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After the Manifesto: Modern Polygamy
and Fundamentalist Mormons

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The 1953 raid on Short Creek, Arizona, by 102 law enforcement officers had all the elements of classic comic opera for everyone but the fundamentalist Mormons who were arrested.

After a two year investigation into the continued practice of plural marriage by fundamentalist Mormons in the remote north Arizona desert Governor Howard Pyle had quietly filed papers declaring that a state of insurrection existed at Short Creek. A force allowing for two officers to each home in the community was secretly assembled: 60 policemen and state troopers, 30 sheriff's deputies, 12 liquor control agents, plus matrons, nurses, a national guard field kitchen, judges, court personnel, and Attorney General Ross F. Jones. They were joined by about 100 invited reporters.

This army, bouncing along dusty desert roads in 100 cars with headlights off, crept up on tiny Short Creek from both the east and the west in the pre-dawn hours of Sunday, 26 July 1953. The raid was timed to coincide with a full lunar eclipse and with a fundamentalist celebration of Pioneer Days, marking the day in 1847 when Brigham Young and the first Mormon settlers arrived in the Salt Lake Valley.

With all the pretended secrecy the force expected to catch the fundamentalists in their beds, but the Short Creekers knew everything. (One newspaper headline called it a "Well-Advertised Surprise".)

A young lookout, Joseph Barlow, Jr., exploded a dynamite warning signal at 4:30 a.m. His brother, Dan Barlow who is now mayor of the community, raced back to the hamlet from their vantage point on Berry Knoll with a scouting report on the advance force of officers. When the invaders arrived with their
122 arrest warrants they found much of the community awaiting them under the school flagpole dressed in their Sunday finest, packed to go, and singing "America".

In the day that followed virtually every man, woman, and child in Short Creek was seized, save six who were not fundamentalist Mormons. The state set up court in the little school house and the national guard set up a field kitchen to feed the multitude. Homes were searched and religious literature seized as evidence. A total of 263 children were placed in state custody and bused to foster homes in the Phoenix area as well as other cities, usually in the company of their mothers but strictly segregated from their fathers. Many of the arrested were taken to the Mohave County seat at Kingman, 294 miles away, where they were jailed until they posted bonds as high as $2,500.

Short Creek rests on the Utah-Arizona border and many of the hunted either lived in or fled to Utah. Utah authorities made arrests, cooperated with Arizona extradition requests, and seized the eight children of Leonard and Vera Black, along with about 30 adults. (Vera was one of three wives.)

Later in the day Gov. Pyle, a brother of reporter Ernie Pyle, went on a statewide radio hook-up to announce the raid. He deride the fundamentalists as "the foulest conspiracy you could possibly imagine", "a community dedicated to the production of white slaves", and "a community entirely dedicated to the warped philosophy that a small handful of greedy and licentious men should have the right and the power to control the destiny of every human soul in the community."
Speaking for the fundamentalists, 65-year-old LeRoy S. Johnson told the press "We have done nothing wrong. We just practice our religion according to our beliefs. We believe in the original tenants of the Mormon Church." He also denounced the raid as "the most cowardly act ever perpetrated in the United States" and the police as "storm troopers masquerading in highway patrol uniforms."²

On the same day as the Korean Conflict ceasefire dominated the news, the Short Creek raid was a page one item in virtually every major newspaper in the country. Time and Newsweek also dedicated substantial coverage to it.³

As a result of the raid, on 7 December 1953 26 men were placed on short probations after guilty pleas to the crime of conspiracy to commit unlawful cohabitation. (Polygamy was not against the law in Arizona and the family structures did not come under the bigamy statute.) Charges against 69 others who were arrested were dropped.⁴ The Blacks saw their parental rights restricted by a Utah Juvenile Court then lost them entirely in an appeal to the State Supreme Court with an unusually harsh opinion in 1955.⁵ Fundamentalists claim their legal fees were over $50,000.⁶ Mohave County, with only 8,000 citizens, paid over $110,000 to house the seized children in temporary foster care, the equivalent of the county’s budget for an entire year.⁷ Arizona had invested in $10,000 to hire a Los Angeles detective agency to investigate before the raid, then an additional $50,000 hidden special appropriation to carry it off.⁸ Some researchers put the total cost of the raid at $500,000.⁹
Instead of ending "this conspiracy...right now and completely", as Gov. Plye predicted, Short Creek and the fundamentalists thrived. The raid seemed to invigorate them. The heavy handed response by the government, with strong approval of the Church of Jesus Christ of Latter-Day Saints, seemed to generate as much sympathy for the fundamentalists as indignation. Among those who loudly protested the raid was a prominent Mormon historian from near by St. George, Utah, Juanita Brooks.

Today Short Creek is called Colorado City, Arizona and Hildale, Utah, with about 4,000 people in the community. The most prominent building is the impressive 5,000 seat, $2 million LeRoy S. Johnson Meeting Center. The religious group centered there numbers its adherents in the thousands.

