, which provides an etymology of the term the Saints applied to their temporal kingdom and still attach to many of their institutions, such as The Deseret News.
bodies."\textsuperscript{14} Individually, too, the Saints preferred to remain aloof from those of other faiths. In his memoir, Rice recalls that:

'We are a peculiar people' was still a dominant theme in Mormon ward meetings when Senator Smoot went to Washington. 'We are a persecuted people' continued to create emotional reactions which kept the gulf which divided Mormons and Gentiles dangerously deep. The average Mormon wanted to dress in his [temple] 'garments', pay his tithing, go on his mission, raise his family and center his loyalties in his church, and let the rest of the world go by save as he went out among the 'gentiles' on his mission.\textsuperscript{15}

Isolated by geography and religious conviction, the Saints had developed a closed community with an ethic of self-reliance that made them appear selfishly interested only in their own welfare. Understandably, their goodwill towards the nation was mitigated by the treatment they had received from the larger culture. Nevertheless, while in their personal relationships with outsiders they may have been a generous and helpful people, the Saints did not have a sense of shared purpose with other American churches.

The Saints' inwardness was all the more obvious for its contrast to the Protestants' investment in broad social welfare initiatives. In the early twentieth century, those churches that would become the Protestant mainstream officially adopted the social gospel movement. America was to be revived or reformed not by sermon, but by social action. "We believe," said the organizers of the National Federation of Churches:

that the great Christian bodies in our country should stand together and lead in the discussion of, and give an impulse to, all great movements that 'make for righteousness.' . . . [namely] the saloon, marriage and divorce.


\textsuperscript{15} \textit{Id.}, p. 230.
Sabbath desecration, the social evil, child labor, relation of labor to capital, the bettering of the conditions of the laboring classes, the moral and religious training of the young, the problem created by foreign immigration, and international arbitration . . . .

The Latter-day Saints shared many of these concerns and used their influence locally to combat activities they deemed social vices. Nationally, however, they had a reputation for injuring the cause of righteousness by their marital practices, including divorce, and by sponsoring immigration. To this injury was added the insult of the Saints’ alleged failure to cooperate in such basic reform initiatives as public schooling.

Ironically, Protestant commitment to “social reconstruction in the interests of equity and justice . . . .” was a means of making room for the Mormons and other outsiders. Once the Protestant missionary impulse was directed abroad and channeled into social welfare activities at home, marginalized American churches could more easily sponsor similar initiatives that brought them within the definition of good citizenship. For example, the Mormons were praised for their quick reaction with food, clothing, and $100,000 in cash for victims of the San Francisco earthquake in 1906. During Joseph F. Smith’s administration, the church began to make its welfare resources available for


national emergencies and cooperated with international relief agencies. The church also
began to accept aid from governmental sources, further harmonizing itself with the
American way of life. In addition, if only because it was "unjust" to deny them voice,
Protestantism's new emphasis on social justice did not allow for the continued exclusion
of non-Protestant religions that were becoming demographically significant. A means
had to be found of integrating religious diversity into American polity.

Consequently, to some the Smoot hearing was a step in the wrong direction.
Those who appeared to have Catholic roots were quick to see the broader significance of
Smoot's contest with Protestantism. Former senator McConnell of Idaho wrote: "I
consider this . . . a crisis in the history of our government. If we close the doors of the
Senate today against Smoot why not against the members of the Catholic Church next
session." The analogy to Catholicism was apt. "Popery" was a common epithet applied
to the Mormons since both churches presented Protestantism with a competing authority
structure and the fear of compromised loyalty to the nation. The Catholic hierarchy,
however, was not seeking formal access to the halls of the national legislature. Therefore,
the issue of conflict of laws and loyalties was embodied in the person of Apostle-Senator
Smoot.

When attorney Taylor suggested to Smoot that he abandon his church position to
retain his senate seat, Smoot responded: "I do not see any reason why I should resign. It

19. Garth Mangum and Bruce Blumell, The Mormons' War on Poverty: A History of

20. W. J. McConnell (Moscow, Idaho) to Joseph F. Smith, 24 January 1904, Smoot
Collection. Box 50, fd. 4.
does not interfere with my being a good citizen of the United States in any way, shape, or manner . . . ."21 That was his story and he was sticking to it. Smoot's task in the Senate was to show that there was no conflict between his church and nation, that the Saints could be fellow travelers with American Protestantism: patriotic, religiously tolerant, independent citizens who were committed to and capable of contributing to the commonwealth. In doing so, he provided the occasion for the nation to define the terms upon which other outsider religions would be judged good citizens with full privileges and protections. Thus, when Smoot began his defense on January 10, 1905, it was not only incumbent upon him to show that his church did not sanction post-manifesto polygamy. He had to demonstrate that the church was willing to aid and promote American institutions and values. Only then would the Saints be granted the civil rights and constitutional protections given those who "satisf[y] the American ideas of a church and a system of religious faith . . . ."22

_The Man Who Served Two Masters_

Reed Smoot was to all appearances very much a man of his time, not his place. He showed no hint of his native state's frontier ruggedness or its reputation for religious despotism and sexual license. Rather, he seemed to be "a retiring, unobtrusive, and friendly man."23 In photographs from the period, his gaze is direct, but not intense;

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serious, but not stern. His suit is impeccably fitted to his slender but tall frame. Said one observer: "There is nothing of the apostle about Smoot. He looks like the village doctor or the man who has the milk route. He has a smile and a warm hand-clasp for everybody. . . ."24 Behind that smile, however, was a very anxious man, who complained of various stomach ailments and sleeplessness throughout the trial. He was a man with loyalties to two apparently incommensurate communities, each with its own imperatives and each demanding his full allegiance. Because his sympathies toward and identification with each were genuine, Smoot was the ideal arbiter of the terms by which Mormonism was to be integrated with the republic.

Born in 1862, Reed Owen Smoot was the third child of a Norwegian convert, who immigrated for her faith and became the plural wife of a Kentucky convert, who made the exodus to Rocky Mountains and became a civic and ecclesiastical leader there. Reed grew up in the turbulence of the federal government’s anti-polygamy campaign, seeing his father arrested and tried for his marriage to the future senator’s mother. The son chose not to practice plural marriage, though he espoused its practice. In 1902, while meeting with the other apostles, Smoot "spoke of the success of his father in its practice, which was due in part to the character of his wives, for they were good women; this order of marriage, if universally practiced, would save the world much sorrow and distress: [and Smoot] looked for its restoration. . . ."25 In his religious practice, Smoot appears to


have been more dutiful than devout. On his own initiative he did not undertake to live
"the Principle." By the time he rose to that level of leadership where plural marriage was
considered a duty, he was already contemplating national political office. As he
described himself, he had "but few wild oats to sow and his habits had always been
temperate . . .".26

In 1900, Smoot was elevated to the position of apostle to the surprise of many,
including himself. The new apostle had built a reputation for being more adept at
temporal than at spiritual affairs. By the age of twenty-one, he had purchased his
hometown drugstore and turned it into the prosperous Smoot Drug Company. Two years
later, in 1884, he was called on a mission to run the inter-mountain area's largest woolen
mill. As the years passed, he accumulated a variety of business interests in banking, real
estate, mining, manufacturing, livestock, and merchandising. He traveled broadly,
meeting men of affairs both within and outside of the West. He joined the first
Republican Club organized in Utah and remained a party loyalist and proponent of
protectionism. When called to the upper echelon of L.D.S. ecclesiastical leadership,
Smoot was already a wealthy and politically active man.27

26. Apostolic Diaries of Rudger Clawson, p. 775 (4 October 1904, Smoot's self-
description to his fellow apostles).

27. A complete biography of Smoot's life has yet to be written. Merrill's 1990 book is a
reproduction of his dissertation, Reed Smoot, Apostle in Politics, Ph.D. diss., Columbia
University, 1950, and is limited to Smoot's senatorial career. It has the advantage, however, of
reference to the author's personal interviews with Reed Smoot and certain of his contemporaries.
Other biographical treatments include master's theses by George Vernon, "The Public Career of
Reed Smoot, 1903-1933," University of California, 1937, and Maud E. Smith, "Reed Smoot:
Senator from Utah," Columbia University, 1933. A brief but insightful biographical essay is
included in Harvard S. Heath, In the World: The Diaries of Reed Smoot (Salt Lake City, Utah:
Signature Books, 1997), pp. xxviii - xxxiv. See also, the biographical introduction to Harvard S.
The Saints’ commitment to kingdom-building left little room, however, for
devotional abstractions or distinctions between temporal and spiritual salvation. Smoot’s
early church assignments in Utah and later apostolic portfolio in the U.S. Senate were
perfectly consistent with the church stewardships given his brethren. Instead of
colonizing ventures in Star Valley, Wyoming, or missions to Chicago to raise financing
for church bonds. Smoot’s mission was to the national legislature. Thus, before sending
him to Washington, President Smith placed his hands on Smoot’s head and gave him “a
special blessing, in which the blessing and favor of the Lord was sought for his success in
obtaining a seat in the senate of the United States Congress . . . .”28

Many of Smoot’s contemporary associates and later interpreters misunderstood
the nature of Smoot’s assignment and, consequently, characterized his religious
commitment as lackluster. Even his biographer concluded that business, not the
apostleship, was Smoot’s “real life.”29 This conclusion seems justified in light of
Smoot’s own testimony at the hearing that he was “not a very active” Latter-day Saint.30
Smoot’s religiosity must be read, however, in the context of the nature of L.D.S. religious
life, where devotion was more often expressed in digging irrigation ditches and trading
commodities for a cash-poor pioneer economy. Also, these statements must be


understood in terms of Smoot's political necessities. It behooved Smoot to be "not a very active" Mormon. For the same reason, church president Smith had testified that Smoot "does not attend to the duties of the apostolate . . . while he is here; he can not." This was only true in the most technical sense of the term, given that the duties of his apostolic calling were in the Senate. These and other such statements were designed to and did make Smoot appear for the remainder of his tenure in the Senate a less than engaged member of his quorum and his church.32

While this reputation helped in the Senate, it hurt him in relation to the church. B. H. Roberts felt strongly enough to suggest that Smoot resign his senatorship: "whatever order of abilities may be claimed for him, there is no one who will seriously undertake to say he is qualified to meet the responsibilities of both offices, and those who urge the two positions upon him are merely making him a candidate for ridicule, and riding him under whip and spur to a humiliating failure."33 Time would prove Roberts not only


32. As the church's need for his senatorial privileges diminished during Smoot's thirty year tenure, his increasing senatorial duties and his length of time away from Utah may have resulted in an estrangement from his church quorum. Initially, however, he told his brethren "that he always had in mind Zion and her people. Her interests are my interests; whatever hurts Zion, hurts me. [He] Desired to be in harmony with the presidency and his brethren. If it were thought advisable for him to resign from the senate, he would not hesitate a moment. Felt that the Lord had directed his movements in Washington. I love my brethren. . . ." Clawson, Ministry of Meetings, p. 569 (2 April 1903). For an example of Smoot's intervention on the church's behalf, see A. F. Cardon, "Senator Reed Smoot and the Mexican Revolution," Utah Historical Quarterly 31, no. 2 (Spring 1963): 151-63.

33. B. H. Roberts (Salt Lake City) to Richard R. Lyman (Salt Lake City), 30 March 1908, Smoot Collection. See also Badger to Rose Badger, 10 December 1906, Badger Collection, Box 2, fd 2: "The Senator also says that he is going to have a reckoning with President Rich some of these days. It is very amusing. The Senator accuses President Rich with saying that when his case is [s]ettled, he is to be taken horn[e] and taught the gospel. This is a
uncharitable, but also wrong. Smoot was accepted into the inner circle of Senate leadership and “during the first third of the century . . . became what might be called the quintessential Mormon.”34 A magazine editor who observed him for many years was closer to understanding Smoot when he denominated him “Pontifex Babbitt.”35 Smoot was the perfect choice to represent modern Mormonism, replacing its reputation for anarchical fanaticism with bourgeois patriotism.

*New Mormons and Old Mormons*

Smoot arrived in Washington at the age of forty, a successful entrepreneur and business executive, dutiful trustee of educational and public institutions, and loyal activist within his state’s Republican party. Like other representatives of causes in Washington, he was earnest, confident, optimistic and maybe even a little opportunistic. He believed in progress of both material and spiritual kinds. He saw little distinction between the two.

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serious affront, and the Senator does not intend to forget it readily. . . .


He expected that the new century should and would bring improvements in the human condition. through a strong domestic economy, an integration of industrial power with scientific discovery, and the discipline of managerial professionalism. Indeed, he was reared to believe there were no limits to human progress, except those imposed by sin and, thus, held himself to rigid moral standards and was a famously hard-working man.

In addition to his moral scrupulosity and Herculean capacity for work, Smoot possessed also a "rare business aptitude" and strict party loyalty that provided a pleasing alternative to his apostolic identity.36 His colleagues found him "an apt pupil. safe, sober and steady" and "recognized that he was a lion for efficiency, a tiger for economy and a worm for detail."37 As important, however, because Smoot's talents had determined the nature of his church callings, he had received few assignments of non-business nature, and these had been of short duration. At trial, he could testify that "the only particular office that I ever held in the church was that of counselor . . . ."38 This meant that "viewed at close range . . . the Senator is reassuring in appearance."39 As the protestants were resting their case in December, 1904, a New York newspaper reported that notwithstanding the shocking testimony in his case: "Senator Smoot is well liked by his


37. Anderson, "Pontifex Babbitt.":178. See also Merrill, Apostle in Politics, passim.


39. Carl Badger to "Wells." 16 June 1903, Badger Collection. Box 1, fd. 7.
associates in the Senate. His quiet, reserved and dignified conduct have favorably impressed all. . . .”

On January 20, 1905, the Senator began his defense. Initially, he was forced by the protestants’ argument to defend the church generally and to minimize the incidence of polygamy specifically. Therefore, he produced a series of witnesses, largely non-Mormon or lapsed Mormon, who swore that the majority of the Saints were opposed to polygamy and few had ever practiced it. The witnesses agreed also that the Saints “pride themselves on independent suffrage.” Such control as the church might have had was simply “like the Pilgrim fathers in early times” Regardless, it was a thing of the past which the new generation would not stand for. Moreover, the witnesses testified that non-L.D.S. Utahans experienced no restriction of opportunity in commercial or political activities: even former polygamy prosecutors had been elected to local office. All agreed that younger Mormons would revolt if any attempt were made to control them in politics or reinstate the practice of plural marriage. As for the anti-polygamy agenda, it only served to “drag religious matters into our State politics.” Smoot’s witnesses painted a picture of a new church with a new generation about to take it into the twentieth century.

Modern Mormonism was personified by Brigham Young’s grandson, Richard W. Young. Brigadier General Young was introduced to the Committee through his

40. "Reed Smoot Inquiry to be Resumed," The Brooklyn Eagle, 10 January 1905.

41. Proceedings II: 678 (J.W.N. Whitecotten).

42. Id., II: 801 (John P. Meakin).

43. Id., II: 590 (F. H. Holzheimer).
credentials as a West Point graduate and Spanish American war hero who had a law
degree from Columbia and had been appointed president of the criminal branch of the
occupied Philippine supreme court. He joined with Smoot’s non-L.D.S. witnesses in
testifying that the Saints were “decidedly hostile to polygamy.” When pressed on cross-
examination as to the alleged unanimity of feeling against polygamy. Young responded:
“Well, Mr. Tayler, there are all sorts of Mormons, as there are all sorts of people
belonging to various organizations, and I believe that there are people and always have
been people in the Mormon Church who have not accepted that revelation.” 44 In sum, the
Mormons were just like everybody else and, if given enough time, their church would be
too. This testimony set the stage for the Senator’s second point which he pressed during
his own testimony.

Smoot’s objective on the witness stand was to call attention to the religious liberty
issues which had been minimized during the hearing. He characterized his church
affiliation as a matter of personal conscience which had no determinative effect on his
actions. Specifically, he testified that the revelation on plural marriage was “permissive
not mandatory.” that the people are supreme in the church, not the president, and that to
violate civil law was to violate the law of the church. 45 He took care to emphasize his
lack of knowledge about and accountability for the actions of others in his church. He
said that he had no personal knowledge of the marital status of other church leaders, that
he could not remember the temple ceremony, and that “political matters . . . are never

44. Id., II: 953, 959.

discussed in the quorum of the twelve apostles.\textsuperscript{46} He represented that, as a senator, he acted independent of his church superiors and that "my first duty would be here..."\textsuperscript{47}

In the meantime, on the floor of the senate, he was unvarying in his party discipline. Two weeks after testifying, he joined his party in opposition to the statehood bill for New Mexico and Arizona. The Chicago Evening Post concluded that the vote proved Smoot could act contrary to his church. More accurately, however, Smoot's vote was a matter of priorities. A seat in the Senate meant more to the church than immediate statehood for its members in the southwest territories. Smoot's voting with his party did show, however, that, in addition to his useful work habits and business expertise, Smoot brought to the Senate his people's characteristic respect for authority and capacity for solidarity. When employed in pursuit of national interests, these attributes signaled good citizenship, not despotism. As requested by his party, Smoot successfully organized a pro-Roosevelt delegation to the Republican convention and delivered Utah's voters in the presidential election of 1906. Some saw in his endeavors a conspiracy of church and party interests, but to most it was simply American politics. The Mormons were no longer building their kingdom, but acting in "common cause in the industrial upbuilding of the country..."\textsuperscript{48}

Tayler was too good an attorney to let Smoot's case rest there. Before his three days on the stand were finished, Smoot was forced to admit that his prophet was a

\begin{flushright}
\textsuperscript{46} Id., III:189.
\textsuperscript{47} Id., III:306.
\textsuperscript{48} Russell, "Mr. Roosevelt," p. 6.
\end{flushright}
lawbreaker, that B. H. Roberts "would not have been elected if I could have helped it."
that he did not agree with certain statements made by his brethren, and that he would seek
their removal if any had married after the manifesto.\textsuperscript{49} Thus, while Smoot made as good
case a for himself as was possible under the circumstances, his testimony did not
exonerate his brethren nor, in fairness to him, could it have done. Afterwards, Senator
McComas, one of the church's severest critics on the Committee, congratulated Smoot,
but warned he could still lose his seat because of the church's failure to produce several
apostles who were alleged to have married polygamously or performed marriages for
others after Woodruff's manifesto. Smoot relayed the message to his church president,
adding that according to McComas "it was a lucky thing for the church that I was sent
here as Senator for I was liked by both Democrats and Republicans and for that reason he
did not expect I would be unseated."\textsuperscript{50} As self-serving as it sounded, this was largely
true, but not entirely. By itself, goodwill towards Smoot was insufficient to overcome the
ill will generated by the church's lack of cooperation in producing the absentee witnesses.
Nothing else seemed to make a dent in the nation's conviction that it still had a Mormon
Problem.

The church leaders cannot be faulted for not trying, at least with respect to the
demands that the church disengage itself from Utah's economic and political institutions.
During this period, eastern industrialists were sold the church's interests in coal, iron.

\textsuperscript{49} Id., III. 213, 115, and 224-25

\textsuperscript{50} Reed Smoot (Washington) to Joseph F. Smith (Salt Lake City), 10 February 1905.
Smoot Collection, Box 50, fd. 4.
sugar, salt, and electric power, as well as its local railroad and telegraph systems.51 Though it may have been inevitable that the Saints would have had to abandon their communitarian economy, it was during these years that they adopted the American capitalist model for which they would be known in the twentieth century. As stated by an economic history of the region, by 1908 "the self-sufficient Kingdom may be said to have been brought to an end. . . . Faith became increasingly separated from community policy and religion from society. Individualism, speculation, and inequality – once thought to be characteristics of Babylon were woven in to the fabric of Mormon life."52 During this period, Smith also restricted the church's public endorsement of candidates for office and circulated through church publications declarations of the independence of the Mormon voter.53 Nevertheless, in 1905, the demands that the L.D.S. Church adapt itself to American polity had never been stronger and had never created as much havoc among the leadership.

Hoping to dispose of the hearing without further damage, Smoot purposely truncated his defense to put the Committee in a position to issue its findings before the Senate adjourned on March 4, 1905. The parties finished presenting evidence and argument on January 28, 1905. Within days, however, it was clear that Chairman Burrows did not intend to bring the hearing to a close. In part the reason was political.


53. See, for example, The Improvement Era, April 1903, pp. 469-73.
Again, certain senators standing for re-election hoped that anti-Mormon feeling in their local communities would motivate voters to return them to the Senate.\textsuperscript{54} In addition, anti-Smoot forces on Capitol Hill knew that their colleagues in the Senate were not convinced. The protesters, as the accusing parties, had the burden of proving their charges and had not succeeded. Evidence had been circumstantial and, even so, very limited: only twenty cases of new polygamy in the last fifteen years. Neither had Smoot’s record of opposition to the practice been contradicted. While the protesters had a stronger case regarding cohabitation by those polygamists married prior to 1890, the laws and public sentiment were sufficiently ambiguous that the protesters could not hope to win their case on this alone.

The protesters and their supporters on the Committee used the remainder of 1905 to search for additional evidence of post-manifesto, polygamous marriages. Though Roosevelt had insisted there be no formal hearings in Utah, detectives scoured the state for information that would justify reopening of the hearings later in the year. Anti-polygamy forces used the time to re-energize support for a constitutional amendment. Immediately after the Committee adjourned, Idaho Senator Dubois introduced an amendment which would have nationalized the his states anti-polygamy test oath statute. Utah’s senior senator Thomas Kearns spoke at length in support of it, arguing "Is it not

\textsuperscript{54} This was especially true for Senator Fred T. Dubois of Idaho, the chief strategist on the Committee for the protesters’ case and liaison with Protestant reform and women’s purity movements. See Lowe, "Fred T. Dubois, Foe of the Mormons.", p. 50.
demonstrated that Utah is an abnormal State? Our problem is vast and complex."

If the church were not stopped, he warned, Utah's abnormalities would become the nation's. Though there was little likelihood that the bill would be passed in the foreseeable future, it remained positioned as a threat to the church.

The longer the church delayed acting against Taylor and Cowley the more Reed Smoot's support eroded. The Washington papers which two years ago had been favorable to the Senator were now opposed or cynical. Formerly sympathetic colleagues in the Senate, too, were becoming impatient with him and his church. Many worried about the effect of the hearing on their upcoming campaigns. President Roosevelt was unhappy and asked Smoot to "have the temple ceremonies abolished; they were 'foolishness.'"  

Developments in state politics also undermined the Senator in 1905. As a result of confusion in church ranks, Salt Lake City's municipal elections were carried by the anti-Mormon "American Party," making Republican Smoot look impotent in his home state.

As bad as things were for Smoot within the Senate and his own party, Smoot's most serious challenge was within his church. He had to convince his brethren that, if they wanted him to stay in the Senate, they would have to act against apostles Taylor and Cowley. More than the others, John W. Taylor and Matthias F. Cowley were singled out as symbols of what was both wrong and dangerous about the Mormon church. Their


56. Badger Diary, 12 February 1905. Badger Collection, Box 12, fd. 7.
refusal to appear and Smith's refusal to produce them were deemed proof of the church's defiance of the law, notwithstanding sworn protestations to the contrary by other witnesses. Teasdale and Merrill appear to have been considered less culpable because of their age. Moreover, their absence was explained in terms of poor health, not refusal to appear.57 Most significantly, unlike Taylor and Cowley, Teasdale and Grant were not charged with having performed unlawful marriages for others. The public and its political representatives had reduced the trial's ever-burgeoning mass of conflicting evidence and legal theory to a simple proposition. If the church were telling the truth about itself, it would not keep these John W. Taylor or Matthias F. Cowley within the highest council of its leadership. Implicit in this criticism was the conviction that Smith's refusal to compel these men to respond reflected the church's antagonism to the nation.

There were many reasons for Smith's delayed response to the mounting crisis over the absentee witnesses. Before he would act he had to agree with Smoot that there was no other way to obtain a seat in the Senate and that the seat was worth it. As time passed, however, it was becoming clearer that there was no choice. The increasing publicity over Taylor and Cowley's post-manifesto polygamy and the wide dissemination of contradictory testimony by church leaders was creating its own crisis within the church. If Smith decided to continue to fight the anti-polygamy lobby, he had to remember, as

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Smoot warned him, "we must remember we have not the full sympathy of our own people behind us."  

