The Reed Smoot Senate Investigation: The Trial of the Mormon Church

General Introduction

Alex Baugh

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Professor Neil York
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At the General Conference of the Church of Jesus Christ of Latter-day Saints (Mormon) in April of 1900, a young, middle-aged man by the name of Reed Smoot was sustained by the church membership as a new member of the Quorum of the Twelve Apostles, a high ranking body of twelve men in the church. This body of men, along with the First Presidency, the First Quorum of Seventy, the Presiding Bishopric, and the Patriarch to the Church comprised the General Authorities of the church, the general hierarchy by which the church is governed. Because of this appointment, Reed Smoot and the Mormon Church would become the subject of a four-year investigation into the beliefs and practices of this religious organization by the United States Senate.

Prior to becoming a member of the Twelve, Reed Smoot was active in state politics. He was a loyal Republican and was a noted leader of that party in Utah. With a majority of Republicans elected to the state legislature in the Fall of 1902, and Reed Smoot being the most prominent member of the Republican leadership, he was a natural choice of the party to be their candidate for U.S. Senator. Reed Smoot agreed to be the Republican nominee for senator after obtaining permission to seek the office from the First Presidency and his fellow members of the Twelve. A few years previous, problems had arisen among the church leadership when Elders Moses Thatcher and B.H. Roberts, of the Quorum of the Twelve and the Quorum of the Seventy respectively, ran for national offices without informing their associates of their political intentions and were severely reproved for not gaining the approval of the First Presidency and the Twelve. Upon becoming a general authority, men like Reed Smoot were expected to devote their entire energies to their ecclesiastical callings rather than focusing their interests in areas political or otherwise. However, through what became known as "The Political Rule
of the Church," issued on 11 April 1896, church leaders could seek political offices if the other general authorities granted them permission, and by so doing, relieved them temporarily of their church responsibilities. Reed Smoot obtained such permission and was elected by the state legislature on 20 January 1903, as the junior senator from Utah.

Within six days after his election to office, a formal protest of senator-elect Smoot's election was issued by eighteen non-Mormon men in Salt Lake City stating such a man as Reed Smoot should not be eligible for his senatorial seat because, he, being a member of the ruling authorities of the Mormon Church, "shape[s] the belief and control[s] the conduct of those under them in all matters whatsoever, civil and religious, temporal and spiritual...." In other words, the church in Utah dominated the state in areas which were also political, therefore, there was no such thing as "separation of church and state." Another major charge was made stating that since the Manifesto was issued in 1890 which prohibited any further polygamous marriages by the church, violations had occurred and plural marriages had been performed since 1890. And finally, although church members and especially church leaders were married to several wives before the Manifesto, they continued to cohabitate with these wives. These and other more minor charges were being raised against Elder Smoot and the church in hopes that he would not be seated based upon the idea that since he was a high-ranking official in a church which had such practices, he was not fit for the senatorial seat. These charges were published in newspapers throughout the U.S. and by the time Reed Smoot arrived in Washington D.C. with his certificate of election, he and his church had become the center of attention on the national scene. As we review the past and the outcome of the senate hearings surrounding Senator Smoot, the investigation shifts not only into the life of Reed Smoot but into the teachings of the Mormon Church. The Mormon Church also takes the witness stand.
In 1896, B.H. Roberts, who was a member of the First Quorum of Seventy, was elected to the House of Representatives by the people of Utah and in a manner which would be similar to Reed Smoot's election seven years later, there was much public outcry against Elder Roberts being seated because he was a polygamist. Elder Roberts was denied his seat in the House on these grounds. Reed Smoot, on the other hand, was not a polygamist nor had he ever entered into such a practice, therefore; it was determined by the senate that he be given his seat, but an investigation into the charges would be shortcoming. On 16 January 1904, the Smoot hearings were opened in what was to be a two-and-a-half year investigation. The investigation was to be conducted by the Committee on Privileges and Elections and through the years of investigation, thirteen senators would hear arguments and testimony concerning the truths and falsehoods of the charges which would later fill four volumes containing some 3,429 pages.

As the hearings progressed, it became evident that the issues centered on the beliefs and practices of the Mormon Church, but, since Reed Smoot was a member of the Mormon hierarchy, these issues were applicable to him in his battle to keep his seat. The witnesses consisted of both non-Mormon and Mormons, but foremost among the witnesses were the church leaders who were summoned to testify. Among those summoned were: B.H. Roberts of the Quorum of Seventy; John Henry Smith and Francis M. Lyman, both fellow members of the Quorum of the Twelve; Moses Thatcher, now a former member of the Twelve; and most noted of all, Joseph F. Smith, the President of the Church.

