Cowley Affair and the Watershed of Mormon History

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Concerning the disposition of escheated church properties. Pressed by U.S. District Attorney Charles S. Varian to declare on which side of the law the Mormons fell, Woodruff said the Manifesto should be understood as applicable to both future and existing polygamous marriages. In other words, contrary to earlier assurances, he was brought to say that neither new polygamous marriages nor continued cohabitation with the wives of earlier marriages would any longer be permitted by the church. Woodruff later explained to the Quorum of Twelve Apostles that he had been placed in such a position that he could not have answered other than he did.

Funeral of Wilford Woodruff, 1898, in Salt Lake Tabernacle. Ambiguities in his 1890 Manifesto clouded Mormon thinking on polygamy. USH collections.

While many unquestionably ceased living with their polygamous partners after 1890, using those leaders who testified before Congress at the time of the Smoot controversy as a guide, it seems safe to infer that a considerable number, especially among those at the highest levels of church leadership, did continue to cohabit with their plural wives. This, as much as anything, must have confused common lay members as to what church authorities honestly expected of them. As some later attested at the Smoot hearings, not only was there a lapse of a year (some remembered it as two) before President Woodruff indicated that the Manifesto was to be understood as prohibiting polygamous cohabitation, but this particular interpolation, unlike the Manifesto itself, was never submitted to an assembly of the church for its official acceptance.

To compound the predicament, the First Presidency and most of the Quorum of Twelve Apostles accepted special grants of presidential amnesty, promising thereby to obey the Edmunds Act, including the provisions regarding unlawful cohabitation. The prospect of embarrassment arising from conflict between many authorities' polygamous lifestyles and their contrary public assurances led at least one LDS apostle to suggest that a new and revised Manifesto be issued to harmonize church behavior on the question. Failing that, and with the continuation of the Doctrine and Covenants of any Manifesto at all, it is hardly surprising that questions would arise as to the church's real intent.

If unlawful cohabitation was the major source of Mormon-Gentile conflict during the 1890's, so far as the Manifesto and Mormon marriage practices were concerned, the decade nevertheless witnessed greater calm in Utah than either of the ten-year periods preceding or following it. With few exceptions, non-Mormons seem to have been initially pleased with the Manifesto, believing that polygamy and unlawful cohabitation both would now suffer a happy, if gradual, demise. The result was that until after the achievement of statehood in 1896 something of an era of good feeling emerged. Mormons interpreted this as an "understanding" with Gentiles, as permission by implied consent that continued cohabitation would be tolerated so long as new polygamous marriages came to an end. This impression was reinforced by certain political events accompanying Utah's passage from a territory to statehood. 11 Then, in 1898, Utah's criminal code was revised to include a statute specifically outlawing unlawful cohabitation. More troubling, a new journalistic onslaught commenced, accusing the church of bad faith. 12 This was followed by the B. H. Roberts case in 1900 and, from 1904 to 1907, by the investigation made in Congress of Sen. Reed Smoot. The peace, beginning to crumble in the late 1890's, was now shattered. From 1900 until the disposition of the Smoot case in 1907, the Mormon question was again before the nation's eyes. This burst of renewed inquiry was to reveal that not only had polygamous cohabitation continued but, more disturbing, the performance of new polygamous marriages, including some by apostles, had taken place as well.

Many of the problems affecting Mormonism near the turn of the century, and certainly those leading to the Taylor-Cowley affair, began with vague and conflicting interpretations surrounding the Woodruff Manifesto in 1890. Problems with the document's language were chiefly two in number. To begin with, did President Woodruff intend by his declaration that, beyond the taking of new wives, those presently living in polygamy should no longer cohabit with any but the first or legal spouse? On this matter, the Manifesto was silent. Secondly, there was a question as to the jurisdiction of the document. The Woodruff statement said only that it was the president of the church's "advice" to [p.7] members not to enter polygamous marriages "forbidden by the law of the land." Beyond the question of how much weight should be attached to the word "advice," did this mean that Mormon polygamous marriages might be contracted in lands where it was not against the law? Both issues proved troublesome and were destined to vex many both in and outside the church. Generally speaking, the matter of continued cohabitation with pre-Manifesto wives was the dominant reason for friction with non-Mormons during the first decade after the Manifesto was published. Although there were exceptions, the question of new polygamous marriages became ascendant only after 1900. This paper is devoted primarily to a consideration of the latter issue; however, a brief review of the difficulties associated with cohabitation will illustrate the confusion of many in the church concerning the Manifesto and so act as a preface to the more serious question of new plural marriages.

Since the Manifesto said nothing about unlawful cohabitation, the first assumption by church members must logically have been that they might rightfully continue to live with their existing plural families. President Woodruff himself was reported to have originally taken this view, telling the Quorum of Twelve Apostles: "This manifesto only refers to future marriages, and does not affect past conditions. I did not, could not, and would not promise that you would desert your wives and children. This you cannot do in honor."

2 The difficulty, of course, was that those taking this stand were yet criminal before the law. Since 1882 unlawful cohabitation, rather than polygamy or bigamy per se, had been the chief means by which so many Mormons had been sent to prison, forced to go "underground," or led to flee to foreign lands. 3 In this sense, the Manifesto was incomplete and begged amendment if Gentile demands for a cessation of all polygamous activity were to be met. This was precisely the dilemma faced by Woodruff when called to publicly testify before Master in Chancery Loobbourouw in 1891 concerning the disposition of escheated church properties.
II

It has long been acknowledged that a few church authorities continued to involve themselves in the contraction of polygamous marriages [p.11] after the Manifesto.13 To date, however, there has been no attempt to examine the extent of this activity nor to describe how it occurred. This is important, especially as it relates to the apostles, because it bears so directly on an understanding of the Taylor-Cowley affair. The participation of high church authorities in post-Manifesto polygamous marriages went well beyond the activities of these two men. By demonstrating the organized, purposeful extent of that involvement it will be clear that, by accusing Taylor and Cowley of being "out of harmony" with their brethren, the apostolate, in eliminating them from the quorum, acted at least partly in an ulceror or symbolic way. Finally, the difficult, clandestine resorts to which the church found itself reduced by continuing the practice of polygamy during the years 1890-1904 demonstrate how dearly held the tenet was. That the period presents itself as one of tortuous, halting disengagement, involving men at every level of the church, reinforces the interpretation of the time as one of radical doctrinal change.

John W. Taylor appears to have been the first apostle to marry polygamously after the Manifesto, espousing Janet Maria Woolley as his third wife on October 10, 1890, just four days after the Manifesto was presented to the church in conference. As Janet recalled, the ceremony was performed by Taylor's fellow apostle, Francis M. Lyman, as they drove around in a carriage in Salt Lake City's Liberty Park at night. Taylor further increased the number of his wives to five when, on August 29, 1901, he married two half-sisters, Rhoda and Roxie Welling, both on the same day. Matthias F. Cowley performed the weddings at the Taylor home in Farmington, Utah. According to Janet, Taylor was given permission to marry the Welling girls by Joseph F. Smith one day at the temple, Smith speaking in parables.14

The polygamous marriage of Abraham H. Cannon probably stirred more controversy at the time of the Smoot hearings than any other. Cannon's plural wife Wilhelmina told the Senate committee how her husband had admitted to her his intention of marrying Lillian Hamlin in the early part of June 1886. Despite his plan to marry the new wife on the high seas, outside the United States as he saw it, Wilhelmina objected to the propriety of the marriage nevertheless. But Abraham [p.12] persisted, asking Wilhelmina to prepare his luggage as he was leaving town with Joseph F. Smith. He then left by train for Carson City, Nevada, on June 18, 1886. The next day Joseph F. Smith left for what was reported as "a visit through the North," accompanied by one of his wives. These four, Joseph F. Smith, his wife, Abraham Cannon, and Lillian Hamlin, met in Los Angeles and proceeded with a small party of others on an excursion to Catalina Island. On the steamboat, as generally understood by both the Cannon and Hamlin families, Abraham was married to Lillian. Apostle Cannon returned to Salt Lake City on July 1, desperately ill, and died a few weeks later. Before dying, Abraham admitted to his wife Wilhelmina that he had, indeed, married Lillian.15

Abraham H. Cannon, George Teasdale, A. O. Woodruff, Brigham Young, Jr., and Marriner Merrill were among the LDS leaders who contracted post-Manifesto polygamous marriages. UHS collections. [p.13] Another post-Manifesto polygamous marriage by a Mormon apostle, and like Abraham Cannon's performed at sea, is that of George Teasdale. Teasdale's bride was Marion Scales whom he took as his second living wife on October 25, 1897. As with Abraham Cannon, Teasdale and fellow apostle Anthon H. Lund were reported as absent from Salt Lake City on a church assignment at the time of the marriage. Again, despite later denials by President Smith at the time of the Smoot hearings, there seems to be no question but that Teasdale was married to a plural wife, "On the Pacific Ocean," as church records have it, several years after the issuance of the Woodruff declaration.16