**Fire Down Below**

By 1905, even the most faithful were struggling to find a way to rationalize the surprising disclosures from the Smoot hearing and to rebut charges of duplicity relayed through the national press. Some within the church praised their leaders' courage under fire and were pleased with their sophistry. All had been variously embarrassed, humiliated, or angered by caricatures of their church representatives and beliefs. They must have thought it could get no worse than the sight of despised snitch Charles Mostyn Owen in temple robes and the publication of the sacred ceremony. But, in February an even higher level of calamity was inspired by the Smoot hearing.

When the Committee's adjournment left the anti-Mormon *Salt Lake Tribune* without news, it began publishing the transcript of Smith's testimony from the previous spring. For the first time, the Saints' read Smith's disavowal of plenary power and denial of ever having received revelation. It was a frontal assault on the faithful's understanding of the role of prophets and the duty to obey them. Gleefully, disaffected member and *Tribune* editorialist Frank J. Cannon announced that Smith had

58. Reed Smoot to L.D.S. First Presidency, 8 December 1905. Smoot Collection, Box 50, fd. 4.

59. *Proceedings* I:99. As discussed will be discussed in chapter two, Smith's answers can only be explained in terms of his determination not make promises to act or not act as desired by Congress; his distrust of the tribunal's intentions; and his intention to signal the church's subordination to the civil authorities.
argued him[self] and his particular church out of any reason for existence. . . . The Mormons are no more entitled to claim that they are led by direct revelation from God through Joseph F. Smith than are the members of any other church whose ministers claim that, by leading a good and prayerful life, they can discover the truth and be saved. . . .” 60

Cannon was a former Utah representative in Congress and son of one of Mormonism’s most beloved and powerful church leaders, George Q. Cannon. The antipathy between Frank J. and Joseph F. was so great that the latter referred privately to the former as “furious Judas” Cannon. In his editorials, Cannon used publicly every insult he could conjure against Smith, taunting him as “Earthly King” and “A Prophet Who Hates.” 61

The resulting trauma for the Saints was sufficient that Smith tried to explain himself at a local conference. He said he was only trying to avoid the “trap” designed by his “inquisitors” and reassured the audience that God “has made manifest to me a knowledge of his truth by and through spirit of revelation . . . .” 62 To non-members the explanation was worse than the admission. The next day Cannon denounced Smith “God’s Appointed Liar” for contradicting his testimony and told his readers they had to decide whether Smith was “prophet to smite the Nation with law or truth at his pleasure: or he is a shallow pretender.” 63 For those church members who had expected that the


61. Salt Lake Tribune, 1 February 1905 and 16 April 1905.


63. Salt Lake Tribune, 20 March 1905. In the same issue, news coverage of Smith’s speech was headlined: “By Command of God the Prophet Lied/ Law Defier Admits Perjury. Joseph F. Smith has New Revelation . . . .” and reported “President Joseph F. Smith declared in the Tabernacle yesterday, in the presence of about 4000 people. . . . that he had purposely prevaricated in his testimony at Washington in the Smoot investigation when he said that he had
hearing would present their beliefs to the world, this was a sad day. Instead, the Smoot hearing had provided additional ammunition for attacks on the church and was shaking even the faithful's confidence in the integrity of church leadership.

In addition, the charges and countercharges were creating confusion on church policy and administration. With their home constituency, L.D.S. witnesses were damned if they did deny the practice of plural marriage and damned if they did not. As had been testified, there was a growing population within the church who wanted plural marriage abandoned and, understandably, after a decade of official statements believed that it had been. This constituency was pained by admissions and additional rumors of polygamy at high levels within the church. Badger was among them, writing to Rose: "I do not want to see polygamy reestablished, and I want to see the Church leaders tell the truth. It is absolutely impossible after the many declarations made by the leaders to tell just where we are. . . . I am one of those who hope John W. [Taylor] has broken the law of God in marrying a new wife . . . ." 64

There were at least as members who had known that the practice had continued after 1890 and who felt alarmed and even betrayed by the denials of the same. Thirty-four-year-old Sarah Pearson of Duchesne, Utah, recorded her reaction to the testimony in a notebook she entitled "Woman of Mormondom/ Smoot Investigation." She was

never received any revelations, and that his purpose in so doing was to thwart the 'inquisitors,' as he called them, in their design to entrap him, as he knew that none of them would understand what a revelation is. He said that it is not true that he had received no revelations."

64. Carl Badger (Washington) to Rose Badger (Salt Lake City), 1 January 1905, Badger Collection. Box 1 Fd. 8.
pleased that Smoot had shown himself to be "upright and capable in business, clean in morals, honest in religion, patriotic in sentiment, and law-abiding in everything." She was troubled, however, that he and the other church witnesses had taken the position that the revelation to Joseph Smith on plural marriage was precatory, not mandatory. "I cannot see," she writes, "how anyone can believe in a prophet and accept his other revelations without accepting that also. . . ."65 She was not alone.

Church leadership had cause to be especially concerned over the effect the testimony was having on younger members. Wrote one apostle to his friend Badger: "The air seems tainted with a spirit of hatefulness, causing the people to wonder what will happen next. . . . Some of our young people are nonplussed at the turn of affairs. . . ." 66 As many had testified, the younger generation of Latter-day Saints, especially the upwardly mobile among them, were not supportive of the principle, much less the practice, of plural marriage. Especially those in the East pursuing degrees and other professional honors were troubled by the apparent duplicity of their leadership.67 Though his feelings were no doubt intensified from sitting at the epicenter of the hearing, Badger was not alone when he declared to his wife: "For one I can give up my belief in prophets


67. Carl Badger (Washington) to his mother, 1 May 1905, quoted in Badger, Liahona, p. 272-273:
where it comes to choosing between them and honest men."

If the intent of sending Smoot to the Senate was to establish the future of the church. Smith could not afford to lose the confidence of this next generation on whom the church would rely for leadership into the twentieth century.

Some church members began to believe Smith was a fallen prophet. The local ecclesiastical leader in Smoot's home town reported that "[a]postates from the Church of Christ have joined hands and hearts with the sectarians . . . . Many people have believed or pretended to believe, that elder Joseph F. Smith, . . . would be destroyed from the earth, and another man would be appointed to his position as president of the Church. Writing to this effect has been sent to all parts of the State of Utah." It was rumored that Frank Cannon was excommunicated because he was attempting to organize a movement to charge Smith with apostasy during the April church conference. In their visits to local conferences, the quorum members are forced to speak "upon the necessity of being in line with the Authorities. . . ." At the opposite extreme, other church members were at risk of martyrdom. Smith was receiving reports that the hearing and related debates on statehood had catalyzed in Arizona the arrests of Mormon polygamists,

68. Carl Badger (Washington) to Rose Badger (Salt Lake City), 15 April 1905, Badger Collection, Box 2, fd. 1.


70. Carl Badger (Washington) to Rose Badger (Salt Lake City), Badger Collection, Box 1, fd. 8.

71. Anthon H. Lund Diary, 16 April 1905, Lund Collection, Box, fd. 6.
including the church's leadership there. The *Tribune*, greeted spring conference attendees by reminding them that "More sacrifice of the things which they esteemed as the high idealities of their religion and its priesthood, and more sorrow for the shameful attitude in which men were compelled to stand before the world, have come to the Mormon people through this Smoot case than has come through any other situation in their history." For once, the brethren could agree with "furious Judas."

The church was in as much trouble as it had ever been, both with the nation and its own membership, and the way out was marked by hard choices. Indeed, to satisfy one set of problems seemed only to aggravate another. For nearly a year, Smith had stood pat, waiting for the public furor to blow over and hoping his testimony and policy initiatives would satisfy the Senate that the church had changed. But, in 1905, things continued to spiral out of his control. The Senate was impatient for action against the absentee apostles and getting increasingly querulous with Smoot. The members of the church were confused and embarrassed. Not only they, but the apostles too seemed in disarray and dispirited. Smoot especially was chagrined to have stood by silently while Tom Kearns railed against the church in the Senate. Moreover, because of his testimony to the Committee, he had to concoct a business trip to San Francisco during April conference in order to avoid having to not sustain his polygamist, fellow apostles. During the October conference he appeared, but abstained from voting. Representative Howell said it well to

72. David K. Udall (Holbrook, Ariz.) to Joseph F. Smith (Salt Lake City), 8 May 1905; Andrew Kimball to Joseph F. Smith, 15 May 1905, Kenney Collection, Box 6, fd. 5.

73. "Smoot and the Conference," *Salt Lake Tribune*, 1 April 1905.
young Badger: "The Senator is cowed, I am cowed, the leaders of the Church are cowed." Things had never been worse, and the only way out seemed to require sacrificing two of their own.

Breaking Ranks

The year's delay in punishing the two recalcitrant apostles had been explained to outsiders in terms of the need to conduct an investigation, but there was no need to gather facts. Taylor and Cowley's colleagues in the church knew at least as much as the protestants. The only question was whether the hierarchy could bring itself to take action against two of its own and subject the church to the sight. As the months passed and the demands for Taylor and Cowley's punishment increased, Joseph F. Smith must have felt he was holding the last of several losing hands in a long game of strip poker begun in 1890. The only bad card left in the deck was schism. Smith would do all he could not to draw it, and that is what was taking so much time.

After testifying in Washington, Smith had contacted the absentee apostles, as promised. He dispatched messengers to speak with the Taylor and Cowley to assess the potential damage should either testify before the Committee. Apparently, the assessment was negative. Smith informed Burrows that the two apostles "are unwilling, voluntarily, to testify in the Smoot investigation. As this is a political matter, and not a religious duty devolving upon them or me. I am powerless to exert more than moral suasion in the

74. Carlos Badger Diary, 8 February 1905, Badger Collection, Box 12, fd. 7.
Smith’s demur to using force was a sly checkmate to the protestants who had charged him with having despotic control over his flock. But no one believed Taylor and Cowley were actually beyond Smith’s control.

Even Smoot was exasperated enough to say to his secretary that Smith acted as if he were “a mother brandishing a stick to her flock hid in the willows and asking them if they want to come and interview a neighbor who has called to see about some windows who have been broken by stray stones, of course not.”76 It was not a faulty assessment, though it gave too much credit to Smith’s intentions. According to his wife, Taylor had sent his president two letters: one agreeing to testify, the other refusing. It was Smith’s decision which to use. Available correspondence seems to support her statement. A month after Smith informed the Committee that he would not appear, Taylor ended a report to Smith of his activities by promising “[a]ny instructions you have to give me will be cheerfully complied with.”77 However, it did not matter what Smith said. Everyone knew that, after so many promises, all that mattered were Smith’s actions, and he had yet to invoke his April, 1904, “second manifesto” to discipline the two known post-manifesto polygamists in his leadership.

75. Joseph F. Smith (Salt Lake City) to Senator J. C. Burrows (Washington). 15 April 1904, Smoot Collection, Box 4, fd. 50.


77. John W. Taylor to Joseph F. Smith (Salt Lake City), 7 May 1904, Kenney Collection, Box 7, fd. 5.
It is doubtful that Smith intended that the "second manifesto" do more than restate
the "advice" given in the first one in 1890. As historian Michael Quinn points out, Smith
may have sent a tacit signal that he was preserving the status quo when he chose known
post-manifesto polygamists to second the motion in support the proposition. They
included, for instance, Moses W. Taylor, the brother of accused apostle John W. Taylor.78
It is, however, equally arguable that these individuals served as bon fides of Smith's
intent. As symbols of past practice, they could be interpreted as placing their fidelity
behind a new policy. The problem is, of course, the lack of fidelity throughout the
church's history in its public statements about polygamy. The historian's confusion in
 parsing the actions of church leadership is no less than those who personally witnessed
these events. Did Smith mean it or didn't he?79

Available records tip the scale in favor of concluding that Smith did not mean to
change the church's policy. 80 Minutes of the briefing for those who were being asked to
second the new manifesto include the following exchange:

78. Michael D. Quinn, "L.D.S. Church Authority and New Plural Marriages,

79. It would take many years for church leadership to convince its members that "this
time" they meant it. See Hardy, Solemn Covenant, pp. 310-335, and Martha Sonntag Bradley,
Kidnapped From That Land: The Government Raids on the Short Creek Polygamists (Salt Lake
City: University of Utah Press, 1993), pp.6-17.

80. Joseph F. Smith's papers and those of a majority of the church's apostles are not
made available to the public by the L.D.S. Church. Unless otherwise noted, all quotations from
Smith's papers and those of his contemporaries in church leadership cited herein were culled
from duplicates in the papers of their correspondents, such as Smoot or Badger, or from scholars
who obtained copies or made notes from Smith's papers prior to their withdrawal from
circulation. I am especially indebted to Scott Kenney for making his personal research files
available through the University of Utah Marriott Library, Salt Lake City.
Questions were asked which drew from President Smith the statement that this declaration was nothing more nor less than confirmatory of President Woodruff's manifesto of 1890; adding that if any plural marriages had been performed they were performed without his knowledge or consent, and that persons having entered into them, or solemnized them, must be held responsible for their acts to the law of the land, as well as the rule and discipline of the Church. With this understanding the position of the First Presidency was endorsed . . . .

It appears that the second manifesto began as a restatement of the traditional strategy for defending the church against civil sanction: church members who chose to practice plural marriage were liable; the church was not. Events would overtake these intentions when, beginning in 1911, the church enforced the manifesto against those who had married after its promulgation in 1904.

The contemporaneous significance of Smith's manifesto may lie in its reference to the prophet himself, not polygamy. Smith prefaced his announcement of the new manifesto with "I, Joseph F. Smith, President of the Church of Jesus Christ of Latter-day Saints, hereby affirm and declare that no such marriages have been solemnized with the sanction, consent or knowledge of the Church of Jesus Christ of Latter-day Saints". Then, after reading the warning of discipline for those who enter into new polygamous marriages. Smith said to the assembly: "They charge us with being dishonest and untrue to our word. . . . I want to see today whether the Latter-day Saints representing the Church

81. The Journal History of the L.D.S. Church, April 4, 1904, File: F143 #108, Salt Lake City, L.D.S. Church Archives. See also, Carl Badger (Washington) to Rose Badger (Salt Lake city). 15 April 1905, Badger Collection, Box 2, fd. 1, relaying his outrage "that the actions of the last conference meant what Lund says it did - that it does not matter . . . ."

82. Clark, Messages of the First Presidency, 4:84.
in this solemn assembly will not seal these charges as false by their vote."83 Placed in the context of these words, Smith's manifesto seems to have been an attempt to consolidate support for his testimony at the hearing. It was an exercise in consensus building rather than in policy making.

Given the church's hierarchical organization, it is easy to overlook the extent to which consensus rules its actions, both in the church at large and more particularly in the two ruling quorums of the church, its First Presidency and Quorum of the Twelve Apostles which were equal in authority.84 It is especially easy to disregard the role of consensus under the conditions relating to Taylor and Cowley's dismissal. Without doubt, Smith's theological convictions made him loath to act against anyone who practiced polygamy. These scruples were surely compounded by a sense of hypocrisy for punishing Taylor and Cowley for what all, including himself, had conspired in and probably done.85 Finally, Smith, like the rest of the church, had great affection for these two men who had devoted themselves to the church and were known for their charismatic gifts. Yet, Smith seemed predisposed dismiss Taylor and Cowley when he reminded the quorum that they, not the church, were accountable for their actions. As important to


85. John W. Taylor married additional wives in 1890, 1901, and 1909. Matthias Cowley married again in 1899 and 1905, and he performed the wedding of apostle Marriner W. Merrill to his eighth wife in 1901. Rudger Clawson took another wife in August, 1904. George Teasdale married again in 1898 and 1900, the last time through the offices of Anthon Lund, member of the First Presidency.
overriding his personal distaste was Smith’s predisposition to conclude that no price, even death, was too high to protect the church. There is no question that Smith would have demanded of himself and anyone else whatever sacrifice was necessary to preserve the church.

In balance, it must be said that Smith was not delayed by his own sympathies, be they theological convictions about plural marriage, discomfort with hypocrisy, or affection for Taylor and Cowley. Rather, he was concerned about the condition of the apostolic quorum and the church’s membership. Change on the order of magnitude required to discipline two apostles for performing what many perceived to be their apostolic calling required more than the usual amount of harmony, during a time when harmony was in short supply. If he were to avoid schism, Smith had to convince church members that he had done the right thing. But first, he had to convince fourteen other strong-willed men, including Taylor and Cowley, that it was necessary to sacrifice them for the good of the church.

The apostolic quorum was already divided on how to respond to the Committee. Apostle Hyrum M. Smith, son of the president, stated in a meeting with his colleagues that he “[r]egretted that the brethren of the quorum had differed somewhat in their views regarding a certain question.” And, he voiced their low spirits by adding: “The church has been brought prominently before the world, and as to whether the hand of the Lord was in it all, he could not say.”

Badger wrote home to ask Rose how the Senator’s testimony had been received within

the church. "I understand," he said, "there have been some severe criticism of the Senator. Well, that was to be expected. There is a wide breach of thought on the subject of polygamy in the Church, and I expect that we will have some trouble before we get through."87 Badger was right. The "breach of thought" on polygamy within the church was a source of severe strain at all levels.

The quorum was further weakened by the absence and illness of so many of its members. Apostle Marriner W. Merrill was still sick and would die within a year. Teasdale pined away in Mexico where he and his wife "[r]ead aloud the Smoot investigation until we were tire of it and [are] glad to go to bed."88 Cowley and Taylor continued to travel in Mexico and Canada on church business, speaking at church conferences in out-of-the-way areas, and avoiding the Committee’s subpoena power, with Smoot’s help.89 Grant wrote home complaining about his own exile in England and lobbying on behalf of Taylor and Cowley: “With all my heart I plead for these two brethren that they may be protected no matter what the enemy may ask. What they have done I have also done or intended to do . . . . from the bottom of my heart I plead for my brethren – even if Reed has to resign if that would do any good in their case.”90


88. George Teasdale Diary, 17 February. 1905, George Teasdale Papers, Marriott Library, University of Utah, Salt Lake City, Utah, Reel 10.


90. Heber J. Grant (Liverpool) to Joseph F. Smith (Salt Lake City). 5 January 1906, Kenney Collection, Box 11, fd. 19.
As for the Senator, he was seldom present and, if so, almost always the bearer of bad tidings. Badger could "not see how Senator Smoot can stay in the Senate, and I do not see how he can stay in the quorum of Apostles . . . . His path is strewn with thorns and he must crawl the whole length." 91 Many considered Smoot’s ambition the cause of the church’s troubles. Smoot was wounded enough by such charges that he offered to resign from the Senate on several occasions, rather than be thought responsible for the church crisis generally and Taylor and Cowley’s downfall specifically. Several of his colleagues lobbied for his resignation. For example, the president of the church’s largest mission opined that, “it will take a magnifying glass, in my estimation, for us to find the good that has been done to our cause by Brother Smoot’s election to the Senate. . . . it would be better for him to resign. . . .” President Rich concluded his objection by observing that “God has told me that this principal [plural marriage] is true, and I don’t care what Reed Smoot says to the contrary. . . .” 92 The Senator himself was sometimes driven to opposite, but equal hyperbole, telling Badger in 1904 that “if ‘these things’ did not stop he would go out of the Church.” 93 Thus, throughout most of 1904 and all of 1905, the apostolic quorum was in disarray, and the news from Washington kept getting worse.

91. Carl Badger (Washington) to Rose Badger (Salt Lake City), 11 January 1905, quoted in Badger, Liahona, p. 298

92. Ben E. Rich (Chattanooga, Tenn.) to Joseph F. Smith (Salt Lake City) 15 November 1905, Kenney Collection. Box 7 fd 6.

93. Badger Diary. 16 March 1904. Badger Collection, Box 12, fd. 7.
Immediately prior to putting on their defense, Smoot’s attorneys had met with President Smith in Salt Lake City to impress upon him the gravity of the situation. They told him that, without punitive action against Taylor and Cowley, the case for Smoot would not only fail, but the church risked “a constitutional amendment and perhaps confiscation.” Smith did not act. Two weeks later, the apostles were told that “a constitutional amendment is sure to come.” Some thought it was too late to do anything about it: others believed “we should leave no stone.” This appears may have resulted in a brief thaw. Another letter was released from Taylor, stating emphatically his refusal to appear and, consequently, pushing the absentees further out on a limb. The direct refusal to cooperate with the Committee positioned Taylor, not Smoot or the church, to receive the brunt of the Committee’s wrath. It deflected censure from the church to the individual actors, consistent with long-standing policy that the person, not the church, was liable for instances of post-manifesto polygamy. But still, Smith waited.

Indeed, it appears Smith never acted against Taylor and Cowley, but rather waited upon the apostolic quorum to do so. Such actions as he did take were to maintain aggressively the veracity of his March, 1904, testimony and try to make it true by keeping


95. Id., 18 January 1905. Lund Collection, Box 62, fd. 6.

96. According to Taylor’s wife, he had sent two letters: one saying he would and the other that he would not testify.

97. Id., 2 June 1904. See also Matthias F. Cowley (Denver, Colorado) to Joseph F. Smith. 22 March 1904. Smoot Collection, Box 50, fd. 3, and John W. Taylor (Raymond, Canada) to Joseph F. Smith. Id.
the apostles from exercising their authority to perform plural marriages. To that end, Francis M. Lyman, president of the apostolic quorum, had notified each member in July that he "must sustain the stand taken by President Smith and must not talk nor act at cross purposes with the Prophet. What has already been done is shaking the confidence of the Latter-day Saints. We are considered as two-faced and insincere. We must not stand in that light before the Saints to the world." The following September, 1904, Smith took the next step necessary to stopping the practice of polygamy. He asked the quorum to agree that the authority by which L.D.S. marriages, including plural marriages, were performed must be confined thereafter to the temple. This constrained the unofficial exercise, since there were only four temples and none outside of the United States.

None of this should be taken to mean that Smith had not conspired to continue the practice of plural marriage after the 1890 manifesto. Rather, it indicates that he came home from Washington convinced that plural marriage was not worth the price, namely, the church's future. Thus, after March, 1904, Smith was prepared to make a tactical capitulation. To accomplish the larger purposes he had laid out in his inaugural sermon, Smith was willing abandon polygamy and do whatever else was needed to convince the Senate that he had done so. even if it meant sacrificing John W. Taylor and Matthias Cowley. The apostolic quorum was not ready, however, and Smith had to wait for them

98. Francis M. Lyman (Salt Lake City) to George Teasdale (Colonial Dublan, Mexico), 9 July 1904. Kenney Collection, Box 7, fd. 4 (emphasis added). Virtually identical instructions were given to the other members of the quorum. See Victor Jorgenson and B. Carmon Hardy, "The Taylor-Cowley Affair and the Watershed of Mormon History," Utah Historical Quarterly 48. no. 4 (Winter 1980): 4-36, p. 26, n. 39.

or risk schism. The apostolic quorum was organizationally equal in authority to the First Presidency. Independent of such technical considerations, as a matter of practical effect, the quorum's cooperation was required for the successful administration of the institution. Thus, the actual work of convincing the quorum to drop Taylor and Cowley was left to the Lyman, as quorum president. Luckily for Smith and Smoot, Lyman was a long-time supporter of the manifesto.

By October, 1905, Lyman had garnered enough support to gather the quorum for a formal consideration of the Committee's demand that Taylor and Cowley be disciplined. In the company of the First Presidency, the apostles were briefed by Franklin D. Richards, the church's lawyer, and B. H. Roberts, who made "a forceful presentation of the case as it affected the Church. It was made clear that it was necessary, under the circumstances, that the Church and the Presidency should be disassociated from the acts of individuals . . . Only by that means could the fiends [sic] of the Church stand up in its defense. . . ."¹⁰⁰

The advocates and the First Presidency, then, left the meeting. For the next several days, the quorum discussed the "subject . . . in all its phases," though no minutes were kept.

Reminiscences of some of the parties indicate that Smith consistently refrained from making any decision with respect to the two apostles, though clearly he had an opinion of what needed to be done and, as he said to Grant in England, he could "scarcely see how they can escape".  

