

APOSTLES
ON
TRIAL

EXAMINING THE MEMBERSHIP TRIALS OF APOSTLES TAYLOR AND COWLEY

1ST PRINTING

by

DREW BRINEY, J.D.

Cover Images:

Courtesy of Malcolm Vickery and used by permission, Utah State Historical Society, all rights reserved

Internal Images:

Courtesy of Malcolm Vickery and used by permission, Utah State Historical Society, all rights reserved

© 2012 Copyright by Hindsight Publications, a dba of Drew Briney, Attorney at Law, llc, all rights reserved.

HINDSIGHT
P U B L I C A T I O N S

DEDICATION & ACKNOWLEDGEMENTS

No project like this one could be done without standing on the shoulders of pioneering researchers. Perhaps no one can fully appreciate the number of grueling hours spent flipping through microfiche, pouring over painfully boring journal entries, flipping through random scraps of paper in the dusty corners of special collections, and performing a plethora of database searches with the hope of finding a single gem of information (that may only end up in a footnote) until you have put your own nose to that grindstone. While this volume required a mountain of research and critical thinking, it did not require as many of these tedious activities because so much had already been done. It is with such appreciation that I dedicate this book to D. Michael Quinn, Kenneth L. Cannon, II, and B. Carmon Hardy. Inevitably, all citation trails on post manifesto plural marriages lead back to these men.

Thanks also to Bethany Sturgeon (as always) and Benjamin Shaffer for helping with editing, Bryan Turner for asking random questions at inspired moments so that I could produce some intriguing footnotes, Malcolm Vickery for habitually having the right information (and stuff) that I'm looking for, David Dye for brainstorming what materials might be most helpful to include in this volume, and perhaps most of all, Ivan Nielsen for generously providing the original resources to a number of historians, including myself.

WHAT PEOPLE ARE SAYING ABOUT BRINEY'S BOOKS

You are *the icon of thoroughness*. ... your work is just *downright beautiful*. ... *I'm very impressed*. Thank you for everything you did to put this together. ~ J. Mariano

I read this book twice. ... I'm glad I did. *Briney has written a valuable book that should be on the shelf of anyone researching Mormon History*. The book deals with important principles that existed in the early Mormon Church ... Briney attempts to clarify them in an objective way. ... Silencing Mormon Polygamy is an *unbiased attempt to better understand the events* of September 26-27 and present reasons why those events are so significant to thousands of fundamentalist Mormons. ~ Vickie Cleverly Speak: Published Reviewer: Association for Mormon Letters

... as good of research as D. Michael Quinn or any other Mormon scholar.
~ David Dye: Author

... at first glance...wow. This is very impressive and appears to be the most comprehensive book on the topic to date. ... amazing material, awesome job. Very impressed. ~ Joshua M.

... a *veritable treasure trove* of both published and harder-to-find citations on this volatile subject. Students of Mormon history and doctrine will find an *enormous storehouse of resource material*. *I'm very glad to have this book*. ... There is a *logical flow to the book*. ~ Jeffrey Needle: Published Reviewer: Association for Mormon Letters

I've really enjoyed your AG book. *It is the single best source on this most challenging of Brigham Young's teachings*. ... it's an *outstanding piece of work*. ~ Lisle Brown: Author

A brilliant piece of research! ... definitely a *very comprehensive and well documented masterpiece*. ~ E. Cardon

I devoured it. It was probably the most enlightening book I have read in years. Well worth the purchase ... [and written] in a very friendly, academic, and organized way. ... I appreciated the *respectful and honest approach ... Very inspiring*. ~ iamse7en (Mormon Chronicle podcast comment)

Monumental work! ... **Wonderful layout**, looks, great, and has more quotes/information than my former favorite ... which I used to greatly extol. ~ Chris Hansen

... the absolute best resource on this topic. ~ ZSHALLR (online forum)

This is stuff I've researched for years but it never made sense until I read your book! ... **I absolutely loved** the last 4 chapters! Well, **the whole book** actually ... Totally exciting stuff! ~ J. Wassom

I am very impressed with the quality and the content. ... It really helps things fall into place. ... **I'm learning things I've been wanting to understand for a long time.** ~ Christine D.