Who are these people and why do they generate such emotional reactions? Are they Mormons? What do they have to do with the seven million member Church of Jesus Christ of Latter-Day Saints headquartered in Salt Lake City?

The Church of Jesus Christ of Latter-Day Saints was founded by Joseph Smith, Jr., in 1830 in upstate New York. They quickly were called Mormons, after the Book of Mormon, a book of holy scripture produced by Smith. The Salt Lake City Church is the largest and best known religious body tracing its roots and religious authority back to Smith, but by no means the only one. Smith was murdered by a mob in Illinois in 1844, creating a crisis of succession in the rapidly growing faith. The largest group of saints followed Brigham Young, acting as President of the Quorum of the Twelve Apostles of the Church, to Utah in 1847. Young proved to be an organizational genius and
they flourished in the harsh environment. A somewhat smaller group organized in the midwest a few years later around Joseph Smith III and came to be known as the Reorganized Church of Jesus Christ of Latter-Day Saints. Today they are headquartered in Independence, Missouri, with a membership in the hundreds of thousands. Young’s support for plural marriage was one of the principle dividing points between the two groups.\textsuperscript{14}

Plural marriage had nothing to do with sex and everything to do with religion. It’s theological basis can still be found at section 132 of the \textit{Doctrine and Covenants}, one of the principle sacred texts of the LDS Church. Dated 1843, the revelation to Smith concerned Mormon “celestial” or eternal marriage in which whole families were sealed under priesthood authority to live as a unit in the next life. It also concerned biblical plural marriage involving Abraham, Isaac, Moses, David, Solomon and others. Mormons believe the Lord told Smith that these unions not only were proper but were His commandment in order to quickly raise up a righteous people in the last days.\textsuperscript{15} Section 132 and the practice was not made public until the Mormons were settled in the seemingly safe isolation of Utah Territory.

The Utah Mormons, or Brighamites as they were often called, went public with plural marriage in 1852. That, along with other unusual social and economic customs and their separatist bent, led them into over fifty years of intense conflict with the rest of the nation. Congress passed laws, all approved by the United States Supreme Court, which removed Mormons from juries, elected or appointed office, and voting rolls.\textsuperscript{16} Between 1,300 and 2,200 Mormon men and women were imprisoned for
plural marriage related offenses, about one in every hundred adults.\textsuperscript{17} Hundreds more suffered heavy fines. Their leaders and many husbands went into hiding on the Mormon underground. Refugee communities were established in northern Mexico in 1885 and western Canada in 1887.\textsuperscript{18} Finally in 1890 the Supreme Court approved another congressional act seizing all Church property except meeting houses and graveyards, a devastating blow in a society that functioned in a quasi-religious communalism.\textsuperscript{19} Mormon society was in a shambles and Wilford Woodruff, fourth Church President and a successor to Young who died in 1877, found himself struggling to accomplish the very survival of the Church in the face of relentless federal pressure. Some Church leaders had considered turning their backs on plural marriage for years, but religious duty had always stopped them short of the ultimate step.

On 24 September 1890 Woodruff issued a statement Mormons know as the manifesto. Currently published as an "official declaration" in the back of the \textit{Doctrine and Covenants}, it pledged the Church's future obedience to federal law and an end to plural marriage.\textsuperscript{20} It was presented to the membership of the Church at the October 1890 general conference where it was sustained as "authoritative and binding" by a 10,000 member congregation numb from a decade of unyielding prosecutions.\textsuperscript{21} Survival was insured, but plural marriage was the sacrifice that bought the LDS Church's continued existence.

After two generations of bitter struggle and the continued existence of thousands of plural families, one could hardly expect religiously based plural marriage to melt away. Tensions
within the Church over this issue continued for at least the next 25 years.

Utah statehood was achieved in 1896 and federal laws regulating United States territories, the vehicle that had brought so much pressure earlier, no longer applied. Plural marriage was prohibited by statute and by the state constitution, a condition imposed by congress for statehood, but enforcement was relaxed. Gradually Mormons began to slip back into new religiously motivated plural marriages and old families continued to live together. Mormon refuges in northern Mexico and western Canada again saw plural marriages solemnized. Between 1890 and 1904 as many as 2,000 such marriages, more or less approved by Church leaders, were performed. One scholar estimates that today there are as many as 50,000 living descendants of those marriages. In 1898 Utahns elected the brilliant Mormon theologian Brigham H. Roberts, who had three wives, as a Democratic congressman. He was expelled in 1900 after great public outcry and lenghtly hearings. Mormons were once again becoming the object of public scorn.

All through this period the Church publicly denied that there were any new plural marriages. The rank and file membership was either confused or seemed to accept this as a necessary evasion designed to protect both the Church and a religious ordinance most held very sacred. This experience of official denial but continued practice created, according to one scholar, a classic example of cognitive dissonance. It also rendered the situation so ambiguous that future Church denials simply were not believed by many faithful Mormons.
This all came to a head in 1903 when the Utah legislature elected Mormon Apostle Reed Smoot as a Republican United States Senator. Smoot was a monogamist but his election brought furious protests and a four year Senate investigation into him personally, the LDS Church and post manifesto plural marriage. It was an agonizing time for Mormons.