At first, Taylor and Cowley argued vociferously that their personal acts should be "differentiated" from "the responsibility of the Church." It appears this meant that they felt they should not to be liable to the church for their acts and should be able, as Smith had said in his testimony, to take their chances with the law. They were preaching to the choir, however. No one in the quorum, except possibly Smoot and Lyman, felt they had done anything wrong. Smith refused their request to meet privately before answering the quorum's questions, signaling his refusal to intercede in the quorum's deliberations and his probable conviction that the circumstances of the post-manifesto marriages did not matter. After six days, Smith was brought back to hear Taylor and Cowley's statements. He then gave his view of "the necessities of the case," telling the two apostles that they "were not on trial charged with an offense, but were present to hear the statement that had been made and to take such steps as they felt they were willing to take." He told them he thought they had three options: deny the Committee's charges, if they could do so honestly; confess wrongdoing to the church and be excommunicated or dropped from the quorum; or "let things go on as they had gone and risk the consequences which might

101. Heber J. Grant (Liverpool) to Joseph F. Smith (Salt Lake City), 5 January 1906, Kenney Collection, Box 11, fd. 19.

102. ld., p. 276.
mean the disfranchisement of the Church." After defining the alternatives, Smith "left the matter in the hands of the brethren and of their quorum." 103 The next day, having "modified their feelings." Taylor and Cowley "expressed their readiness to take the only step that appeared adequate to meet the situation . . . ." 104 Resignations were executed on October 28. The purpose was to demonstrate to the Senate and no doubt to church members that those who entered into post-manifesto marriages were "out of harmony with the Church . . . were against the declarations of [church] Presidents . . . ." 105 Cowley later recalled that "our resignations were brought to us in the Temple all written, with no suggestion from us . . . ." They were told that the resignations would not be used "unless matters came to the last ditch of necessity." 106

The reluctance with which the resignations were received can be measured by the fact that no decision was made about whether and when to use them. In this too, Smith's deference to the apostolic quorum is evident. In November, as he was about to return to Washington, Smoot asked the First Presidency how he was to handle the resignations, no doubt wanting permission to inform his supporters on the Hill. Smith, though he felt it

103. *Id.*

104. *Id.*., p. 277. Taylor and Cowley were dropped from the quorum, but retained their memberships in the church and their office as apostles.

105. *Id.*

106. Cowley, "Family History." It also appears that the principals expected that Taylor and Cowley would be restored to their positions as soon as possible. That proved impossible as church leadership was required to take increasingly harsher actions to convince its own membership that plural marriages were proscribed and to combat schismatic movements by those who objected to the new policy.
best to release the letters, "told Bro. Smoot to do as the Apostles had agreed." 107 Another month would pass before Lyman would give Smoot permission to disclose the resignations.

_Changing and Remaining the Same_

Ultimately, Smoot was able to succeed in holding his seat because his two masters – President Roosevelt of the nation and President Smith of the church – were practical and powerful leaders: each capable of remembering what they wanted from him and wielding power effectively over others in their respective camps. Nevertheless, it was Smoot who had to make his presidents' objectives politically viable in the Senate and with the American public. He made their backroom strategy work on a public level on a daily basis over a very long period of time. Thus, to Smoot goes much of the credit for his success and later his church. The skill with which Senator-Apostle Smoot pleased both masters and mollified the public was a major factor in the normalization of Mormonism during the twentieth-century.

Smith also deserves much credit for making the hard choices at home which enabled Smoot to succeed in Washington. In particular, he is responsible for establishing the modern L.D.S. Church presidency with its tacit plenary power over the apostolic quorum. Though this was a necessity created in part by the fractious effect of confusion over church policy on plural marriage and the dismissal of Taylor and Cowley, it continued to define church organization throughout the twentieth century and is a major factor in its stability throughout its radical growth in the twentieth century. More

immediately, Smith successfully developed the consensus among rank and file necessary to stop the practice of plural marriage. With its end, the Saints’ isolation in the Rocky Mountains could end as well.

As we shall see in the next chapter, however, Joseph F. Smith’s most important contribution was his successful reformulation of the Saints’ confidence in the authority of church founder Joseph Smith. As a result of the abandonment of polygamy, Joseph F. had to shape the material of the Saints’ faith to fit a new mold if it were to survive. Smith made this. not the dismissal of Taylor and Cowley, his chief focus during 1905. While the apostolic quorum wrestled with how to satisfy the Senate, Smith wrestled with how to renew his people’s understanding of Joseph Smith and “the Restoration.” Unless Joseph F. could convince the faithful that the church was remaining the same as it changed, there would be no future to preserve.
"It is difficult to see, in fact, how the church could hope to exist and retain the confidence of its own believers after surrendering this one fundamental doctrine which differentiates it from other Christian bodies."

– The Topeka Capital, 6 March 1904.

CHAPTER FOUR

BACK TO THE FUTURE

Recently returned to Washington, D.C., Senator-Apostle Smoot reported his findings by letter to Joseph F. Smith on Dec. 8, 1905:

I hear nothing but T[aylor] and C[owley]. T and C and why are they not handled. And [i]f the President of the Church won't stop polygamy we will: It is this feeling so freely expressed that I am worried over. I am afraid of legislation effecting our liberties. if something is not done by the Authorities of the church to show the country we are honest and that you meant what you said in your testimony. I dread to think of another crusade against our people . . . .

Adding a rare personal note to his letter of warning, Smoot concluded: “You may say Reed is in that Washington atmosphere again and only looks at the dark side of things. I try to see things as they are and report them just as they appear to me. I don’t think it wise to fool ourselves and lull ourselves into false hopes.”

A week later, Smoot received written permission to announce the forced resignations of apostles John W. Taylor and Matthias Cowley, the first ever disciplinary action taken by the L.D.S. church


2. Reed Smoot to L.D.S. First Presidency, 8 December 1905, Smoot Papers, Box 50, fd.4.

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against any member, much less its hierarchy, for the practice of plural marriage. By striking down two of their most popular and powerful leaders, the church eventually satisfied the Senate, as will be discussed in the next chapter. More immediately, however, this dramatic action made it clear to the rank and file Saints that the church was abandoning its commitment to celestial or plural marriage and, therefore, immediate attention had to be given to shoring up the faith of those who had staked so much on the principle. While Joseph F. Smith’s ultimate goal in sending Smoot to the Senate was to “make us [the church] assume our real position and standing in the midst of the earth.” Smith first had to ensure that the changes precipitated by the hearing did not knock the church off its feet.

Modern Mormonism’s capacity to adapt to its social environment has been explained in terms of its belief in continuing revelation and a lack of theological depth. Such interpretations, however, do not do justice to the complexity of belief in revelation and, more especially, of the Mormon theology of revelation. Belief in revelation is not of itself sufficient to legitimize change, if only because of the conflict inherent in undoing a past revelation, even with a present one. Removing a part of religious conviction can easily remove the whole of it. This is especially true where the part is thoroughly


integrated into the whole, as was plural marriage for the Mormons. The enduring
willingness of the to sacrifice respect, property, liberty and life in order to maintain the
practice between 1841 and 1905 is an easy measure of the doctrine's significance. Less
noble, but equally telling, is the longer history of lying about the practice by an otherwise
sternly ethical people. No doubt persecution made the Saints hold to the principle less
critically than they might have done. More than the psychology of persecution, however,
is required to explain the Saints' persistent practice of their uniquely anti-social form of
family life. Several forces contributed to the church's stubborn conflation of religious
faith and marital practice. Each of these forces had to be dealt with if Joseph F. Smith
were to change the church's practice without destroying its faith. The first force can be
characterized as historical. Joseph Smith spent the last three years of his life
implementing a theology and ecclesiology of temple worship which made celestial
marriage, as its preferred name indicates, the highest sacrament of the church. As
Smith's final prophetic effort, celestial marriage was necessarily given added significance
by those who had entered into polygamous unions under his tutelage. Thrust into
leadership by Smith's murder, these early initiates organized the Utah church according to

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5. A number of dates could be chosen to mark the beginning and end of L.D.S.
polygamous practices. Because the emphasis here is not on Joseph Smith's own conviction but
on the larger church's adherence to polygamy, I have chosen a more limited period. These dates
represent the years between Smith's extension of the practice to others within the church and
Joseph F. Smith's first disciplining of members for the practice, discussed infra. The broadest
definition of L.D.S. practice of polygamy would circumscribe events occurring between 1833
and 1911. Joseph Smith himself appears to have practiced polygamy as early as 1833. See Todd
Compton, *In Sacred Loneliness: The Plural Wives of Joseph Smith* (Salt Lake City: Signature
Books, Inc., 1997). Church discipline was not applied to the church at large until 1911, when the
first excommunications occurred.
their understanding that celestial marriage constituted the fulfillment of Smith's mission to restore the fullness of the gospel of Jesus Christ. Smith himself called plural marriage "a new and an everlasting covenant... instituted for the fullness of... [God's] glory..." and Brigham Young agreed. In 1852, shortly after the grant of territorial status to Utah and the arrival of the last refugees from Illinois, the decision to make plural marriage a church-wide practice was justified on the grounds that it was a revelation "given [by God] to our Prophet, Seer, and Revelator... only about eleven months before he was martyred for the testimony of Jesus." Later, when the Reorganized Church of Jesus Christ of Latter Day Saints (R.L.D.S.), led by Joseph Smith's son, identified itself in opposition to polygamy and denied that Smith had ever practiced it, the Utah church's identity became further defined in terms of plural marriage. Not only for the nation, but for the Saints as well, to be a true follower of Joseph Smith was to be polygamous. Any successful attempt to stop the practice of polygamy had to find within Joseph Smith's life

6. The Doctrine and Covenants of the Church of Jesus Christ of Latter-Day Saints (Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 1981), Section 131, verses 11-12, 132:4 and 6. Those who did not agree formed their own churches emphasizing other principles. Most notably, the Reorganized Church of Jesus Christ of Latter Day Saints (R.L.D.S.) ordered themselves on the contrary principle that Smith had never practiced polygamy and that his sons, who had stayed in Illinois with their widowed and anti-polygamous mother, had sole authority to lead the church their father had founded. For the history of the R.L.D.S. see Inez Smith Davis, The Story of the Church (Independence, MO.: Herald House, 1977). For a description of the many groups organized out of Smith's Nauvoo church after his death in 1844 see Steven L. Shields, Divergent Paths to the Restoration: A History of the Latter Day Saint Movement (Bountiful, Utah: Restoration Research, 1975).

and thought an equally powerful expression of the church's restorationist claims and an equally differentiating belief from that of other churches.

A second force sustaining the practice of polygamy arose from the church's long contest with the federal government. Though not all the Saints practiced polygamy, all were subject to and affected by government sanctions against it. Raided by federal marshals and accused of barbarism and immorality by Protestant ministers and dime novelists, the entire church population lived for decades in an atmosphere of fear, antagonism and shame. After the failure of Johnston's army to effect sufficient change in mid-century, the forms and forums of American law were increasingly employed to impose the nation's moral sensibilities upon the Saints. Naturally then, as federal law became the instrumentality for enforcing Protestant morality upon them, the Saints' resistance to it became framed increasingly in legal terms. For example, in 1870 when anti-polygamy legislation was tightening its hold over the Utah Territory, the following resolution was adopted by the Saints:

... the doctrine of Celestial Marriage or plurality of wives was revealed to the prophet Joseph Smith and by him established in the Church of Jesus Christ of Latter-day Saints as a revealed law of God, therefore be it. [sic] Resolved that we the members of said Church, in general mass meeting assembled do now most earnestly and solemnly declare before Almighty God that we hold that said order of marriage is a cardinal
principle of our religious faith affecting us not only for time, but for all eternity and as sacred and binding as any other principle of the Holy Gospel of the Son of God.  

Beyond any theological significance it may have, this resolution was an explicit first amendment claim to constitutional protection from federal regulation of L.D.S. marriage practices. The way the Saints saw it, “free exercise of [L.D.S.] religion” could only be preserved by the state’s ceasing to criminalize church-sanctioned marriages. Six years later, as the Poland Act’s efforts to make the anti-polygamy laws effective were being felt, the Saints strengthened their legal argument by canonizing Smith’s revelation on celestial marriage. The 1876 edition of the Book of Doctrine and Covenants added Smith’s revelation, which was written in 1843. Thus, canonization of the doctrine in scripture occurred thirty-three years after its formalization by Smith and twenty-four years after its publication by Young, but contemporaneous with renewed efforts by Congress to quash the practice. The choice to formalize in scripture their belief in celestial marriage strengthened the Saints “free exercise” claim in federal courts. It also, however, further complicated the succeeding generation’s task of deposing of the practice: proscription of plural marriage would have to be established with equal legitimacy and formality as had its prescription.

Finally, in addition to the history of polygamy and the effects of litigation on it, the Saints’ marital practices were thoroughly integrated with their doctrines of personal salvation and church administration. During Joseph Smith’s lifetime, plural marriage was

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practiced secretly and only among the elite. Consequently, at the time of his death in 1844, the doctrine was not well developed by sermon or other public exposition. This omission had been thoroughly corrected by the turn of the century. Indeed, thirty years prior to inheriting the burden of doing away with the practice, then-apostle Joseph F. Smith had said in sermon: “I understand the law of celestial marriage to mean that every man in this Church, who has the ability to obey and practice it in righteousness and will not, shall be damned. I say I understand it to mean this and nothing less, and I testify in the name of Jesus that it does mean that.” To the L.D.S., damnation was to cease to progress. Though not equivalent to traditional Christian notions of hell, it did mean not going to heaven. For the Saints, monogamy constituted a rejection of Joseph Smith’s canonized teaching that “there are three heavens . . . : And in order to obtain the highest a man must enter into this order of the priesthood [meaning the new and everlasting covenant of marriage]; and if he does not, he cannot obtain it.” The bracketed definition was inserted into the text of the published scripture and, hence, made explicit the relation of “this order of priesthood” to the revelation which followed in the text, namely, plural marriage. This definition makes explicit the doctrinal connection between the plural marriage and priesthood, as well as salvation. The stubbornly enduring practice of polygamy within the leading counsils of the church until approximately 1905 is theologically based in this aspect of L.D.S. doctrine. Because plural marriage constituted


for the Saints an “order of the priesthood,” not to practice it was to lack a form of priesthood authority or certain mediating rights prerequisite to leading the congregation of the church. This meant that plural marriage was a necessary condition of L.D.S. leadership position and priestly power. When Senator Hoar observed to Joseph F. Smith, during his 1904 testimony in the Smoot hearing: “The [New Testament] apostle says that a bishop must be sober and must be the husband of one wife,” Smith responded: “At least.”

Hoar was amused, but Smith could not have been. His task was formidable. He had to remove his people’s faith in one revelation without undermining their confidence in all revelation, as well as the revelator, namely Joseph Smith and himself as Smith’s successor. This required reshaping the Saints history, their canon and ecclesiology. Nothing, to date, had been adequate to the task. The Manifesto began as a press release, and only after pressure from government tribunals was it put to the entire church for adoption and expanded in scope. The effect of the Manifesto had always been compromised by the widespread assumption that it was a political expediency to which members were not accountable, except politically. Thus, while the church had been drawn along the path to abandoning celestial marriage since the Manifesto in 1890, the


12. Jan Shipps, "The Principle Revoked: A Closer Look at the Demise of Plural Marriage," *Journal of Mormon History* 11 (1984): 67, where she concludes: ‘The connection between plurality and the ‘restoration of all things’ underscores the importance of the actuality of polygamous marriages to the generative period in Mormon history. This, in turn, makes it possible to see that the fervor with which plural marriage was preached and practiced . . . [later in Utah] took the Saints inside the biblical story, allowing experience to tie Old Testament accounts and everyday Restoration history together.”
dismissal in 1905 of two apostles for their practice of polygamy intensified to an heretofore unknown degree the need to obtain the Saints’ confidence in church leadership. Conveniently, 1905 was also the centennial anniversary of the birth of the prophet whose status was in crisis. The dedication, that same year, of a monument to Joseph Smith provided the occasion for identifying what about him and his legacy mattered to the church and what would be carried forward into the twentieth century to provide it with continuing confidence in both the original prophet and his twentieth-century successors.

_The Joseph Smith Memorial Monument, Sharon, Vermont_

On December 18, 1905, three days after agreeing to make final Taylor and Cowley’s forced resignations, President Joseph F. Smith gathered what was left of the senior leadership of the church and boarded a train for Vermont to celebrate Joseph Smith’s natal centennial by dedicating a monument to his memory. Plans for the commemoration had been suggested to President Smith only nine months earlier by Junius Wells, a member of the church who had made a pilgrimage to the area. By May, property had been purchased near Joseph Smith’s birthplace and work was underway to find “a stone that would measure up over thirty feet, from which to get a polished shaft typical of a perfect man.‘’¹³ In the fall, instructions were sent to “all the Assemblies of the Latter Day Saints throughout the world” to celebrate memorial services on Sunday, December 24th. The monument itself would be dedicated on the twenty-third, the actual

anniversary date. In addition to church officials, the dedicatory party of thirty persons included members of the leading families of Mormondom. Before returning to the mountains behind which they had fled as children, this now aging second and third generation of church leadership would travel 5,500 miles and visit carefully selected sites of L.D.S. history in the northeast and Ohio.

Arriving on December 22\textsuperscript{nd}, the party from Salt Lake City, joined by Mormons from New York and Boston, must have nearly overwhelmed the little hamlet of South Royalton, Vermont. Royalton’s hospitality was equal to the occasion, however. The Mormons were greeted with a petition “recognizing the right of said [L.D.S.] persons to worship God according to the dictates of their own conscience” and, in a “broad spirit of toleration.”\textsuperscript{14} were offered use of the town hall. The welcome was no doubt warmed by the financing and entertainment incident to constructing and hauling to such a remote place “the largest polished shaft we know of in America, and perhaps the world.” The spectacle included planking roads; shoring up bridges; shearing off groves of trees when granite went awry; and hitching as many as twenty-two horses to a specially made wagon and, behind them, another four horses with a battering ram “for the last push.” Why all the effort? President Smith had stated their goal at the end of his semi-annual conference address the previous October. The Saints must, he said, proclaim “that ‘Mormonism’ is a living, moving entity; that it is not dead nor sleeping, but that it is alive and awake.

\textsuperscript{14} Dedications, p. 6.
growing and advancing in the land; and let the world know it.\footnote{15} Some who heard him may have had their doubts in light of recent testimony in the Smoot hearing and, closer to home, the struggle over Taylor and Cowley’s resignations.

It was serendipitous that the centennial of Joseph Smith’s birth came at a time when the faithful needed something to celebrate and needed to celebrate Smith in particular. That Joseph F. Smith seized this occasion is, however, remarkable for two reasons. First, the church was generally defensive about accusations that it worshiped Joseph Smith, not Jesus Christ, and celebration of Joseph Smith’s birth could support such charges. This may have been a contributing factor to the monument’s abstract design: not of Smith’s face or form, but an obelisk. Secondly, for its first public celebration of Joseph Smith in the twentieth century, the church chose an occasion unrestrained by any theological or ecclesiastical associations except those which the dedication party would bring with them. Memorialization of a birth is, after all, the blankest of slates upon which to write retrospective meanings. The monument erected in Vermont was susceptible to embodying not only the nature and the permanence of the Saint’s claims about their founding prophet, but their claims about the nature and permanence of their church. These claims were both inclusive and exclusive.

The dedication ceremony celebrated the Saints’ sameness to, as well as their difference from, their host nation. Joseph F. Smith responded to the town’s welcome by hosting a patriotic meeting and inviting everyone to the festivities the next day. Going

east as they did in the midst of the crisis posed by the Smoot hearing, the Salt Lake City travelers were not unaware of the renewed attacks on their patriotism and never failed to remark on their identification with American origins. Calling the first Mormons "pilgrim fathers No. 2," one speaker reminded his Vermont listeners that the Saints were "descended of stock from New England - from Massachusetts, New Hampshire, Rhode Island and Vermont and from everywhere else . . . ."16 In the Midwest, this was echoed by one who could say: "Tonight we meet with you in my native state [of Illinois] - the state where the prophet found his sepulchre [sic]."17 In Boston, apostle and future, church president George A. Smith noted that "'Mormon' people have been the builders of a great commonwealth in the . . . Western country. And now for the first time they have turned their faces back, as it were, to begin to build in New England."18 Like the decision to send Smoot to Washington in the first place, the monument erected to Smith's memory signaled the church's intent to come out from behind its mountain barrier and claim a place in America at large. Whereas Smoot's election constituted a claim to participation in America's future, the monument staked a claim to America's past. For the Saints, the dedicatory ceremonies marked an attempt at homecoming and healing: "And now we come back. The west and the east meet here . . . we want your friendship; and you have ours."19 These Utahans came to celebrate Smith's New England origins with New

17. *Id.*, p. 73.
18. *Id.*, p. 54.
19. *Id.*, p. 17.
Englanders and express their shared history and citizenship with all Americans at every stop along the way.

There was, however, also an exclusivity to their Vermont dedicatory celebration as they reflected upon the historical significance of reversing their pioneering trek and remembered the losses which characterized their youth. Indeed, all the Saints in memorial services held in congregations throughout the church were "reckoning the time from the birth of their prophet, leader and organizer."\textsuperscript{20} According to that reckoning, their history not only "repeated the labors and successes of the Pilgrim Fathers," but was "the fulfillment of the dreams of the ancient prophets. . . . Jerusalem, Shechem, and Capernaum rise again from the great American Desert, and the Lord has remembered His promise to Jacob."\textsuperscript{21} Rehearsals of church history during the dedication were, therefore, preludes to assertions of its survival and triumphant growth in numbers and status. Such reckoning is typical of any community’s commemoration.

Maurice Halbwachs inaugurated and many have built upon his studies of collective remembering.\textsuperscript{22} Central to his thesis is the insight that commemoration is inevitably a function of selective memory and entails the equally important task of

\begin{itemize}
\item \textsuperscript{20} \textit{Id.}, p. 29.
\item \textsuperscript{21} \textit{Id.}, pp. 30-31.
\end{itemize}
forgetting. As David Thelan has paraphrased Halbwachs: "People develop a shared
identity by identifying, exploring, and agreeing on memories... In the course of taking a
picture or creating an album they decide what they want to remember and how they want
to remember it."\textsuperscript{23} In 1905, the Saints were about to turn the American landscape into
their scrapbook. During Joseph F. Smith's administration, the church began to recover
and reconstruct the sites of its early history in New York, Ohio, Missouri, Illinois, and
Iowa. Consistent with Pierre Nora's observation generally, the Saints felt the need for
"places of memory" at the very time when they felt at risk of a breach with their past\textsuperscript{24}.
The Utah church's claim to a piece of Vermont constituted a collective act of
remembering which helped them forget a past they could not carry with them into the
future. They would be so successful that eventually they would hardly be aware that they
were agreeing to forget and, if made aware, would tend to think they were forgetting
Brigham Young. In fact, they were in the process of forgetting portions of Smith's legacy
which Young had taken so literally.

Leaving the overt historicizing to others, Joseph F. Smith spoke during the
ceremonies only to dedicate the monument. His prayer stipulated the elements of Smith's
mission which would be carried forward into the twentieth century as inviolable, even to
the consciousness of change. Thanking God for "the great Prophet and Seer of the
nineteenth century," Joseph F. made an offering of each element of the monument in

\textsuperscript{23} David Thelan. "Memory and American History," Journal of American History, 75
(March 1989): 1123 (emphasis added).

\textsuperscript{24} Pierre Nora. "Between Memory and History: Les Lieux de Mémoire,"
terms of its significance. The huge cement foundation symbolized the primitive church or "the foundation Thou has laid, of Apostles and Prophets, with Jesus Christ, Thy son, as the chief corner stone." Upon this foundation, was laid a four-foot thick, 30-ton granite base "typifying the rock of revelation." Finally, erected on the base and measuring a foot for each year of his life, a 38½-foot shaft of granite represented Joseph Smith himself. The shaft was polished to symbolize Smith's "reflecting the light of heaven" and crowned to illustrate Smith's successful completion of his mission and the possibility for all to be similarly glorified. These three elements - a foundational restoration of Christ's church from apostasy; a base of continuing revelation from heaven; and an assertion of Joseph Smith's revelatory power and divine authority bestowed to those that follow - are the core elements of L.D.S. doctrine and frame the church's identity within American denominationalism. In place of its nineteenth-century theocratic and familial kingdom-building the church was prepared by crisis to return to less grandiose, but still large claims regarding restoration of the primitive church, divine sponsorship and living prophets. These principles constituted the generative and, hence, non-negotiable core of Mormonism. They were carved in stone both literally on the surface of the Joseph Smith monument and figuratively in terms of the church's identity.

