Coercion and in-group policing of religious minorities: the case of the Mormon abandonment of polygamy

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Abstract

How can an effective commitment be made, or induced, where no credible commitment is possible? This paper explores this question by examining the process by which the Church of the Latter Day Saints (Mormons) abandoned the practice of plural marriage, or polygamy. After numerous failed attempts by the United States government to wipe the reviled practice out by force, the Mormon leadership promised to stop the practice in 1890 in exchange for Utah's statehood and freedom from federal coercion. Plural marriage continued, however, often with Church acquiescence. In 1904, the Senate secured another commitment to end plural marriage after the Senate blocked the seating of Utah Senator Reed Smoot. This second commitment was genuine, backed by a considerable self-policing effort. This paper constructs an historical narrative, mainly from secondary sources, to show how the state's organizational slack (in the form of the Senate hearings, which enabled the United States to withhold the benefits of statehood after granting statehood) to induce an effective commitment from the Mormons by fracturing the leadership's world-view and solidarity, which had previously maintained a norm of deception.

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Thanks to Brad Kramer, Dan Magleby, Allen Hicken, Josh Gubler, Rob Mickey, Bill Clark and Anna Grzymala-Busse.

Introduction

In 1890, the United States government ceased a harsh punitive campaign against Utah Mormons after Church President Wilford Woodruff issued a Manifesto stating that the reviled practice of Mormon polygamy would cease. This commitment was, in the language of new institutionalist political science, not "credible" at all.[1] The Church leadership had a long history of concealing the practice from outsiders, and Woodruff's statement contained well-known loopholes that were readily exploited. However, this commitment served as the basis for Congress to grant the long sought-after prize of statehood to the overwhelmingly Mormon Utah territory, which occurred in 1896 despite the quiet continuation of plural marriage among Mormons.

This paper explores how, even in the absence of a credible commitment, the granting of statehood nonetheless triggered the process that would bring about the end of Mormon plural marriage. Congress enjoyed an important degree of organizational slack: even while giving Utah statehood, it was able to block the seating of its legislative delegates. The seating of Senator Reed Smoot was unexpectedly delayed for four years while various objectors complained about the continuation of polygamy in Utah. This soft coercion caused a major fracture in the solidarity and world-view of the Mormon leadership. Smoot, and other Mormons serving in Washington, were oriented towards national politics and integration with broader society. Frustrated and dismayed by the hearings, and seeing a real danger in them, they brought sufficient pressure to bear on the reluctant leadership in Utah to abandon plural marriage completely, and this was supported by a vigorous and public campaign of in-group policing against polygamists.

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[1] The paradigm of "credible commitment" in political science has one of its best and best-known explanations in North and Weingast (1989), which explores how the English sovereign was able to make a credible commitment to respecting contracts and property rights, thus facilitating massive economic growth.

This story has both substantive and theoretical importance. Substantively, the abandonment of polygamy paved the way for the rise of the Mormons as the fastest-growing religious group in the world. (Stark 2005) Prior to the twentieth century, the Mormons had been a poor, communally-organized and geographically isolated sect. The dominant Protestant culture regarded them as an unacceptable affront to the American institution of marriage, and they were a favorite subject of lurid, sex-themed horror stories. Now the Mormons are "unashamedly capitalist" (Arrington 2005) and among the most affluent religious minorities in the United States. Furthermore, they are often celebrated by conservatives as the embodiment of American family values, as some Protestant churches increasingly embrace more experimental forms of family life. (Flake 2004) The stunning success of Mormons in the world religious market had to be prepared in the realm of national politics. The other substantive consequence of this process was that those Mormons who wanted to continue plural marriage were forced back into geographical isolation in northern Arizona, and ultimately split from the Mormons altogether. They have maintained an extremely separatist outlook and have been subject to several devastating raids by state authorities, most recently in 2008 in Texas.[2]

Theoretically, this case helps us consider the question of how commitments can be secured in the absence of any mechanism of credibility. Just as committing himself to paying back loans greatly helped the financial prospects of the English monarch, so committing the Mormon Church to abolishing polygamy massively assisted its rise as a millions-strong world religion. However, there was no hand-tying mechanism available in Utah in the late nineteenth century to ensure the Mormon leadership would do what it

[2] Of the many internet resources available on this continuing episode, I have found the most useful and insightful to be Brooke Adams's *Salt Lake Tribune* blog, The Plural Life: http://blogs.sltrib.com/plurallife/ last accessed 06/16/08.

promised. Congress finally got an effective commitment from the Church by giving it what it wanted in the form of Utah statehood, and then withholding the benefits. This created a frustrated, powerful group of Washington-oriented Mormons who prevailed upon the Salt Lake leadership to comply with Congress. Their viewpoint became increasingly powerful over time, as they won the support of the Church President and a new generation of leaders. This has important implications for the subject of bargaining with "extremists" of many kinds, from whom it is often very difficult to obtain anything resembling a credible commitment.