I read it in under a week and was **fascinated by the organization and content.** ... **a well written, fairly unbiased book.** **For the first time, I feel like someone attempted to show the history and doctrine behind Adam-God without promoting or condemning the subject matter.** ~ B. Holmstead

It is really a great achievement, and the **layout leaves no question of its historical accuracy.** ~ Benjamin

It is phenomenal!!! ... **a first-class publication.** ~ R. Olson

... a well made, well put together book. **The introduction and footnotes were excellent.** ... **It is a wonderful book** and I am glad I got to be a part of it. ~ Caroline: stenographer who transcribed portions of Drew's book

I enjoy your writings so much more than many of the authors out there. They ... **answer many questions that my wife and I have pondered over our lifetimes.** ~ D. Christensen

Thanks for all your scholarly work and gospel devotion. ~ R. Bonnell

What a wealth of information!! ... You have done a great job. ~ J. Wyatt

... well thought out, and **organized in a simple, easy to read manner.** ~ Brent

TABLE OF CONTENTS

INTRODUCTION

A Century in Retrospect	i-xvii
-------------------------------	--------

BEHOLD OUR CONFUSION

A Background to the Membership Trials	1
---	---

JOHN WHITTAKER TAYLOR TRIAL

Biographical Vignette	78
Facsimile: 5/5/1904 letter to John W. Taylor	86
Facsimile: 2/15/1911 summons to trial	88
Facsimile: 2/22/1911 Taylor's formal answer	90
Trial: Day 1: 2/22/1911	92
Facsimile: 1886 revelation in John Taylor's handwriting	109
Facsimile: 1886 revelation in John W. Taylor's handwriting	111
Trial: Day 2: 3/11/1911	112
Facsimile: handwritten verdict	139
Facsimile: 3/28/1911 formal verdict	141
Taylor's reinstatement	143

MATTHIAS FOSS COWLEY TRIAL

Biographical Vignette	146
Facsimiles: 10/13/1910 letter from Anthony W. Ivins	153
Facsimile: 10/26/1910 letter from Ernest L. Taylor	156
Facsimile: 11/14/1910 letter from Nora Cowley	160
Facsimile: 1/14/1911 cover letter to first summons	164
Facsimiles: first summons to trial	166
Facsimile: 1/22/1911 letter from Franklin S. Bramwell	168
Facsimile: 1/25/1911 letter from Francis M. Lyman	170
Facsimiles: second summons to trial	172
Facsimile: "Ask Bro. Matthias Cowley about"	174
Facsimile: "Roll of those assisted by M. F. Cowley into plural marriage" ..	176
Trial: 5/10/1911	178
Facsimile: formal verdict	196

APPENDIX 1: DYNAMICS OF THE JURY

Chart: Apostles Serving in 1911: Post 1890 manifesto legal violations 200

THE FIRST PRESIDENCY

Joseph F. Smith	202
John Henry Smith	215
Antho Henrik Lund	217

THE QUORUM OF TWELVE

Francis Marion Lyman	219
Heber Jeddy Grant	221
Rudger Judd Clawson	225
Reed Smoot	227
Hyrum Mack Smith	229
George Albert Smith	230
Charles William Penrose	232
Orson Ferguson Whitney	234
David Oman McKay	236
George Franklin Richards	237
Anthony Woodward Ivins	238
Joseph Fielding Smith, Jr.	242

APPENDIX 2: LISTS

Chart: Who's Who: Persons & Marriages Mentioned in the Trials 243

Chart: The List and the Manifesto: Salt Lake Tribune

Facsimile: Scans of original 8/1/1910 and 10/8/1910 Tribune lists..... 259

APPENDIX 3: ORIGINAL TRIAL MINUTES 195

INDEX.....