Abraham Owen Woodruff, son of Wilford Woodruff, also took a plural wife after the Manifesto. Born on November 23, 1872, and ordained an apostle on October 5, 1897, Woodruff at age twenty-four was the youngest quorum member at that time. In 1897 he married Helen Winters as his first bride. Then, about 1903, he took twenty-one-year-old Eliza Avery Clark as a plural wife. This case is interesting because it has been said that Avery, living with her family in Wyoming, was already engaged to a young man when approached by Woodruff and Cowley. They spoke to her of the blessings she would receive by marrying Apostle Woodruff in polygamy. Avery was persuaded; she is supposed to have broken her engagement and married Woodruff, the ceremony being performed by Matthias F. Cowley in Preston, Idaho. Avery then took up residence in a Mormon community in Mexico where her marriage to Woodruff was less likely to be discovered.17 This [p.14] instance has particular significance, not only from the prior Cowley and Woodruff obviously urged should yet be attached to the principle of polygamy in their talks with Avery but from the fact that Woodruff might be looked to as at least indirectly representative of his late father's views on the subject. It is likely that Apostle Marriner W. Merrill was also joined to a plural wife, well after the Manifesto, by Cowley. Hilda Maria Erickson, a Swedish immigrant who had arrived in Logan, Utah, in 1889 consented to the marriage with Merrill which probably took place in the Logan Temple in 1901. Although Merrill later denied to the Smoot investigating committee that he had married Hilda after the Manifesto, the evidence strongly suggests otherwise. He had also performed the ceremony for his son, Charles E. Merrill, when the latter took a plural wife in 1891.18

Matthias F. Cowley, perhaps the most active advocate of polygamy among church leaders, took two additional wives after the Manifesto. The first was Harriet Bennion of Salt Lake City, a woman who had been widowed years before. This marriage occurred in the Logan Temple in 1899. When later asked to say who had performed the ceremony, Cowley replied: "Brother [Marriner W.] Merrill put me under a solemn covenant binding me not to tell; I was married in the Logan Temple, so leave you to guess the rest." Since Merrill was temple president at the time, the inference is clear that it was he who solemnized the marriage. Cowley's second post-Manifesto marriage was to Lenorah Mary Taylor whom he married in 1905 as his fourth and last wife. In this case the wedding occurred in Canada, the ceremony being performed by a local Mormon patriarch.19 [p.15] Finally, it is probable that Brigham Young, Jr., another apostle, took a plural wife after the Woodruff Manifesto. The woman involved was likely Hellen Armstrong, although that is uncertain. Matthias F. Cowley, at the time of his hearing in 1911, said only that he had joined Young to a plural wife, as he remembered, sometime in 1902. The probability of Young's complicity in the skein of post-1890 polygamous marriages by apostles is increased by the fact that he, like others of his brethren, likely performed at least one polygamous marriage ceremony himself during these years.20

There is, then, evidence of ten polygamous marriages by seven different Mormon apostles after 1890. There may have been more. Whatever the actual count, it is clear that many of those presiding in the highest echelons of the church either took a very qualified view of the Manifesto or, as some believed, looked upon it as no more than a ruse.21 That these marriages were not occurrences of an entirely private nature, consummated apart from the knowledge and approbation of other authorities, as President Joseph F. Smith claimed in his testimony before the Smoot committee, is clear if one examines the procedures by which such marriages were authorized and governed.
Since according to Mormon theology, the president of the church, or his designee, alone holds the keys to bind and loose marriages for [p.16] eternity, his consent is and always has been necessary for such marriages to be performed. The involvement of the president and his counselors in the marriage ordinance, especially when it required permission for taking additional wives, is illustrated by an instance from the life of Abraham Cannon. His father, George Q. Cannon, a member of the First Presidency, was deeply grieved that Abraham’s brother David had died leaving no children. In a manner somewhat like the levirate practices of the ancient Hebrews, Cannon told Abraham he wanted him to take another wife and raise up seed by her in behalf of his deceased brother. Abraham was receptive to the idea, and one day while in the church president’s office, suggested that he should marry his cousin Annie. This occurred in October 1894 in the presence of his uncle Angus (father of the girl), his own father, and other members of the First Presidency. All seemed pleased, providing Annie was willing. President Woodruff and Joseph F. Smith both saying they approved so long as the ceremony could be performed outside the United States, preferably in Mexico. Although there is no evidence that this particular marriage actually took place, it illustrates how permission for such marriages was obtained.22

Direct authority from the president was unusual, however, since it was administratively impossible to rule on every such request in a growing church. So far as polygamous marriages are concerned, George Q. Cannon, first counselor, seems to have been chiefly responsible for granting permission for such contractions until his death in 1901. Cowley later stated that Cannon told him he had received authority to sanction plural marriages from Wilford Woodruff. Cowley further testified that Joseph F. Smith told him on two different occasions that George Q. Cannon was given such authority because President Woodruff “didn’t want to be known in it.”23 Subsequent leaders seem to have been loath to change the pattern established by Woodruff and chose to leave the matter of polygamous marriages in Cannon’s hands. After Cannon’s death, it is unclear whether the resumption of all authority in such matters was undertaken by President Joseph F. Smith or if, as before, it was delegated to someone else.24

[p.17]

George Q. Cannon granted permission for plural marriages. USHS collections.

The permission for such marriages to be performed seems to have rested on the notion, mentioned earlier, that if taken literally the Manifesto did not forbid polygamy among Mormons residing where there were no laws prohibiting it. It is true that, as with the matter of continued cohabitation, Woodruff, subsequent to the issuance of the Manifesto when testifying before the master in chancery, said that the interdiction was to be understood as universal, as applicable to Mormons throughout the world.25 Whether it was because this interpolation, like that relating to continued polygamous cohabitation, was never presented for ratification before a church conference or because church leaders never honestly intended to end the practice, new polygamous marriages continued to be performed, chiefly outside the land boundaries of the United States.

We have already shown that in the cases of Apostles Abraham Cannon and George Teasdale the ceremonies solemnizing their polygamous marriages took place at sea. Most who sought to engage in plural marriage, however, seem to have done so in Mexico or Canada, usually the former. A number of Mormon colonies had been established south of the border, beginning in the mid-1880s, for the purpose of providing a resort for those harried by prosecution under federal and territorial antipolygamy laws in the United States. The same is true of settlements in the Canadian province of Alberta. Both regions were used as havens for polygamist Mormons, but Mexico seems to have been most favored by those wishing to contract additional marriages in the post-Manifesto years. Many seem to have believed that laws prohibiting polygamous marriages did not exist in Mexico. This was widely accepted at the time and continues to be an explanation given as to why Mormons went there for the purpose of acquiring plural wives. In fact, polygamy, or matrimonio doble, was and always had been a crime in Mexico. Such laws existed in Canada as well. But the Mexican government, then as now, took a far more lenient view of laws relating to sexual relations than law enforcement officers in either Canada or the United States. Additionally, Mexican officials at the national level, at the time of the Mormon entry, were quite willing to subordinate whatever reservations they felt about Mormon domestic manners to the more important goal of allowing industrious settlers to colonize vacant lands along the border.26

Although polygamous marriages had been performed on a random basis by visiting apostles or local church authorities in Mexico during the early years of the colonies’ history, in the mid-1890s this authority largely came to repose in a single ecclesiastical official, Anthony W. Ivins. Ivins was sent to Mexico to act as the stake president or leading church authority over all Mormons there in 1895. Though not a polygamist himself, Ivins was told before going to Mexico that he would occasionally be called on to perform such contractions for others. He was given special authority by the First Presidency to “seal” polygamous spouses to each other in Mexico away from the reach of United States law. A form letter was agreed upon which, when presented by a couple wishing to be so joined, would apprise Ivins they had previously obtained consent from the First Presidency, usually George Q. Cannon. Walter M. Wolfe later described the procedure involved when one of his students at the Brigham Young Academy, Ovina Jorgensen, consented to become the polygamous wife of William C. Ockey. She told Wolfe that Ockey had [p.19] approached Woodruff who refused to grant permission for the marriage. On a subsequent visit with the president by both Miss Jorgensen and Mr. Ockey, Woodruff said he would have nothing to do with the matter but referred them to George Q. Cannon. Cannon then gave the couple a letter addressed to Anthony W. Ivins who, when contacted in Mexico, was said to have performed the marriage there in the summer of 1897.27

Although Ivins at the time of the Smoot investigation was reported to have destroyed materials associated with his responsibilities in this regard, certain pieces of evidence have survived. These include copies of what appear to be two form letters used in such cases and, most important, an actual record of more than forty polygamous marriages performed by Ivins between 1897 and 1904. These documents, in company with private memoirs, genealogical data, and findings generated by investigations such as the Smoot case, provide a persuasive, complementary record of officially sanctioned Mormon polygamy in the post-Manifesto years. In all of this, it bears repeating, the First Presidency and the apostles were involved and aware. Permission to solemnize a polygamous marriage, whether by direct word or by letter, had to proceed from the First Presidency if it were to be efficacious. Neither Ivins, Cowley, nor anyone else might properly act without such permission; and both these men, at the very least, refused to marry couples in polygamy who were without it.28

Anthony W. Ivins, shown on his horse Blanco, performed post-Manifesto polygamous marriages in Mexico. USHS collections. [p.20]

Polygamy cost B. H. Roberts, top, his seat in Congress in 1900 and
involved Reed Smoot, bottom, in a three-year Senate controversy. USHS collections.