In 1901 Joseph F. Smith, a nephew of the martyred Joseph, had succeeded to the Presidency of the Church. A champion of plural marriage, Smith continued to live with his wives until his death and in 1906 was convicted of unlawful cohabitation. But in April 1904, speaking as Prophet, Seer and Revelator, Smith issued what has come to be known as the second manifesto. A more final and definite statement, it officially closed the door on continued plural marriage sanctioned by the church.  

Soon two members of the influential Quorum of the Twelve Apostles were dropped over plural marriage and one, John W. Taylor, living in Canada at the time was excommunicated in 1911.  

Taylor continued to advocate plural marriage on his Canadian LDS contacts and persuaded many to enter the principle in spite of President Smith's pronouncements. He died in 1916 of cancer at age 58. In 1965 Church President David O. McKay reinstated him as a member in full standing.  

Taylor's excommunication and Heber J. Grant's succession to the Presidency in 1918 brought the Mormon Church from a defensive position on plural marriage to one of fierce opposition. Grant himself had married three wives, but only one survived into his Presidency. In 1899 he was prosecuted for the continued unlawful cohabitation with his plural wives and paid a $100 fine after pleading guilty to the charges.
Excommunications over plural marriage began as did the Church’s support for increased penalties and criminal prosecutions. The rhetoric of the emerging new leadership became much sharper as the previous generation committed to plural marriage was dying out.

But significant numbers of Mormons never accepted the demise of "the principle". The first religious protest of the Church’s shift away from plural marriage came in 1895 when Israel A. J. Dennis claimed an angel gave him authority to organize "the Church of the First Born", in part to continue plural marriage. His following was microscopic and his 1896 prosecution for adultery ended his pretensions.\textsuperscript{32} Plural families generally kept a low profile and remained comfortably within the Church.

In 1912 Lorin C. Woolley came forward with an account of an 1886 revelation given to Church President John Taylor, Brigham Young’s successor and John W. Taylor’s father. Taylor had been hiding at the Woolley’s Centerville, Utah, home, a safe haven on the Mormon underground. The night of 26-27 September 1886 when Taylor was considering yet another proposal made by others to suspend plural marriage in an effort to save the Church from ever more certain destruction, he was said to have experienced a visitation from Jesus Christ and Joseph Smith, Jr. They instructed him for most of the night not to give up what was considered a sacred religious ordinance. In the morning Taylor told his bodyguards of the vision. He ordained five of them, including 29-year-old Woolley and his father John W. Woolley, with the priesthood authority to continue performing plural marriages without regard to what position the Church might
officially take in the matter. The revelation was not recorded in the usual manner and today is denied by the Salt Lake City Church. Taylor died on the underground on 25 July 1887, still defiant.

In 1914 John W. Woolley, then a stake patriarch and temple worker, was excommunicated for performing plural marriages. An official statement would say only that he was cut off "for insubordination to the discipline and government of the Church." In 1921 another Salt Lake City patriarch who was also to become important for fundamentalists, Israel Barlow, Jr., was excommunicated for the same reason. One of his sons, John Yates Barlow, was released from his second proselytizing mission for the LDS Church in 1919 after taking a plural wife in Idaho. In 1924 Lorin C. Woolley was excommunicated for his continued advocacy of plural marriage. They were joined by Joseph W. Musser, a Church official in Salt Lake City disciplined in 1909 for his own involvement with plural marriage. These and other excommunications gradually produced both a leadership and core group of Mormon fundamentalists who would begin to organize a parallel religious body.

In 1910 and again in 1914 President Smith wrote to stake presidencies reminding them of the 1904 second manifesto and urging them to investigate and punish any recent plural marriages. In 1911 he appointed a special three member investigating committee, including Grant, to consider the problem. As President, Grant in 1921 bluntly told a general conference of the LDS Church that no man living had the ecclesiastical authority to perform such marriages and any who said otherwise were "plain, simple liars". He specifically identified the church office of patriarch as not having this
authority, suggesting that some had continued to perform such marriages. Grant’s stern message was repeated in 1925, 1926 and 1931.\textsuperscript{38}

Grant and one of his two counselors, a relative of the Woolleys named J. Reubin Clark, increased the pressure on fundamentalist sympathizers. In 1933 the Church issued yet another statement condemning continued plural marriage. Often called the "final manifesto", the sixteen page document was read in every congregation of the Church. With it the last tolerance for diehards ended and an almost open war erupted between the Church and the smaller body that came to call itself the Fundamentalist Church of Jesus Christ of Latter-Day Saints.\textsuperscript{39}

Clark, a new generation of Mormon leader whose opposition and embarrassment over plural marriage was as intense as the previous generation’s support, was sustained as a counselor in Grant’s First Presidency at the April 1933 general conference of the Church. Fundamentalists were again passing out literature at the gates of Temple Square during that conference. Lorin Woolley, in the last year of his life, was telling followers that Clark was somehow associated with his group.\textsuperscript{9} Clark was furious. The June 1933 "Final Manifesto" on plural marriage, which he drafted, was a predictable reaction.