INTRODUCTION

A Century in Retrospect

One century has passed since the Quorum of Twelve Apostles tried John W. Taylor and Matthias Cowley for their church membership. Because of their nearly prodigious involvement in new plural marriages after the 1890 manifesto and because of their extraordinary ability to garner nationwide (albeit unwanted) attention during the tumultuous Reed Smoot hearings, the historical value of their testimonies offered during their membership trials extends far beyond biographical trivia. The minutes provide an intimate window into a difficult period of church history and a rare view into the lives of apostles who were present during the torrential challenges of handling the political fallout from post 1890 manifesto plural marriages.

While the minutes are quite interesting and instructive on their own, they cannot be fully appreciated without significant contextual background. This volume therefore not only provides copies of the original correspondence and trial minutes, it provides annotations to those trial minutes, biographical information about individuals involved in the trials, and an extensive chapter providing background information that can be challenging for the average reader to find. With this information compiled into a single volume, we can more fully appreciate the turbulent feelings that must have been present as the Quorum of Twelve passed judgment on two of their well loved peers.

The most interesting background information revolves around the apostolic jury's own involvement in perpetuating post 1890 manifesto plural marriages. LDS scholars have established indisputable proof that:

1. other members of the Quorum of Twelve Apostles married plural wives after the 1890 manifesto (without being subject to any church disciplinary proceedings);
2. other apostles took concubines after the 1890 manifesto (without being subject to any church disciplinary proceedings);

3. all¹ plurally married apostles cohabitated with their plural wives after the 1890 manifesto (which was formally contrary to the “discipline” of the church);
4. other apostles sired children with their plural wives after the 1890 manifesto (which was formally contrary to the “discipline” of the church); and
5. several other apostles sealed plural marriages, performed plural marriages, approved plural marriages, and/or encouraged others to enter plural marriages after the 1890 manifesto (without being subject to any church disciplinary proceedings).²

This apostolic involvement in post 1890 manifesto plural marriages did not apply to each jury member that attended the membership trials of Apostles Taylor and Cowley. Understanding which apostles were involved in post 1890 manifesto plural marriages (and in some cases, post 1904 plural marriages), is crucial to understanding the dynamics of the membership trials of Taylor and Cowley. Some apostles were heavily involved in authorizing, performing, and encouraging post manifesto plural marriages; others were barely aware that any such marriages had ever been authorized by members of the First Presidency and/or members of the Quorum of the Twelve Apostles. Ironically, those apostles who were most involved in promoting post 1890 manifesto plural marriages (including Apostle Clawson who was married to a post manifesto plural wife by Apostle Cowley in Mexico and Apostle John H. Smith who assisted John W. Taylor in performing scores of post manifesto plural marriages in Arizona and Mexico) were absent from one or both trials; those who were uninvolved in (or entirely unaware of) these covert activities attend both trials. Further, the historical record exposes so many ongoing deceptions perpetrated by and against the several members of

¹ Initially, Heber J. Grant did cease cohabitating with his wives; however, he resumed upon hearing President Woodruff state that not cohabitating with plural wives would be grounds for church discipline. See his biographical vignette for further information.

² These facts are discussed in greater detail in the Behold Our Confusion chapter and in the biographical vignettes that follow; individual apostolic involvement in post 1890 manifesto plural marriages are summarized in the chart found on pages 200-01.

the Quorum of Twelve Apostles (including the First Presidency) that it is difficult, if not impossible, to readily determine whether or not there was ever any substantive, apostolic harmony over post 1890 manifesto plural marriages until the trials of Taylor and Cowley were formally decided – even then, dissent over Cowley’s fate required a second vote and a compromise within the Quorum of Twelve Apostles.³

In contrast to voluminous and intense documentation establishing apostolic involvement in post 1890 manifesto plural marriages, the historical record underscores an instructive and pervasive silence: very few of these apostles suffered the embarrassment of any church discipline whatsoever. Indeed, carefully crafted church policy enacted just previous to the membership trials of Apostles Taylor and Cowley effectively protected senior apostles from suffering any ecclesiastical embarrassment during their lifetimes.