The testimonies of the witnesses no doubt shocked the Washington diplomats, mainly because they were unaware of the details concerning the practices of the church, especially that of polygamy. Polygamy became the major issue of the hearings. Although it was confirmed that there had been a few isolated cases of plural marriages being entered into since the Manifesto was issued stating there would be no more such marriages authorized by the church, what alarmed these congressmen and others
like was that the church leaders and members openly confessed of continuing to practice or to live what was termed polygamous cohabitation. To these senators, this was a violation of the law. Apparently, these officials were ignorant of the fact that when the Manifesto was issued it was generally agreed by both Mormon and non-Mormon parties and officials that the Mormons would indeed cease to solemnize any further plural marriages but at the same time the polygamists could continue to live with their polygamous wives and families and take care of them. It was felt with an agreement such as this, the polygamists would no longer be prosecuted against, they could provide for their families, and eventually polygamy would die out. But, for some reason since 1890, very few people outside the Rocky Mountain region were aware of the agreement. Once this was understood, the polygamy charges tended to no longer be an issue in the hearings.

When the hearings were concluded on 11 June 1906, the Committee on Privileges and Elections issued a report and a resolution which stated that Reed Smoot should be denied his seat in the senate. The report states only one reason why Senator Smoot should be excluded from the senate. The reason was, "...that the...first presidency and twelve apostles (sic) do now control, and for a long time past have controlled, the political affairs of the state of Utah...and.... Reed Smoot comes here not as the accredited representative of the state of Utah in the senate of the United States, but as the choice of the hierarchy which controls the church and has usurped the functions of the......state of Utah."

Luckily, Senator Smoot was not without his supporters. Five men on the committee issued their own findings known as the "Views of the Minority" which contained logical reasons based upon the evidence from the hearings against the resolution that Reed Smoot be denied his seat. The case made it to the floor of the senate six months later and debate on the issue was opened on 13 December 1906. The vote on the resolu-
tion was called for after the issue had been debated for about two months on 20 February 1907.

It is interesting to note how the resolution against the seating of Senator Smoot was written. It was worded, "Resolved, That Reed Smoot is not entitled to a seat as a senator of the United States from the state of Utah." Since the resolution was written with the word entitled rather than the word excluded, Senator Smoot could have lost his seat by a simple majority vote rather than a two-thirds vote which the Constitution requires for expulsion. This would have made it easier for the senate to deny Senator Smoot his seat. However, an amendment from a Senator Hopkins of Illinois changed the wording to read: "Two-thirds of the senators concurring therein...," thus helping Senator Smoot's chances. As things turned out, it would not have mattered anyway because the resolution was defeated by a vote of 28 yeas, 42 nays, and 20 who did not vote. The minority vote was accepted and Reed Smoot secured his seat.

Several consequences resulted from the Smoot hearings. Perhaps the most significant were actions taken by President Joseph F. Smith. After testifying in Washington, President Smith issued his own declaration, later to be known as the "Second Manifesto." The hearings had brought out that fact that some plural marriages had been performed by some church officials since the 1890 Wilford Woodruff Manifesto had been issued, although no such marriages were sanctioned by the church. At the April 1904 general conference of the church President Smith stated in even firmer tones that no such marriages (meaning plural marriages) would be authorized by the general authorities and if anyone attempts "...to solemnize or enter into any such marriage he will be deemed in transgression against the church, and will be...excommunicated therefrom." Two members of the Twelve, Matthias F. Cowley and John W. Taylor, disagreed with declaration and resigned their positions from the quorum.
Secondly, the church gained new respect from the proceedings. The Mormons came to be viewed with greater admiration and recognition from both the public and the government because of the type of loyal, god-fearing, people they were and the principles they adhered to.

Thirdly, the government came to realize that polygamy was "on its way out" and the church had no intentions whatsoever of keeping the practice alive.

And finally, the most obvious result was that Reed Smoot retained his seat— a seat he would hold for thirty years! Senator Smoot became so well known, loved, and respected by the people on Capitol Hill that they gave him the title of "Mr. Republican." His party had such admiration and confidence in him that they requested on two occasions that he be their nominee for president. Senator Smoot refused both times because the party wanted him to denounce his religion and he was noted to have said, "If I had to take my choice of being a deacon in The Church of Jesus Christ of Latter-day Saints, or being President of the United States, I would be a deacon;" thus demonstrating the great love he had for his church. President Herbert Hoover in 1932 was also known to have said of him that,"[Reed Smoot] knew more about government than any other man." That was indeed a great compliment for a man who almost did not even get to serve out his first term as the senator from Utah.