The statement combined refutations of the fundamentalist movement from law, history and religion. It was mailed to every ecclesiastical leader in the Church. The message was unmistakable. The doctrine of plural marriage had come to an end and any who flirted with it did so at the peril of their very souls, beginning with certain excommunication from the Church.\textsuperscript{40}
The statement had something other than the desired effect and a few years later Clark himself would come to view it as a mistake. As one scholar put it, the statement "had transformed a rag-tag collection of polygamist sympathizers who valued their Church affiliation into a cohesive movement of true schismatics...who rejected the Church and its leaders, militantly proselytized, and for the first time in the twentieth century became an actual threat to the Church."41

Also in the mid 1930s Clark implemented the idea of a kind of required written ecclesiastical loyalty oath that suspected fundamentalists were required to sign.42 Many did not, and those who refused for whatever reason were usually excommunicated.

As the LDS Church was struggling with this issue, Short Creek was beginning to emerge as a center of support for continued plural marriage.

Arizona news accounts say that a group of fundamentalist Mormons who continued to advocate and practice plural marriage had gathered at tiny Lee's Ferry by the early 1930s. This group included two brothers, Price and LeRoy Johnson, sons of the plural wives of Warren M. Johnson who had operated the ferry for almost twenty-five years in the last century.43 Price Johnson was described as a former LDS missionary and an especially able speaker. Governor George W. P. Hunt of Arizona, who visited the remote area, commented "Hell, if I had to live in this place, I'd want more than one wife myself."44 Coconino County, Arizona, authorities became aware of the marital choices and threatened criminal prosecutions. By 1935 the group moved to Short Creek which was even more isolated than Lee's Ferry.45
One early settler in Short Creek, Jonreed Lauritzen, recalled that "During the 1935 year several families moved here from northern Utah. Each man has two, three wives and large families. They were friendly and sociable and readily merged with the rest of the community." He noted that these Mormons believed the area "was the Land of the Bountiful spoken (of) in the Book of Mormon and ... They taught that Short Creek was the spot where Christ blessed little children when he visited this continent according to the Book of Mormon." 46

LDS records for the Short Creek congregation show four excommunications in 1934 of individuals who either preached or practiced plural marriage including Price Johnson and a plural wife. In 1935 eighteen more were excommunicated for refusing to sign Clark's loyalty oath. 47 LeRoy Johnson was among these.

LeRoy Johnson would later recall the excommunications.

"The (stake) high council came out to Short Creek in 1935 and called us on the carpet and told us our die was cast and that we were only to accept or reject their edict, there would be no argument." The ward clerk then circulated "a little paper to sign," the loyalty oath. Johnson and his wife Josephine discussed it and decided not to sign. The Johnsons and others were notified of their excommunication a few days later. Johnson was relieved by the excommunication, but his wife "felt like the earth had fallen out from under her." Sometime after the excommunications the LDS Church sent an emissary, a returned missionary. The man "was called on a home mission to come out to Short Creek and preach repentance to us. He was an ambitious young man, full of faith, as far as the Church was concerned. He was very definite in his explanation of what he was sent out
to Short Creek for...He went on at great lengths to let us know that we had committed one of the greatest sins a people could commit in breaking away from the Church and claiming plural marriage to be a great saving principle." Johnson did not doubt the sincerity of the young missionary, but the Short Creekers were unmoved.48

Gradually pressure to prosecute the fundamentalists increased. In 1935 Mohave County, Arizona, arrested eight persons and in what one newspaper called "Arizona’s strangest trial in may years,"49 two fundamentalists were convicted.

Carling Spencer, in his late fifties, and Price W. Johnson each were sentenced to eighteen months in Arizona State Prison at Florence, on convictions for open and notorious cohabitation. Spencer, took the stand to acknowledge his plural marriage and to defend it as an essential article of his religious beliefs.50 Silvia Allred, a plural wife of Spencer and mother of four of his children, had her trial postponed because of her fifth pregnancy.51 After Johnson and Spencer were convicted the woman was placed on probation for six months as part of a plea bargain.52 The investigation and prosecutions by Mohave County Attorney E. Elmo Bollinger reportedly came when many of the women listed the same husband on relief applications but fundamentalists believed the LDS Church had instigated them.53 One magazine account said that while the LDS Church supported the prosecutions, "the trials of Spencer and Johnson proved costly, and there is distinct agitation against bringing others to trial."54