While Apostle Taylor was excommunicated, in part, for his involvement in over ninety post 1890 manifesto sealings,⁴ it appears that Apostle and First Presidency member John Henry Smith, who performed a number of those plural marriages as Taylor’s senior companion, was never so much as informally castigated for his involvement. The disparity in their treatment could be dismissed on a number of interpretational grounds:

1. nepotism: President John Henry Smith was related to the President of the Church; Taylor was not;
2. political: Smith was a member of the First Presidency;
3. personal:
 - Smith was older and died not long after the trials; or
 - Taylor’s testimony was not believed by the other apostles; or
 - John Henry Smith was penitent; or

³ Quinn, D. Michael, *Plural Marriages After the 1890 Manifesto*, Private Conference in Bluffdale, Utah on August 11, 1991; typescript copy in possession of the author (“*Bluffdale Conference*”). See Cowley’s biographical vignette for further information.

⁴ We have no account of how many of these were plural marriages but John W. Taylor, during his trial, candidly admits that “a good many” of them were plural marriages. See page 100 in this volume.

4. public relations centered: Counselor John Henry Smith was not the subject of intense scrutiny during the Reed Smoot hearings, or similarly:
5. policy laden: the recent 1911 policy to leave pre 1904 plural marriages alone (unless not bringing discipline would bring disrepute on the church or unless the church discipline would not hurt the feelings of the offender) was in full force; because Apostle Taylor's activities were an embarrassment to the church and because Smith's activities were not exposed and essentially unknown outside of the Quorum of Twelve Apostles, Apostle Taylor was disciplined while Counselor John Henry Smith was not. Of course, policy considerations take us full circle when we consider the reasons behind creating the policy. In other words, we have to ask: was the policy created because of nepotism, political concerns, personal concerns, public relations concerns, or some other reason?

Undoubtedly, there could be any number of other half-contrived reasons that could account for this disparity in church disciplinary procedures. Regardless of the rationale, the fact that John W. Taylor was excommunicated while Counselor John Henry Smith suffered no reproach at all underscores the complexity of policy surrounding post 1890 manifesto plural marriages.

Apart from these interpretational conundrums, this disproportionate treatment between Taylor and Smith inevitably creates further queries and complications: If Taylor's excommunication was largely political, one must wonder what was President (of the Twelve) Francis M. Lyman's purpose in straightforwardly declaring that John W. Taylor was out of harmony with the rest of the Quorum of Twelve Apostles in private minutes kept by the First Presidency and Quorum of Twelve and why did later apostles recall that Taylor and Cowley were out of harmony even after the political environment had changed? If the excommunication was political, why did the verdict morph into a new paradigm that now saturates mainstream Mormon theology? If Taylor's excommunication was a substantive doctrinal pronouncement, why did President Joseph F. Smith approve of Apostle Taylor being buried in his temple garments without first having his blessings reinstated and why was Apostle Taylor posthumously reinstated with all

of his former blessings (including the apostleship and temple ordinances) without any cognizable explanation as to why the decision was made? If Taylor's excommunication was not political, why was Counselor John Henry Smith's involvement ignored – indeed, why was the 1911 policy enacted in the first place? How can we then account for President Joseph F. Smith's own post 1904 involvement in new plural marriages?⁵