Inscribed on the monument's northerly side was a reference to Smith's first vision in 1820 when he was instructed to reject all existing churches. Other surfaces were devoted to Smith's subsequent experiences of angelic restoration of knowledge and

authority to organize "the Church of Jesus Christ in its fullness and perfection." This assertion of restored truth, authority and church order, based in models both of Old Testament prophecy and New Testament apostolic witness, constitutes the creative material out of which the L.D.S. church adapts itself over time. Moreover, it is the outside limit of what may be changed. It comprises both the boundaries and content of L.D.S. identity in a sense of separateness from non-Mormons and sameness of being Mormon. Everything else is relatively fungible, making the church extraordinarily adaptable and identifiable at the same time. Indeed, it is in Joseph F. Smith's efforts to adapt the church to the Progressive Era's demand for change that one most clearly sees that these issues of revealed knowledge and restored authority constitute the creative and untouchable core of L.D.S. belief and identity.

**New Uses of the First Vision**

Joseph Smith claimed to have received many revelations, all of which were to varying degrees indices of his prophetic calling among his followers; and all have been mined for theological significance according to the needs of each successive generation. This is especially true of what is called "the first vision," which occurred in 1820 when concerns caused by competitive revivalism motivated the fourteen-year-old Smith to try to choose a church. Relying on biblical injunction to pray for wisdom, Smith retired to the woods to ask "which of all the sects was right (for at this time it had never entered

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into my heart that all were wrong) - and which I should join." The canonized account of the vision states that two divine personages appeared to Smith and identified themselves as God and Jesus Christ. As foreshadowed in Smith's restatement of his question, they "answered that I must join none of them, for they were all wrong." Hence, two definitive doctrines of Mormonism make their first appearance in this first vision. Of greatest import in the nineteenth century was the instruction not to join any of the existing churches. This private message to Smith of Christian apostasy was publicly elaborated later, through the 1830 publication of the Book of Mormon. The second doctrine is implicit in the description of God and the Son as "personages," which marked an immediate and radical break with traditional Christian creeds. Yet, if noted at all by the church's early critics, the Saints' belief in a godhead of three separate personages was considered only one among many unpleasantly distinctive elements of Mormonism and secondary in concern to Mormonism's new scripture, priesthood hierarchy, economic communalism, temple building, modern revelation and, of course, plural marriage.

Many factors contributed to the relative lack of interest in the first vision by believers and nonbelievers. Most have been identified by Latter-day Saint scholars in a variety of articles attempting to validate the historicity of the event or its relationship to

27. All relevant references which follow are to the canonized account published as "Joseph Smith—History: Extracts from the History of Joseph Smith, the Prophet," in The Pearl of Great Price (Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 1981), pp. 47-59. For an analysis of other versions, see Dean C. Jesse, "The Early Accounts of Joseph Smith's First Vision," Brigham Young University Studies 9 (Spring 1969): 275-96.

developments in L.D.S. doctrine. Though these studies disagree on the first vision's theological implications, what matters for our purposes is that all agree. In the words of James Allen, author of the most extensive study, that "the weight of evidence would suggest that it [the first vision] was not a matter of common knowledge, even among church members, in the earliest years of Mormon History." Allen further concludes that this oversight continues until 1883 when the first vision is first employed to teach the L.D.S. doctrine of deity. Even here, however, Allen can only characterize the 1883 sermon as having "implied" that a major purpose of the vision was to "restore a true


30. Allen, "Emergence of a Fundamental," p. 53. The debate is summarized in Paulsen, "Doctrine of Divine Embodiment," op. cit. From Smith's failure to write an account of this story until 1832 or to use it as an explicit basis for doctrinal exposition, it appears that he considered his first vision a personal experience, unrelated to later theophanies which led him to organize his own church and direct its development. Allen hypothesizes that the relative lack of importance of the first vision in the nineteenth century missionary efforts can be explained by the fact that, unlike so much else of Mormonism, it was not capable of biblical proof-texting as a fulfillment of biblical prophecy. Arguably, Allen's hypothesis explains the first vision's limited use within the church as well. Nineteenth-century Saints did not lose their convictions about the bible by becoming Mormons. Consistent with their initial response to L.D.S. primitivist claims, they would continue to focus their convictions and identity on, for example, the Book of Mormon's claim to restore those "plain and precious things" and on their own pentecostal experiences and priestly ordinations. In sum, the first vision was not a necessary basis of faith for members, though it was by no means forgotten as part of the church's story.
knowledge of God." 31 While appreciation for Smith’s first vision continued to grow in the last decade of the nineteenth century, not until the early twentieth century did it move to the fore of L.D.S. self-representation. As Allen’s research makes apparent, the turning point in the status of the first vision occurs during the administration of Joseph F. Smith and contemporaneous with the Smoot hearing and its immediate aftermath. The story is first used in Sunday School texts in 1905; in priesthood instructional manuals in 1909; as a separate missionary tract in 1910; and in histories of the church in 1912. Moreover, in 1907, the Smith family farm in Palmyra, New York, is purchased and passes into church ownership in 1916. A grove of trees on the site where the young prophet is assumed to have received his first vision becomes an increasingly popular pilgrimage site, culminating in centennial celebrations in 1920. By mid-century Smith’s account of his theophany was denominated “The Joseph Smith Story.” Eventually, it would be granted the status of “the beginning point, the fountainhead, of the restoration of the gospel in this dispensation.” 32 In the first vision, Joseph F. Smith had found a marker of L.D.S. identity whose pedigree was as great as, and would be made greater than, that of plural marriage, for the twentieth-century Saints.

The first vision contained all the elements necessary to fill the historical, scriptural and theological void created by the abandonment of plural marriage. To the extent that plural marriage had captured the Saints’ loyalties as Smith’s last revelation, the first vision, as its referent indicates, was equally appealing. It also, like polygamy,


was both an historical event and an idea which could be characterized as attracting persecution. Nineteenth-century Saints had not endeared themselves to their neighbors by claiming to be the only true church in a religiously plural society. Moreover, though it was not of as much note as the Book of Mormon or other doctrines, the Saint's rejection of Trinitarianism appears to have been a source of some antagonism. Joseph Smith's mother recounts: "the different denominations are very much opposed to us... the Methodists also come, and they rage, for they worship a God without body or parts, and they know that our faith comes in contact with this principle."  

33 Whether the Methodists knew this from accounts of Smith's theophany did not matter to the twentieth-century Saints: they believed it to be so. Joseph F. Smith made the connection explicit: "The greatest crime that Joseph Smith was guilty of was the crime of confessing... that he saw those Heavenly Beings... That is the worst crime he committed, and the world has held it against him...

34 He suffered persecution all the days of his life on earth because he declared it was true." From here it was a small step to finding in the first vision a source of the Saints' continuing identity with their forebears. In 1909, still feeling the aftershocks of the Smoot hearing through negative press reports, Joseph F. told the Saints: "From the day that the Prophet Joseph Smith first declared his vision until now, the enemy of all righteousness... the enemy to direct revelation from God and to the


inspirations that come from the heavens to man has been arrayed against this work." 35

New emphasis on the first vision served to maintain a sense of religious difference and, as such, provided the equally necessary sense of internal cohesiveness and historical continuity in terms of persecution.

Significantly, however, the first vision changed the arena of confrontation over differences from social action to theological belief. A necessity created not only by the experience of persecution, but by Supreme Court law. In Reynolds v. U.S., the Court made clear that American government would tolerate only differences in religious thought, not religiously-motivated actions which compete with social mores. 36 New emphasis on the first vision successfully re-framed the Saints' necessary sense of otherness so that it fit safely within the politics of American religion. Jan Shipps, however, rightly warns students of Mormonism that "when Mormon history begins with the First Vision, the result tends to be an account of a religious movement which, even as


it differs dramatically on basic theological and doctrinal issues from other sects and churches, is analytically yet one more subdivision of Christianity inaugurated through the efforts of a charismatic leader." As we shall see in the next chapter, this is exactly what the Senate panel was asking the church to become. For now, it is sufficient to note that unlike Joseph Smith's last vision, his first one placed his followers at odds only with other churches, not the state, and shifted the battle from issues of public morality to theological tenets.

Like plural marriage, however, the first vision was capable of being formalized as doctrine fundamental to the faith. An account of it had been added to the church's scriptural canon in 1880 on motion of Joseph F. Smith, then counselor in the church's presidency. Thus, this first revelation to Joseph Smith was susceptible to as formal and central a role as his last. Moreover, in 1902 under the direction of Joseph F. Smith, the text of Joseph Smith's autobiography was divided into chapters and verses and integrated by reference to the rest of L.D.S. scripture. This served to give Joseph Smith's first vision status equal to the visions of biblical and Book of Mormon prophets. The successful formalization of Smith's first vision and its placement at the core of L.D.S. identity is neatly summarized by an apostle called to fill one of the vacancies created by the dismissal of Taylor and Cowley:

One outstandingly distinguishing feature of this Church is divine authority by direct revelation. The appearing of the Father and the Son to Joseph Smith is the foundation of this Church. Therein lies the secret of its strength and vitality. This is true, and I bear witness to it. That one revelation answers

all the queries of science regarding God and his divine personality. Don't you see what that means? What God is, is answered. His relation to his children is clear. His interest in humanity through authority delegated to man is apparent. The future of the work is assured.\footnote{38}

The "assurance" provided by the first vision was in no small part due to its synthesis of those ideas so necessary to L.D.S. faith: an immanent God, modern revelation and divine imprimatur for ecclesiastical authority. Notwithstanding such extravagant endorsement of the first vision's theological substance, however, the significance to the church of Smith's account of his early experiences is not adequately understood if it is seen merely as a container for L.D.S. theology. The twentieth-century role of Smith's autobiography can only be appreciated when it is viewed as a narrative, even a story of origins or a myth with the capacity to order the reader's experience of time. The Saints had a particular need for order during Joseph F. Smith's administration; and so it is that during these years Smith's autobiography emerges not only as a source of doctrine, but as the modern church's master narrative.

*The Mormon Master Narrative*

Joseph Smith's autobiography covers only his early years and is commonly referred to within the church as "The Joseph Smith Story." As indicated by the broad attribution in its title, the narrative is deemed to communicate the essence of Smith's life and work, notwithstanding its limitation to only a few events during a nine-year period that, significantly, preceded the organization of the church in 1830. The events around which the narrative is constructed are: (1) Smith's first vision in 1820 of the Father and

the Son: (2) several appearances between 1823 and 1827 of an angel named Moroni, who instructed Smith and directed him to the hiding place of the purportedly ancient record which he would publish as the Book of Mormon; and (3) an appearance in 1829 of the resurrected John the Baptist, who ordained Smith and a colleague to priestly authority. While other versions of Smith’s autobiography include additional events, and the contemporaneously kept record of Smith’s life is voluminous, only these early events were legitimized by canonization and are employed as Smith’s “Story.” Why they are considered sufficient to constitute the Joseph Smith story and are deemed worthy of canonization can be deduced in part from the earlier discussion of the dedication of the Joseph Smith monument. Namely, these three events in Smith’s life correspond directly to the three principles memorialized in the 1905 dedication ceremonies and lie at Mormonism’s core: a foundational restoration of Christ’s church from apostasy, a base of continuing revelation from heaven, and an assertion of Joseph Smith’s revelatory power and divine authority bestowed to those that follow.

As a narrative, however, the Joseph Smith autobiography places these principles in a plot which, by definition, is an ordering of events in time that allows its readers to experiment with the world offered by the plot. In theory, by sympathetic participation with a narrative and by interpreting the writer’s offered order of events, readers construct

39. Five accounts of the story were produced during Smith’s life. The one chosen by the church as the official version and later canonized is an amalgamation of two texts, one in Joseph Smith’s own hand, written in 1832, and another dictated by Smith to a scribe in 1838, which extends the earlier, holographic account. Published in the Saints newspaper in 1839, it was canonized in 1880. The texts of all five accounts may be found in Dean C. Jesse, ed., "Autobiographical and Historical Writings," in The Papers of Joseph Smith (Salt Lake City: Deseret Book Co., 1989).
meaning for themselves. "It is." Ricoeur argues, "the very heart of reading [and hearing, one assumes] that explanation and interpretation are indefinitely opposed and reconciled." Reconciliation of contemporary oppositions by its readers is anticipated by the other names given to the Joseph Smith story, namely, the "Joseph Smith Testimony" and, in the most recent version of L.D.S. scripture, "Joseph Smith - History." In its appeal to these types of discourse - story, testimony, history - the Joseph Smith autobiography signals its narrative uses which exceed that of simply bearing a theological message. Naturally, the "reconciled" meaning which the reader derives from any story will depend upon the immediate questions which he or she brings to it. Thus, one way to understand the appeal or explanatory power of a given narrative in a given time is to consider its community of readers and their circumstances. For the Joseph Smith story, which achieved its popularity in the L.D.S. church between 1905 and 1920, this means seeing it through the eyes of a church readership struggling - in the midst of external attack and on the verge of internal schism over abandoning nineteenth-century commitments - to know whether their church was still true.

From its very first sentence, there can be no doubt that Joseph Smith's 1839 canonized autobiography is an explanation:

Owing to the many reports which have been put in circulation by evil-disposed and designing persons, in relation to the rise and progress of the Church of Jesus Christ of Latter-day Saints, all of which have been designed by the authors thereof to militate against its character as a Church and its progress in the world --I have been induced to write this history, to

disabuse the public mind, and put all inquirers after truth into possession of the facts, as they have transpired, in relation both to myself and the Church . . . .41

After a brief introduction, the narrative begins immediately by describing the tension inherent in Smith’s search for religious certainty amidst competing truth claims and it ends ten printed pages later with the hero’s receipt of heavenly endowments of power to organize a church. As indicated above, in the canonized version of the story, Smith’s first vision is prompted by his concern to know which of contending denominations is true.42

Compiled in 1839, this version reflects its contemporaneous circumstances: an organized and hunted church in combat with its neighbors. The account is, therefore, not surprisingly preoccupied with persecution, using the word seventeen times in its ten pages. On one level, then, the story’s appeal to the early twentieth-century church, embattled in another anti-polygamy campaign and subject to national criticism, is obvious. By his own account, Joseph Smith’s sense of persecution was aroused by


42. In an earlier account, Smith had characterized the primary motivation for his prayer in classic revivelist and primitivist terms: “my mind become exceedingly distressed for I become convicted of my sins and by searching the scriptures I found that mankind did not come unto the Lord but that they had apostatised from the true and living faith and there was no society or denomination that built upon the gospel of Jesus Christ as recorded in the new testament and I felt to mourn for my own sins and for the sins of the world. . . .” Jesse, ed., Papers of Joseph Smith, 5-6. In this, his 1832 account, Smith’s question is more personal: how was he to be saved if none of the churches acted consistently with the bible? The answer was similarly personal yet includes a rejection of false religion and promises judgment: “Joseph /my son/ thy sins are forgiven thee. Go thy way, walk in my statutes and keep my commandments. Behold I am the Lord of Glory. . . Behold/ the world lieth in sin at this time and none doeth good, no not one. They have turned aside from the gospel and keep not /my/ commandments. They draw near to me with their lips while their hearts are far from me . . . .” By 1839, Smith’s object in writing and his circumstances had shifted to defending his church. Hence, his representation of his first vision likewise changed to meet this institutional purpose. As discussed supra, this later purpose was much more responsive to the conditions of the twentieth-century church as well.
accusations regarding his family’s poverty and local treasure-hunting activities, as well as other aspersions on his own integrity. For twentieth-century readers of the account, however, what mattered most were those portions of the story related to allegations of heresy by Protestant critics, as indicated above by Joseph F. Smith’s conclusion that persecution resulted primarily from his uncle’s doctrine of God. In addition, Progressive Era Saints, so small in numbers and capital relative to the larger population, must have been drawn to the story’s portrait of endurance and certainty of purpose:

It caused me serious reflection then, and often has since, how very strange it was that an obscure boy, of a little over fourteen years of age, and one, too, who was doomed to the necessity of obtaining a scanty maintenance by his daily labor, should be thought a character of sufficient importance to attract the attention of the great ones of the most popular sects of the day, and in a manner to create in them a spirit of the most bitter persecution and reviling. But strange or not, so it was, and it was often the cause of great sorrow to myself. However, it was nevertheless a fact that I had beheld a vision. I have thought since, that I felt much like Paul, when he made his defense before King Agrippa, and related the account of the vision he had when he saw a light, and heard a voice; but still there were but few who believed him; some said he was dishonest, others said he was mad; and he was ridiculed and reviled. But all this did not destroy the reality of his vision. He had seen a vision, he knew he had, and all the persecution under heaven could not make it otherwise; and though they should persecute him unto death, yet he knew, and would know to his latest breath, that he had both seen a light and heard a voice speaking unto him, and all the world could not make him think or believe otherwise. So it was with me. I had actually seen a light, and in the midst of that light I saw two Personages, and they did in reality speak to me; and though I was hated and persecuted for saying that I had seen a vision, yet it was true; and while they were persecuting me, reviling me, and speaking all manner of evil against me for so saying, I was led to say in my heart: Why persecute me for telling the truth? I have actually seen a vision; and who am I that I can withstand God, or why does the world think to make me deny what I have actually seen? For I had seen a vision; I knew it, and I knew that God knew it, and I could not deny it, neither dared I do it; . . .
had found the testimony of James to be true—that a man who lacked
wisdom might ask of God, and obtain, and not be upbraided.\footnote{43}

This is the Saints’ “perfect man” whom they memorialized in polished granite: the seeker
who became a prophet by means of theophany and unwavering, public witness. It was
this type of perfection under pressure that they themselves aspired to when they built the
monument in 1905 and began reading his story with renewed interest.

The second, pivotal event in the narrative is the appearance of an angel who
repeatedly instructs Smith about the meaning of biblical scripture and directs him to new
scripture. the Book of Mormon. This is the second of the three themes celebrated in the
Joseph Smith monument: restored truth through divine communication with a prophet.

For twentieth-century leaders, the numerous biblical references made in Smith’s account
of the angel’s instruction provided an additional basis for demonstrating the holy
pedigree of several L.D.S. doctrines:

At the second vision that the Prophet Joseph received, . . . \footnote{44} among the
things that were revealed to him was the principle of vicarious work for
the dead, and the principle of the gathering of the people, principles of our
Church that are unique to it. These were given by the angel Moroni. He
also read from the book of Malachi about the hearts of children being
turned to their fathers, and the fathers’ hearts to the children. He read to
him the eleventh chapter of Isaiah, which refers to the gathering; and other
principles he explained to the young man. Today we have heard read how
much has been given for temples and for temple buildings, and this shows
that the Latter-day Saints believe in the principle revealed to the Prophet
Joseph as early as 1823.

\footnote{43. Joseph Smith – History 1:23-26.}

\footnote{44. Anthon H. Lund, Sermon, in \textit{L.D.S. Conference Reports}, Ninetieth Annual
Conference (Salt Lake City: Deseret News, April 1920), pp. 19 and 21.}
Here the practice of performing ordinances vicariously for the dead, a particularly twentieth-century initiative of the church. is validated by the Smith story. Though Smith had introduced baptism for the dead as early as 1829, the primary focus of his Nauvoo discourses had been the role of the temple in relation to doctrines of deification and celestial marriage, or its sanctifying import for the living. As will be discussed hereafter, the definition of celestial marriage will be adapted and new priority assigned vicarious work for the dead during the twentieth century. Though not the sole source by any means, the Smith story became an important authorizing agent for twentieth century theologizing on L.D.S. temples and priesthood.

Most fundamentally, however, the account of Moroni's appearance to and education of Joseph Smith conveys the necessity of revelation and its triumph over worldly opposition. The narrative makes the latter point when it relates a failed attempt to validate the Book of Mormon's historical claims by showing its purportedly ancient script to Columbia University professor Charles Anthon. According to the account, once Anthon realizes the source of the characters, he withdraws his endorsement: "saying, that there was no such thing now as ministering of angels . . . ." In Professor Anthon's reaction, later readers of the Joseph Smith story would see, as did Smith himself in his 1832 account, the fulfillment of Isaiah 29's learned man prophecy and be reminded that they should not expect, neither would they need worldly assistance. When, in 1905, the


dedication party includes in its itinerary a prayer meeting on the hill where Smith said he
retrieved the Book of Mormon record. They come away with a renewed conviction of "the
truth of the latter-day work and the fortelling [sic] its ultimate triumph over opposing
powers." 47 Thus, the second of Smith's visions, also, was a useful source of
interpretation of present events and source of continuity with their past. 48

The final event in the canonized version of Joseph Smith's story occurs in 1829
and illustrates the same principles as the previous events: on-going revelation in an
atmosphere of opposition, but with promises of triumph. Motivated by questions during
his work on the Book of Mormon and accompanied by his scribe Oliver Cowdery, Smith
prays again for guidance. Implicit in the result of the prayer is concern for authority. An
account of baptism in the Book of Mormon had left the pair wondering how to receive
remission of sin if, as they believed, no existing church were an acceptable agent of God.
The short of the story is that a resurrected John the Baptist appears to them; ordains
Smith and Cowdery with authority not only to baptize, but also to organize a church; and
promises that further authority will be bestowed in the future. The words Smith ascribes

47. Dedication, p. 67.

48. The search for true knowledge and the unhelpfulness of temporal means and
unbelieving persons is an unremitting theme in L.D.S. sermons, including those of the early
twentieth century. See, for example, Frank Y. Taylor, Sermon, in L.D.S. Conference Reports,
Seventy-Fifth Semi-Annual Conference (Salt Lake City: Deseret News, October 1905), p. 30, ("I
have met many people of different denominations in the world," said one such later reader, "and
I have been anxious to learn concerning their faith, to find out what they possessed that might
add to my faith and increase my knowledge, but I never had one of them manifest a Spirit to
bless me. . . . Figuratively, I never had one of them hand me a loaf, when I asked for it they have
given me a stone."). See also, Joseph F. Smith, Opening Address, in L.D.S. Conference Reports,
Seventy-Third Semi-Annual Conference (Salt Lake City: Deseret News, October 1903), p. 2;
Hyrum M. Smith, Sermon, in L.D.S. Conference Reports, Eightieth Semi-Annual Conference
(Salt Lake City: Deseret News, October 1910), p. 68.
to the angelic visitor provide the pre-church beginnings of churchly authority to receive continuing revelation: "Upon you my fellow servants, in the name of Messiah I confer the Priesthood of Aaron, which holds the keys of the ministering of angels, and of the Gospel of repentance, and of baptism by immersion for the remission of sins; and this shall never be taken again from the earth, until the sons of Levi do offer again an offering unto the Lord in righteousness."

The endowment of authority and promises of permanence, like experiential knowledge of God modeled in the first vision and continuing knowledge from God illustrated in the second, provide the foundation upon which the Saints could tolerate a changing church. Thus, Smith's story is also denominated his "testimony." No less than other canonized narratives, the official account of Joseph Smith's early years begins "a history directed by a 'promise' and moving to a 'fulfillment.'"49 When in the first decades of this century the Saints broke finally with their immediate past, they found present stability - not merely theology - in Smith's testimony of promises made prior to the organization of their church. Herein lies the greatest strength of the church's new twentieth-century uses of the Joseph Smith story as a myth of Mormon origins.

To the extent that Smith's canonized story is concerned exclusively with events that occurred prior to the organization of the church, but were foundational to it, the narrative's concerns are primordial and, like other myths of origination: "in recounting how these things began and how they will end, the myth places the experience of [the reader or listener] in a whole that receives orientation and meaning from the narration.

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Thus, an understanding of [L.D.S.] human reality as a whole operates through the myth by means of a reminiscence and an expectation.”