This paper will proceed as follows. The first part will outline the Federal government's forty-year campaign to crush plural marriage among the Mormons. The protracted difficulties of this campaign provide an important contrast with the relative ease by which Congress applied pressure to Utah's delegation in 1903; it raises important problems to do with the limits of state coercion in a democracy. The second part will examine Utah's passage to statehood after the 1890 Manifesto and the Church's non-compliance with anti-polygamy legislation during the 1890s and early 1900s. The third part will look at the lengthy hearings around the seating of Smoot, and the pressure that he and other Washington Mormons applied to Utah to stamp out polygamy. The fourth part will discuss the broader implications of this episode.

The coercive anti-polygamy campaign

The practice of Mormon plural marriage began in secrecy. In 1835, Joseph Smith issued a statement in his revelatory writings that "we declare that we believe, that one man should have but one wife; and one woman, but one husband, except in case of death,

when either is at liberty to marry again." However, Smith had secretly explained to a few higher members of the church that Mormon men would one day practice plural marriage, according to a revelation he had received in 1831. (Quinn 1985, pp. 19-20) Smith and others began practicing plural marriage in Nauvoo, Illinois in the 1840s, though Smith continued to maintain secrecy around the practice. When rumors about plural marriage (which Joseph Smith denied) began to circulate, they caused concern among some Mormons as well as their easily-inflamed non-Mormon neighbors. In 1844 a group of Mormon dissidents founded and printed the only issue of the *Nauvoo Expositor*, which made sensational allegations about the sex lives of Mormon Leaders. Smith responded by ordering the city's well-armed militia (another source of disquiet for non-Mormons) to destroy the paper's printing press. Joseph Smith and his brother Hyrum were subsequently arrested and taken to neighboring Carthage on a charge of inciting riot. A few days later, the Smiths were murdered in the Carthage Jail by a non-Mormon mob which included members of the town militia. (Arrington and Bitton 1979) This bloodshed prompted the flight of many of the remaining Mormons to the Utah territory under the leadership of Brigham Young. It was the fourth time since 1830 that the Mormons had been chased out of a state.[3]

In Utah, where the population quickly became overwhelmingly Mormon, plural marriage was practiced more or less openly. Church leaders, including Brigham Young, Heber C. Kimball and George Q. Cannon publicly and defiantly supported it from 1852 onwards. Polygamy quickly attracted the ire of hostile outsiders. In 1856, the Republican Party's national platform famously resolved that "it is both the right and the imperative

[3] Joseph Smith's followers had previously fled persecution in New York, Ohio and Missouri. The last was the most serious, culminating in an extraordinary, quasi-genocidal "Extermination Order" issued by Governor Lilburn Boggs in 1838.

duty of Congress to prohibit in the Territories those twin relics of barbarism – Polygamy, and Slavery."[4] The first legislative attempt to abolish polygamy was the Morrill Act of 1862, which outlawed bigamy (states already had laws against bigamy, but this was the first extension of those laws to the territories). This law proved to be useless. Some Mormons simply evaded it by having one civil marriage and referring to supernumerary marriages as "sealings." (Arrington 2005) Attempted prosecutions were thwarted by juries which reflected the large numerical superiority of Mormons in the territory. Brigham Young himself married six more wives after 1862. (Quinn 1985)

The transparent failure of the Morrill Act led to a series of far more punitive proposals in Congress. Arrington (2005) details five proposals discussed between 1866 and 1874, only one of which passed. The Poland Act of 1874 attempted to strengthen enforcement of the 1862 law by giving responsibility for cases in Utah to federal officials and courts, and giving "federal judges considerable leeway in the selection of jurors." (p. 357) As harsh as the Poland Act was in circumscribing territorial authority, other proposals had been much more extensive. The Wade Bill (1866) had proposed barring church officers from solemnizing marriages and requiring extensive reporting on church finances to federal authorities; The Cragin Bill (1867 and 1869) proposed abolishing trial by jury in Utah bigamy cases; The Cullom Bill (1869-70) would have deprived plural wives of immunity from testifying against their husbands, as well as sending the army to Utah, raising a large militia there, and confiscating the property of any Mormon leaving the state on account of the law; and the Ashley Bill (1869) proposed "dismembering" Utah and transferring portions of it to Nevada, Wyoming and Colorado. (Ibid) The