The Short Creek community was now gaining some modest national attention as a center of modern plural marriage.55
Some anti-Mormon religious activists failed to distinguish the fundamentalist community there from the larger Mormon community.\textsuperscript{56}

At the time of the trials Short Creek was said to consist of about 200 persons trying to scratch out a living with communal ranching. Every aspect of their lives were harsh and demanding. The local religious leader was Bishop John Y. Barlow. Trial testimony indicated the fundamentalists had been cut off from the LDS Church. An LDS Stake President and brother-in-law of Price Johnson was an important witness for prosecuting attorney Bollinger.\textsuperscript{57}

In September 1939 another round of criminal prosecutions brought the conviction of Richard Jessop in Washington County, Utah, just across the border, on the charge of unlawful cohabitation. The crime was now a serious one, having been upgraded by the Utah legislature from its historic misdemeanor classification to a felony in 1935.\textsuperscript{58} Jessop appealed his conviction to the Utah Supreme Court, the first time fundamentalists had found the resources to resist their convictions, but it was affirmed in 1940.\textsuperscript{59}

Local historians recall another wave of fundamentalists coming to the area in 1940. They were led by J. M. Hammon and in 1942 would organize their United Effort Plan, an attempt to return to the United Order cooperatives of nineteenth century Mormonism. One observer described it as follows:

"Under this plan no one owned anything. The men worked under the direction of the leaders and their earnings belonged to the group. The women and children, large enough to work, were also drafted into
the service of the group, and during fruit picking, canning and such work they were transported by truck to and from their work in the nearby towns. A common store house was provided where food, clothing, etc. were gathered and stored. The milk cows of the group were all kept in one barn and milked and cared (for) by individuals assigned to that work. Several times each day a supply truck made the rounds of the homes of the members of the group and distributed milk and all kinds of food such as the group possessed. Clothing and fuel were also furnished to members of the group."

The mid-1940s brought a more aggressive action that Time called "the biggest raid on polygamists since the orthodox Church officially outlawed plural marriage in 1890." In the early morning hours of 7 March 1944 a coordinated federal and Utah strike force arrested about fifty individuals in Utah, Arizona and Idaho. News accounts not only reported that the raids came at the Mormon Church's urging, "but (the Church) actually helped prepare evidence against the accused."

At the time of the 1944 raid the First Presidency of the LDS Church issued a statement which The Salt Lake Tribune, described as "unequivocally opposed to the practice of plural marriage." The statement spoke of an "apostate group that persisted in the practice of polygamous marriage, illegal both as to the church and the state." It said any church members who entered into "these illicit relationships have been formally dealt with and excommunicated as rapidly as they can be found out." The statement supported and praised the government for
the raid.\(^6^3\) During the series of trials which followed the 1944 Raid the LDS Church announced that it had appointed investigators to "search out the cultists (fundamentalists), turning over such information as they gathered to the prosecution."\(^6^4\) Reportedly, the Church had excommunicated over 200 fundamentalists in the months leading up to the raid, often publishing their names in Church magazines. News accounts suggested that there were no more than 2,500 fundamentalists at the time.\(^6^5\)

The fundamentalists were charged under Utah’s felony unlawful cohabitation law and with criminal conspiracy. Federal charges were brought for mailing obscene literature, kidnapping and under the Mann Act for white slave trade. Many of the defendants were women. A principle fundamentalist spokesman at the time was Musser, the 70-year-old editor of their magazine Truth and the husband of five wives with twenty children.\(^6^6\)

Among the charges against Musser, Barlow and several others were mailing obscene literature. The literature in question was Truth, the monthly religious organ that published from 1935 until its expiration in 1956. It contained almost nothing but the texts of nineteenth century Mormon sermons on plural marriage and other concerns, quotes from Mormon scripture still used by the Church proper, and editorials advancing the group’s religious beliefs. The government’s use of obscenity charges seemed more designed to embarrass the fundamentalists than out of any realistic hope of obtaining convictions. In dismissing these charges a United States district judge noted that Truth’s content was "restrained and nothing more than an argument in
favor of a practice that for many years was a tenant of the Mormon Church." 67

Several appeals followed. In 1946 the United States Supreme Court ruled fundamentalists could not be convicted under the Federal Kidnaping Act where plural wives were willing partners in the religiously motivated marriages. 68 However in the same year the Supreme Court ruled that the Mann Act prohibiting the interstate transporation of women for immoral purposes applied to fundamentalist plural marriages even though the law only spoke in terms of prostitution. 69 On a 6-3 vote, the Supreme Court remanded a third case back to the Utah Supreme Court for further clarification of state conspiracy law. 70 Future Utah Governor Calvin Rampton was part of the government’s appellate team as a young assistant attorney general. This case did not go any further than the remand, all parties apparently having exhausted themselves by its 1948 date of issue. One fundamentalist defendant, Rulon Allred, would recall “that the U.S. Supreme Court would have overturned our sentences if we hadn’t already served them.” 71

Ultimately, prosecutors secured convictions on only 15 men of the original 50 charged, and a few of these would be overturned by the United States Supreme Court. Collectively these fifteen had 55 wives and 283 children, all of whom posed for an impressive Life magazine photograph. 72 The convicted men would become respected heros in the tightly-knit fundamentalist community.