The Joseph Smith story captured the attention of the Progressive Era church because it “oriented” them. It not only gave order to their contemporary experience of crisis with authority, it provided hope for the future in its promise that their bond with the sacred would not be broken. Throughout Smith’s explanation of Mormon origins, the reader’s “expectation,” to use Ricoeur’s term, is shaped by promises of divine relationship, revelation and authority, all of which eased the church’s entry into the twentieth century. Probably the most extravagant and comforting promise was the last, namely, that the authority by which the church could be organized (and, implicitly, susceptible to reorganization) “shall never be taken again from the earth” until it accomplishes its purpose of latter-day preparation for a millennial reign of Christ. The believing reader of the Joseph Smith story is thereby assured that Smith’s restoration is permanent. With this promise, Smith’s canonized story cum testimony qua history of church origins climaxes in an affirmation of unchangeable, ecclesiastical authority which has the capacity to mediate divine knowledge and power.

50. *Id.*, 6.

51. The entire history of the L.D.S. church can be written as a crisis of authority. See, e.g., Marvin S. Hill, *Quest for Refuge: The Mormon Flight from American Pluralism* (Salt Lake City: Signature Books, Inc., 1989). The particular crisis which came to a head during the Smoot hearing may have originated as early as the Saints’ disappointed expectations of a Second Coming after the Civil War and the increasing dominance of their kingdom by the federal government during the 1870’s and 1880’s. Certainly by the early twentieth century, however, when the Smoot hearing precipitated the dismissal of Taylor and Cowley, the Saints needed reassurance that their church was truly capable of fulfilling its millennial mission or, for that matter, simply true. Thus, Smith’s prayer found new appeal among his followers who needed reassurance of the uniqueness of their church and the legitimacy of their leaders’ authority.
Richard Bushman concluded his biography of Smith's early years with the observation that: "What distinguished Mormonism [in the nineteenth century] was not so much the Gospel Mormons taught . . . but what they believed had happened -- to Joseph Smith, to Book of Mormon characters, and to Moses and Enoch. . . . Mormonism was history, not philosophy."52 As implied by reference to Moses and Enoch and by placing Smith in such company, it is obvious to anyone familiar with L.D.S. reworking of the traditional Jewish and Christian canon that the Mormon sense of history is a cosmological one.53 Thus, it is also possible to elaborate on Bushman's observation to conclude that what distinguished Mormons was the conviction that the cosmological order was expressed immediately in their everyday lives. Smith's canonized autobiography is placed in L.D.S. scripture immediately following the L.D.S. version of Moses' and Abraham's theophanies and is of a type with them: a type bearing promise of fulfillment in a new aeon in God's relation to his people. A sermon by one who participated in the revival of Smith's story illustrates Smith's relation to this biblical type: "There has been some reference here today to the first vision of the Prophet Joseph, which we look upon as the dawn of this last dispensation, the dispensation of the fullness of times." This sense of new time, a "fullness" of time given by Smith's narrative of churchly primordial events, contributed significantly to the third-generation Saints' capacity to embrace


change in church doctrines and programs without a sense of loss of identity or continuity with their past. Progressive Era changes were ordered within a cosmology of promise and fulfillment, which lent stability to efforts to revoke the theocracy, economic communalism and plural marriage of the previous generation. The Saints' confidence in their cosmology may have been shaken by the defensive and prevaricating testimony of church witnesses at the Smoot hearing; by the confusion and disarray in church policy; and by the judgment and removal of Taylor and Cowley, but the history of their pre-church origins of their bond with the sacred, as explained in Joseph Smith's story, was a means of restoring that confidence through the constructive capacity of both nineteenth-century writer and his twentieth-century readers. The Saints managed the dislocating experience of passage into the twentieth century by inscribing their present experience onto Smith's, which promised changeless duration, even the "fullness of times." In placing confidence in the promises of divine presence, revelation and authority that, as the angel promised, "shall never be taken again from the earth . . ." not in particular practices or doctrines, the believing reader of Joseph Smith's testimony could appropriate a future in which failure was impossible.

Finally, in the process of inscribing their own experiences onto his, the believing readers made of Joseph Smith the model of modern Saint-hood. A church authority and major interpreter of church doctrine during this period wrote: "The whole latter-day work was initiated by Joseph Smith's search for truth . . . Thus came the first great vision of Joseph Smith: and as a consequence of his search for truth came the other revelations, and the enduring light-giving structure of the Church . . . It is understood that every worthy
member of the Church must likewise seek and find truth for himself." 54 Thus, the church's new emphasis on the Joseph Smith story effectively strengthened Joseph Smith's status as a prophet during a time when abandonment of polygamy threatened to undermine the faithful's confidence in him. The reshaping of L.D.S. theology, however, was not limited to forgetting Smith's last revelation and remembering his first. The itinerary of the dedication party on their way home to the West illuminates additional aspects of the Saints' plan "to assume our real position and standing in the midst of the earth." 55

*Accentuating the Positive, Eliminating the Negative*

Leaving Vermont the day after the dedication, the Utahans traveled to Massachusetts and held public services in Boston in the afternoon and evening of December 24. Christmas day was occupied by a visit to the Massachusetts homestead of the progenitors of Joseph Smith. From there the party traveled to Palmyra, New York, paying homage at the Smith farm and its "sacred grove," site of the first vision, and holding a prayer meeting at the Hill Cumorah, reputed discovery site of the Book of Mormon. From New York, they went to Kirtland, a small town in northern Ohio, where Joseph Smith had gathered his followers on the new frontier in 1831, eight months after organizing the church in New York. This was the final site of commemorative activities


related to Smith's role in the Church. The travelers made only one more stop on their way home: Chicago. There they spent the majority of their two-day visit observing local industries, such as, the Swift Stockyards and the Jeffries Automobile Factory, and paying respects to various business leaders.

Thus, the travelers retraced the church's steps only as far as Kirtland, Ohio, and the final years of Smith's ministry went unremarked upon. In geographic terms, this meant that the party did not visit Independence, near Kansas City, Missouri, and site of their first attempt to build an American Zion. Neither did they stop in Nauvoo, the town from which the Saints had fled to the Rocky Mountains and which lies on the western border of the Illinois midway between Chicago and Omaha. Both of these places have powerful associations with later developments in L.D.S. doctrine. For example, plural marriage was first practiced in Nauvoo, as were the nascent forms of theocratic government which would find full expression in the Utah. Similarly, the anti-capitalist principles which had characterized Utah's economy were revealed in Kirtland, but first practiced in Missouri. Finally, though Kirtland was the site of the first L.D.S. temple, the ceremonies and oaths of such concern to the Smoot hearing panel were performed only later, in Nauvoo. In sum, those practices which placed the church in conflict with American institutions were largely a product of the Saints' history in Missouri and Illinois, and to these sites the dedication party did not go.

While stopping at either Independence or Nauvoo would have been a detour for the travelers, it would have been no more of one than Kirtland, to which they backtracked from Cleveland "going at a slow pace, because of the condition of the road and of the
hills and hollows, at the old-fashioned ox-team speed. "56 Moreover, in an itinerary which
took them by train from Chicago to Omaha, they chose to skip over Nauvoo and Council
Bluffs, both of which were directly in their path. But for the fact that the travelers spent
two days sight-seeing in Chicago, one could explain the omission in terms of time
constraints. Whatever the reason, the result was that their itinerary emphasized the less
controversial stages of Smith's life, and similarly their sermons to church member and
non-member alike emphasized his less controversial ideas.57 In this respect, too, the
dedication party illustrated a means by which Mormonism transformed itself during the
period.

Avoidance of certain ideas was to be expected from the travelers. Since the
1880's, the church had abandoned all efforts to defend their marriage practices to Gentiles
and had become very careful even within the church. Only at local conferences of the
Saints, where non-members were unlikely to overhear, had the subject been taught. It
was no surprise, then, that the few allusions to polygamy made by these travelers were
indirect and defensive. In Chicago, for example, Joseph F. assures visitors: "We are not
seeking for women: we have women of our own and they are as good and pure as ever

56. Dedication. p. 68.

57. An historical study of Smith's theology during this period is found in Ronald K.
Esplin, "The Significance of Nauvoo for Latter-Day Saints," Journal of Mormon History 16
(1990): 71-86. and T. Edgar Lyon, "Doctrinal Development of the Church During the Nauvoo
Sojourn, 1839-1846," Brigham Young University Studies 15 (Summer 1975): 435-46. See also
Shipps, Mormonism, pp. 67-86, for an analysis of the increasingly esoteric nature of Smith's
teachings.
women were on the earth.” 58 On other subjects, too, the church became increasingly careful, and its public discourse changed on such subjects as theocracy, millennialism and deification. For example, the phrase “fullness of the gospel” was sometimes employed to represent the complete primitive church, as opposed to its former comprehension of all ordinances and truths ever revealed and then some. Past emphasis on deification shifts to a kind of ethical perfectionism: “‘Mormonism’ is to benefit mankind. Obedience to it makes good men better, and bad men good. No man dare continue in wrongdoing and still claim membership in the Church of Jesus Christ of Latter-day Saints. That is one of the distinctive features of our people. and of this work.” 59 So said President Smith to the Vermonters and his companions repeated the message throughout their trip: “If the Gospel will not make us better, by obedience to its precepts, then it is no better than any other religion . . . . The religion that will make men the best of all in the world is the best religion and that religion has been embraced by the members of this Church, for it is the religion of Jesus Christ.” 60 Significantly, the message to member and non-member became indistinguishable during this period. Instead of being admonished to do the works and receive the blessings of Abraham, the Saints were encouraged to manifest Yankee virtues and Progressive Era values. Exhortations to missionary work overtook the other elements of nineteenth-century millennialism: growth, not gathering to Zion, is the rallying cry. During Joseph F. Smith’s tenure, immigration to Utah is officially

58. *Dedication*, p. 86.

59. *Id.*, p. 42.

60. *Id.*, pp. 57-58.
ended, and the church begins to build centers of membership abroad. Finally, celestial marriage is redefined in terms of the eternity, not the multiplicity, of the marriage covenant. It becomes exclusively understood as “temple marriage” for time and eternity. The version of Mormonism lived publicly in the twentieth century was that taught in the first years of Smith’s life and preached in New York and Ohio. The more exotic doctrines from the Missouri and Illinois periods of Smith’s work would be placed in temples and, thus, privately practiced. Whatever gap may have been created by defining inter alia plural marriage as temple marriage, gathering as growth, and deification as perfection was bridged by the classic restorationist claims enumerated above. Studies show that the incidence of sermons at L.D.S. General Conference on the theme of an apostasy by the primitive church was nearly four times greater in the decades at the turn of the century than in either period before and after it. Assertions that the L.D.S. church was the “only true church” were nearly three times greater than the preceding and subsequent two decades. Mention of fellowship with other faiths was lower than at any other time, except between 1830 to 185961. This development is even more pronounced given that during this period other restorationist churches were minimizing their claims to primitive Christianity and choosing between evangelical or fundamentalist forms62.


In addition to these interpretive strategies which minimized Smith's last vision, the church had to act more formally to reposition the founding prophet's revelations within church dogma, both because the Senate demanded it and because the Saints needed it. Specifically in response to the Senate's demand as prompted by Utah Protestants, the church changed its scriptures to canonize its abandonment of plural marriage. In December of 1908, the Manifesto was added to the Book of Doctrine and Covenants and entitled an "Official Declaration." The Deseret News announced without fanfare the new publication: "A new edition of the Doctrine and Covenants has just been prepared and is for sale at the Deseret News Book Store. . . . [in addition to a concordance] the edition also contains the official declaration generally known as the Manifesto of President Woodruff. We call special attention to this edition of one of the four standard works of the Church."63 The inclusion of the Manifesto in scripture was not introduced or later explained by church leadership. Silence on the new publication was profound, although it was a matter of considerable concern among church leadership.

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63. Deseret Evening News [Salt Lake City] 18 December 1908, p. 4.
and many alternatives were considered.\textsuperscript{64} Publicly, however, it was treated simply as an editorial determination, like the addition of a concordance.

Having so legitimated the Manifesto, it was necessary to account for the church's nearly fifteen years of disobedience to it. The official explanation was that the purportedly few violations which occurred were on individual initiative and caused by understandable differences of interpretation:

Since that time [ratification of the Manifesto in 1890] the Church has not performed any plural marriages or authorized any violation of the law thus forbidden. But there were some persons who construed the language of that manifesto to signify plural marriages within the boundaries of the United States, that being "the land" wherein the laws spoken of extended. They, therefore, went or removed to Mexico and thus acted on that which they believed to be right without violating the manifesto. They looked on plural marriage within the United States as \textit{malum prohibitum} and not \textit{malum in se}.\textsuperscript{65}

Published in 1911 within church periodicals and in pamphlet form, this legalistic interpretation of the recent past and disclaimer of church involvement attempted to satisfy

\begin{itemize}
  \item \textsuperscript{64} For example, Apostle Charles Penrose wrote from Europe to President Smith six months prior to the publication of the new English version of scripture, asking advice which may reflect conversations occurring among his brethren in Salt Lake City: "the Doctrine and Covenants in the Dutch language is now ready for printing, or rather for publication, and Brother Sylvester Q. Cannon has consulted me in regard to the insertion, at the close, of the Manifesto . . . . The ministers in Holland are getting very much stirred up, and they accuse of us of covertly teaching polygamy. . . . I do not feel at liberty to tell him [Cannon] what to do without consulting you, seeing that there is an idea out that you virtually promised to insert the Manifesto in a subsequent edition of the Doctrine and covenants. Please let me know at your earliest convenience what your mind is on this matter. We can go ahead and publish the work as it appears in English, or we can add the Manifesto at the close in a separate chapter, or as an entirely separate article and let it stand for what it purports to be. . . . ." Charles W. Penrose (Liverpool) to Joseph F. Smith (Salt Lake City) 31 March 1908, Kenney Collection, Box 11, fd. 15.
  
  \item \textsuperscript{65} James R. Clark, ed., \textit{Messages of the First Presidency of The Church of Jesus Christ of Latter-day Saints [1833-1951]} (Salt Lake City: Bookcraft, 1965-1975). I:224
\end{itemize}
inspectors and outsiders that the institution itself was not responsible for polygamy's continuation into the twentieth century. Such had been the official position throughout the Smoot hearing, and the church would stick to it whenever asked. Eventually outsiders lost interest in the question and insiders accepted the interpretation at face value. Those who needed particular reassurance received it privately. One very upset, post-manifesto polygamous wife sent her brother to Joseph F. Smith to ask whether her marriage was legitimate. She turned to Smith not because he was president of the church, but because he had performed the ceremony. In an interview years later, the brother said that Smith told him "to tell his sister that her marriage was o.k., but he had had to say what he did in Washington to protect the Church . . . ." 66 Those members, however, who could not accept the change and who contracted plural marriages after Smith's 1904 injunction were subjected to church disciplinary courts beginning in 1911, 67 including Taylor and Cowley who were excommunicated and disfellowshiped respectively.

66. Stanley S. Ivins Diary, 29 November 1944. Kenney Collection, Box 11, fd. 14B.

67. All stake presidencies (the diocesan level of church administration) were notified by letter of October 5, 1910, from the presidency of the church that they were to excommunicate or disfellowship as appropriate all members in violation of the 1904 prohibition of plural marriage. See Clark, Messages of the First Presidency, 4:216. Marriages between 1890 and 1904 were not actionable, unless a source of public embarrassment to the church. Apostle Anthony W. Ivins, who had performed many of these marriages in Mexico, records in his journal: "Jan. 7th [1911] I have been in council with my quorum . . . the question of plural marriages were discussed and it was decided that case where plural marriages were entered into prior to 1904 the parties to such marriages should not be molested unless they be cases where the interests of the Church are involved. Where men are in prominence in the Church who have taken wives since Prest. Woodruff Manifesto be removed where it can be done without giving unnecessary offence." Anthony W. Ivins Diary, Anthony W. Ivins Papers, The Anthony W. Ivins Collection, #3, 7 January, [1911]. File: MS 8914. Utah State Historical Society, Salt Lake City.
For those who were willing to change, the effect of the abandonment of the
practice was cushioned doctrinally by three strategies. First, and most obviously, the
church did not repeal Joseph Smith’s revelation as contained in Section 132 and, indeed,
subordinated to it the 1890 Manifesto both by placing the Manifesto at the back of the
Book of Doctrine and Covenants and by entitling it a declaration, not a revelation of
equal weight with those contained within the main text of book. As stated by its own
terms, the manifesto’s addition to the Doctrine and Covenants was understood to
memorialize only a suspension of church law and to do so merely out of respect for “laws
enacted by Congress . . . pronounced constitutional by the court of last resort . . . .” True
to the Reynolds decision, the Saints would believe, but would not act - except in the
afterlife, that is68. Secondly, then, change in practice was palliated by continuing
commitment to doctrine. Moreover, the church continued to practice plural marriage to
the extent that males whose previous wives were deceased were permitted to have
subsequent marriages sanctioned by temple ordinance, which is believed to ensure marital
status after death. Finally, through sermon and other doctrinal exposition, the doctrine of
celestial marriage was applied in such a manner as to equate it exclusively with eternal

68. L.D.S. excommunication of polygamists in their midst is based on a contest of
authority, not plural marriage per se. In other words, Mormon fundamentalists, as they are often
called to the discomfort of both groups, are in schism over the legitimacy of authority claimed
by church leaders to suspend the practice of plural marriage. As with most internecine
arguments, the literature on this subject is voluminous and excited. See, e.g., Dennis R. Short,
Questions on Plural Marriage with a Selected Bibliography and 1600 References (Salt Lake
City: Privately published, 1975). A more accessible and scholarly discussion of the
“Monogamous Triumph” in Utah is found in Hardy, Solemn Covenant, pp. 336-362.
marriage, rather than plural marriage. Though this had been a defensive strategy in legal arguments since 1880, it now was universally applied within the church as well.69

By avoiding Kansas City, Missouri, Nauvoo, Illinois, and Council Bluffs, Iowa, the 1905 dedication party avoided more than problematic theology. These were sites of martyrdom and persecution which had been the rallying cry to establishing an autonomous kingdom in the West. Missouri was legendary among the Mormons for "mobocracy" or state-sanctioned extermination efforts against them. In Illinois, Joseph and Hyrum Smith were murdered while in the governor's protective custody. Winter Quarters at Council Bluffs was the symbol of the pioneer Saints' grief and privation, a graveyard on the edge of their walk across the continent. While these places would not be forgotten and in the next few years would become developed as sites of pilgrimage, the 1905 centennial celebration's emphasis was not on justice and struggle, but on forgiveness and progress. The conflict of sentiments ran deep, however, and was apparent in the dedication ceremony. The unveiling of the monument to the martyred prophet was punctuated by a hymn including the sentiments so criticized by the Smoot hearing panel: "Earth must atone for the blood of that man. Wake up the world for the

69. The most complete, historical discussion of this issue is in Hardy, Solemn Covenant, pp. 297-99. But see also, Thomas G. Alexander, Mormonism in Transition: A History of the Latter-Day Saints, 1890-1930 (Urbana & Chicago: University of Illinois Press. 1986), p. 60 ("Generally, the terms "new and everlasting covenant" of marriage, "celestial marriage," and plural marriage were thought to be equivalent. At the time of the Smoot hearing and in connection with the Budge case relating to Idaho disfranchisement, church leaders were called upon to re-examine this question and to clarify their beliefs.").
conflict of justice.”

Immediately afterwards, the dedication party sang “The Star Spangled Banner.” At home, too, celebrants mixed prophecy and patriotism. Over the Salt Lake Tabernacle’s organ pipes was hung a portrait of Joseph Smith with “great festoons of national colors running toward the choir seats on either side.”

The Saints entered the new century still trying to balance their patriotism with their losses. Their new president, however, demanded a more positive offering from his church to the nation: forgiveness. It was the most consistent theme of Joseph F. Smith’s counsel to the church during his seventeen-year tenure. Ignored by social and political explanations of what brought the Saints into the twentieth century, it was nonetheless a critical aspect of his leadership during this crisis. It is difficult to remember under present circumstances the animosity which existed between the L.D.S. church and the American nation in the nineteenth century. No summary list is adequate to capture the sense of personal and collective injury and anger held by members who heard Smith require them to:

> go from this conference to your homes feeling in your hearts and from the depths of your soul to forgive one another, and never from this time forth to bear malice towards another fellow creature. I do not care whether he is a member of the Church of Jesus Christ of Latter-day Saints or not, whether he is a friend or a foe, whether he is good or bad. It is extremely hurtful . . . to harbor a spirit of envy, or malice, of retaliation, or intolerance toward or against his fellow man. We ought to say in our hearts, let God judge between me and thee, but as for me I will forgive. I want to say to you that Latter-day Saints who harbor a feeling of unforgiveness in their souls are more guilty and more censurable than the one who has sinned against them. Go home and dismiss envy and hatred from your hearts; dismiss the feeling of unforgiveness; and cultivate in

70. William W. Phelps, “Praise to the Man,” in Hymns of The Church of Jesus Christ of Latter-Day Saints (Salt Lake City: Deseret Book Co., 1989), p. 27.

your souls that spirit of Christ which cried out upon the cross, "Father, forgive them; for they know not what they do." This is the spirit that Latter-day Saints ought to possess all the day long.  

One measure of Smith's success as a leader during this period is the extent to which not only the Mormons, but also their interlocutors have forgotten why this message was necessary in its day.

More relevant to this discussion, however, is the extent to which the Saints' forgetting measured their acceptance of Joseph F. Smith as his uncle's rightful successor. The dedication party made the issue explicit when, upon returning to Salt Lake City on January 1, 1906, they described the success of their journey in terms of an "intensified . . . testimony of the truth which they had received from on high. . . ." and of being "impressed with the noble, manly and fatherly presence and counsel of the President of the Church . . . a worthy successor of the mighty men who preceded him." The first of these convictions - truth received as revelation through Joseph Smith - has been discussed. The second - continuing revelation through Joseph F. Smith - was equally necessary to the Saints' survival as a people identifiable to themselves and to others.

A "Worthy Successor"

Not surprisingly, Smith's March, 1904, testimony about his role in the church caused him some problems at home. He had been president of the church for only two and one-half years when he told the Committee: "I have never pretended to nor do I


73. Dedication, p. 88.
profess to have received revelations. I never said I had a revelation except so far as God has shown to me that so-called Mormonism is God's divine truth: that is all." 74 Though Senator Burrows pressed the witness to state whether this conviction was based on a divine manifestation, the witness would only admit to "inspiration." The Senator's frustration and the witness' stubborn demurrer were based in a definitional contest over the nature of prophecy and a litigious struggle over the nature of Smith's role with his people. From the point of view of the protestors and the senators sympathetic to their case, if Smith claimed to be a prophet then he claimed also God's power and could exercise that power over his followers in opposition to civil authority. Since Smith's goal was to show the contrary, he consistently minimized his role in church government.

When, after giving his name and address, Smith was asked to state his title for the record, he answered "president of the church." Tayler pressed him: "Is there any other description of your title than mere president?" "No," said Smith. This was an absurd answer given what everyone familiar with the church already knew. It can only be explained as an indicator of Smith's hostility to the proceedings and resolve not to give an inch to the petitioners' counsel. Because he felt like one, Smith acted like a prisoner of war being asked for his name, rank and serial number. Tayler tried again: "Are you prophet, seer, and revelator?" Smith responded that he "suppose[d]" he was. Smith's

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74. Proceedings 1:99. As he would later insist in an interview with the Pittsburgh press, this was "the exact truth." Pittsburgh Times 4 April 1905. He appears to have avoided such claims, such as in the following reference from a sermon in 1901: "You may call it a prophecy if you will. Those who are and continue to be enrolled in the book of the law of the Lord -- on the tithing records of the church -- will continue to prosper. . . ." Joseph F. Smith, Opening Address, in L.D.S. Conference Reports, Seventy-First Annual Conference (Salt Lake City: Deseret News, April 1901), pp. 70-73 and 70.
minimization of his church position was, as we have seen in chapter 2, a strategy to avoid
the pitfalls of litigation into which his predecessors had fallen.