III

As already indicated, the first few years of public amity following the issuance of the Manifesto were, unhappily, succeeded by a renewal of conflict over the question of unlawful cohabitation. The first major episode of this kind occurred in 1900 when B. H. Roberts was denied his seat in Congress on grounds of continued cohabitation with his plural wives. It was alleged at that time that Roberts and other church leaders had betrayed the compact made with the nation that had led the federal [p. 21] government to return church properties, restore the franchise, bestow pardons, and admit Utah into the Union as a state. Clearly, church officials had assumed too much in their view of the early calm as approving continued cohabitation with pre-Manifesto wives. In addition to the Roberts case, a number of articles appeared in public journals attacking the Mormons for going back on their word. With this kind of notice, President Lorenzo Snow, who had succeeded Wilford Woodruff upon the latter's death in 1898, took a more conservative stand regarding polygamy. For a time, the number of plural marriages performed within the church sharply declined.29

The Smoot hearings more than anything else brought continued Mormon polygamty to public attention and stoked the embers of the old question into flame. Reed Smoot, one of the church's apostles, declared his candidacy for the United States Senate in 1902 and then the Senate in early 1903 was elected to the office by the Utah legislature. Protests and petitions were prepared almost immediately demanding that Smoot not be allowed to take his seat. A number of charges were made, including the assertion that he and his brethren in the ruling councils of the church had continued to approve the practice of polygamy.30 The Senate Committee on Privileges and Elections commenced hearings in January 1904 and for the next two and a half years examined evidence from a wide variety of sources bearing on the question of political and polygamous activities by the Mormon church. Although some of the allegations were clearly false, those who prepared and were friendly to the charges succeeded in bringing evidence to light establishing both continued cohabitation and new polygamous marriages by apostles and others in the church.

The Smoot controversy not only took an extraordinary length of time to complete (January 1904—February 1907) but ranged far beyond the immediate question of Smoot himself. The more than three thousand pages of inquiry concerned itself with Mormonism, its history, theology, and culture. It was the church, more than Reed Smoot, that [p. 22] was on trial. Friends and enemies, high church officials including President Joseph F. Smith, as well as common lay adherents were examined regarding everything from hearsay concerning secret polygamous marriages to the nature of oaths and covenants made by those entering Mormon temples. It seems doubtful, except for persecutions and drivings suffered in the early years of the church, that Mormonism has ever experienced a more dramatic moment. While a great deal of attention was devoted to alleged commercial and political domination by the church, it was polygamy that the committee returned to again and again, sensing the newsworthiness of the topic.

Unfortunately, the testimonies of President Smith and most of the authorities willing to appear did little to help the Mormon cause. Not only did they plead an incredible ignorance concerning the polygamous activities and status of fellow apostles but admitted, in their own cases, to having cohabited and fathered children with plural wives since the Manifesto. More than that, the church president said he was not able to pursue charges against the apostles or other church members with a view to bringing the practice of polygamy to an end. This, he said, was a matter left to the local wards and bishops' courts. It was shown that, unlike the revelation sanctioning plural marriages, the Manifesto suspending them had not yet been included in the official book of commandments, the Doctrine and Covenants. As awkward as anything, many accused of either taking additional plural wives or performing the ceremony for others left the country, claimed illness, or otherwise refused to appear in Washington. In consequence, some of those most faithful to the church expressed "profound surprise" over discoveries and admissions generated by the committee's research.31

[p. 23] While confessing to continued cohabitation, President Smith repeatedly and categorically denied that he or either of his predecessors (Wilford Woodruff and Lorenzo Snow) had authorized new polygamous marriages since the Manifesto. Neither had any such contractions taken place with the "consent or knowledge or approval of the church." He was emphatic in denying that "secret" marriages of this kind had occurred anywhere in the world with official Mormon sanction. If some were shocked by the president's admissions concerning cohabitation, others must have been dumbfounded that he would endorse what many in the church knew, and increasing numbers outside the church believed, to be a fiction so far as the denial of new polygamous marriages was concerned. This was certainly what led E. B. Critchlow to say that, in the face of so much evidence, Smith must be employing his words differently from the way people ordinarily use them. However bold, those testifying for the church stubbornly adhered to the same story.32

Joseph F. Smith was the first witness to appear at the Smoot hearings. Questioning was pointed and Smith's response, as already described, resulted in impressions unfavorable for the Mormon cause. Undoubtedly, this led him, in the month following his testimony, to present a special declaration to the church at its semiannual conference in early April 1904. This statement is often referred to as the "Second Manifesto." Traditionally, this document has been explained as a reaction on Smith's part to discoveries only recently brought to his attention concerning polygamous marriages by a few scattered zealots. These individuals, by inference, were responsible for the embarrassments arising from the Smoot hearings. The 1904 declaration is usually described as a final warning given those who had displayed so independent an attitude in the matter.33 But a literal reading of all that Smith said suggests it was, [p. 24] rather, an effort to summon and project support for what he had claimed in Washington. After repeating the allegation that polygamous marriages had been undertaken since 1890, Smith again affirmed that no such marriages had occurred with the consent or approval of the church; that plural marriages were prohibited; and that transgressors of this rule were liable to be excommunicated. Then, he followed these remarks with the words:

They charge us with being dishonest and untrue to our word. They charge the church with having violated a "compact" and all this sort of nonsense. I want to see today whether the Latter-day Saints representing the church in this solemn assembly will not seal these charges as false by their voice [italics added].34

Having just emerged from the ordeal in Washington, with rumors at his back, President Smith was clearly seeking to buttress his testimony by the united, reassuring voice of church members themselves. Some Mormon authorities have said that the Smith statement extended the 1890 Manifesto to Mormons outside the United States, to all the world. If that were so, it would justify Smith's remarks as new policy or at least an emendation of old policy needing official approval by an assembly of the church. The difficulty remains that there is no more in the actual wording of the Smith statement of 1904 about extending the interdiction to foreign lands than there had been in the Woodruff Manifesto of 1890. The statement also seems to have intentionally left polygamous cohabitation with pre-Manifesto wives uncensured. Angus Cannon later told the Smoot committee that he was among those who seconded the Smith statement when it was presented in conference and that he would not have done so if such relationships had been
condemned. With the exception of a somewhat stern tone and the explicit threat of excommunication, from the standpoint of actual substance the 1904 "Official Statement" is indistinguishable from the Woodruff Manifesto of thirteen years before. In the strictest sense it was not a new or "Second Manifesto." Smith himself never so termed it and admitted that it was only a reaffirmation of the Woodruff doctrine. As such, the congregation's vote constituted nothing more than an expression of confidence that President Smith had told the truth.35 [p.25]

The Smoot hearings focused national attention on Joseph F. Smith's authority as president of the LDS church. USHS collections.

This notwithstanding, from the perspective of time one might suggest that the Woodruff Manifesto said too little while the Smith statement said too much. The confrontation endured by Smith in Washington and his resultant declaration to the church took place at the beginning of the Smoot hearings. In the next several months an enormous amount of evidence, some seriously undermining the credibility of Smith's testimony and "Official Statement," was destined to emerge.36 Numbers of otherwise [p.26] believing Mormons began to suspect the existence of an "inner circle" where, as some were saying, new polygamous marriages were indeed taking place.37 It is now known that the 1904 statement, unlike the Woodruff document, was intended once and for all to bring the business to an end. Hilda B. Farr, one of the last women to be married into polygamy in Mexico with church approval, has told how she and others had been informed previously that a major change would be forthcoming at the spring conference of the church. She and Heber Farr were told to hurry with their plans and so were married by Anthony W. Ivins in Mexico just before conference in 1904.38 Additional evidence tending to demonstrate that authorities were determined to bring about a complete cessation of the practice is found in written instructions to some of the apostles enjoining strict compliance with the new policy.39 Of course, none of this could blot out the record of sub rosa polygamous marriages prior to 1904, a circumstance best described by Frank Cannon in conversation with John R. Winder, a member of the First Presidency: President Winder met me on the street... and said: "Frank, you need not continue your fight against plural marriage. President Smith has stopped it." "Then," I replied, "two things are evident: I have been telling the truth when I said that plural marriage has been renewed—in spite of the authorized denials—and if President Smith has stopped it now, he has had authority over it all the time."40