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[4] Platform text is available at http://www.ushistory.org/gop/convention_1856republicanplatform.htm last accessed 06/16/2008.

interesting fact about these Bills is not that they were proposed—in the nineteenth century violations of various Mormon rights was a commonplace in the legislative, executive and judicial branches of American governments—but that they failed. In an era when First Amendment rights of religious freedom were generally not extended to Mormons, they seem to have been protected by the budgetary constraints and collective action problems of their would-be suppressors. The failure of the federal government on this issue was an ominous presage of its frequent failure, nearly a century later, to enforce desegregation laws in the South.[5]

The *Reynolds v. United States* Case of 1878 affirmed that polygamy, despite its role as a religious duty for Mormon men, did not fall under the protection of the First Amendment, which only protected religious belief, not religious practice. This distinction created a problem in American jurisprudence that would remain until the 1940s, when various cases involving the Jehovah's Witnesses re-established First Amendment protection for some religious practices, such as proselytism. (See Peters 2000)

The anti-polygamy coalition was at its strongest in the decade following *Reynolds*. What had previously been a movement mainly of Protestant Nativists was now joined by liberals, proto-feminists and Temperance activists. Advocates of women's suffrage had always condemned the practice of polygamy, but had previously shied away from coercive approaches to the problem in Utah. Instead they had supported federal legislation proposed by Radical Republicans that would have granted the vote to women in Utah and several other western territories. They believed this would effectively end the practice of polygamy, allowing women to liberate themselves from "the bond of

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[5] On this subject, see Mickey (2009). Bensel (2000) notes that despite polygamy's status as a "prototypical hurrah issue" in the nineteenth century, it rarely featured in party platforms, suggesting that problems with making policy began well before the legislature.

degradation." The federal legislation failed, but the territories themselves embraced women's suffrage in the late 1860s. For Wyoming, this was a ploy to attract new settlers; for Utah, it was a way of dealing with new settlers. By granting women the vote, the Mormon-dominated legislature diluted the increasing power of (mainly male) non-Mormons in the territory. (Gordon 1996)

By the 1880s, however, proto-feminists and their allies were firmly against women's suffrage in Utah. They believed Mormon women were not ready to participate in consensual government; they voted according to the wishes of their husbands, and thus reinforced their subordinate position in family, sexual and childbearing relations. (Gordon 1996) Two distinct and powerful strands of anti-Mormon rhetoric were visible at this time. On the one hand, Nativist propaganda about Mormons reflected familiar, often outlandish themes about other "un-American" groups such as Catholics and Freemasons. Though relatively small and isolated, Nativists saw Mormons as a subversive threat to American nationhood, and Mormon men, especially Mormon leaders, were accused of almost unimaginable acts of sexual depravity. (Davis 1960, Hofstadter 1964) On the other hand, proto-feminist and Temperance groups accused them of enslaving their women, resurrecting the association between polygamy and slavery that had first appeared in the Republican Party platform of 1856.

One of the leading manifestations of this second form of criticism was the *Anti-Polygamy Standard*, published out of Salt Lake City by non-Mormon women. The first issue of this newspaper, which appeared monthly from 1880 to 1883, carried a prologue by Harriet Beecher Stowe:

To the Women of America:

> Let every happy wife and worker who reads these lines give her sympathy, prayers and efforts to free her sisters from this degrading bondage. Let all the womanhood of the country stand united for them. There is a power in a combined enlightened sentiment and sympathy, before which every form of injustice and cruelty must finally go down.

The opening editorial further emphasized both the slavery theme and the idea that Mormon women were incapable of liberating themselves:

> The saying “who would be free themselves must strike the first blow,” is undoubtedly true in the majority of cases, yet the questions seem pertinent are all those in bondage so circumstanced that they can or will “strike the blow,” and if freedom is not to be theirs, except through their own courage and resistance must they forever remain in fetters? Had the abolition of slavery in the South depended entirely on the slaves striking for freedom, they would have remained in bondage until this day.[6]

The paper contained many stories, purportedly from former Mormon wives, about the horrors of polygamous family life. It also contained a notable amount of encouragement to non-Mormons to move to Utah, discussing the great beauty, robust intellectual life and economic prospects of Salt Lake City, in spite of Mormon domination. Issue Four contained a business report assuring mining prospectors (who were nearly always non-Mormon) that business and political relations with Mormons were peaceful, and there was no political risk involved in prospecting in Utah.