To whatever extent the strategy was successful in Washington, however, it was
not well received in Salt Lake City. Upon his return home, Smith was pilloried as both a
liar and a charlatan by Frank Cannon’s editorials in the Salt Lake Tribune. For a time the
church press responded to these accusations with emphatic protestations to the contrary.
and, indeed, the strength of their protests may be the best measure of Mormon anxiety.
Finally in March, 1905, at a local conference Smith attempted to reassure the Saints:
“God has manifested to me in my present capacity, many glorious things, many
principles, and oftentimes much more wisdom than is inherent in myself, and I believe
that He will continue to do so . . . .” 75 Cannon’s daily newspaper editorials continued to
ridicule both Smith and his brethren. The worst of his barbs had to have been that
officials of the church: “have argued him [Smith] and his particular church out of any
reason for existence. . . . the Mormons are no more entitled to claim that they are led by
direct revelation from God through Joseph F. Smith than are the members of any other
church . . . .” 76 The Committee, too, had expected more from a Mormon prophet.
Tayler’s questions indicate as much when he later returns to the subject: “Mr. Smith, in
what different ways did Joseph Smith, Jr., receive revelation . . . . Did Joseph Smith
contend that always there was a visible appearance of the Almighty or of an angel?” 77

75. Deseret Evening News [Salt Lake City] 20 March 1905.


77. Proceedings 1:100.
Eventually frustrated by Smith's answers and not a little uncomfortable with "questions connected with the religious faith of the Mormon Church," the Committee abandoned this line of questioning and returned to civil affairs. Smith, on the other hand, spent the rest of his administration calming these troubled waters within "the religious faith" of his people.

One fact that controlled the damage from his testimony and may have made him willing to take the risks associated with it was that, unlike the Committee and the protestors, the Saints did not expect Joseph F. Smith to be like his uncle. Joseph Smith was by all accounts of friend and foe an extraordinary man. His prodigious religion-making powers are evident still in his scriptural narratives, and the extravagance of his prophetic charisma can be measured by the thousands who gathered to his message, as well as by the additional thousands who were galvanized to violence against it. Even the "Mormon Moses." Brigham Young, said: "I feel like shouting Hallelujah, all the time, when I think that I ever knew Joseph Smith, the Prophet . . . ." Young claimed he had never done anything but what he had heard it first from "Joseph." This was, no doubt, a means of legitimizing what succeeding church presidents did in their own right. Nevertheless, as the living memory of Joseph Smith faded with each generation of the church, he was idealized increasingly, and those who assumed his office were expected to protect his œuvre and implement his vision faithfully, elaborating only as circumstances

78. Id., 1:99.

required. Of course, the extremitv of the church's circumstances and its doctrine of continuing revelation gave subsequent church presidents considerable room to move within the boundaries set by Joseph Smith's legacy, as evidenced by Woodruff's Manifesto. Moreover, since Joseph Smith did not systematize his theology, the sheer productivity and developmental stages of his doctrinal thought gave his successors much variety from which to validate their adaptations. Nevertheless, the Saints never expected to see the like of Joseph Smith again and did not hold it against his successors that they met those expectations.

A second factor in the Saints' acceptance of Joseph F.'s protestations that he possessed limited revelatory capacity can be found in Joseph Smith's own revelations. First, the L.D.S. concept of revelation had always been radically democratic. For example, Joseph Smith taught that

\begin{quote}
Salvation cannot come without revelation; it is in vain for anyone to minister without it. No man is a minister of Jesus Christ without being a Prophet. No man can be a minister of Jesus Christ except he has the testimony of Jesus; and this is the spirit of prophecy. Whenever salvation has been administered, it has been by testimony. Men of the present time testify of heaven and hell, and have never seen either; and I will say that no man knows these things without this.\textsuperscript{80}
\end{quote}

In practice, this meant that all in this church of lay leaders were to be prophets within their own stewardships, but one was called to speak for and to the church as a whole. Hence, the president of the church differed in degree, not in kind, from those who followed him. Certainly, by 1901, when Joseph F. Smith took office as the church's sixth

"prophet, seer and revelator," these titles were expressed largely in terms of presiding and plenary authority. The second doctrine which influenced L.D.S. expectations of their prophet was that of "common consent," to which Joseph F. repeatedly referred in his testimony, causing much consternation in the Committee. All broad policy initiatives and each officer of the church, including the apostles and first presidency, were subject to a vote of confidence by the membership. This vote was considered an expression of the membership's inspired conviction that what these individuals and their policies were themselves inspired. As discussed in chapter 2, none of this made any sense to the petitioners, their counsel or the Senate Committee. It is, however, the only way for outsiders to make sense out of the Saints' continuing acceptance of Joseph F. Smith as their leader after his March. 1904, testimony before the Committee. At the time of his testimony, the *bona fides* of the office of president were not the works of Joseph Smith, but (a) successfully defending the church to outsiders; (b) authoritatively exercising administrative jurisdiction within the church, and (c) giving the faithful an experience that resonated with their own powers of revelation.

Joseph F. Smith's inclination and ability to defend the church were never in question and are the easiest aspect of his office to demonstrate. Laudatory news reports of their president's performance at the hearing were, no doubt, reassuring to church members. "His [Joseph F.'s] manner is mild and dignified, and it is not until he matches his wit against the remarkable men constituting the committee that he reveals his mettle," wrote a New York newspaper. "... taken all in all, considering the difficulties he had to face, his testimony was a revelation of astonishing shrewdness and craft. He was able to
fence for two days with the past masters of the art of cross-examination and to come out fairly well. It was a terrific test." Some Saints could read this literally and were gratified that he, like his predecessors, had "revelation" necessary to confound their enemies. Such reports and, eventually, the final vote in the Senate against the protestors' petition to remove Smoot were positive proof that God was on their side and that Smith was his prophet. Thus, when Smith came home and told his people that he had testified as he did to escape the "trap" laid for him by "my inquisitors," it was an acceptable expression of the requirements of his office. His credibility was ensured by a consistent, personal history of defending the church on every occasion, from a literal war with Johnston's army in 1858 to the political wars for Utah statehood. When placed within that historical context, the Smoot hearing was simply another campaign waged by Smith to protect his people's rights, and war always creates moral ambiguity. His followers would be more inclined to look at his actions at home, not his words abroad, to test his worthiness.

As with his loyalty, the authoritativeness with which Joseph F. exercised his jurisdiction over the church was incontestable. Brigham Young had appointed the twenty-eight-old nephew of Joseph Smith a member of the church's presidency in 1866, and Joseph F. had acted in that capacity for nearly forty years by the time he testified in the Smoot hearing. Thus, his command of church affairs was obvious, regardless of what he said in Washington. Those whose confidence may have wavered as a result of his 1904 testimony were given reassurance in a number of initiatives taken by Smith between

1901 and his death in 1918. The first half of his tenure was devoted to establishing control over the church's governing structure, sometimes through its reorganization and sometimes, as in the matter of new polygamy cases, through the excommunication of recalcitrant leaders and members. His financial policies eliminated church debt and fueled church growth through increased missionary activities. He began the public relations initiative of the church by organizing the Bureau of Information and construction of a hotel suitable for entertaining visitors. He centralized church government and constructed a new headquarters building, still in use today. His initiatives helped mainstream the once-scandalous Mormon family through such programs as weekly family home evenings and the Boy Scouts. Joseph F. Smith's presidency was also marked by his confidence in explicating L.D.S. doctrine. Especially, in the later years of his tenure, he asserted increasing command over L.D.S. doctrine and issued official statements defining such concepts as the L.D.S. godhead.  

As observed, however, by one who has analyzed the evolution of L.D.S. uses of revelation:

Numerous policy proposals were presented to the saints by President Smith and received the endorsement of 'common consent,' but were not specifically labeled as revelation. We must conclude that those difficult circumstances of Smith's administration which might have occasioned the use of revelation were each one dealt with through a peculiar administrative strategy appropriate to the situation without the formality of declaring the divine sanction upon the proposed solution.  


The “difficult circumstances” may have also included feeling constrained from speaking in terms other than “policy proposals.” Not until 1918 did Smith refer to a revelatory dream he had had in the late 1850’s. Nevertheless, whether or not Smith’s choice of diction is consistent with that employed by either his uncle or Hebrew scriptural models, what is missing from such an analysis is consideration of the experience of those who accepted him as prophet. Personal experience of the divine was always the litmus test for veracity among the Saints. Thus, for them, the question of Smith’s prophetic capacity could only be answered by his serving as a mediator for their experience of the divine. Those who had traveled with Smith to Vermont and back in December, 1905, believed they had had that experience as Smith prayed on the Hill Cumorah, perceiving it as a “fresh manifestation of the presence of the Holy Spirit, testifying to the soul the truth of the latter-day work and foretelling its ultimate triumph over all opposing powers.”

The previous October, at the semi-annual conference for all members, the broader church had a similar experience when their president pronounced a benediction upon the attendees. The church news reported:

While the speech was being delivered, the Spirit of the Lord touched the hearts of the people, and there was intense feeling, so much so that many quivered with emotion, and there was weeping in all the building. If there had been any doubt as to whether President Joseph F. Smith had ever been inspired, it was dispelled at the moment from the hearts of those who say, heard, and experienced this wonderful inspiration and revelation; for it was an inspiration and a revelation, such as many testified they had never before heard, seen, or felt in any of the gatherings of the Latter-day Saints. . . . It was, indeed, a testimony to the people that President Joseph F. Smith is the right man in the right place; that the Lord is with him, and that he has the good will, affection.

84. Dedication, p. 67.
and support of the people over whom he presides by the will of the Lord.\textsuperscript{85}

This is the stuff of which faith is made, as well as most arguments about it. Whether real or not for us who read about it at a distance, we can see what it meant to those who wrote of it and of subsequent encounters with Smith at the pulpit. Near the end of his life, the church set about securing this subjective judgment by formal means. Smith had a vision of the afterlife in 1918 which his colleagues accepted as revelation, but did not publicize. Later, any lingering questions raised by the Smoot hearing of Smith's prophetic capacities were laid to rest historically when in 1976, the church canonized in L.D.S. scripture his 1918 vision and pronounced it "fundamental to the doctrine of salvation for the dead."\textsuperscript{86}

Thereby, Joseph F. Smith became the only L.D.S. president, other than his uncle, to have a vision included in L.D.S. scripture.\textsuperscript{87}

Those of us more interested in how faith is made and sustained over time, however, must look elsewhere for a demonstrable measure of Joseph F. Smith's religion-making (or prophetic, if one prefers) powers. These are found in his more subtle initiatives, like the dedication of the monument to his uncle, by which he successfully re-

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87. Some declarations of historic significance or relating to church policy are considered inspired and have been included in L.D.S. canon, e.g., Spencer Kimball's "official declaration" extending L.D.S. priesthood authority to all worthy males, Wilford Woodruff's "manifesto" advising the cessation of polygamy, John Taylor's witness to the martyrdom of Joseph Smith, and Brigham Young's exhortation to the pioneers to make their exodus west. While exercises of prophetic authority, none of these declarations purport to be accounts of direct visionary experience or constitute additions to L.D.S. theology in the same vein as the church's founder or his nephew, Joseph F. Smith.
\end{flushright}
framed his church's sense of its past, integrating its history into the American terrain and
directing his people's attention beyond the Rocky Mountains to where he believed their
future lay. Besides the Vermont birthplace, Joseph F. Smith directed the purchase of the
Smith family farm in New York, where the boy prophet received his first vision: various
plots of land in Missouri associated with the church's failed attempt to build Zion and
continuing expectations of Christ's second coming; the jail in Carthage, Illinois, where
Joseph and Hyrum Smith were murdered by anti-Mormon mobs; and a cemetery near
Omaha at Winter Quarters, Iowa, dedicated to those who did not survive the forced
exodus from Illinois. Each of these places was a rich mine of Mormon history and, as
such, was a uniquely powerful resource for the constructive maintenance of Mormon
identity under stress. These sites constitute the focus of Mormon monument-building and
pilgrimage to this day.

In addition, Smith's constructive use of the church's more distant and less morally
complicated past was facilitated by the variety of centennials which occurred in the early
twentieth century. beginning as we have seen with Joseph Smith's birth date. Where
centennial anniversaries did not provide the occasion, Joseph F. Smith developed his
own. For example, paramount among identity markers for the Saints was, of course, the
heroic arrival of the pioneers to the Salt Lake Valley on July 24, 1847. Individual
communities sometimes had held celebrations on this date to honor their aging settlers
and Smith's predecessor was known for planning the Pioneer Jubilee in 1897. Smith was
the first, however, to incorporate a ritual celebration of the event into the church calendar.
Not waiting for a centennial occasion, Joseph F. Smith announced in 1905 that July 24th
was to be celebrated annually by the church's Sunday Schools. Typically, he did so with an eye to the future, not the past; on resourcefulness and triumph, not privations and travail: on rights, not wrongs. He personally instructed his people that:

The leading purpose of the celebration is to provide an object lesson to our young people and create within their hearts feelings of patriotism and loyalty for those who pioneered the way to our western homes . . . The object lesson should be given by a procession representing the condition of the Saints when they crossed the plains between the Missouri River and the Rocky Mountains . . . It is not the intention to make every Twenty-fourth of July an occasion for so elaborate a celebration, but it is hoped that it may be sufficiently frequent to keep alive in the hearts and the memories of our youth the instructive lessons of our pioneer life. 88

Thus, the L.D.S. Church is proof of Connerton's hypothesis that "images of the past . . . are conveyed and sustained by (more or less ritual) performances," not merely texts. 89

It is of limited, if any, use for us to construe the Saints' choices during this period as "an intentional response to particular and variable social and political contexts." 90 We can only observe that central to the dynamism of L.D.S. history during the Progressive Era is "inertia" or persistency, as Connerton would call it, or inherent "grammar" or tradition, in Ricoeur's terms, of the forms employed by Joseph F. Smith in bringing his church into the mainstream of modern American life. The point of this chapter is not that Smith invented or planned his way into the solutions which hindsight has shown to be so effective. Like most historical actors he was subject to his share of ironic results and


90. *Id.*, pp. 103-104.
unintended consequences. Certainly, he did not intend a four-year Senate investigation when he sent Smoot to the Senate in 1903. or the five, grueling days he spent on the witness stand at "the seat of war" in Washington.91 And, like most historical interpreters, we cannot know how conscious he was of the power of the narrative and ritual tools he employed to meet the crisis of these unintended consequences. Nevertheless and notwithstanding the variety of intentions and opportunities which competed for causal power in the years during which Mormonism changed, Joseph F. Smith remains key to understanding the present shape of the L.D.S. church. Because he was the consummate product of Mormon tradition, not only by parentage but also by experience, he embodied, in all the ways Connerton would have us understand as habitual, what it was for the Saints to be a "peculiar" people to themselves, not just to the rest of America. Consequently, he was capable of reminding his people of "the instructive lessons of our pioneer life" as well as leading them into modern life.

Conclusion

When given permission to publicize Taylor and Cowley's dismissal, Senator Smoot was advised that the resignations "were not given for your benefit, but for the relief of the Church, and for that purpose you may need to use them and need not hesitate." The final sentence of this exceptionally terse, three-sentence letter provides the only insight into why Taylor and Cowley's forced resignations were deemed "relief" for the Mormon Church: "May the Lord bless you and keep you in your seat in the Senate . . .

91. George A. Smith (Salt Lake City) to Reed Smoot (Washington D.C.) 27 February 1904. Smoot Papers. Box 51, fd. 10.
While the church no doubt wanted peace with the United States government and its citizens and hoped to avert any attempts to constitutionally limit their civil liberties, their plan was larger than this. The ultimate object of the church in the early twentieth century lay beyond the continental United States. Hence, the redesigning of the church during these years was more than a defensive strategy. It was an opportunistic preparation of its message for a larger audience. For Joseph F. Smith this was the church’s divine mandate: "The kingdom of God is here to grow, to spread abroad . . . never more to be destroyed or to cease, but to continue until the purposes of the Almighty shall be accomplished every word that has been spoken of by the mouths of the holy prophets since the world began." \(^{93}\)

By means of monuments, narratives, rituals, as well as exegesis and codes of conduct, the Saints negotiated their passage into the twentieth century as a people identifiable - or in biblical terms "set apart" - for a particular or peculiar, depending on one’s point of view, millennial purpose. For all their changes, the Saints had found ways to maintain their millennial raison d’être and their American citizenship. In the 1906 April conference following the dedication journey, the assembled church was told:

What has been done there [in Sharon, Vermont] is a beginning of the building up of the waste places of Zion. In New York, Chicago, Denver, Chattanooga, Milwaukee, Independence, and many other places there will be mission homes reared for the Latter-day Saints . . . Zion will be redeemed, and the world, which now misunderstands the work of

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92. Francis M. Lyman (Salt Lake City) to Reed Smoot (Washington D.C.) 15 December 1905. Smoot Papers, Box 50.

'Mormonism,' will live to know that it is the power of God unto salvation . . . the work grows apace . . . Those who misunderstand us now will know us better. Those who believe we have selfish motives will be undeceived, and our brothers and sisters of the world, who desire the truth and wish to know what the Lord wants of them, will . . . accept the Gospel. Zion will rise and shine, and will become the glory of the whole earth, the Lord God of Israel has so decreed. 94

At the very time the United States was extending its sovereignty beyond its borders and exercising its diplomatic influence in the internal politics of foreign nations, the L.D.S. Church was also beginning to internationalize. The Saints needed the protection of U.S. law and the benefit of American status as they began to organize an institutional structure in Europe, Asia and Latin America. Its intention to grow had motivated the church to come finally to the bargaining table on its own initiative and renegotiate its identity within the American republic. Like all negotiations, however, this one required each antagonist to give in order to get. Here we have discussed what the Saints gave and their strategies for surviving their losses. Eventually, we must ask what the Saints got and whether they got what they bargained for. But, first, the Protestants will have the opportunity to reconvene the Senate hearing and have one last chance to beat the now dead horse of Mormon polygamy.

“Obedience to law, tolerance of opinion, loyalty to country – these are the principles which make the flag a sacred thing and this Republic immortal.”
– Senator Albert J. Beveridge. 20 February 1907

CHAPTER FIVE
DENOMINATIONAL CITIZENSHIP

In 1905, while the Mormons were planning a trip east to celebrate their identity with the rest of America, the protestors were in the west, seeking evidence of enduring difference. The persuasiveness of their case had been diminished by Smoot’s monogamy and his irreproachable conduct in the Senate. Even Burrows had to admit that "the Senator stands before the Senate in personal character and bearing above criticism and beyond reproach." While the Chairman and Dubois were confident that evidence against the church was sufficient to support anti-polygamy legislation, they were still searching for something that would link Smoot to the wrongfulness of his church. Otherwise, the Mormon apostle might retain his seat. Because of the need for further evidence and Dubois’ belief that the anti-Mormon campaign would be useful to him in his re-election campaign, Chairman Burrows delayed issuing a report to the Senate and reconvened the hearing panel in 1906.


The failure to conclude the hearing in 1905 was a strategic mistake for the protesters, though that can only be seen in hindsight. To the litigants on both sides of the case, the 1905 session appeared to promise or threaten, depending upon their point of view, imposition of those penalties – disfranchisement, confiscation of property, imprisonment – which had defined the nineteenth century’s response to the Mormon Problem. Instead, when all was said and done – all 3,500 transcribed pages of it – the anti-Smoot forces could only muster a one-vote majority for its recommendation to expel the Utah senator. Later, after another year’s delay for political reasons, in February of 1907, the full Senate rejected the majority’s recommendation, and Smoot was accepted into the national legislature, where he remained for thirty years, protecting L.D.S. interests at home and abroad. This result cannot be explained simply in terms of L.D.S. adaptability or weakened Protestantism and gender backlash. The Senate, too, had changed in the previous twenty years.

The rejection of the protesters’ cause and creation of a lasting solution to the nation’s Mormon Problem were enabled by the Senate’s willingness to regulate and, therefore, tolerate aggregations of private power. Ironically, the protesters’ effectiveness in characterizing Mormonism as a monopoly may have undermined their case. First, their evidence of L.D.S. economic and political power, as well as its stubborn cohesiveness, showed that previous efforts to solve the Mormon Problem through warfare and legislation had failed and proved that a new approach was needed. Secondly, the Senate’s contemporaneous experience with attempting to control monopoly power suggested an alternative approach. To mid-nineteenth-century problem-solvers, the Mormon church
was an enemy nation that needed overpowering. Logically, they turned to the army to
effect their policy. Their successors in the late nineteenth-century attempted to
overpower the church through occupation and statute. The Progressive Era Senate was
more pragmatic and more confident of its political power to control rogue institutions,
which were too big and too entrenched to destroy. They could conceive of controlling,
not eradicating the Mormons and their church. Thus, the Senate’s solution to the
Mormon Problem was as much a function of America’s increased comfort level with
domestic power-brokering, as it was the result of diminishing hegemony for
Protestantism and theological compromise by Mormonism.

The Mormon problem was solved finally because the Mormons had figured out
how to act more like an American church and the Senate, less like a Protestant one. As
Smoot’s colleague from Utah and non-Mormon Senator George Sutherland said during
floor debate, the Mormon Problem “was one which must be approached from the
standpoint of practical statesmanship rather than from the standpoint of the religious
reformer.”3 Before the Senate could make its contribution to the problem-solving
process, the Protestant reformers and women’s purity movements had one more chance
to convince the Senate to take more radical action against the church. It was their last
chance, and they knew it. Smoot warned his leaders in Salt Lake City: “the senators are

being bombarded by thousands upon thousands of personal letters. . . . that now is the
time to settle the Mormon question and to settle it for all time.”

Round Three

After a year’s hiatus, the protesters brought a new litigation strategy to the
hearings, which reconvened in February, 1906. This time they intended to prove the
charges in Lielich’s protest: that Smoot himself was a polygamist and had taken a
treasonous oath against the United States. Without abandoning the broader protest by the
Salt Lake Ministerial Association that the Mormon church impermissibly controlled the
inter-mountain economy, interfered in politics, and had an anarchical disregard for the
law, the protesters decided to focus their final efforts on linking Smoot to his church’s
wrongdoing. They extended their argument to allege that the church not only competed
with and placed itself above the state, but also bound its members, including Senator
Smoot, to a treasonous “oath of vengeance” against the state. They convinced a reluctant
Committee on Privileges and Elections to reopen the hearings on the promise of evidence
that Smoot had a plural wife hiding in Mexico.

Smoot was thoroughly exasperated and exhausted, telling his secretary "that it
might be a wise thing for him not to go near the Committee room again, and to let them
do as they want.” His despair was aggravated, no doubt, by Burrows’ refusal to disclose

4. Reed Smoot (Washington D.C.) to Joseph F. Smith (Salt Lake City), 14 January 1906,
Smoot Collection. Box 50, fd. 5.

5. Carl Badger to Rose Badger, 7 January 1906, Badger Collection. Box 2, fd. 1, File:
1298. Since most of the L.D.S. witnesses who could do so had already left the country, it
appears Burrows anticipated more nefarious consequences for those he was calling to testify
about the temple oath.
to either Smoot or his legal counsel the names of the new witnesses for the protestors, "claiming that if the names were known they would be gotten out of the way." This meant Smoot had to rely on rumors and second-hand information from his friends on the Committee to prepare his defense. To make matters worse, the Republican party had lost Salt Lake City's municipal elections, making Smoot fear that he would lose the support of some of those friends, if they lost confidence in his capacity to deliver Utah's vote. His opponents were pressing their advantage by spreading the rumor that the election signaled loss of church support. Most aggravating of all, however, must have been the silence from church headquarters on the fate of Taylor and Cowley.

Because of continuing disagreements within his church quorum, Smoot had not told his colleagues in the Senate about the signed letters of resignation from the two apostles. As late as March and immediately prior to presenting his defense to the new charges, Smoot was receiving letters from other members of the apostolic quorum counseling patience, but only able to promise in double-underlined text: "Action may and I believe will be taken . . .". Of course, as long as the resignations were not

6. Reed Smoot (Washington D.C.) to Joseph F. Smith (Salt Lake City), 9 January 1906, Smoot Collection, Box 50, fd 5.

7. Senator Beveridge's papers contain a letter from Frank Sefrit, Assistant General Manager of the Salt Lake Tribune: "This [the municipal election] was a knock out for Apostle Smoot, and he is about the most hated politician in Utah to-day. The Mormons are roasting him more vigorously than the Gentiles: in fact, he has been lambasted so hard by some of the Saints that a few of us feel like taking sides with him just as a man will the under dog." Frank I. Sefrit (Washington D.C.) to Thomas Shipps (Salt Lake City), 16 November 1905, The Albert J. Beveridge Collection, Library of Congress Manuscripts Collection, Container 151, Washington D.C.