The 1944 Raid did not eradicate the fundamentalists or their continued practice of plural marriage. It did, however, escalate the bad feelings between them and the LDS Church. In
1977 Johnson recalled with some bitterness the support of Church President Grant for the prosecutions:

"Sometime along the line, President Grant made remarks that he would like to live to see all these polygamists behind bars. And he did. When the 1944 Raid came along, they arrested Brother Musser and Brother Barlow and put them in jail along with Brother Zitting and others, Brother Kelsch. And do you know what happened? After the prison gates closed behind these men, President Grant passed away. So, he lived long enough to see them behind bars." 73

Grant died on 14 May 1945 after presiding over the LDS Church for almost 27 years.

In the late 1940s, after the 1944 Raid and litigation that followed, the largest fundamentalist group divided over a leadership succession dispute. There was some rivalry as to who the leader of the priesthood council was, Musser who had suffered a debilitating stroke and was under the care of Dr. Rulon Allred, or Barlow. Barlow died in 1949. Musser designated Allred as his successor, passing over Johnson and other members of the council who believed they had greater seniority. When some members of the council refused to ratify Musser’s choice, he dissolved the body and formed a new council that would follow his lead. The old council eventually looked to Johnson as their leader and the new council looked to Allred after Musser’s death in 1954. Johnson presided over his Short Creek/Colorado City group until his death in 1986 when he was succeeded by a Salt Lake City accountant, Rulon Jeffs. Allred presided over his somewhat more liberal group until his murder.
in 1977 by followers of the crazed Ervil LeBaron, another polygamist leader. He was succeeded by his brother Owen Allred of Bluffdale, Utah. Some divisions continue today.\textsuperscript{74}

After the events following the 1944 Raid settled down the fundamentalists were left in peace, albeit, an uneasy one, for a few years. As the leaders were released from prison they returned to their religious community as respected citizens. No further criminal action was directed to them until the 1953 raid by Arizona.

While the criminal prosecutions were frightening to the fundamentalists, they never had the effect of diminishing their faith in their unusual religious beliefs. Recognizing this, prosecutors in Utah decided to take a different approach. Their test case was to be the family of Vera and Leonard Black.

Black married his legal wife, Verna, in St. George, Utah, sometime between 1925 and 1928. They had twelve children, eleven living at the time of the raid. Vera Johnson became a plural wife of his in 1934 or 1935. They had eight children, ranging in ages from two to 17 at the time of the raid. Lorna Johnson later became his third plural wife and they had seven children for a total of 26 in the extended family by 1953. The plural marriages were solumnized by Bishop Barlow, who died in 1949.\textsuperscript{75} Lorna and Verna had homes on the Arizona side of the community, but Vera had the misfortune to live in Utah about a mile away.\textsuperscript{76}

Initially, Arizona had considered some action to deprive fundamentalists of their children. Shortly after the raid 166 juveniles and 41 mothers were bused to foster homes in Phoenix while the state pondered its options.\textsuperscript{77} The leading Arizona
newspaper strongly editorialized against "Mass Adoptions" early in the incident.\textsuperscript{78} Within a week a women Superior Court Judge, Lorna Lockwood, was assigned the matter. By 1955 the Arizona Courts had ordered 161 children returned to their families.\textsuperscript{79}

Utah was even less tolerant. The state moved to have the eight children of Vera Black found to be neglected and abused based on her religious beliefs which she both lived and taught to the children. Because she refused to renounce her beliefs, her parental rights were terminated. That decision was appealed to the Utah Supreme Court which affirmed the local juvenile judge in a scathing 27 page opinion. The United States Supreme Court then refused further review.\textsuperscript{80}

Today all of Vera Black's children are adults living in Colorado City. She is a teacher's aid in a public school and a respected member of the community, as are her two sister-wives. Their husband died in 1972 and was eulogized by Johnson, then head of the Colorado City fundamentalist community, as a man "known for good" who "leaves a great posterity."\textsuperscript{81}

The 1953 Raid represented a high water mark for prosecutions of fundamentalists. Public reaction to the raids was often negative and seemed to many people to have crossed from prosecution to persecution. Five more convictions were obtained by Utah in 1955 and that year the state legislature appropriated $20,000 to the Attorney General to investigate polygamy, but that was a last gasp. In 1957 estimates in Utah ranged from 1,600 to 20,000 individuals practicing religiously based plural marriage, but there were nothing more than a guess as fundamentalists were tight lipped on the subject.\textsuperscript{82}
The LDS Church suffered a shock in 1960 when it was learned that a number of its 130 young missionaries in France had become involved in informal religious study groups leading them to conclude the fundamentalist Mormons were essentially correct in their views. No organized influence had been involved in the incident; the young men and women had arrived at their conclusions independently. In December 1960 Church courts were held on ten of the missionaries and nine were excommunicated. A few of the excommunicants briefly affiliated with the LeBaron groups in northern Mexico.83