This strand of criticism was probably necessary to securing the support of the Republican Party for punitive legislation, appealing to its anti-slavery tradition. Nativist rhetoric had limited appeal for them. The first truly effective piece of anti-polygamy legislation was the Edmunds Act, which Congress passed in 1882. This Act made polygamists easier to prosecute by making cohabitation with a polygamous wife a crime (this was considerably easier to prove than bigamy) punishable by fines of up to $300 and/or prison sentences up to six months. Anyone guilty of polygamy or cohabitation was

[6] Both block quotes from *The Anti-Polygamy Standard*, Vol. 1, No. 1, p. 1

disfranchised, declared ineligible for public office and incompetent for jury service, and all public offices in Utah were declared vacant to facilitate the law. Furthermore, the Federal officials who were appointed to oversee compliance with the Act in Utah, Idaho and Arizona "tended to interpret the Edmunds Act to mean that persons *professing belief* in polygamy or cohabitation as a religious principle, whether or not proved guilty of their practice, were ineligible to vote and to hold public office." (Arrington 2005, italics mine) This amounts to perhaps the most extraordinary legal assault on religious freedom in the history of the United States. In their analysis of the Act, Anderson and Tollison (1998) note that nearly all the Republicans voted for the Bill, while the Democratic vote was split.

The Edmunds Act prompted open displays of defiance from the Mormon leadership, even as they prepared to go into hiding to avoid arrest. Church President John Taylor in 1884 asked all monogamous Mormons in the Church hierarchy to become polygamists. His last public communication before he went into hiding in 1885 was a response to his own rhetorical question about whether he should disobey God in order to support the government: "No, Never! No, NEVER! NO, NEVER!" (Quinn 1985) Taylor's first counselor, George Q. Cannon, forfeited a $45 000 bail bond under instructions from Taylor in order to return to hiding. Young (1954) notes that the Mormons developed an elaborate set of institutions to facilitate hiding members of the Church hierarchy targeted by Federal officials, modeled on the Underground system by which slaves escaped prior to the Civil War. Members in hiding were protected by hideouts and lookouts, often in small, entirely Mormon communities whose citizens

could be trusted to protect them. Others dispersed their wives or children to multiple locations to avoid investigators. (Young 1954, Ch. 18)

This defiant stance, however, was made much more difficult by the Edmunds-Tucker Act of 1887, which finally equipped Congress with the powers to apply decisive pressure to the Mormon leadership. Edmunds-Tucker authorized the Federal government to seize Church property, and disincorporated the Perpetual Emigration Fund which had assisted in bringing immigrants to Utah from Europe. It supplemented and renewed a number of the features of the Edmunds Act, disfranchising all women in Utah and requiring all prospective voters, jurors and public officials to take an anti-polygamy oath. Church President Wilford Woodruff (Taylor had died in exile) now began to discuss with his advisors the possibility of capitulating to the Federal government with an anti-polygamy clause in the proposed state constitution for Utah. Until 1890 they stopped short of doing so, but statehood remained an important goal for the Church leadership. Federal pressure had now made it nearly impossible to perform plural marriages in Utah, though some were still conducted in Mexico. In 1890, an anti-Mormon political party won control of most county offices in Salt Lake, along with the Salt Lake City school trusteeship. The final straw came when rumors began to circulate that the US government would confiscate the Church's three most important and sacred temples, despite an agreement in 1888 that they would not interfere with temples. (Quinn 1985, 39-42)

On September 25, 1890, President Woodruff issued a Manifesto after consulting with his counselors and several apostles (senior members of the hierarchy). The Manifesto denied that the Church was any longer practicing or teaching plural marriage, and declared: "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 and to have them do likewise." (Lyman 1986, p. 296)

Statehood and the continuation of plural marriage

The Manifesto had the important effect of appeasing the Federal government. Congress abandoned even tougher proposed legislation. (Lyman 1986, p. 185) In 1893, in response to a petition from Woodruff and others, President Benjamin Harrison granted amnesty "to all Mormons who had been in compliance with the law since the Manifesto was issued." (Bradley 1993, p. 7) While Federal law enforcement efforts receded, the passage to statehood was not automatic. The main obstacle had been lifted, but Congress would still have to approve an Act enabling Utah statehood. This process would be complicated, as the Church hierarchy was aware, by partisanship within the state. Until 1891, most Mormons had been affiliated with their own party in Utah, the People's party. The People's party dissolved in 1891 at the counseling of George Q. Cannon, who worried that it promoted gentile (non-Mormon) opposition. This caused most Mormons to switch to the Democrats, because most non-Mormons were Republicans, which presented a problem because the Republicans were nationally powerful and Utah would need their support to become a state. This support was unlikely to materialize if it appeared the state would vote Democratic by a large majority. (Alexander 1986, p. 7)