8. Charles Penrose (Salt Lake City) to Reed Smoot, 9 March 1906, Smoot Collection, Box 52, fd. 132 (emphasis in original).
announced, it was possible to preserve the status quo. This is exactly what some in the quorum wanted. Apostle Heber Grant wrote from his exile in England: "It has been my earnest and constant prayer that Brothers Taylor and Cowley might be preserved from the shafts of the enemy. I feel sure that if they were sacrificed that it would only be one more concession and that in the near future something else would be demanded. It seems impossible to satisfy a lion when he has once tasted blood . . ."\(^9\) Rather than be blamed by his church for the fall of two apostles, Smoot continued to face the "lion," while waiting for Joseph F. Smith to act. Given that he believed that without such news he would lose his seat, it is curious that Smoot did not take advantage of the disclosure permission he had received the previous month. He had to have known this allowed for the possibility that Taylor and Cowley would not be required to resign. Thus, his silence may be as direct an answer as he ever gave to the question on everyone's mind: to which did he owe his primary loyalty — to the L.D.S. Church or the U.S. Senate? Regardless of its significance to Smoot, the silence caused even friendly senators to doubt the church's willingness to change and made them feel more exposed politically.

Smoot's letters to church authorities expressed a mounting sense of indebtedness to his brethren in the Senate, as well as frustration with those in the church. The strain of competing loyalties was taking its toll on the senator. He began to worry that he would lose his health over the ordeal and complained of stomach and bowel pains, sleeplessness, loss of appetite, and various other indices of depression. The pressure was becoming

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9. Heber J. Grant (Liverpool) to Reed Smoot, 7 March 1906. Smoot Collection. Box 50, fd. 2.
unmanageable. He felt humiliated by the accusations of public and press, unappreciated by his fellow-believers, terrified by the prospects of failure, and abandoned by many of his brethren. "I would also like to suggest that the [church's] general authorities . . . meet a day in the near future for fasting and prayer. . . ." Smoot suggested to Smith two weeks before the hearing began again. "I am sure some of the brethren would not care to pray for me; but I would like you to impress upon them the fact that it is not me that is in danger, but the church, and they certainly [illegible] pray for it. If they think it is my ambition that has brought this trouble upon the church, I think they ought to have charity enough to ask God to forgive me. . . ."¹⁰ Notwithstanding his anger and anxiety, Smoot's performance in the third year of the hearing was as restrained as in the first two years.¹¹ He continued to conduct his defense within the limits set by the church, which often

¹⁰. Reed Smoot to Joseph F. Smith, 21 January 1906. Smoot Collection. Box 50, fd. 5. Two months later, Smoot is still reporting: "my letters from home often contain reports of unjust and untrue criticisms having been made by leading brethren of the Church against me. Coming from all parts of our State, reported by leading men of the Stakes, it appears that these accusations are a premeditated plan to kill me politically and religiously with the Mormon people. . . . No matter what accusations may be made against me, or what opinions may be expressed as to my actions here, I wish to say that the one thought that has been uppermost in in [sic] my mind has been to win the fight that is being so unjustly waged against the Mormon people through me; and not to retain my seat in the Senate, because of personal advantage, but rather to protect the liberties of our people. Some of the people at home do not seem to understand that my fight is their fight, and a victory for me means a victory for them. . . ." Reed Smoot to L.D.S. First Presidency, 31 March 1906. Smoot Collection. Box 50, fd. 5.

¹¹. There were exceptions, however. Carl Badger reported to his wife the lapse of etiquette: "A little incident happened that will not appear in the proceedings of the Committee. Just before one the session[s] began, Senator Smoot leaned over and called Owen a 'liar', and Owen told the Senator he was no gentleman. This pass took place over the list Owen submitted [of polygamists] and which he said did not contain any mistakes. . . . I have been making an effort of the last three hours to stand up straight." Carl Badger to Rose Badger. 15 February 1906. Badger Collection. Box 2, fd. 1. File: 1298.
meant merely questioning the relevancy and credibility of his opponents' witnesses and saying as little as possible in rebuttal to the facts.

Walter Wolfe, a former professor of geology at Brigham Young Academy, was the protesters' chief witness. He had unofficially "severed [his] connection" with the Mormon church "by refusing to comply with the demand for tithing." 12 At least, he obediently understood it as a severance, since his church president had so denominated any willful failure to tithe. Like so many of the witnesses, Wolfe was not a non-believer, but a disappointed one. His disappointments appear to have begun on an archeological mission to Mexico led by the Academy's president Benjamin Cluff. It had not been a good experience; so bad, indeed, that afterwards Wolfe brought charges against Cluff in a church court. Cluff was, it appears, not only a tyrant, but also a dilettante more interested in keeping company with his plural wife in Mexico than in pursuing his mission with his brethren. Or, as Badger summarized in his letter home to Rose: "He thought Cluff would rather live with his new wife than with Nephite ruins, and, not making allowances for human nature, stirred up quite a fuss." 13 Wolfe's firsthand description of Cluff's polygamous conduct during Smoot's tenure on the Academy's board of trustees undermined Smoot's claim to being a champion of anti-polygamy within the church.

Wolfe was also able to give circumstantial evidence of Joseph F. Smith's knowledge of


13. Carl Badger to Rose Badger, 18 January 1906. Badger Collection, Box 2, fd. 1, File: 1298. The "Nephites" are the protagonists in the Book of Mormon.
Cluff's unlawful marriage. Thus, Wolfe could link both Smoot and Smith to post-manifesto polygamy.

Smoot was vulnerable to Wolfe's testimony. The senior church official in Mexico, Anthony Ivins, who had performed unlawful marriages at the direction of the church's presidency, declined their invitation to perjure himself on the church's behalf by testifying for Smoot\textsuperscript{14}. Unfortunately for the protesters, however, they had new counsel who failed to maximize Wolfe's knowledge of church practices in its Mexican settlements, established in 1885 for the purpose of continuing polygamy. Ivins' own records show he performed at least forty plural marriages after the manifesto and as late as 1904\textsuperscript{15}. In addition, Smoot could show that Cluff had been removed as president of Brigham Young Academy, reducing Wolfe's testimony to an historical anecdote. Finally and probably most importantly, protesters were never able to find another Mrs. Smoot. This left the panel in the same place they had been at the end of closing arguments in 1905: having to decide whether to hold Smoot personally responsible for actions of others and what appeared to be a very few others, at that.

\textsuperscript{14} Reed Smoot to Joseph F. Smith, 12 March 1906. Smoot Collection. Box 50, fd. 5.

\textsuperscript{15} Anthony W. Ivins Collection B-2, 16/7. Utah State Historical Society. See also B. Carmon Hardy, \textit{Solemn Covenant, the Mormon Polygamous Passage} (Urbana: Univ. of Illinois Press, 1992), p. 389, for an annotated list of 220 plural marriages performed after 1890 largely in Mexico. The protesters case appears to have suffered from a change of counsel for the 1906 phase of the hearing. Robert Tayler had received a presidential appointment to the federal bench. After closing arguments the previous year, he was no longer available to represent the protesters. His replacement, John G. Carlisle, the ex-Secretary of the U.S. Treasury, had a poor grasp of the facts of the case and lacked Tayler's commitment to the cause.
In their report to the full senate, the minority on the Committee dismissed the protestors' polygamy case with: "So far as the testimony discloses there have been but few plural marriages since [1890], perhaps not more than the bigamous marriages during the same period among the same number of non-Mormons."\textsuperscript{16} Unsupported by data on bigamy, this conclusion was mere conjecture. To add insult to injury, it was possible to engage in such conjecture only because, as the majority's report showed, "shifts, tricks, and evasions" by the church had frustrated the protestors' access to records and persons, which could prove a more systematic practice of polygamy.\textsuperscript{17} Nevertheless, it remained true that the protestants had not carried their burden of proof. By adopting Leilitch's allegation regarding the L.D.S. temple ritual, they indicated they knew so. If polygamy failed to motivate the Senate, they hoped sedition would.

After three years of testimony, polygamy was becoming old news, and public attention had strayed. Moreover, unlike their judicial counterparts, senators hold hearings primarily to find prospective remedies, not to apply retrospective punishments. If, as promised by Smith, the L.D.S. Church was going to change its ways and, as rumored, discipline wrongdoers Taylor and Cowley, new justification was needed for Senate action. By making the L.D.S. temple oath an issue, the protestors hoped to provide that justification. The Saints were continuing to perform their ceremony and were refusing to disclose it. In addition, Smoot himself had bound himself to the oath and was refusing to disclose it. This refusal, like Taylor and Cowley's defiance of the Senate's subpoena

\textsuperscript{16} Proceedings IV: 502.

\textsuperscript{17} \textit{ld.}, pp. 478-481.
power, could condemn Smoot as one who placed himself above the law and in conflict with his oath of office. Smoot warned his church leaders: "this subject [of the oath] seems to have been revived in the Senate for some special purpose, and this purpose I believe to be the exclusion of all Mormons from holding Federal offices. . . ."  

Wolfe provided the most confidently detailed representation, not based in hearsay, of the L.D.S. temple ceremony. "The law of vengeance is this," he said. 'You and each of you do covenant and promise that you will pray, and never cease to pray. Almighty God to avenge the blood of the prophets upon this nation . . . ."  

Unlike previous witnesses, who were confused on the point, Wolfe explicitly named the "nation" as the object of Mormon vengeance. The drama of Wolfe's disclosure of the "secret oath" was compromised by the evidence of its scriptural basis in the biblical Book of Revelations. Further damage was done, however, when subsequent witnesses were queried on the practical effect of the oath. Senator Knox asked an active L.D.S. witness: "What did you ever do in the line of keeping that vow? Did you ever avenge the blood of the martyrs upon this nation?" "No, sir," he responded. "I have enlisted twice to try to defend the nation."  

Though expressing an unpleasant sentiment, the oath was just sentiment and,  

18. Reed Smoot to Joseph F. Smith, 8 January 1906, Smoot Collection, Box 50, fd. 5.  


20. The King James Version of Revelations 6:9-10 is as follows: "And when he had opened the fifth seal, I saw under the altar the souls of them that were slain for the word of God, and for the testimony which they held: And they cried with a loud voice, saying, How long, O Lord, holy and true, dost thou not judge and avenge our blood on them that dwell on the earth?"  

because it was never expressed in action, was constitutionally-protected, religious belief. Besides, the country was used to secret societies of oath-bound men. Many in the senate belonged to one and were routinely invited to join more. Rev. Joshua Stansfield, D. D., minister, Methodist Episcopal Church, Indianapolis, had recently written Senator Beveridge inviting him to become a mason in "our Lodge – The Mystic Tie."  \textsuperscript{22}

The hearing panel was becoming impatient with its chairman. As the hearing dragged on, it was taking on the appearance of an internecine squabble that threatened to be interminable. Roosevelt himself began to criticize Burrows publicly for not bringing the matter to a close, and some senators thought Dubois "had gone cranky on the subject."  \textsuperscript{23} Finally, seeing the protestors place on the table thirty volumes of L.D.S. sermons, members of the Committee rebelled. They refused to hear sermons on polygamy read into the record so that they could be denounced on the witness stand by

\textsuperscript{22} Joshua Stansfield (Indianapolis) to Senator Albert J. Beveridge, 1 February 1905, the Beveridge Collection, Container 151. The temple ceremony attracted less attention for its easy comparison to the Masons and similar groups. Latter-day Saint turned Unitarian John P. Meakin characterized himself as a "joiner" when he testified on Smoot's behalf and was not exaggerating. "I belong to the Knights of Pythias," he told the Committee, "and am the Past Grand Chancellor of our State. I belong to the Benevolent Protective Order of the Elks, and I served as chaplain for six months. I belong to the Fraternal Order of Eagles, to the Woodmen of the World, to the Maccabees, and I still have standing in the Odd Fellows, but not active." Proceedings 799

\textsuperscript{23} According to Dolliver, Roosevelt confronted Burrows at a dinner attended by several senators, asking Burrows: "how much longer he was going to keep me [Smoot] in suspense, and why he did not bring my case to a close and get the matter settled. Before Burrows could answer, the President look [sic] a hand in the conversation, and Senator Dolliver said that for nearly an hour the President told Burrows just what he thought of him, and everybody else engaged in this unwarranted fight against me . . . ." Reed Smoot to Joseph F. Smith, 9 March 1906, Smoot Collection, Box 50, fd. 5. For Dubois's reputation, see Smoot to Joseph F. Smith, Smoot to Joseph F. Smith, 12 Mar. 1906.
the president of the Reorganized Church of Jesus Christ of Latter-day Saints. The senators demanded that the investigation be brought to a close. Smoot obliged them by placing all seven of his rebuttal witnesses on the stand in one day. The senator had no interest in prolonging the ordeal, other than waiting for action from his church on Taylor and Cowley. Finally, after closing arguments on April 13, 1906, the hearing was adjourned, but not before Smoot got his wish.

On April 9, 1906, at the church's regularly scheduled semi-annual conference and three days before closing arguments by the protesters' counsel, Joseph F. Smith announced the dismissal of apostles Taylor and Cowley on the grounds that they were "out of harmony" with the church. No further explanation was given and none was needed. To replace them and the recently deceased Marriner Merrill, the third of four apostles guilty of post-manifesto polygamy, three monogamous men were presented to the church for its sustaining vote. Making his closing arguments three days later, counsel for the protesters made no mention of polygamy. The signal had been given and received. Of course, Smoot's counsel emphasized the resignations: "So that you will, see

24. Reed Smoot to Joseph F. Smith, 12 February 1906, Smoot Collection, Box 50, fd. 5.

25. Joseph F. Smith, Opening Address, in L.D.S. Conference Reports, Seventy-sixth Annual Conference (Salt Lake City: Deseret News, April 1906). The vagueness of the charge made against Taylor and Cowley was to facilitate their return at a later date. Events overtook intentions, however. There was no way to bring Taylor and Cowley back without reversing the signal that their dismissal had given. The die was cast which would reshape the L.D.S. church. Indeed, in 1910, Joseph F. Smith would begin to extend the application of church discipline to lower ranks of church leadership and be required to excommunicate Taylor and remove certain priesthood privileges from Cowley.

26. The next year, George Teasdale, the fourth culprit, passed away and was replaced by a monogamist also.
gentlemen of the committee, why it is when Mr. Carlisle undertook to discuss the matter which he considered most important, he avoided any reference to polygamy whatsoever."

By frustrating the protestors' case and persuading his church to fire Taylor and Cowley, Smoot had performed his part of the bargain. It was now up to his Republican friends to deliver the vote to keep him in the Senate. The first vote was by the Committee to determine the form of the resolution to be submitted to the full Senate. Only Senator Dolliver of Iowa reversed himself. A favorite of Iowa's powerful women's groups, Dolliver did not want to face their opposition in his re-election campaign and denied Smoot the tie vote he had hoped for. By a vote of seven to five, on June 6, 1906, the Committee recommended Smoot's expulsion. All five Democrats on the Committee

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27. Proceedings IV: 410-434 and 441. Instead, Carlisle addressed the issue of revelation, arguing that the L.D.S. theology necessarily contradicted civil authority and made Smoot ineligible to serve in the Senate.

28. Dolliver had been Smoot's choice to replace the defeated McComas on the Committee in late 1905, immediately prior to the final session of the hearing. Reed Smoot to L.D.S. First Presidency, 12 December 1905, Smoot Collection, Box 50, fd. 4; Joan Smyth Iversen, The Anti-Polygamy Controversy in U.S. Women's Movements, 1880-1925: A Debate on the American Home (Hamden, Conn.: Garland Pub., 1997), p. 222. McComas had sided with the protestor's and his replacement by Dolliver was considered a great boon to the possibility of victory for Smoot forces. Dolliver's contrary vote was cast at a price, since he had promised Roosevelt to vote affirmative. It was a hard decision which earned him the disrespect of his colleagues: "... Dolliver's face was a study when he cast his vote in the Committee; and some of his Republican friends are making him feel the bitterness [sic] of reproach. Crane of Massachusetts said that when a man wanted office as bad as Dolliver, he had better get out of politics. We are informed that the ministers of Iowa telegraphed to Dolliver yesterday morning before the Committee meeting demanding that he vote against the Senator. ..." Carl Badger to Rose Badger, 6 June 1906, Badger Collection, Box 2, fd. 2, File: 1298. When called upon to vote on the floor of the Senate, Dolliver reversed himself again, siding with the Republican majority for Smoot.
were joined Republicans Burrows and Dolliver to form the majority in opposition. The remaining five Republicans voted for permitting Smoot to retain his seat.29

It was a technical victory for the protestors. Two reports were issued, one for each side. The recommendations were submitted to the Republican-controlled Senate on party lines and with no consensus condemnation of the L.D.S. Church. After nearly five years of protest, investigation and debate, on February 20, 1907,30 the Senate voted on resolution number 142 "That Reed Smoot is not entitled to a seat as a Senator of the United States from the State of Utah." When finished, only nine Republicans had broken ranks by voting against their colleague from Utah; three Democrats crossed party lines to vote for him31. Smoot held his seat by a margin of forty-seven in opposition to the resolution and twenty-eight in favor.

29. Senator Depew did not sign the report. Ill in New York, he had agreed to give Burrows his proxy to vote in opposition. Under pressure from the administration, he withdrew it and abstained.

30. Political considerations had resulted in yet another year's delay. This time the Republicans had electoral concerns. Whatever confidence they had in persuading the majority of their colleagues that it was good for the party to accept the apostle-senator, Republican confidence was not strong enough to face the voting public in the fall of 1906. To avoid more defections like Dolliver's, the vote was scheduled for after the national elections. Smoot's chances of retaining his seat were strengthened when Idaho Democratic Senator Fred Dubois lost his re-election campaign. Analysts of his career credit the defeat to Dubois' miscalculation of anti-Mormon sentiment in his home state and to a resurgence of the Republican party in Idaho. See Leo William Graff, "The Senatorial Career of Fred T. Dubois of Idaho, 1890-1907" (Ph. D. Diss., University of Idaho, 1968), p. ix, and Rufus G. Cook, "The Political Suicide of Senator Fred T. Dubois of Idaho," Pacific Northwest Quarterly 60 (October 1969): 193-98. Roosevelt facilitated this result by sending Secretary of War Taft to campaign for the Idaho Republican ticket. The lesson could not have been lost on Smoot's supporters, especially nervous ones like Senator Dolliver, who decided to vote for Smoot after all, when the matter was brought to the floor for a vote.

31. Republicans Burrows, Clapp, DuPont, Hale, Hansbrough, Hemenway, Kittredge, LaFollette, and Smith and Democrats Clark, Blackburn and Daniel were the dissenters. Dolliver not only changed his vote, but delivered a speech in Smoot's behalf.
Several reasons were advanced for this result. Some believed that Smoot's personal qualifications had overridden antagonism towards his church. Senator Bois Penrose of Pennsylvania is reputed to have said: "I think the Senate should prefer a polygamist who doesn't 'polyg' to a monogamist who doesn't 'monog'." Four years in the Senate had earned Smoot the personal respect and, in some cases, affection of his Washington colleagues. He gave God the credit when: "President Roosevelt remarked in a jocular way to me today, that he did not know how it was, but that somehow or other he rather loved me." Smoot's ability to ingratiate himself with the president and some of the most powerful Republicans in the Senate was, without doubt, a boon to his case. It could have only facilitated, however, not created the result of the Smoot hearing. Just as important as friendship was the administration's self-interest.

With Mormon voters able to influence three seats in the House, six seats in the Senate, and nine electoral votes, it is understandable that Smoot's survival was interpreted by others as merely an exercise in party politics. Amazingly, an outraged Dubois, in his final speech in the Senate, accused Roosevelt and the Republicans of being the first to politicize the "Mormon question" and, not so amazingly, promised they would regret exchanging the "moral support of the Christian women and men of the United States" for "temporary political advantage." More dispassionate commentators also


33. Reed Smoot to Joseph F. Smith, 6 June 1906, Smoot Collection. Box 50, fd. 5.

34. Cong. Rec. (59th Cong., 2d Sess.) Vol. 41, pt. 4, 3408 (Feb. 20, 1907). Foraker considered Dubois's speech "the dying wail of a dishonest politician." Reed Smoot to Joseph F.
concluded that Smoot’s “retention was a matter of political expediency rather than for constitutional reasons.” Such conclusions were over-simplifications, expressing more cynicism than understanding. Political interests mattered greatly, but not to the exclusion of other causes.

In particular, “constitutional reasons” had worked to Smoot’s advantage at critical points in the process. He was seated initially and his case referred to committee because of concerns about the Senate’s right to nullify a state’s vote by rejecting a duly elected representative. In final debate, Senator Hopkins of Illinois devoted much of his time to whether the Senate could determine the eligibility of its members on other than constitutional grounds. In particular, he argued, was it wise to hold any member of Congress liable for the beliefs of his church: “If we are to charge a member of a Christian church with all the crimes that have been committed in its name, where is the Christian gentleman in this body who would be safe in his seat?” Of course, first amendment issues, too, were on everyone’s mind from the case’s inception. It is the more obvious for the protestors’ failure to mention it in their complaint, except in the defensive assertion: “We wage no war against his [Smoot’s] religious belief as such.” Of course, the pro-Smoot forces relied explicitly on the constitutionally protected status of religious belief.

Smith. 15 June 1906. Smoot Collection. Box 50, fd. 5.


when defending the non-polygamous, but believing Smoot. As for disestablishment
issues, Hopkins went so far as to remind the Senate that there is no constitutional
prohibition against a state-established religion.

Personal relationships, political leverage, and constitutional rights, all went into
the mix that allowed Senator Smoot to remain. Yet, to a lesser degree, these factors had
been present in earlier confrontations with the nation and had not prevented the
imposition of extraordinarily oppressive sanctions against the church. More is needed to
explain why the Senate could and did vote to legitimize the Mormon church by accepting
one of its clergymen in its midst. It has been suggested in previous chapters that the
Senate had the option of accepting Smoot because Protestant political hegemony was
beginning to wane. In place of the ideal of unified Protestant America, differences were
acknowledged, and federated cooperation was the new goal. While the L.D.S. Church’s
differences were too extreme for participation, they no longer justified for the majority of
Protestants the Church’s expulsion from the federation of states. Regardless of how they
felt about Mormonism, growing differences among the Protestants made them less able to
command from their churches and offer their government the unified political support
needed to oust Smoot. Moreover, the coalition of social reform and women’s purity
movements, which had been so effective against the Mormons in the nineteenth century.
was losing its power to effect government policy. Women’s groups especially were
targets of a new public criticism of the “club woman” and were dismissed as "gone daft in


their determination to strike obsolescent polygamy through unpolygamous Smoot."\(^{40}\) One can take this argument too far, however. A weakened Protestantism was still a formidable one. The Protestants' relocation off-center merely served to crack open the door to social acceptance; it did not pave the way or lend a hand to actual entry. The former had to be done by the church itself, the latter by the Senate.

No solution to the Mormon question could have been attempted, much less obtained, if the L.D.S. Church had not abandoned finally and convincingly its most morally offensive and symbolically differentiating behavior – polygamy. It was not until the final days of the hearing and sixteen years after it had first promised to do so, that the church brought itself and was pushed to this point. But, finally, when it did arrive, the Senate was free to usher the church into the American mainstream. By publicly disciplining two apostles and reconstituting their quorum with monogamous men, church leaders broke the news to church members and convinced the necessary Senate majority that the church would subject itself to the laws of the land, even at the expense of their god's law. In return, the Senate allowed the L.D.S. Church to retain its oligarchical status and broad influence over the lives of its members and their neighbors in the West. Mormonism emerged from the Smoot hearing intact, both politically and economically, but subordinated to the state. This is the solution that has lasted.