IV

It may be, as one contemporary expressed it, that the Smoot hearings revealed nothing that was not already well known. They did, however, succeed in broadcasting word of continued Mormon polygamy to the American public at large. Within the first year and a half of their duration sentiment against Smoot steadily increased and, reciprocally, the public regard for Mormonism steadily declined. Numbers of polygamists, especially polygamous wives living in Utah, felt the need to leave for Mexico to make themselves less conspicuous. But anti-Mormon [p.27] crusading continued anyway. A proposal made years before that an amendment prohibiting polygamy be added to the United States Constitution was formally endorsed by the Democrats in their 1904 party platform. By late 1905 and early 1906 public hostility reached such a pitch that talk was heard of disfranchising all members of the Mormon church. It was in this atmosphere that important steps were decided upon to assist Smoot with his case in Washington and shore up the image of Mormonism. By this time at least a third of the Quorum of Twelve Apostles were new, younger men who, like Smoot, had only one wife and were understandably anxious to acquit the reputation of the church. According to Smoot in testimony before the committee in early 1905, at his urging the quorum had undertaken a project of self-examination regarding post-Manifesto polygamous marriages. If it were found that any had married in polygamy or performed such marriages for others, Smoot assured the senators, he would no longer sustain them.41

Neither the precise chronology of events nor the extent to which events were orchestrated and understood on all sides—as they relate to Taylor, Cowley, and the Smoot hearings—can yet be established with certainty. But, as previously noted, it is known that the autumn of 1905 and spring of 1906 marked the nadir of prospects for Senator Smoot in Washington. It is also known that church leaders in Salt Lake City had come to view the battle over Smoot's credentials as essentially a battle for and by the church itself.42 Why Taylor and Cowley were specially marked at this time for the coming ordeal, however, is not entirely clear. The impression was given that they refused to go to Washington and assist in shouldering the task of half-truths and denials required in Smoot's defense. This seemed to annoy President Smith and others.43 [p.28] But Anthony W. Ivins, as culpable in all this as any man then alive, also declined, telling his son Grant that he refused to go to Washington and there "perjure myself."44 Though not then a member of the quorum, Ivins was called to be an apostle only two years hence and, later still, became a member of the First Presidency. And George Teasdale who also had contracted a post-Manifesto polygamous marriage actually had been urged by Smith to remain out of the country during the hearings.45 The only significant difference seems to have been Cowley's and Taylor's insistence that the 1904 statement, if taken literally, was no more limiting than what the church had said before. In any case, since Smoot had committed himself before the investigating committee to vote against known offenders and inasmuch as he and other Mormons had been accused of routinely and mechanically raising their hands in support of whomever and whatever their leaders presented to them, the senator decided to withhold his vote from sustaining the Quorum of Twelve Apostles at the autumn conference of the church in 1905.46

Within two weeks of the conference a meeting was held to discuss the quorum's division. Perhaps the best summary available of what was said on that occasion was provided by another apostle, Charles W. Penrose, some half-dozen years later:

The charge was made that Brothers Taylor and Cowley were out of harmony with the Twelve with regard to marrying plural wives themselves and encouraging others to take plural wives. They [Taylor and Cowley] said they would answer if they could have five minutes to talk with President Smith, President Smith refused to talk with them and therefore they refused to tell whether they had taken other wives. The question of the scope of the manifesto was also discussed. The other brethren of the quorum maintained that it covered every place and they claimed it referred to the United States. Then the question of their resigning came up. They were out of harmony with regard to plural marriages and they resigned, the matter was kept quiet for a number of months with the hope that they might reconcile themselves with the Brethren later. They seemed to take [p.29] the ground that they had the right to go ahead and in this were out of harmony.47

Penrose's description constitutes a good summary of the many problems inherited from the Woodruff Manifesto and the conflicting interpretations that arose concerning it. Reference to the unsuccessful request by Taylor and Cowley that Smith be consulted suggests the connection in their minds between authority for post-Manifesto polygamy and the First Presidency. They also may have been seeking to be released from oaths of secrecy in the matter.48 Or, they may have wished to establish, in the presence of the quorum, if they were to be allowed liberties with the 1904 directive just as they and others had been with the old. The question of whether the Manifesto was binding on Mormons outside the
United States, when authorization for such marriages had in fact been given, can on its best face only be interpreted as evidence that some now in the quorum were unaware of what had been going on for a decade and a half.49 It is significant, however, that Penrose's account indicates that it was less the activities of the past than Taylor's and Cowley's belief that they had the right to go ahead with the practice that placed them at odds with their brethren.

Differences of opinion and understanding on all these matters palpably illustrate how the constituency of the quorum was changing. At the time of their resignations in 1905, George Teasdale and Marriott W. Merrill were the only living apostles, apart from Taylor and Cowley, known to have taken polygamous wives since the Manifesto. And both of these men were to die within a year and a half. Gradually, there were few who remembered the secret authorizations of the pre-1904 period, few who remembered the affair as Taylor recalled it to the quorum later:

The question was asked what do you think about the idea of your resigning, as to the effect it would have upon the people, and I told you brethren that while I didn't support you in the policy of deposing the Apostles to make a showing in Congress and said I would not approve of the policy of the church in this regard, I would not oppose it. 50

Whatever else resulted from that meeting in late October 1905, it seems to have become apparent that a schism was not without advantage. [p.30] Expulsion of some who were closely identified with continued polygamous marriages would go far to substantiate the claims of Smith. Taylor and Cowley themselves may have agreed to such an altruistic appropriation of their cases, considering it a mission call of sorts to help Smoot in his difficulties with the Senate and to assist the beleaguered church. Whatever their motives, clearly such an event would have appeared as an open fracture in the hierarchical unity. For more than a month, until early December 1905, the brethren see to have been uncertain how to proceed or what exactly to do.

Gradually, equivocation gave way to the decision that Taylor and Cowley should be dropped in the hope that notice of the event could be turned to the benefit of Senator Smoot and the church. This was not an easy step for the quorum to take. Hesitation by the apostles can be read in a coded telegram sent to Smoot in Washington by George F. Gibbs, secretary to the First Presidency:

"Brethren beginning feel J. W. Taylor and Cowley should not be sacrificed unless required by C[ommittee] of P[rivileges] & E[lections] save you."51 Senator Smoot was troubled by the prospect of sacrificing anyone to save him and so expressed himself to Gibbs and members of the quorum. The leaders in Salt Lake City apprised Smoot, however, that the resignations, should they be accepted, were being given not for his benefit alone but for the "relief of the Church."52

By the time of the spring conference in early April of 1906, the Taylor-Cowley resignations were formally brought to light and new appointees sustained to take their places.53 A. S. Worthington, chief counsel for Smoot in Washington, was duly notified on April 11, 1906, by telegram from George F. Gibbs and told that the resignations of Taylor and Cowley had been received and accepted the previous autumn.54 When the investigating committee reconvened hearings on April 13, Worthington brought Taylor's and Cowley's resignations to the committee's attention and had Gibbs's telegram read into the record of the [p.31] proceedings.55 The "sacrifice," made public in both Salt Lake City and Washington, D.C., was now complete. Ironically, as it happened, this particular episode probably had little to do with the final outcome of the Smoot case. Newspapers and public opinion seem to have begun swinging back into Smoot's favor anyway. And though most on the committee voted against the senator in their final report, the two-thirds majority required to expel Smoot, when voted upon on the floor of the Senate, failed. Apostle Smoot was welcomed into full fellowship in the Congress. He then went on, returned again and again by the Utah electorate, to serve out a distinguished career of thirty years.56 Numbers within the church, however, even beyond those directly involved, associated Smoot's ordeal with that of Taylor and Cowley, seeing them as [p.32] having been sacrificed, judging it a maneuver forced upon church leaders by the times to secure public favor.57

Matthias F. Cowley and his wife Sarah Elizabeth Foss. USHS collections.

So far as Taylor's and Cowley's personal views are concerned, differences between themselves and the quorum seemed to grow as time passed. The problem of differing interpretations led to quarrels and unkind language. Taylor took another plural wife in 1910.58 Then, late that same year, there arose another storm in the press, thundering on what B. H. Roberts called "that same old question of polygamy and polygamous living."59 Although there were a number of publications involved, the Salt Lake Tribune, which published the names of some 200 Mormons married in polygamy since 1890, nettled church leaders more than any other.60 The church had moved beyond the tensions of the Smoot hearings, but the barrage of journalistic criticism was too massive to ignore.61 In early November 1910 the First Presidency and the Quorum of Twelve Apostles responded by deciding to remove men who had taken additional wives after the Manifesto from positions of authority in the church, and so answer the "Tribune clamor."62 In the cases of Taylor and Cowley, they were again called before the apostles and charged with contumacious behavior. In the course of hearing their stories, a great deal of information was divulged, portions of which have been used in this study to clarify matters relating to Mormon [p.33] polygamy in the post-Manifesto years. It did little to assist Taylor and Cowley, however. Taylor was excommunicated and Cowley, more penitent, was disfellowshipped.63

In the years that followed, both men seemed to feel they had been unfairly used. Janet Taylor, John W.'s third wife, told her inquiring son that Joseph F. Smith, at the time of their resignations in 1905, had said to John W. of him and Cowley, "You brethren are called upon to make this sacrifice, but you will lose nothing from it. When things quiet down you will be reinstated."64 Cowley expressed a similar view of the matter when he recollected to Raymond Taylor (another of John W.'s sons) in 1937:

When we were in council relative to our trouble brother [Charles W.] Penrose remarked, "These brethren (Cowley and Father) are not on trail [sic] nor have they committed any offense [sic], but if they are willing to offer the sacrifice and stand the embarrassment, we will admit them back after the situation clears," or words to that effect.65