In order to achieve a reasonably well informed conclusion for most of these questions, a review of the contextual surroundings behind the trials is crucial. By 1911, when Apostles Taylor and Cowley were being tried for their involvement in post 1890 manifesto plural marriages, the controversy over post manifesto plural marriages was suffering its final inflammations – in retrospect, the intrigues surrounding post 1890 manifesto plural marriages were essentially over⁶ – at least, new plural marriages were nearly over as far as that generation of mainstream latter-day saints was concerned. However, the Taylor and Cowley trial minutes themselves betray an ongoing confusion among contemporary apostles over when authority to perform plural marriages really ended. It seems clear from various sources that some of the apostles involved in these trials believed the public pronouncements of the presidents of the church that no one had been married by proper authority after the 1890 manifesto. Indeed, private letters from Joseph Fielding Smith, Jr. make it very clear that he disbelieved any statements that his father was involved with or knew anything at all about post 1890 manifesto plural marriages.⁷ And while some apostles may have believed those public statements, others knew better: President Francis M. Lyman (who headed the trials against Apostles Taylor and Cowley) performed the first known and recorded post-1890 manifesto plural marriage (only four days after it was sustained by the general membership of the church) – for Apostle John W. Taylor. Apostle

⁵ President Smith's involvement in post 1890 manifesto new plural marriages is outlined in his biographical vignette.

⁶ One could argue that controversies surrounding plural marriage ended precisely because of these membership trials; however, that would necessitate a negligent degree of disregard as to the vast sea of evidence proving that new plural marriages had essentially met their demise well before these trials began.

⁷ Private correspondence between Joseph Fielding Smith, Jr. and Joseph W. Musser; copies in possession of the author.

Clawson (who was serving at the time of the Taylor/Cowley trials) married plurally after the 1890 manifesto; others requested permission to marry plurally; others courted potential plural wives (Heber J. Grant, Orson F. Whitney, Anthony W. Ivins); and others performed and/or authorized plural marriages (Joseph F. Smith, Sr., John Henry Smith, Heber J. Grant, Anthon F. Lund, Rudger Clawson, Orson F. Whitney, and Anthony W. Ivins). In sum, the political dynamics of these trials requires much more than a casual reading in order to be fully understood; one could strongly argue that in this instance, an awareness of the culpability of the available jury pool is arguably just as important as an awareness of the culpability of Apostles Taylor and Cowley.

Another example is similarly telling. Apostles Taylor and Cowley offered their resignations from the Quorum of Twelve in 1905 because of their involvement in post 1890 manifesto marriages. When considering their plight, Elder Heber J. Grant famously quipped: “the only thing that has kept me from being in their situation is that the circumstances just did not work out.”⁸ True enough – and unlike Apostles Taylor and Cowley – Elder Grant had not been actively involved in performing post 1890 manifesto plural marriage sealing ceremonies; however, Elder Grant proposed to a potential plural wife and was only prevented from marrying her because she chose to marry someone else. When we consider Elder Grant’s concessionary statement and when we consider the involvement of other members of the Quorum of Twelve Apostles in perpetuating new plural marriages after the 1890 manifesto, we cannot help but to wonder what may have been going through the minds of the apostolic jury during these membership trials. In sum, a careful review of apostolic involvement in perpetuating post 1890 manifesto plural marriages robustly illuminates these membership trial minutes and challenges the reader to look more intimately into the lives of each apostle.

While avid LDS historians have long been aware of this contextual background, these controversial details of church history

⁸ *Bluffdale Conference*. Quinn’s recounting of this story was likely not intended to convey a verbatim restatement of Elder Grant; however it was clearly intended to accurately portray his sentiments as they were expressed in a letter to President Joseph F. Smith. Elder Grant received permission to court a potential plural wife from President Snow in 1901. See various entries in his biographical vignette from 1899-1906.

have been effectively obfuscated by official church pronouncements for well over a century. Formal pronouncements both old and modern have nearly unilaterally affirmed the now official position that the 1890 manifesto was a revelation from God that prevented not only new plural marriages from being performed anywhere in the world (after 1890) but it also prevented cohabitation with non-legal plural wives after the 1890 manifesto. However, the 1890 manifesto was not always extolled as a revelation. Indeed, Joseph F. Smith, as a member of the First Presidency of the LDS church at the time, decisively declared that it was no revelation to him on multiple occasions. Debates ensued among the apostles as to whether or not the 1890 manifesto included cohabitation with existing plural wives or only new plural marriages; marriages in the U.S.A. or marriages worldwide; and/or plural marriages that were not already planned before 1890 or all plural marriages regardless of pre 1890 intentions.