From 1892, President Woodruff and his advisors conducted a sometimes aggressive campaign to change the affiliation of a large number of Mormons to the

Republican Party. Three Church leaders who had campaigned for the Democratic Party were censured, and despite assurances from the Presidency that the Church would not dictate how its members should vote, one of the censured leaders noted that other leaders were "interfering with the agency of members of the church by going around trying to get Democrats to become Republicans or getting Democrats to vote for certain Republicans." Alexander concludes that "If no ecclesiastical influence had been used to recruit Republicans, it is highly unlikely not only that the old Mormon-Gentile political alignments would have returned in the form of national parties but that the Republicans would have refused to support the movement for Utah statehood." (Alexander 1986, pp. 8-9)

By 1894, when the Utah Enabling Act was on the table, Republican misgivings had vanished but the Congressional Democrats were wary, so successful had been the Church leaders' pro-Republican campaign. (Lyman 1986, pp. 223-5) However, the Act was ultimately passed by both Houses with little difficulty, and ratified by President Grover Cleveland in July 1894. Utah was admitted to the Union on January 4, 1896.

Quinn (1985) provides a long, detailed account of plural marriage after the Manifesto. Many of the new polygamous marriages took place without any knowledge of Church authorities. However, many happened with their acquiescence. Commonly, Mormons took advantage of the wording of the Manifesto to marry in other jurisdictions, thus not violating the laws of the United States. Mexico was the most popular destination, with some marriages also being performed in Canada or on the high seas. Woodruff and his successor, President Joseph F. Smith, would deny any such marriages were taking place with their knowledge, but such complicated arrangements usually required the

coordination of a senior church leader. Woodruff, though he authorized very few new plural marriages immediately after the Manifesto, began giving instructions to Apostles in 1894 about performing marriages in Mexico. Joseph F. Smith, while maintaining tight secrecy, apparently had no objection to plural marriages, even within the United States, as long as they could be performed without antagonizing the government. According to Quinn, "President Smith had so thoroughly communicated his sentiment in favor of post-Manifesto polygamy to his secretary George F. Gibbs, that after Heber J. Grant was called to preside over the mission in Liverpool, England, in October 1903, "Your secty. Gave me to understand that I was a fool, having no sons and with the great city of Liverpool in which to hide a wife, if I did not get one." (Quinn 1985, p. 94)

This was arguably a foreseeable outcome. Woodruff and Joseph F. Smith were following a strategy of secrecy similar to the one Joseph Smith had followed in Nauvoo. In the days of the Underground in the 1880s, Mormon leaders had learned how to deceive authorities who were hunting them, and now they had little difficulty when the Federal government was showing hardly any interest at all. Rumors about the continuation of plural marriage circulated around the country, and Woodruff and Smith routinely denied them. Almost no one in the Federal government seems to have shown any enthusiasm for formulating a new law that would crack down on the polygamists who remained.

Smoot goes to Washington

In 1898, Congress refused to seat[7] Brigham H. Roberts, a relatively senior Mormon elected from Utah as a Democrat. Roberts had been convicted of unlawful cohabitation in 1889. According to Arrington, by "sending Roberts as Congressman-elect the people of Utah had violated a 'compact' with the United States. . . . the unwritten agreement that the church would adopt the dominant cultural pattern of the nation in return for statehood and presidential amnesty." (Arrington 2005, p. 404) His seating was voted down by 268 to 50. The effect of this decision on the Church was nothing like the impact of the coming Smoot hearings, but it did demonstrate the potential for Congressional seating hearings as a means for enforcing the "compact" where no others were available.