As time passed and the hope for reinstatement did not occur, resentment deepened. "They held us up," Cowley said, "in the eyes of the lay members of the church, and the nation as the 'ring leaders' when in fact we were no more guilty than those who supposedly took action against us."66

Cowley was later readmitted to full fellowship in the church. And a story told in the Taylor family holds that long before, in a ceremony on the shore of Utah Lake, on his own authority Cowley rebaptized Taylor into the church as well. It is also said that Smith, regretting his role in the dismissals, called privately at the Nettie Taylor home in Salt Lake City on the evening of Taylor's death, giving Nettie a small parcel containing temple robes in which to bury the former apostle.67

Before concluding, it is important that what has been described, the involvement of church authorities in post-Manifesto polygamous [p.34] marriages, be seen in perspective. To focus narrowly upon the activities of church leaders as no more than an exercise in deceit, requires that one ignore the larger setting in which
the events occurred. Plural marriage had become an integral, nearly central, feature of Mormon theology. It constituted a conceptual nexus for Latter-day Saint belief concerning deity, priesthood, and the family. Many believed the doctrine to be irrevocable. To give in on polygamy, in the words of one early apologist, would "amount to forfeiting all that [we] have toiled for, bled for, prayed for, or hoped for, a miserable failure and a waste of life."68 It is only with appreciation for this kind of commitment that one can understand the dilemma confronting the church in the 1880s and 90s. Imprisonment and heavy fines, fractured families, confiscation of church properties, and political dispossessions left church authorities with little choice, short of wholesale emigration. It was only logical that an attempt would be made at once to keep faith with their religious consciences while saving themselves from the storm. And, for a time, they were successful.

The home John W. Taylor in Farmington for his wives Rhoda and Roxie Welling. USHS collections.

Discoveries resulting from the B. H. Roberts case, the Smoot hearings, and the attendant rash of investigations undertaken by journalists led to a period of revived notoriety for the church. What was referred to as "the new polygamy" became almost an anti-Mormon shibboleth [p.35] during the first decade and a half of the twentieth century.69 Having caught Mormons in the toils of unwanted subterfuge, critics then read both backward and forward, insisting that the Mormon church never intended at any time to give up the practice. The Woodruff Manifesto was but a device whose single purpose had been to assist the cause of statehood for Utah. The years between 1890 and 1896 then became, as one writer derisively called them, "an oppressum period" during which Mormonism only pretended to have changed.70 After statehood, it was argued, the Saints betrayed their machinations by a return to old ways.

But neither the foes of Mormonism nor its apologists adequately perceived that much more was involved than exposing secret marriages and establishing who had or had not told the truth. Neither side seemed to comprehend the magnitude of theological dysfunction then afflicting the church. Mormonism was, in fact, in the throes of doctrinal reformation. What had commenced as a posture of expediency became an increasingly orthodox departure from the past. Those who disparaged the church were perhaps too close to appreciate the dislocations resulting from years of unyielding pressure. Their laws and ineptives wrought more than they knew.

When one considers how deeply imbedded the belief in polygamy had become in Mormon theological consciousness, the fifteen-year period of instruction and awkwardly posed associated with its arrest is remarkably brief.

The number who participated in post-Manifesto polygamy, though larger than the church has been willing to admit, still marked a reduction from the volume of such marriages in earlier years. Frank Cannon's estimate that the number of such contractions may have amounted to two thousand or more was undoubtedly excessive and probably only reflected his anti-church-establishment zeal.71 Certainly, after 1904 the number of such marriages drastically, if not completely, declined. But to repeat, by themselves neither the occurrence of such marriages nor their number is of greatest significance. Rather, the prevarication and distress surrounding them trumpet a larger drama: the seismic adjustments occurring in Mormonism generally. This period also saw radical alterations in the colorful and significant doctrine of the gathering: [p.36] church-directed colonization; the law of adoption; the kingdom of God as a temporal, political entity; the united order; confinement of the idea of Zion to a particular geographical region; and the urgent expectation of an imminent return to Missouri and the Second Coming of Christ. All that was terrible and glorious about the final apocalypse, in the words of two articulate observers of the Mormon past, began its retreat "into a future comfortably remote."72 The tow that for so long had drawn the Mormons to the edge of, and sometimes beyond, American society now began an inexorable return.

It is difficult to establish a precise time when the church may be said to have passed the critical point, to have so thoroughly acquired what Fawn Brodie has called the contemporary Mormon "passion for respectability."73 Perhaps 1911 is as good a year as any. As a part of the general rumpus in the press at that time concerning "the new polygamy," former President Theodore Roosevelt, who some believed had not been sufficiently critical of the Mormons, took up his pen in his and their defense. Before this essay was completed, however, Senator Smoot wrote to Joseph F. Smith from concern that Roosevelt might ask him about the charge of post-Manifesto marriages. Smith replied:

If the President inquires about new polygamy tell him the truth. Tell him that President Cannon was the first to conceive the idea that we (Church of Jesus Christ of Latter-day Saints) could consistently countenance polygamy beyond confines of the Republic where we have no chartered law against it, and consequently he authorized the solemnization of polygamy in Mexico and Canada after the manifesto of 1890, and the men occupying presiding positions who became polygamists since the manifesto did it in good faith.74

Such an admission, so at odds with what Smith and others had said only a few years before, contradicting even the claims of his 1904 "Official Statement," clearly stamped the arrival of a new confidence in Mormon-American relations. But more telling than anything, perhaps, was the excommunication and disfellowshipping, the same year, of Taylor and Cowley. Men who a short generation before would have been lionized for their defiance of the law, now found themselves swept aside, victims of the shearing forces brought to bear as the church shifted tack, taking its new heading for the middle of the stream.

Endnotes

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2 As recorded in Abraham Hougland Cannon Journal, vol. 13, p. 133, October, 1890 Special Collections, Lee Library, Brigham Young University, Provo.


4 Salt Lake Tribune, October 20, 1891. Testimony given
during the proceedings may also be found in the Deseret News Weekly, October 24, 31, 1891.

5Cannon Journal, vol.15, p.121, November 12, 1891.

8The petition for amnesty submitted by church leaders in late 1891 did not explicitly pledge obedience to the unlawful cohabitation provisions of the law. See Deseret Evening News, February 15, 1892. The grants of amnesty from Presidents Benjamin F. Harrison and Grover Cleveland, however, did impose the requirement as a condition of forgiveness. See Proclamation no. 42, at 27 U.S. Stat. 1058 (January 4, 1893), and Proclamation no. 14, at 28 U.S. Stat. 1257 (September 25, 1894).

9See Heber J. Grant's remarks as quoted in Cannon Journal, vol. 15, pp. 120-21, November 11, 1891, and vol. 16, p. 80, April 1, 1892.
10It is understandable how some could have seen the Manifesto as no more than a dodge. The quote attributed to Apostle John Henry Smith that "the Manifesto [was] only a trick to beat the devil at his own game" was first reported in the Salt Lake Tribune, January 16, 1906, and then before the Smoot investigating committee, Proceedings, 4:13. While affidavits were prepared to deny that any such remarks were made (see ibid., 4:367-68, 405, and John Henry Smith to T. D. Ehle, John Henry Smith Papers, 7/8, Western Americana, Marriott Library, University of Utah Salt Lake City), the alleged remarks nevertheless agree with comments later credited to Charles W. Penrose and Joseph Smith by Matthias F. Cowley: "Brother Penrose told me once in the City of Mexico, that he had written the Manifesto, and it was gotten up so that it did not mean anything, and President Smith had told me the same." See The Trials for the Membership of John W. Taylor and Mathias [sic] F. Cowley (West Jordan, Ut., n.d.), p. 15. This pamphlet consists of excerpts from the official minutes of meetings held by the Quorum of Twelve Apostles in February, March, and May 1911 when inquiry was made of John W. Taylor and Matthias F. Cowley as to their involvement in post-Manifesto plural marriages.

11For example, there seemed to be an intentional failure by both Mormons and Gentiles to implement that clause in the Enabling Act requiring all territorial enactments, including an 1892 law prohibiting polygamy and unlawful cohabitation, to be in force at the commencement of Utah's existence as a state. The clause is found at U.S., Statutes at Large (1894), XXVII, ch. 138, sec. 19, p. 112. The 1892 territorial statute, which was little more than a restatement of the pertinent sections of the Edmunds Act and had obviously been passed to augment Utah's chances for statehood, is: "An Act to Punish Polygamy and Kindred Offenses," Laws of the Territory of Utah (1892), 30th Sess., ch. VIII, sec. 2, pp. 5-7. Additionally, Charles S. Varian, perhaps the leading Gentile at the 1895 constitutional convention, proposed an amendment designed to implement the so-called "irrevocable" section that pledged Utah to "forever" prohibit polygamy as required in the Enabling Act (Utah Constitution (1895), Art. III, 1). In defending his proposed amendment, Varian explicitly indicated that neither the relevant clause in the constitution nor his amendment should be understood to comprehend unlawful cohabitation, incest, or adultery. Official Report of the Proceedings and Debates...1895, to Adopt a Constitution for the State of Utah, 2 vols. (Salt Lake City, 1898), 2:1738.