* A New Solution for a New Era

The L.D.S. Church was only one of a number of large institutions investigated by Congress at the turn of the century, when it was developing more powerful forms of

\(^{40}\) *The Independent* 62 (January-March 1907): 46.
federal control to manage an increasingly complex society. Typically the scrutinized institutions were commercial, such as Standard Oil Company, the Northern Securities Company, and various other large enterprises that dominated the commodities, transportation and financial markets of the time. After the excesses and conflicts of the Gilded Age, Americans were convinced that some activities and institutions had to be regulated in order to preserve not only the free market, but also a free society. In 1890, the same year the Saints issued their manifesto on polygamy, Congress declared that the market needed to be made less free so that all Americans could compete freely. When moving for passage of the Sherman Antitrust Act, Senator Hoar admitted:

this is entering upon a new and untrodden field of legislation. It is undertaking to curb by national authority an evil which, under the opinions which have prevailed of old under all our legislative precedents and policies, has been left to be dealt with either by the ordinary laws of trade or to be dealt with by the States. The complaint which has come from all parts and all classes of the country of these great monopolies, which are becoming not only in some cases an actual injury to the comfort of ordinary life, but are a menace to republican institutions themselves, has induced Congress to take up this matter.41

Fourteen years later, Senator Hoar was a member of the Smoot hearing panel and considered these same dangers in the context of the free exercise of religion. He was joined by several other Progressives who had confidence in the power of federal regulation to control corporate power. As they sat in judgment on the Mormon church’s economic, political and social activities, Beveridge was imposing federal controls on the meat packing industry, Dillingham drafting legislation against the railroads, and Knox, as Roosevelt’s Attorney General, filing anti-trust litigation against the Northern Securities

Company. All had reason to be particularly informed about balancing public and private power and confident of the government’s power to strike the balance.

Not only was the Smoot panel steeped in monopoly law, but the case as brought to them by the protestors lent itself to analysis in these terms.\(^\text{42}\) As we have seen, concern about the extent of the church’s political and economic control, throughout the western United States and in the individual lives of its residents (member and non member alike), was pervasive in the hearing. The first substantive question asked Joseph F. Smith on the first day of the hearing concerned the extent of the church’s business holdings and his role in directing them. Smith’s answer covered four pages in the hearing transcript and included a variety of inter-connected business and industrial interests: banking, transportation, communications, manufacturing, and merchandising. Given that the church’s assets had been confiscated and not returned until 1892, Smith’s recitation must have been a shock. This had been a quick recovery indeed and showed the church had retained its dominance of the market by more than its purchasing power.

During the hearing, protestors’ counsel elicited from friendly and hostile witnesses alike examples of church power over all aspects of life in the inter-mountain West and employed the same categories as Ida Tarbell did when defining the “ideal trust” or Standard Oil in 1902:

the trust ideal [consists] of entire control of the commodity in which it deals. Its profits have led its officers into various allied interest, such as

\(^{42}\) I am not the first to comment on this theme in the hearing. See Samuel Woolley Taylor, *Family Kingdom* (Salt Lake City: Western Epics, Inc. 1974), p. 199. Taylor, however, limits his conclusion to the ways in which the church’s economic and political activities were characterized as monopolistic.
railroads, shipping, gas, copper, iron, steel, as well as into banks and trust companies. . . . Its power in state and Federal government, in the press, in the college, in the pulpit, is generally recognised [sic].\textsuperscript{43}

According to Tarbell, trusts were characterized by a perfect organization, the rule of one man over the many, secrecy of operations: and apparent invincibility\textsuperscript{44}. The overall effect of a monopoly is to bring people "by slow degrees and easy stages . . . into a condition of bondage and servitude."\textsuperscript{45} Tarbell could have written the script for the Smoot hearing.

Orlando W. Powers, former judge and long-time resident of Utah, was only one of many witnesses who described the church in terms of a monopoly. "Church organization is the most complete and perfect organization that I am cognizant of," he said.\textsuperscript{46} As for secrecy and control, "You have asked me for instances of church interference. They are hard to give, because the church is a secret organization. We see the result; we can not tell always just how that result was attained."\textsuperscript{47} Others, too, concluded that the church's power was complete: "The church never lets go its people even in their leisure hours . . . Pursuing the policy of answering all the demands of rational life, . . ."\textsuperscript{48} In the language of monopoly law, the church's control over the political, economic and personal lives of


\textsuperscript{44} \textit{Id.}, pp. vii: 165-66: 238; and 189-99.

\textsuperscript{45} \textit{Id.}, 259.

\textsuperscript{46} \textit{Proceedings I: 797.}

\textsuperscript{47} \textit{Id.}, p. 886.

its members was complete. It was a conspiracy, both perfectly organized and secret. It operated in restraint of political liberty and social relations, not just economic trade. It was driven by personalities with a desire for absolute power over every element of the believers' lives and sought controlling interest in all elements of the environment in which the church existed. In Senator Hoar's terms, the church was a monopoly that threatened "ordinary life" and "republican institutions." Thus, in its twentieth-century incarnation, the Mormon Problem was susceptible to analysis in the same terms as a variety of monopolist enterprises which the nation had been thinking about for twenty years.

The Progressive stance on monopolies was more of a compromise position than it was popularly understood to be. For all his reputation as a "trust buster," Teddy Roosevelt was not against monopoly power, but for the need to regulate it. In his first address to Congress on December 3, 1901, Roosevelt advocated legislation to abolish abuses without destroying the combinations themselves. In this as in many things, Roosevelt's position was pragmatic. He did not attempt to dissolve large aggregations of economic power, because he did not think it was possible. He did, however, intend to police them. Roosevelt said one might as well try to reverse the Mississippi River as try to stop the growth of large industry in America. But, he added, one could "regulate and control them by levees."49 Roosevelt's point man on the committee, Beveridge of Indiana, also "was not antagonistic to combinations of capital...[but] tried to walk

along the uncharted line of distinction between good and bad trusts . . . "50 In short, arguments that the Mormon church was a monopoly did not win the protestors' case because the Senate was accustomed to dealing with monopolies. The question was whether the church was a "bad" monopoly. Smoot is told as much by Senator Dolliver, who did "not care a snap of his finger about the Church being in business or in politics, for he admits frankly that the Mormon Church is no more in control of politics in Utah . . . than the Methodist Church is in control in Iowa. The only thing troubling him he said was the impression . . . that the Church is . . . only waiting for an opportune time to restore polygamy . . . "51 Polygamy made Mormonism a "bad" monopoly because it threatened republican institutions and ordinary life.

To the general public, polygamy was primarily an embarrassment to civilized people and a vice corrosive of the moral fabric of democracy. But to those who had thought more about it, polygamy masked the greater problem of Mormonism's monopolistic powers. Josiah Strong, one of America's most read and quoted commentators, wrote in his agenda for America at the turn of the century: "Polygamy might be utterly destroyed, without seriously weakening Mormonism . . . What, then, is the real strength of Mormonism? It is ecclesiastical despotism which holds it together, unifies it and makes it strong. The Mormon Church is probably the most complete


51. Reed Smoot to Joseph F. Smith, 26 June 1906, Smoot Collection. Box 50, fd. 5. The following September Dolliver visited Salt Lake City where his hosts convinced him otherwise.
organization in the world.\textsuperscript{52} The completeness of the church's organization power was, in anti trust terms, both horizontal and vertical. Polygamy exemplified the depth and breadth, the private and public extent of the Church's power and its pretensions to self-government at the expense of statutory law.

The measure of the church's horizontal power, or control over all aspects of a person’s "ordinary" life, was that it could command obedience to a principle so contrary to human decency. Having entrapped the believer into polygamous cohabitation he or, more especially, she was ostracized from civilized society. Thus imprisoned, the individual's life was forfeited, and the church's future control was ensured and complete. No Mormon would be free to choose another society and, therefore, had to do the church's will within the society created by polygamy. So said the popular literature of the day\textsuperscript{53}. In addition, the intricate kinship attachments created by polygamy and its defining influence on such personal matters as romantic love and parental nurture could be said to constitute a type of vertical integration which reached down into the most intimate aspects of human experience. Thus, to all America, polygamy was the proof and the


\textsuperscript{53} See Leonard J. Arrington, "Mormonism: Views from Without and Within." \textit{Brigham Young University Studies} 14 (Winter 1974): 143. "More than two hundred book-length accounts were published detailing travel through Mormon country; more than a hundred novels were printed giving fictional accounts of experiences with Mormons; and perhaps a dozen books of anti-Mormon humor were published. . . . In all of these, the Mormons were portrayed as seething cauldrons of sexual passion, cruelty, and fanaticism. See also David Brion Davis, "Some Themes of Counter-Subversion: An Analysis of Anti-Masonic, Anti-Catholic, and Anti-Mormon Literature," \textit{The Mississippi Valley Historical Review} 47 (September 1960): 205-24.
means of the Church’s power in every sphere and upon every level of the believer’s life: political, economic, familial, personal, and public.

This nexus between polygamy and the extent of control over the believer’s life was not lost on the Senate. Though they expressed outrage at the immorality of the Saints’ religion, their primary concern was polygamy’s significance as the marker of the church’s uncontrollable power and contravention of federal law. When the church issued the “Second Manifesto” promising to discipline new polygamous marriages and publically sanctioned leaders who had violated the former manifesto, this was proof that it would obey the law. It still had its “perfect organization.” It kept its secrets and personalities. It still retained more political and economic power in the inter-mountain region than any other institution. It was still a monopoly, but it was not a “bad” one.

Granting Denominational Citizenship

The Republican senators who speak against the resolution to expel Smoot present a unified argument and only differ in their assigned emphasis. They address immediately and at length the question of polygamy, reassuring their colleagues that the problem of polygamy has been solved. The arguments are a recapitulation of the church’s own arguments in the hearing. Not only is “polygamy . . . as dead as slavery,” but “time would banish” cohabitation.\textsuperscript{54} The young generation of the church do not believe in polygamy and would fight it, if an attempt were made to bring it back. Smoot is not to blame for its slow demise any more than “the Presidents of the United States [who] time

\textsuperscript{54} Cong Rec. (59th Cong., 2d Sess.) Vol. 41, pt. 4, 3280, 3278 (Feb. 19, 1907) (Dillingham) and pt 2, 1492 (Jan. 22, 1907) (Sutherland).
and time again in appointing to office Mormons, including governors . . . have maintained
the polygamous relationships." Pragmatically speaking, the leading wrong-doers have
been punished: "deposed from their official positions, expelled from the church, driven
from the country, and are now fugitives from justice." It is not appropriate for the
Senate to ask for more, especially since Smoot himself has always been a champion of
Philander Knox made this case most succinctly: "Mr. President, polygamy is dying out . . .
. . As practical men, should we not be content with that?"

Having disposed of the negative question, the Committee minority begins to build
a positive case. First, they argue that the church has shown loyalty to the government and
contributed to the nation’s social welfare. Smoot has taken no apostolic oath in
opposition to his country, only "some sort of archaic obligation." His fellow Saints also
are loyal, having been "taught love of country and devotion to Republic." Knox carries
the bulk of this argument, rehearsing L.D.S. doctrine and actions that display their
patriotism in hymn and creed. Sutherland adds that Utah was among the first to volunteer
in the war with Spain, and its men were commanded by a Mormon major "as brave and

55. Id., Vol. 41, pt. 3, 3280, 2938 (Feb. 14, 1907) (Knox).
56. Id., Vol. 41, pt. 4, 3277 (Feb. 20, 1907) (Beveridge).
57. Id., Vol. 41, pt. 3, 2939 (Feb. 14, 1907) (Knox).
58. Id., Vol. 41, pt. 2, 1490 (Jan. 22, 1907) (Sutherland).
59. Id., Vol. 41, pt. 4, 3411-12 (Feb. 20, 1907) (Beveridge).
loyal and splendid a gentleman as ever wore the uniform of a soldier. . . ."  

60 Beveridge elaborates by including in the record the names of the Utah volunteers wounded or killed in the war in the Philippines. "The Filipino bullets found no 'treason' in these Utah hearts. How better can men prove their loyalty than by their lives."

In addition, the Mormon church came to the nation's aid during other domestic crises. Mormon missionaries protected the government's property during a recent cyclone in the Society Islands.  

62 The previous year, the church sent disaster aid immediately after the San Francisco earthquake. In sum, Mormons were making a contribution to the nation's social welfare, which demonstrated a commitment to the common good and resembled the purposiveness of contemporary Protestant denominations. Evidence of the contrary could only be mustered by Senator Berry of Arkansas who remembered the slaughter of his neighbors who left for California and never made it out of Utah's mountain meadows alive. That was in 1857. However, four years before Smoot and many others in the chamber were born. No other recent examples of Mormon violence could be found.  

63 The second theme of Smoot's defenders is that the Mormon church is, after all, just a church. Even Mormon belief in revelation and obedience to prophetic leaders is not so different from other churches, argued Senator Dillingham. The church just has "a very

60. Id., Vol. 41, pt. 2, 1500 (Jan. 22, 1907) (Sutherland).

61. Id.

62. Id.

63. Id., Vol. 41, pt. 3, 2681-2688 (Feb. 11, 1907) (Berry).
peculiar method of using that term [revelation] . . . in connection with minor affairs of the church." Revelation to the Mormons is nothing more than a "prayer for guidance and in whatever follows they believe they have that guidance . . . ."64 Moreover, because Smoot has sworn he is not required to obey his leaders' guidance, "members of his church are free agents, and that any one of them has the right to disobey any divine revelation given to the head of the church . . . ."65 Mormonism is a voluntary organization.

Thinking of the Mormons as a church like other churches is, however, a stretch of the imagination for many in the chamber. Therefore, the speakers draw analogies to specific mainstream churches, and the points of comparison define denominationalism. Having shown that participation is voluntary, the defenders point out that any church is clannish when engaged in politics and that many are so engaged. Do not "two Baptists – other things being equal – feel a little more kindly toward each other than they do toward two Presbyterians or two Congregationalists?"66 And, Knox reminded his colleagues. Mormons "are not the only sect whose priesthood meddles with worldly affairs without members being for that reason excluded from Federal offices."67 Besides, creedal positions are largely irrelevant to personal belief, are they not?. Mr. Scott of West Virginia interrupts to ask if the Presbyterian members of the Senate were "accountable . . .

64. Id., Vol. 41, pt. 4, 3273 (Feb. 19, 1907) (Dillingham).
. when many of them do not believe” in their church’s doctrine of infant damnation? If not, then how could Smoot be held responsible for polygamy? When taken too seriously, creeds were a problem for all churches, not unlike the problem the Mormons had, Senator Scott concluded. Senator Hopkins’ argument marginalizes Mormon practitioners of polygamy as “fanatics in this, precisely as Sydney Smith, a hundred years ago, found fanatics in the Methodist Church.” In sum, argues Sutherland, Mormonism is simply a belief system and no crazier than the others: “the melancholy fact runs through all history that nothing has been too absurd, nothing too cruel, to be believed and taught and done in the name of religion . . . you can not reason with a false religious belief any more than you can argue with a case of typhoid fever. It simply runs its course and mental health returns. . . . when the false belief no longer appeals to [the intellect].” A low standard, but one the Mormons could meet.

Having shaped Mormonism into a form that “satisfies the American ideas of a church, and a system of religious faith” the advocates for Smoot make the next logical argument. Both constitutional law and the principle of religious tolerance forbid excluding Smoot on the basis of his religious belief. To do otherwise, is unlawful and un-American. Indeed, to Smoot’s supporters, the hearing itself “reads like a chapter from

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68. Id., Vol. 41, pt. 1, 937 (Jan. 11, 1907) (Scott).
69. Id., Vol. 41, pt. 1, 939 (Jan. 11, 1907) (Hopkins).
70. Id., Vol. 41, pt. 2, 1492 (Jan. 22, 1907) (Sutherland).
the Spanish inquisition . . . .”72 Beveridge offers a final denominational comparison by inviting the Senate to remember the history of religious intolerance against his own Methodists in England and “the terrible, but true tale of the burning of the witches in New England.”73

There was, of course, another side to the debate. Many in the Senate, at least twenty-eight, believed the other debaters for whom Mormonism was “an organization . . . so un-American, so lawbreaking, and law defying that he [Smoot], on account of his position in it, is not fit to represent . . . the people of the United States in this Chamber.”74 The failure to describe here the anti-Smoot argument is not a reflection on its competence. Neither does the restatement of the pro-Smoot argument mean that it is a correct assessment of the facts of the case. It is fairly apparent it was not, at least with respect to the church’s practice of polygamy. Also, the advocate’s characterization of Mormon doctrine differs considerably from the Saints’ own representations, especially regarding the significance of revelation. It is, however, these very disparities that illuminate what the church had to become in order to receive constitutional protection for its doctrines and practices. The value of the advocates’ argument is not that it describes the Mormon church, but that it describes what the state wanted the church and all churches to be – or at least appear to be.


73. Id., Vol. 41, pt. 4, 3412 (Feb. 20, 1907) (Beveridge).

74. Id., Vol. 41, pt. 4, 3405 (Feb. 20, 1907) (Dubois).
Beveridge summarized the basis for granting "religious liberty" to the L.D.S. Church that would apply to non-Protestant diversity for the remainder of the twentieth century:

Obedience to law, tolerance of opinion, loyalty to country – these are the principles which make the flag a sacred thing and this Republic immortal. These are the principles that make all Americans brothers and constitute this Nation God's highest method of human enlightenment and living liberty. By these principles let us live and vote and die, so that 'this Government of the people, for the people, and by the people may not perish from the earth.'

The Senate galleries burst into applause as he finished. Obedience, loyalty, and tolerance are the requirements for constitutional protection. Satisfying the first two criteria was a fairly straightforward proposition, though by no means easy. The Mormons had demonstrated obedience by subordinating their church to the state, through such means as Smith's 1903 address, redefining the "Kingdom of God." and the 1906 punishment of Taylor and Cowley. They had demonstrated loyalty by volunteering to fight the nation's battles and openly contributing to the nation's common welfare through relief efforts.

The requirement of religious tolerance was a more subtle undertaking. To obtain it, the L.D.S. Church had to be tolerant of others. It had to show it "satisfies the American ideas of a church, and a system of religious faith." This meant justifying itself as a voluntary, purposeful society, not a sacramental kingdom. James Talmage's testimony, in 1905, began this work for the church, and the dedicatory trip to Vermont later that same year carried it outside the hearing room. Church leadership would spend the remainder of the twentieth century completing the articulation of Mormon denominationalism.

75. Id., Vol. 41, pt. 4, 3412 (Feb. 20, 1907) (Beveridge).
Nevertheless, what they had done during the hearings was sufficiently reassuring. The majority of senators voted to tolerate Mormons on the same denominational terms they tolerated the variety of Protestant churches. Foreshadowing the liberal state of the later century, the Senate settled for ensuring procedural fairness when faced with competing moralities.
"The spirit of ‘Mormonism’ will be broad and tolerant enough to comprehend the innovations of the times, and it will not be found building arks when arks are not necessary."

– Joseph F. Smith (1906)

AFTERWARDS

The Mormon Problem faded quickly from the nation’s consciousness after the 1907 decision to seat Apostle Smoot in the Senate. Though the anti-Smoot coalition of Protestant ministers and social reformers continued to press Congress for an anti-polygamy amendment as late as 1924, the Smoot hearing proved to be their last hurrah. Subsequent efforts to attract public attention to the evils of Mormonism were wasted on the larger public and merely preached to the choir of churches who found in Mormonism a useful foil for their own sectarian identities. The rest of America moved on, happy to forget about the Mormons and, if reminded, to consider them merely peculiar, not dangerous.

The Latter-day Saints benefitted from the nation’s neglect, becoming one of the fastest growing churches in the United States and abroad by the late twentieth-century. After one hundred years, it is clear that Latter-day Saints have found a way to embrace

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multiple loyalties and publicly display a willingness to subordinate themselves to the state, any state which would allow them to preach their millennial message. Thus, through the Smoot hearing, not only did the Senate finally solve the nation’s problem with the Mormons, but also the Mormons found a solution to their problems with the national governments. To an ironic degree, the church that had been adversely identified with anarchy and sedition became equally defined by the reverse attributes, patriotism and civil obedience:

nothing in the material and temporal order is of more important concern, daily and constantly, than the simple statement that the Mormon Church and its people intensely desire to be known as a law-aiding group. Anyone familiar with their writing or anyone who has had any little contact with them is acutely aware of this positive attitude on the part of the Mormon Church to demonstrate that they are dedicated to upholding the law of the land in which they find themselves . . . .

Regardless of its host governmental system, the twentieth-century L.D.S. Church has applied successfully Senator Beveridge’s formula – tolerance, obedience, and loyalty. Doing so has enabled it to grow from 290,000 Rocky Mountain introverts into an international religious institution of over 10 million members. This was, after all, Joseph F. Smith’s intent in sending Smoot to the Senate in the first place. “The Lord,” he had promised in his inaugural address as president, “designs to change this [negative] condition of things . . . .” and Smoot would be the means of catalyzing change.


Once seated, Smoot remained in the national legislature for thirty years, performing his apostolic mission in the U.S. Senate. He continued to impress his colleagues with his party loyalty, personal productivity, and business acumen. This gave him increasingly greater power in the Senate and intimate access to several presidents. He employed both to cure the church's immigration, missionary, and public relations problems, as well as frustrate attempts to promulgate an anti-polygamy amendment. The most dramatic evidence of Smoot's political power and the church's employment of it came in 1923, when the church sent him on a mission to lobby several European governments that had banned its missionaries, forbade its members to assemble, and enjoined L.D.S. immigration to America. On July 4, Senator Apostle Smoot boarded the ship Leviathan bound for Europe. At the time, he was both chairman of the powerful Senate Finance Committee and a member of the War Debt Funding Commission, and he traveled with a special passport signed by U.S. Secretary of State Charles Hughes. For the next month, Smoot visited the capitol of Great Britain, Denmark, Sweden, Norway, Germany, Switzerland, and France to convince these nations, as he had his own, that Mormons were loyal and virtuous and that their church should receive official recognition.

Because of his status in the Senate and his personal relationship with President Warren G. Harding, Smoot was granted immediate access to high government officials and introduced to opinion-makers in each of the countries he visited, including the heads of the state churches. In London, he met with Prime Minister Baldwin, addressed the prestigious British Pilgrims Club, was guest of honor at a luncheon hosted by the
Governor of the Bank of England, and invited to make his case in the homes of both Lord Beaverbrook, owner of *London Express*, and Sir Edward Hutton, owner of *London News* and the *London Mail*. He spoke on behalf of the church to both the Danish and Swedish cabinets. He met with the king of Norway and swore on his love for his immigrant mother and his honor as a U.S. senator that the Mormons did not practice polygamy any longer.⁵

In one month, Smoot succeeded in ameliorating his church's condition in each of the countries he visited, restraining an adverse press and opening northern Europe to L.D.S. proselytizing. In his final report of their journey, Smoot's traveling companion and junior apostle John A. Widtsoe informed church leaders that "No other man in the Church could have done such work in our behalf."⁶ Widtsoe was right in two senses of the word. Not only was Smoot unique because of his senatorial powers and privileges. He was also uniquely adept at the particular form of L.D.S. piety which blurred the line between the temporal and the spiritual. Possibly "no other" L.D.S. leader of the time had the peculiar mix of attributes that made Smoot a "Pontifex Babbit" capable of equal loyalty to traditional Mormonism and modern Americanism. Smoot continued to work on behalf of his nation and his church until defeated in the 1933 landslide for Franklin D. Roosevelt.⁷ But, by the time Smoot lost his seat, the L.D.S. Church had no more need of

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an apostle in the Senate. The nation had become convinced of the Saints' tolerance, obedience, and loyalty and had bestowed upon them denominational citizenship.

The Smoot hearing's solution to the Mormon Problem has lasted for a hundred years. It endures because, like most litigation settlements, none of the parties got everything they wanted, but they got enough that they could live with the result. The L.D.S. Church obtained protected status, but lost plural marriage; the Protestants preserved their doctrine of marriage, but had to co-exist with Mormonism; and the nation obtained Mormon obedience to federal sovereignty, but accepted the church's "good" monopolistic tendencies. These compromises reveal the new century's turn to political, rather than coercive, methods of social control and its accommodation of religious plurality in the form of federated denominationalism, rather than assimilationist harmony. More significantly, these compromises reveal a negotiation of religious identity and authority that successfully articulated the terms for extending religious liberty to an increasingly non-Protestant and non-Christian citizenry. And, of course, they made it possible for Mr. Smoot to stay in Washington.

\[\text{leaders. Smoot would probably have retained his senatorial office. It appears that some of his brethren never understood the significance of Smoot's work and its relation to his apostleship. Joseph F. Smith, the one man who always understood Smoot's importance and could control Smoot's detractors, had died fifteen years earlier in 1918.}\]
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