The more mainstream fundamentalists have shunned public exposure and only rarely appear in the news, almost always involuntarily. Others identified as fundamentalists, frequently a small and often unstable fringe, have gained wide media attention with periodic spasms of violence. The peaceful fundamentalists are emphatic in their rejection of violence. The Colorado City group, for instance, prohibits the possession of any firearms in the community as a matter of religious faith.84

In 1979 and again in 1988 a very small northern Utah family of independent fundamentalist followers of John Singer engaged in shoot-outs with law enforcement officers that resulted in some deaths and the bombing of an LDS Church.85

Also, in 1977, the brutal shooting of fundamentalist leader Rulon Allred by the wives of Ervil LeBaron brought a tragic climax to years of murders by the small and fanatical LeBaron group. His eventual conviction and 1981 death of heart seizure in a Utah prison has not entirely eliminated the lawlessness of his tiny band of followers.86
In more recent time the fortunes of the fundamentalists seem to have reversed themselves. They are more ready to speak openly about their religious beliefs and community life. Even the Utah judiciary has begun to mellow in their attitudes about fundamentalists along with public opinion. The Utah supreme court has gradually begun to dismantle the harsh rule of law set out in In Re Black.

In the mid-1980s a Murray City, Utah, police officer again litigated the first amendment standing of religiously based plural marriage. Officer Royston E. Potter had attended Brigham Young University and was a married member of the LDS Church. He embraced fundamentalist Mormon views without affiliating with any of the established groups. He married two plural wives for a total of three, and had children by each, for a total of five. In 1982 he was dismissed by the police department. The city’s attorney took the position that the problem wasn’t so much Potter’s polygamy as it was the fact that his marriages constituted a felony under Utah law.

Potter challenged his dismissal in the federal courts and was rebuffed at all levels, including the United States Supreme Court which refused to review lower court decisions against him. Reynolds, as modified by modern cases, was affirmed. Potter later used his notoriety in an unsuccessful run for Salt Lake County Sheriff.

Presently the Utah Supreme Court is considering an adoption case involving a fundamentalist Mormon family that might have far reaching implications for religiously based plural marriage. A Hildale building contractor with two wives has petitioned to adopt the five minor children of a third wife who recently died.
of cancer. The children are from her previous fundamentalist marriage and the natural father had agreed to the adoption, but two half-sisters of the deceased wife have sought to block it based on In Re Black. State home studies have praised the fundamentalists’ household but under In Re Black the quality of the home is largely irrelevant. The American Civil Liberties Union has joined the case on behalf of the fundamentalists. The Utah supreme court will likely decide the issue sometime in the coming year and further appeals to the United States Supreme Court seem likely.

Today the LDS Church continues to excommunicate fundamentalists and as recently as 1974 the late President Spencer W. Kimball warned his members "against the so-called polygamy cults which would lead you astray. Remember the Lord brought an end to this program many decades ago..." But the bitterness between the mother Church and the fundamentalists has diminished substantially. The nearly seven million members of the Church of Jesus Christ of Latter-Day Saints exist all over the world, the majority outside the borders of the United States. In that context, the fundamentalists of the Rocky Mountain West, even with 20,000 or more adherents, no longer are a major focus of LDS concerns.

There has also been a passing of generations. No longer are fundamentalists leaders and LDS leaders closely associated by blood or from having grown up together, as was the case with Clark, the Woolleys and others in the 1930s and 1940s. Fundamentalists do not actively proselytize LDS congregations. The sometimes prickly Truth which irritated relations a
generation ago no longer publishes. Both sides seem intent on agreeing to disagree and simply going their own ways.

In a world that is learning to tolerate homosexual unions, AIDS, open marriages, rampant divorce, and pornography, polygamists hardly seem worth worrying over. Court cases no longer involve criminal prosecutions but rather employment and other discrimination issues such as are represented by Potter and the Fischer adoption case.

Fundamentalist leaders today are more pragmatic than those a generation earlier. Many actively engage themselves with a larger society through business, political and civic activity, trying to prove that they are good citizens with sincere religious beliefs. They do remain highly controversial, as the debate around the Fischer case indicates, but they seem to have found a tolerated place in American society.
END NOTES


7. Subcommittee Hearings, 8.

8. One magazine wrote "The $50,000 appropriation required to finance the operation was embodied in an omnibus appropriation bill and listed as part of the governor’s emergency fund; only a few leaders of the legislature knew
what the money was for. At one point, a bill actually was
drafted appropriating the money for 'grasshopper control.'"
Wiley S. Maloney, "Arizona Raided Short Creek - Why?", 


10. Subcommittee Hearings, 13-16; "Pyle Condemns Short 
Creek 'Plot'" The Arizona Republic, 27 July 
1953, page 15.

11. Levi S. Peterson, Juanita Brooks: Mormon Woman Historian, 
Salt Lake City (University of Utah Press: 1988), pages 
246-249.