12The 1898 law may be read in The Revised Statutes of the State of Utah, in Force January 1, 1898, Tit. 75, ch. 24, sec. 4209, p. 900. Regarding journalistic attacks at this time, the local Protestant Ministerial Association, in a series of acid articles, took the lead. This criticism often arose directly from what was believed to be a Mormon effort to place strained constructions upon Utah's laws so as to leave Mormons free to engage in unlawful cohabitation if not new polygamy. See, for example, Marcus F. Jones, "The Present Situation in Utah as the Result of Statehood," Kinsman, February 5, 1898. The number of pieces written by both Mormons and their detractors at this time was enormous.

13These admissions have been grudging, however, usually associating such activities quite exclusively with Apostles Taylor and Cowley. See B. H. Roberts, A Comprehensive History of the Church of Jesus Christ of Latter-day Saints, Century 1, 6 vols. (Salt Lake City. Deseret News Press, 1930), 6:399-400, and Allen and Leonard, Story of the Latter-day Saints, pp. 443-44.


15See Wilhelmina's testimony in Proceedings, 2:143-43; Journal History of the Church, June 18 and July 1, 1896, Archives Division, Historical Department, Church of Jesus Christ of Latter-day Saints, Salt Lake City; Deseret Evening News, June 18, 1896; Proceedings, 1:110-12, 126-28, 1059-86 and 2:67-73, 142-46; Joseph F. Smith to Reed Smoot, April 9, 1904, Reed Smoot Correspondence, LDS Archives; Deseret Evening News, March 2, 1911, Salt Lake Tribune, July 20, 1896.

Although the circumstances surrounding Cannon's marriage are unclear, Lillian did receive her endowments on June 17, 1896, an ordinance usually preceding a church marriage whenever possible, and Cannon did leave for Los Angeles the next day. Salt Lake Temple Records, A/131/4710, Genealogical Society Library. A girl was born to Lillian on March 22 1897, in Philadelphia. She was named Marba—Abram spelled backward—and given rights of inheritance to the Abraham Cannon estate. See Dale C. Josephson, comp., Abraham Hoagland Cannon Family Group Sheet, Genealogical Society Library, and Proceedings, 2:70. For Cannon's illness and death see Deseret Evening News, July 20, 1896.

16Journal History, October 28, 1897; Living Sealings, Salt Lake Temple, Book C., Sealings Performed Elsewhere, February 5 to September 11, 1904. 186207/33/594, Genealogical Society Library. Positive evidence is unavailable, but every inference would suggest the ceremony was performed by Teasdale's colleague, Anthon H. Lund. As with Abraham Cannon, Teasdale and Lund were reported, in what may have been code, as absent "filling an appointment in the North." See Journal History, October 28, 1897. Teasdale's journal is unavailable to the researcher, and Lund's diary, otherwise complete, displays no entries for the period October 23-28, 1897 the week during which Teasdale was polygamously joined to Marion Scoles. Anthon Hendrick Lund Journal, September 6, 1897-March 23, 1898, pp. 51-52, LDS Archives.
The fact that Avery took her temple endowments on November 1, 1900, might suggest her date of marriage to have shortly followed. See Abraham Owen Woodruff Family Group Sheets and Logan Temple Records, B/25/881, Genealogical Society Library. Cowley later said he married the two sometime in 1903; so that date, although approximate, has been used here. See Trials, p. 16, and Victor Jorgensen, "Interview with Mary Bennion Muhs," Salt Lake City, March 5, 1972, pp. 31-33, typewritten transcript, Oral History Department, California State University, Fullerton. Mrs. Muhs was a niece of A. O. Woodruff, her mother being a sister of his first wife, Helen Winters. This particular information was related to her by Avery's sister, Edna. Avery's child, a girl, was born April 11, 1904, in the Mormon colony of Juarez. See Victor Jorgensen, "Interview with Florence Ivins Hyde," Salt Lake City, August 19, 1972, in Jorgensen's possession, and Woodruff Family Group Sheets.

Charles Mostyn Owen to Dr. William Paden, October 11, 1904, in Letterbook, Charles Mostyn Owen Collection, LDS Archives, and Melvin C. Merrill, Utah Pioneer Apostle Marriner Wood Merrill and His Family (n.p., 1937), p. 501. When Cowley later recalled this episode before the Quorum of Twelve Apostles, he thought he remembered performing the ceremony sometime in 1903. See Trials, p. 15. It is more likely to have occurred in late 1901, as Hilda's first and only child was born April 17, 1902 (Logan 7th Ward Record of Members, 1910, 026076, Genealogical Society Library). This record indicates the child was confirmed on June 14, 1910 her father (then deceased) being Marriner W. Merrill and her mother Hilda M. Erickson. Merrill recorded in his diary on July 2, 1901, that he, on that date, took Hilda Erickson to district court in Logan to file her naturalization papers. See Marriner Wood Merrill Journal no. 5, May 29, 1901—January 26, 1906, p. 7, LDS Archives. It is possible, but speculative, that the filing of Hilda's naturalization papers may have coincided with her marriage. Almost three years elapsed before she was mentioned again, not as Hilda Erickson, as in 1901 and before but as Hilda M. Merrill. See Merrill Journal, October 7, 1889—March 31, 1892, p. 107, passim and Merrill Journal no. 5, p. 142. For Merrill's denial see Proceedings, 3:439-43. The son's testimony is in Proceedings, 1:408-18.

Trials, p. 15, and Anthony W. Ivins Diary, January 25, 1911, 3/16, Anthony W. Ivins Collection, Utah State Historical Society, Salt Lake City.

Hellen Armstrong was born January 17, 1856, in Salt Lake City. See Endowment House Records, H/266/5838, Genealogical Society Library. According to ward records, she married Brigham Young, Jr., on June 7, 1890. See Ephraim North Ward, Sunpete Stake Record of Members, Book C., Early to 1923, 025933/79, Genealogical Society Library. If Hellen Armstrong was married to Young by Cowley in 1902, Hellen or someone close to her must have submitted the pre-Manifesto date of 1890 to the ward clerk. The predating of post-Manifesto polygamous marriages was a means of protecting those involved. See Trials, pp. 16-17. However, if Hellen's June 7, 1890, marriage date is correct, then the identity of Young's seventh wife remains hidden. Cf. Owen Letterbook, September 18, 1899—November 25, 1899, p. 201.

Clara Mabel Barber Kennedy said Young married her to James Francis Johnson, as his second wife, in Mexico during the spring of 1894. Proceedings, 1:389-91 ff. Unfortunately, the entries for 1894 are missing from Brigham Young, Jr., Journals, 1862-1902, LDS Archives. For Young's presence in the colonies at that time, however, see John Henry Smith Journals, 1874-1875, 1880-1911, in the George A. Smith Family Papers 1731-1969, vol. 18, entries for February-March 1894, Marriott Library; and Diary of Winslow Farr, 1856-99, pp. 96, 98, Lee Library.

Heber J. Grant, at the least, wished to take another plural wife but was refused permission by Joseph F. Smith. Grant was quite upset at the time. See Trials, p. 16; Heber J. Grant to Heber Bennion, May 2, 1929, Heber J. Grant Letterbook, February 12, 1929—June 28, 1929 p. 616, LDS Archives, and, Mary Bennion Powell to Dr. George R. Stewart, January 26 1952, pp. 33-34, Huntington Library, San Marino, Calif. There was also the report, disputed to be sure, that Grant had said in 1899: "I am a lawbreaker; so is Bishop Whitney, so is B. H. Roberts. My wives have brought me only daughters. I propose to marry till I get wives who will bring me sons." See the documents in Proceedings, 2:485, and the testimony of Cowley that he could not prove it but he "believed" President Woodruff took an additional wife after the Manifesto (Trials, p. 17). It should also be added that John Henry Smith, innocent of taking new wives himself, assisted John W. Taylor in marrying many into polygamy in Arizona and Mexico during 1897-1915. See John Henry Smith Journal, vol. 18, February 16, 1894, vol. 21, March 9, 1898. This agrees with Taylor's comment in Trials, p. 3. See also Proceedings, 1:477-79, 486; and 3: 192-206.

Cannon Journal, vol. 18, pp. 168-69, October 19, 1894, p. 170, October 24, 1894. Abraham's half-brother, Frank, later wrote that it was Lillian Hamlin who had been betrothed to David and, since his death, had been joined to Abraham in "fulfillment of the biblical instruction that a man should take his dead brother's wife." Frank J. Cannon and Harvey J. O'Higgins, Under the Prophet in Utah (Boston, 1911), p. 176. See also the affidavit of George F. Gibbs, January 10, 1912, Correspondence, George F. Gibbs Collection, LDS Archives.


24See the comments of Cowley in ibid., pp. 15-16. Frank Cannon tried to clear his father's name, suggesting that responsibility for post-Manifesto marriages had lain with Joseph F. Smith all along. Under the Prophet in Utah, pp. 176-79, 237, passim.