In 1902, Reed Smoot, a Republican and Mormon apostle,[8] announced his candidacy for the Senate. Smoot had the encouragement of Joseph F. Smith (himself a Republican) but not of the other apostles. Their reluctance may have anticipated the almost immediate response of the Salt Lake City Ministerial Council, a Protestant body which petitioned Congress following Smoot's election:

> This body of officials, of whom Senator-elect Smoot is one, also practice or connive at and encourage the practice of polygamy and polygamous cohabitation. . . . At least three of the apostles have entered new polygamous relationships since the manifesto of Wilford Woodruff. . . . That other polygamous relationships have, since statehood, been consummated within the church is just as certain, and in a monogamous community could easily be proven. (Quinn 1985, p. 96)

[7] That is, even though he had been elected, the majority of the House voted against allowing him to represent Utah. Although unusual, this sometimes occurs after "hearings" into the fitness of a Congressman or Senator which are set up as quasi-trials.

[8] An Apostle, in the Church of the Latter Day Saints, is a very senior figure: "One of only fifteen men with plenary authority over the LDS church and in direct succession to its Presidency." (Flake 2004, p. 12)

Quinn also notes that national Republican leaders advised against Smoot's candidacy. The Salt Lake City Ministerial Council statement shows that opponents of the Mormons, who been able to do little since the formal renunciation of polygamy and statehood, now saw their chance in the person of Smoot. As an individual, he would be vulnerable in Washington. As a senior figure within the Church, he could be held accountable for the Church's sins.

Flake quotes a *Harper's Weekly* article from the week that Smoot arrived in 1903 which shows the gleeful opportunity that anti-Mormons saw in Smoot:

> Perhaps it may be for the best, in the long-run, that the Mormons should send an apostle to Washington. It calls attention to them and stimulates the public disgust with their intentions. They have thriven on ignorance, obscurity, and sensuality. Attention—the irritated attention—of decent and enlightened people is the last thing that will profit them." (Flake 2004, p. 34)

The seating of Senators and Congressmen proved to be ideal forums for opponents of Mormonism. Unlike legislation, which had to be hammered out by a long and arduous process of negotiation among representatives, they allowed for a direct translation of organized public opinion into well-publicized action. The process of initiating a hearing began when the Women's Christian Temperance Union and the National Reform Association delivered an estimated three million signatures in support of the petition "that he is an ever must be unfitted to make laws who shows himself unalterably opposed to that which underlies all law." (Flake 2004, p. 34) Faced with such an enormous protest, the Committee on Privileges and Elections determined a public hearing was necessary.

Even if Smoot enjoyed, as he believed, the support of President Theodore Roosevelt and of the Republican Party at large, the Committee on Privileges and Elections included several anti-Mormon Republicans, who enjoyed considerable capacity to obstruct Smoot

by the testimony they allowed. It could be easily proved that Smoot was a lifelong monogamist, but with veteran anti-Mormons such as Julius Caesar Burrows (a Republican) and Fred T. Dubois (a Democrat) on the Committee, the scope of testimony was broadened to every conceivable accusation against the Church in which Smoot was a leader, with the widespread continuation of polygamy being the centerpiece. This broad scope meant that other Church leaders would be forced to testify. As Flake notes, "Unrestricted by the rules of civil courts, including that most important sense limit of relevance, the Senate proceedings supported the protestants' [various Protestant groups who were protesting] strategy." (Flake, 2004, pp. 49-51)

The hearings continued for four years, during which time President Joseph F. Smith and other Mormon leaders were forced to testify about their personal lives. Quinn notes that Smith adopted a seemingly bizarre strategy, followed by other witnesses, of confessing to his own post-manifesto plural marriages—his polygamous wives had borne him eleven children since the Manifesto—but denying any other knowledge of plural marriage within the Church. This was because perjury about one's personal married life could be easily discovered and seriously punished, but simply denying knowledge about wrongdoings of the Church could not, and it was the Church that had to be protected even at the expense of personal ridicule. More specifically, Smith was protecting those within the Church whom he had authorized to perform plural marriages (Quinn 1985, p. 96)

Smoot, however, seems to have had a low personal threshold of tolerance for the kind of ridicule the hearings produced. He had not expected the hearings to take place. (Flake 2004, p. 34)[9] Accounts of Smoot in Washington describe a man who made friends

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[9] Although Flake suggests an interesting interpretation of Joseph F. Smith's statement in his inaugural address that "The Lord designs to change this condition and to make us known to the world in our true

and acquaintances within national political circles remarkably quickly and easily, and established working relationships with presidents. He was also a highly loyal and disciplined Republican. Smoot almost seems to have been "socialized" into Washington before he arrived, and he was eager to take his seat and participate in national politics. (See Flake 2004, Ch. 2) The hearings seem to have been a grave disappointment to him, but he did not want to lose his seat over them. This was a real possibility. Flake recounts that the Republican anti-Mormon Senator Louis E. McComas congratulated Smoot on his personal testimony, but warned him he could still lose his seat if the Church failed to produce the testimony of apostles who had allegedly been cohabiting in plural marriages. Preventing the airing of such testimony was exactly what Smith had been doing when he denied any knowledge of anyone else being involved in plural marriage. Smoot "relayed the message to Smith." (Flake 2004, p. 91)