12. Ron Bitton, "Polygamist Leader Passes On", Sunstone, 

13. For one of the better attempts to list and trace the 
various offshoots see Steven L. Shields, Divergent 
Paths of the Restoration, Bountiful, Utah 
(Restoration Research: 1975).

14. Roger Launius, Joseph Smith III: The Pragmatic Prophet, 
Urbana and Chicago (University of Illinois Press: 1988), 
pages 190-272.

15. Doctrine and Covenants 132: 32-27 provides:

"32. Go Ye, therefore, and do the works of Abraham;
enter ye into my law and ye shall be saved.

"33. But if ye enter not into my law ye cannot 
receive the promised of my father, which he made unto 
Abraham.

"34. God commanded Abraham, and Sarah gave Hagar to 
Abraham to wife. And why did she do it? Because this was
the law; and from Hagar sprang many people. This, therefore, was fulfilling, among other things, the promises.

"35. Was Abraham, therefore, under condemnation? Verily I say unto you, Nay; for I, the Lord, commanded it.

"36. Abraham was commanded to offer his son Isaac; nevertheless, it was written: Thou shalt not kill. Abraham, however, did not refuse, and it was accounted unto him for righteousness.

"37. Abraham received concubines, and they bore him children; and it was accounted unto him for righteousness, because they were given unto him, and he abode in my law; as Isaac also and Jacob did none other things than that which they were commanded; and because they did none other things than that which they were commanded, they have entered into their exaltation, according to the promises, and sit upon thrones, and are not angels but are gods."


20. President Woodruff's "Official Declaration" responded to "Press dispatches having been sent for political purposes, from Salt Lake City" to the effect that a number of new plural marriages had been solemnized in 1890 and that LDS Church leaders continued to teach, encourage and urge more such marraiges. "I, therefore, as President of the Church of Jesus Christ of Latter-Day Saints, do hereby, in the most solemn manner, declare that these charges are false. We are not teaching polygamy or plural marriage, nor permitting any person to enter into its practice, and I deny that either forty or any other number of plural marriages have during that period been solemnized in our Temples or in any other
place in the Territory." Woodruff goes on to say that "Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws, and to use my influence with the members of the Church over which I preside to have them do likewise."


32. Quinn 1985, 56.


40. ibid, 184.

41. ibid.

42. In part, the oath required members to "solemly declare and affirm that I, without any mental reservation whatever, support the Presidency and Apostles of the Church; that I repudiate any intimation that any one of the Presidency or Apostles of the Church is living a double life... that I denounce the practice and advocacy of plural marriage... and that I myself am not living in such alleged marriage relationship."
Quinn 1983, 184-185.


44. Measeles, Supra, 66.


46. Ibid, page 5.

47. See Transcript of Rockville Ward, Zion Park Stake, Ward Records, Form E, for years 1934 and 1935. Originals in LDS Archives, Salt Lake City, Utah.


52. The Arizona Republic, 9 December 1935, "Woman's Trial is Postponed" and 14 December 1935, "18 Months Meted For Polygamy."


August 1936, pages 9-10.


57. "Polygamy Verdict Is 'Guilty'," *The Arizona Republic*, Friday, 13 December 1935, pages 1 and 8. Charles Heaton, President of the Kanab Stake of the LDS Church, testifying concerning Johnson's marrying his sister, Esther Heaton Johnson, as his first wife in 1912. The couple had six children.


60. Malach, at 6-15.


65. *Time*, ibid; *The Improvement Era*, December 1944 at pages 791-792 and December 1945 at page 768.

66. *Time*, ibid; *Newsweek*, ibid. For a sympathetic account of Musser’s life and experiences in these events see his obituary in *Truth*, June 1954, pages 1-35.


76. In Re Black, 283 P.2d at 888.
80. In Re Black, supra. See also Black v Anderson, 277 P.2d 975 (Utah 1954) and Black v Utah, 350 U.S. 923, 76 S. Ct. 211, 100 L.Ed. 807 (1955).
84. Deposition of Carl Fischer, In The Matter of the Adoption of Thornton Children, Fifth District for Washington County, Utah, Probate No. 3023.


91. Potter v Murray City, 760 F.2d 1065 (10th Cir. 1985); 585 F. Supp. 1126 (D. Utah 1984); U.S. cert. denied, 474 U.S. 849, 106 S. Ct. 145, 88 L. Ed.2d 120 (1985). See also Penelope W. Saltzman, "Potter v Murray City:

92. See Wisconsin v Yoder, 406 U.S. 205, 92 S. Ct. 1526, 32 L. Ed.2d 15 (1972) and discussion at Potter, 585 F. Supp. at 1134-1136.