Salt Lake Tribune, October 20, 1891; Roberts, Comprehensive History, 6:225.

For general histories of the Mormon movement into Mexico and Canada, see Thomas Cottam Romney, The Mormon Colonies in Mexico (Salt Lake City, 1938), and, Lawrence B. Lee, "The Mormons Come to Canada, 1887-1902," Pacific Northwest Quarterly 59 (1968): 11-21. Austin and Alta Fife illustrate the nineteenth-century belief that polygamy was not against the law in Mexico in their Saints of Sage and Saddle (Bloomington, Ind., 1956), p. 171. For a more recent affirmation of the same view, see James B. Allen and Richard O. Cowan, Mormonism in the Twentieth Century, rev. ed. (Provo, Ut., 1969) pp. 19-21. Relevant Mexican prohibitions regarding polygamy are to be found in: Código penal del distrito federal y territorio de la Baja-California (Mexico, 1871), Lib. III, Tit. IV, Cap. VII, Arts. 831-32, 837-38, Código penal del estado libre y soberano de Chihuahua, Primera ed. oficial (Cd. Chihuahua, 1897) Lib. III, Tit. 6, Cap. 7, and, Código penal del estado de Sonora, 2d ed. oficial (Hermosillo 1909), Lib. III, Tit. 6, Cap. 7. And, for Canada, see "An Ordinance Respecting Marriage," sec. 2. Copies of Ordinances passed by the Lieutenant-Governor and Council of the North-west Territories, on the 2nd August, 1878... Sessional Papers, No. 86 (Ottowa, 1379), 22, and 53 Victoria 37, c. 11 (1890).

It has been said that, in the strictest sense, Mormons practicing polygamy in Mexico were not in violation of any laws. This view rests on Mexico's failure to pass statutes prohibiting adulterous cohabitation, the identical circumstance in U.S. territories prior to the Edmunds Act of 1882. While it is true that, unlike Canada and the United States, Mexico never amended its laws to criminalize this activity, it is also true that it was bigamous relationships of the very sort engaged in by the Mormons that Mexican laws, like the Spanish codes and canon law on which they were based, sought to prevent. See Vincente Gonzales Castro, Redaccion del codigo civil de Mexico que se contiene en las leyes espanoles... (Guadalajara, 1839), 1, 21-22, 31, D. Manuel Mateos Alarcon, La evolucion del derecho civil mexicano desde la
independencia hasta nuestros dias (Mexico, 1911), 20-21; Jose M. Ots y Capdequi, Historia del derecho espanol en America y del derecho indiano (Madrid, 1969), 313-14, passim. Some of the Mormon colonists, including Anthony W. Ivins, seemed to understand this See Historical Record, Juarez Stake, 1901-6, pp. 3-4 (February 23, 1901), LDS Archives.


28Jorgensen, "Florence Ivins Hyde Interview," August 18, 1972, and Ivins, "Polygamy in Mexico," p. 6, both refer to the destruction by their father of some of his records.

The two presumed form letters, both brief and general in nature, one on letterhead of the First Presidency of the Church of Jesus Christ of Latter-day Saints and the other on stationery from the Pioneer Utah Electric Power Company of Utah of which Cannon was an officer, may be found, respectively, in the Anthony W. Ivins Collection, 10/1/10, and the George Albert Smith Family Papers, 107/13. The Ivins Record Book of Marriages was given to the LDS church Historical Department by Anthony W. Ivins's son Antoine after his father's death. Before relinquishing the book, however, another son, Stanley, copied it onto some five typewritten pages the data for more than fifty couples married by his father in Mexico between 1897 and 1904 most of which appear to have been polygamous. This list may be found as the last inclusion in a folder entitled "Polygamy B. F. Johnson Letter," Stanley Snow Ivins MSS, 8/10, Utah State Historical Society, and Anthony W. Ivins Collection, 16/7. This record of marriages confirms incidentally, the marriage of Ovena Jorgensen to William Ockey described above in the text but indicates the date to have been one year later than Walter M. Wolfe remembered it, September 14, 1898. See also, Victor Jorgensen, "Heber Grant Ivins Interview," July 18, 1972 tape and transcript in possession of Jorgensen, Trials, pp. 15-16, John T. Whetten note, July 12, 1900, in Alexander F. Macdonald Correspondence, LDS Archives, for evidence bearing on the First Presidency's exercise of authority over polygamous contractions during these years.


The number of polygamous contractions undertaken in Mexico is perhaps the best mirror for post-Manifesto polygamous marriages. This, in turn, can be estimated from the data provided in the Anthony W. Ivins Record Book of Marriages. H. Grant Ivins, in his paper on the subject made precisely this kind of inquiry, with the following results: Woodruff years (1895-98) seventeen marriages; Snow years (1898-1901), four marriages; Smith years (1901-4), thirty-one marriages. See Ivins, "Polygamy in Mexico," pp. 8-9.

30The petition and charges against Smoot are found in Proceedings, 1:1-30.

31E.g., the comment of Richard W. Young, president of the Ensign Stake ibid., 2:975: and James E. Talmage, ibid., 1:143, 107-8, 178, 336, 476-79. Also, ibid., 1:1057-58, 2: 302-3, 975, 3:126, and 4:478-79. As one observer put it at the time, after hearing "the astounding testimony of President Joseph F. Smith," there was no doubt but that the Mormon hierarchy was engaged in a "conspiracy against the United States..." See Alfred Henry Lewis "The Great Mormon Conspiracy," Collier's, March 26, 1904, p. 11.

It was a vital part of their strategy for church authorities to deny knowledge of anything more than rumor concerning each other's family affairs. Otherwise, Smoot, if shown to be privy to such things, could have been charged with at least a constructive involvement in criminal activity and thus, perhaps, legally disqualified from public office. See, as examples of this stratagem, Proceedings, 1:476, 479 (Joseph F. Smith); 1:438, 450-56 (Francis M. Lyman); 1:722 (Bingham H. Roberts), 1:785 (Angus Cannon), 2: 250, 56, 58 (George Reynolds), 2: 290-302 (John Henry Smith); 3:96 (James E. Talmage), 3: 192, 205, 306 (Reed Smoot). For instances of admitted cohabitation, see Proceedings, 1:128-30, 334-36, 378-79 (Joseph F. Smith), 1:427, 455 (Francis M. Lyman), 1:515-22 (Bingham H. Roberts), 2:284-85 (John Henry Smith). It was undoubtedly due to badgering by the committee that the Manifesto was finally incorporated into the Doctrine and Covenants in 1908, the year following the Smoot hearing. See Allen and Leonard, The Story of the Latter-day Saints, p. 415.


33This interpretation is so universal as hardly to require documentation. See, for example Roberts, Comprehensive History, 4:400-402. It is essentially the explanation of the First Presidency itself, as provided in "An Address: The Church of Jesus Christ of Latter-day Saints to the World," Messages, 4: 150-52, March 26, 1907. As James R. Clark has pointed out, because this address was submitted to a general conference of the church and there accepted, it is, with its historical explanation of post-Manifesto polygamy as only the work of "a few overzealous individuals who refused to submit even to the action of the church," official Mormon doctrine (ibid.: 4: 142). With the Smoot imbroglio behind them, perhaps church authorities assumed the door was closed on all that made the period between 1890 and 1904 so troublesome, and they might safely proceed to describe the era as they wished it to be remembered. Smoot himself transformed the hearings into a brief for Mormon veracity. The investigation of his case, he said, "proved conclusively that since the manifesto of 1890 there had not been celebrated in Utah—or elsewhere throughout the United States, for that matter—a solitary polygamous marriage by or with the consent, connivance, countenance, sanction or approval of the Mormon church... The Senate inquiry established clearly that polygamous marriages in Utah became a thing of the past more than sixteen years ago..." Reed Smoot, "The Passing of Polygamy," North American Review 187 (1908):117-18.

34Seventy-fourth Annual Conference of the Church of Jesus Christ of Latter-day Saints ... (Salt Lake City, 1904), pp. 75-76.

35Ibid. An example of a recent authority claiming the 1904 statement to have extended the Woodruff Manifesto outside the United States is Mark E. Petersen, The Way of the Master (Salt Lake City, 1974), pp. 54, 62. The comments of Angus Cannon are in Proceedings, 1:789. The words of Anthon H. Lund following the presentation and vote on the statement, while stopping short of an outright denial of post-1890 polygamous marriages, not only acknowledge the rumors then heard in the church but reinforce the interpretation of the 1904 declaration as no more than a public denial by the church's membership of charges concerning new polygamy. Indeed, this was the whole point. Mormon leaders wished to convince everyone of their constancy since 1890, whatever may have been alleged or discovered in Washington, D.C. "Rumors have been afloat that plural marriages have taken place, and some are said to have commenced to doubt the truth of the declaration made by our President at Washington. Now it has been laid before you, and the church, by its vote in solemn assembly, has ratified this resolution, and the Saints know just where the church stands on this question. If any come to you with such rumors, you know that the church is true to that which it accepted thirteen years and six months ago, and
which it has again ratified here in this conference. It is not a new manifesto." Ibid., p. 76. For Smith's comment that his "Official Statement" was only a reconfirmation of the Woodruff Manifesto, see his remarks at the noon meeting held between conference sessions in Journal History, April 6, 1904, p. 6. Smith had testified only a few weeks before that neither he nor anyone else had received a new revelation for the government of the church since the Woodruff declaration was given (Proceedings, I:314). But, see also, Salt Lake Tribune, March 20, 1905.