The Second Manifesto came, according to Quinn, at the direct prompting of Smoot following Smith's testimony. Smoot wrote in March 1904 to two of his political subordinates, intending them to pass it on to Smith, that he hoped that the President would issue an official statement at the coming April conference telling Mormons to cease all polygamous cohabitation (and to cease his own). Smith was initially unreceptive. Smoot received indirect responses that he was "rubbing the fur the wrong way" and that "enough manifestoes have already been issued, and you cannot expect more at the present state of feeling." (Quinn 1985, p. 98) By April, however, Smith did as Smoot had requested. At the April conference, he successfully moved that "all such marriages are

light—as true worshippers of God." This may hint, according to Flake, that Smith, an enthusiastic supporter of Smoot, actually anticipated something like the hearings, and even realized they may be necessary to altering the world's perception of Mormons and thus making mission work possible. If this is true (Flake does not categorically say that it is) then a large part of the story I am telling can be attributed to the agency of Joseph F. Smith. I am not convinced.

prohibited, and if any officer or member of the Church shall assume to solemnize or enter into any such marriage he will be deemed in transgression against the Church and will be liable to be dealt with, according to the rules and regulations thereof, and excommunicated therefrom." (Flake 2004, pp. 91-2)

This, however, was not enough for the Senate, or for Smoot. The United States had already been misled once with the First Manifesto, and the second would have to be backed by concrete action. Once again, Smoot was the instigator of this action. Smoot's attorneys met with Smith in January 1905 and urged him to take punitive action against two apostles who were known to have performed plural marriages, John W. Taylor and Matthias F. Cowley. They emphasized that this action was required not just to save Smoot's seat, but potentially to save the Church. If Smoot was unseated, there was a real risk of a push for a constitutional amendment banning polygamy, which could raise again the possibility of Federal seizure of Church property. (Flake 2004, p. 93) The hearing, then, was not just about Smoot, and Smoot's interests were not purely selfish and distinct from those of Smith and other Mormon leaders. The difference between Smoot and the others was mainly strategic; he had much stronger ideas about the propriety of acting within the terms demanded by the Senate hearings. The other leaders may not have acted as they did without his pressure.

At this point, Smith seems to have been convinced of the necessity of taking action against Cowley and Taylor. However, he required the assent of the apostolic quorum, which was far from convinced. Flake comments that "If given a choice of whom to sacrifice, several in the quorum would have chosen Smoot." (Flake 2004, p. 94) In the face of this opposition and his own misgivings, Smith waited several months to take

action against the apostles, during which time Smoot's position continued to erode. (Flake 2004, pp. 101-103) Finally, in October 1905 he met with Taylor and Cowley and persuaded them to sign resignations from the apostolic quorum that he had prepared. In 1906, the two men were formally dropped from the apostolic quorum. (Bradley 1993, p. 9)

This was the beginning of what would become a long-term and far-reaching effort in in-group policing,[10] led by Smith and a younger generation of leaders, some of whom had experience in Washington. Smoot was ultimately seated after a vote in 1907. Plural marriages continued after the Second Manifesto, as they had after the First, but this time without the consent of the Church hierarchy. One of Smith's most important acts in 1910 was to direct stake presidents (local leaders) to seek out offenders and bring them before Church courts. He also created a new committee to investigate new plural marriages and enforce sanctions against offenders. These efforts led to public excommunications of offenders, including that of John W. Taylor in 1911. (Bradley 1993, pp. 10-11) Although the threat raised by the Smoot hearings was now gone, and, in the words of Flake, "the Mormon problem faded relatively quickly from the nation's consciousness," (p. 159) Smith remained very sensitive to accusations that the Church was not sincere in its efforts. He responded by strengthening these efforts. Bradley writes that "By the time of his death in 1918, Smith had made nine public statements denouncing new polygamous unions." (Bradley 1993, p. 10)

Smith was succeeded in 1921 by Heber J. Grant, who intensified the effort. This period saw the beginnings of the "fundamentalist" movement in Mormonism, when polygamists ceased to believe that the Church was following the teachings of Joseph

[10] See Fearon and Laitin (1996) for a well-known account of how effective in-group policing can maintain peaceful relations between antagonistic groups.