36Alleged post-Manifesto polygamous marriages brought to light by the Smoot investigating committee subsequent to the appearance of Joseph F. Smith and apart from those already mentioned in this study, are in Proceedings, 1:684; 701-2, 1051-56; 2:37-40, 386-89, 397-400, 421, 427, 875; 4:73, 75, 136-53, 324, 331, 336-38.

37Whispersings to that effect became so common that an official denial was made by John R. Winder at special priesthood meetings in 1906. Anthony W. Ivins Collection, 3/3, April 9, 1906, 3/4, October 8, 1906. See also Carl Ashby Badger Journal, entry for October 8, 1904 LDS Archives.


39Francis M. Lyman to John W. Taylor, May 3, 1904, Joseph F. Smith Letterbooks, LDS Archives; and Francis M. Lyman to John Henry Smith, May 5, 1905, John Henry Smith Collection. The two letters are identical. Similar instructions seem to have been given to Anthony W. Ivins. Anthony W. Ivins Collection, 3/1, December 17, 1904.

40Cannon and O'Higgins, Under the Prophet in Utah, p. 350.

41It was James Wilford Garner who said that the post-Manifesto polygamous activities of the Mormons were well known. See his "The Case of Senator Smoot and the Mormon Church," North American Review 184 (1907) :56. Regarding the movement of polygamous wives into Mexico at this time, particularly those married to prominent church figures, see Ivins, "Polygamy in Mexico," pp. 14 18; and Nancy A. Clement Williams, "Reminiscences and Diary," p. 88, LDS Archives. For the proposal of an antipolygamy constitutional amendment see Donald Bruce Johnson and Kirk H. Porter, comps., National Party Platforms, 1840-1872, 5th ed. (Urbana, Ill., 1973), p. 133; and "Polygamy Mandatory," Nation 78 (1904): 224-25. The resolution advocating wholesale disfranchisement was that of Senator Dubois U.S., Congress, Senate, Congressional Record, 59th Cong., 1st sess. (1906), XL, Pt. 9, p. 8401.

42As much as a year before, on December 9, 1904, the First Presidency wrote to Smoot urging him not to forget "the double relationship in which you stand to the question. The first of course, is your own personal interest, that of retaining your seat. The second is the interest of the church in this." The church worked closely with Smoot throughout in the preparation and presentation of his defense. James R. Clark has gathered a number of documents relating to this, including the letter quoted above, in his Messages, 6:90-91, 98-100, 125-27, 135-55.


45George F. Gibbs to George Teasdale, August 20, 1904, and Gibbs to Teasdale, January 6, 1905; Joseph F. Smith, John R. Winder, and Anthon H. Lund to Teasdale, November 2, 1905, in Joseph F. Smith Letterbooks. The local press linked Teasdale with Taylor and Cowley, accusing him of being equally guilty and predicting all three would be dropped from the quorum. The article further alleged that the moving force behind the purge was Smoot. See Salt Lake Herald, April 8, 1906.

46Carl Ashby Badger, Smoot's legal assistant, wrote his wife, Rose, in Utah on April 9, 1905: "If nothing is done [about Taylor and Cowley] at the October Conference, I would not be in Senator Smoot's shoes for one million cold cash—to be candid, I would not now." Carl Ashby Badger Letterbook, LDS Archives. Concerning Smoot's refusal to vote to sustain the apostolate as presented to the church at the autumn 1905 conference, see Smoot to Badger, October 11, 1905, Carl Ashby Badger Collection, 1/8, LDS Archives, and Merrill, "Reed Smoot in Politics," p. 66.

47As quoted in Trials, p. 10.

48See Cowley's comment on being placed under oath in ibid., pp. 15, 17.

49Cowley told the quorum in 1911 that Marriner W. Merrill had told him that the 1904 Smith "Official Statement," like the Woodruff Manifesto, should be understood as applicable only to the United States. Ibid., p. 16.

50Ibid., pp. 9-10.

51Gibbs to Carl Ashby Badger, telegram, December 8, 1905, Reed Smoot Collection, 50/1, Lee Library.

52Smoot to Gibbs, December 8, 1905, 48/6, Reed Smoot Collection; Smoot to Joseph F. Smith, December 8, 1905, p. 4, Reed Smoot Correspondence, 1903-1935, LDS Archives, Gibbs to Smoot, December 9, 1905, 48/16, Reed Smoot Collection; Francis M. Lyman to Smoot, December 15, 1905, Reed Smoot Correspondence.

53Due to the death of Marriner W. Merrill the previous February, three new appointments were made—George F. Richards, Orson F. Whitney, and David O. McKay.

54Gibbs to Worthington, April 11, 1906, Joseph F. Smith Letterbooks. The telegram also gave notice that Joseph M. Tanner, whose polygamous activity had been discovered by the Senate investigating committee and who was general superintendent of the LDS Sunday Schools, had been dropped from his position as well.

55Proceedings, 4:441.

56The committee's majority and minority reports were bound with Proceedings, 4:467-542. The best summary of the debates on the floor of the Senate as well as an account of the final votes is to be found in Holsinger's "J. C. Burrows and the Fight against Mormonism: 1903-1907," pp. 188-94. The effect of Taylor's and Cowley's resignations on the committee was, if anything, probably reactionary: "The dropping of Taylor and Cowley from the Quorum of Twelve Apostles was so evidently done for popular effect that the act merits no consideration whatever, except as an admission by the first presidency and twelve apostles that Apostles Taylor and Cowley have each taken one or more plural wives since the Manifesto." Proceedings, 4:477. But see also, New York Times, April 11, 1906. For a survey of periodical literature as it reflected the public's attitude toward Smoot at this time and during the balance of his career see Jan Shipp, "The Public Image of Senator Reed Smoot, 1902-32," Utah Historical Quarterly 45 (1977):380-400.

57John G. McQuarrie, for example then president of the Eastern States Mission, wrote to George Albert Smith: "I suppose you had a glorious time at the conference, but the dropping of two of your associates in office must have been a trial to the members of the quorum. I cannot help but think you loved those men, and it is a sad thing to see our friends fall through their own mistakes, or to know that they are making a sacrifice for our good." McQuarrie to Smith
April 23, 1905, George Albert Smith Papers, 34/9. And a resident of the Mormon colonies in Mexico described feelings there as follows: "at the April Con. 1906. Apostles John W. Taylor and Matthias Cowley two of the most faithful of the Apostles were dropped from the Apostleship. . . . The cause for dropping such 2 good & righteous men was to allay the persecution, that is being waged against the Latter day Saints. . . ." Williams, Reminiscences and Diary, pp. 114-15. Anthony W. Ivins indicated that it was commonly believed in Mexico "that Brothers Taylor and Cowley were dropped for political reasons only." Trials, p. 9.


59Roberts, Comprehensive History, 6:413.

60Salt Lake Tribune October 8, 1910. The Tribune published a series of lists between November 13, 1909, and January 18, 1911, naming a total of 232 men as having married in polygamy after the Woodruff Manifesto. This figure does not include 9 men dropped from the list as inaccurate.


62See John Henry Smith Journal, vol. 34, entries for November 8, 1910, and January 5, 1911, Anthony W. Ivins Collection, 3/16, January 7, 1911. There was also a concerted effort to round up and place on trial for their church membership those married in polygamy after 1904. Although the Taylor-Cowley "trials" are the best known there were numbers of others. See, for example, the cases recorded in Juarez Stake High Council Minutes and Historical Record, 1895-1917, pp. 144-46, 155-56, Historical Record-High Council Minutes, Juarez Stake, Book D, 1908-11, LDS Archives, Reed Smoot Journal, Book 6, entries for September 27, 28, October 1, 1910, and Book 7, entries for November 9 and 29, 1910, Lee Library.

63Trials, pp. 12, 18; John Henry Smith Journal, vol. 24, March 28, 1911; and the comments of Apostle Lyman recorded in Salt Lake Stake High Council Minutes, February 11, 1914, 14, LDS Archives.

64Taylor, "Interviews with Nettie M. Taylor, January 15, 1936, p. 4.


66Ibid.


74Smith to Smoot, April 1, 1911, telegram, as quoted in the reply from Smoot to Smith, April 18, 1911. Reed Smoot Correspondence, 1/1324. Roosevelt seems never to have asked Smoot about "new polygamy." At least there is nothing concerning it in his essay as finally published in Collier's. Isaac Russell, "Mr. Roosevelt to the Mormons: A Letter with an Explanatory Note," Collier's, April 15, 1911.

Matthias F. Cowley, left, and John W. Taylor, right, are spotlighted in this photograph of LDS church general authorities, 1898-1901. USHS collections.