Smith, and began to retreat to their own community in Northern Arizona. The church leadership, justifying its tough stance on polygamy as excommunications continued apace, explained the need to create distance a clear distinction between themselves and the fundamentalists.[11] (Bradley 1993, p. 14) Grant's most fearsome prosecutor was J. Reuben Clark, Jr., who would later become Church President. Clark issued a statement in 1933 condemning the "corrupt, adulterous practices of the members of this secret, oathbound organization." (Ibid) According to Bradley, Clark seems to have had a "personal repugnance" for polygamists. Bradley traces this to his career in the State Department:

> Clark's work in the State Department during the 1910s and 1920s had led him into a world of outsiders who constantly questioned, undoubtedly mocked, and probed the issue that festered within Clark like an unattended thorn. Immediately after issuing the 1933 statement, Clark explained to a nonmember associate that it was necessary because some "carnally minded old birds are saying the Church is not earnest about the matter, and were winking at the subject." (Bradley 1993, p. 16)

Clark represents the final triumph of the Smoot world-view in Mormonism; outward-looking, committed to national politics, and acutely aware of the need to act to change people's perceptions of Mormons.

Discussion and conclusion

I have not offered here a quick, usable guide to securing a credible commitment from someone who is unprepared to give one. Rather, I have offered a long-run account of how political institutions may lock a half-hearted or insincere party into acting on their commitments as these institutions change their expectations. The Mormons strongly desired statehood, and the political representation and independence it would give them.

[11] This is a problem that persists to this day for Mormons.

Many Church leaders, most notably Woodruff and Joseph F. Smith, clearly believed that they would not have to sacrifice plural marriage to achieve these things, only to give the appearance of it. The hearings into Smoot, however, threw up an unexpected obstacle to full political participation. Prior to 1890, Mormon leaders had shown themselves more than willing to forgo political participation in the United States if it meant giving up plural marriage. But in 1904, the Mormons became committed to national political participation. Smoot was personally committed, and exerted some pressure for this reason, but the hearings themselves had committed the rest of the Church whether they liked it or not. By giving the nation's strongest voices of anti-Mormonism a direct hearing in the question of whether to seat Smoot, the Senate hearings put anti-Mormonism back on the political agenda, and raised the possibility of punitive action beyond the humiliating unseating of the Senator. The Mormon leadership, at the urging of Smoot, recognized that they would have to clear their collective name under the terms of their opponents.

It is important to note here that I am not arguing that the institution of the Senate hearing was consciously designed for the strategic purpose of achieving what legislation against deviant minorities could not. In this particular case, there is no evidence that Congress, when passing Utah statehood, intended to hold the seating hearing in reserve to exert pressure if the Mormons were not complying with the conditions of statehood. Rather, the seating hearing turned out to be a piece of organizational slack—we might call it "democratic slack"—for legislators and interest groups who were unable or unwilling to use coercive legislation to repress polygamy.[12] The lesson here is that determined opponents of minority groups are remarkably adept at finding and exploiting such "slack."

[12] For one review of the extensive literature around organizational slack, see Bourgeois (1981).

There is an important (if surprising) analog here with municipal zoning regulations and building restrictions. As Anthony Gill (2008) notes in *The Political Origins of Religious Liberty*, land-use regulations are an important tool worldwide for keeping religious groups out of certain areas by preventing or restricting the building of places of worship or schools, without violating any constitutional requirements of religious freedom. In a recent example from Australia, a proposed Islamic school in the Sydney suburb of Camden failed to gain approval on environmental grounds. In the mass of public submissions which almost universally opposed the school, there was a distinct current of anti-Islamic sentiment running beneath complaints about traffic and over-development.[13] In liberal societies with constitutional protection of religious freedom, it may sometimes be impossible to target an entire group for coercion. There are often other ways, however, to "undesirable" people out of a neighborhood.

Finally, this is a case study in how large-scale change and compromise, even from seemingly intractable "extremists," can be induced by their participation in democratic politics. This is not to suggest that extremists will always moderate by democratic participation, or that legislative institutions instill the spirit of compromise. Instead, "soft" majoritarian coercion can succeed where "hard" coercion fails. This is a normatively ambiguous lesson.

[13] See http://www.abc.net.au/news/stories/2007/12/20/2123498.htm last accessed 06/16/2008 and http://www.smh.com.au/news/national/camden-council-rejects-islamic-school/2008/05/27/1211654025143.html last accessed 06/16/2008.

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