Official church statements appear unequivocal and clear when presented within the vacuum of official church publications – and they leave little room for alternative interpretations. If we reference only these official, publicly available statements like LDS apologists often do, it appears a simple matter to conclude that Apostles Taylor and Cowley were out of line, out of harmony, and out of touch with their prophet: they were brazen mavericks. For many faithful members of the LDS church, this is the only interpretation that can be taken in good conscience. And while most modern latter-day saints remain unaware of these issues, academics have exploited many of the political posturings that surrounded these positions. Accordingly, when historians have analyzed various private statements made by leading apostles in context of various activities engaged in by leading apostles after the 1890 manifesto, the question as to whether or not the membership trials of Taylor and Cowley were politically or theologically motivated becomes manifestly less precision laden. After authoring this volume, I continue to bask in a certain degree of uncertainty when I apply these questions to individual members of the apostolic jury.

When I first started reading some of the materials found within this volume a decade ago, I found so many apparent contradictions, convoluted details, and confusing pieces of evidence that I was unable to confidently ascertain what really happened – I had to seriously

wonder: who was lying and to what extent were they lying? were Taylor and Cowley martyrs or mavericks? men of integrity or men of intrepitude? men of vainglory or men of valor? scapegoats or rogue apostles who believed that they were laws unto themselves? Any of these rather simplistic perspectives can be rationally and academically defended outside a careful contextual analysis. Careful review of the trial minutes in the full context outlined above morphs these questions into slightly more engaging and nuanced queries: should one interpret the final verdicts against each apostle as displays of political sentiment that later morphed into substantive pronouncements of doctrinal disparity or did significant doctrinal disagreements already exist among the Quorum of Twelve and Apostles Taylor and Cowley? If there was real division at the time of these trials, was that more a factor of the actual jury of apostles who were present or did the absentee apostles share that doctrinal division to a similar degree? Were the absentee apostles absent because of penitence or because it would have been difficult for them to sit on judgment against apostles who were scarcely more culpable than themselves or were they absent because they wanted to avoid the appearance of impropriety (animosity existed between Taylor and Apostle George Albert Smith) or were they absent from the trials to avoid exposure of their own involvement in post 1890 (or perhaps post 1904) manifesto plural marriages?

Even after reading the trial minutes of Apostles Taylor and Cowley a dozen times or more and even after reading a couple handfuls of Mormonism's seminal historical treatises⁹ on post 1890 manifesto

⁹ One of the most celebrated articles in this vein is D. Michael Quinn's well researched and much needed article "LDS Church Authority and New Plural Marriages, 1890-1904," originally published in the spring 1985 issue of *Dialogue: A Journal of Mormon Thought*. It provides a summary of much of the background information needed to understand these trial minutes – although it is limited in its chronological scope. While the overall message of that article clearly communicated a general feeling of how some members of the Quorum of Twelve Apostles were involved in post 1890 new plural marriages during those crucial years of Mormon history, the plethora of conflicting messages and the labyrinth of details can leave readers languishing in confusion. After reading his impressive stack of evidence proving that new plural marriages were authorized by high ranking members of the First Presidency and the Quorum of Twelve Apostles, one almost feels that every formal, public statement issued by the church concerning new plural marriages (between 1890 and 1904) was nothing but a carefully calculated deception.

plural marriages, I felt that I didn't completely grasp what happened during the membership trial of Apostle Taylor until I first read huge portions of the voluminous Reed Smoot hearings, converted information in multiple articles documenting post 1890 manifesto polygamy and cohabitation into a series of charts, organized that information into biographical vignettes for each major player in those trials, compiled basic biographical details about the various men, women, and marriages referred to in the trials, and then carefully reread the newly annotated trials from a fresh, holistic perspective. Only then could I holistically and lucidly approach each question found in the trial minutes. But even after that, I continue to make new connections and to gain new understandings from the trial minutes each time I read them – they are, after all, incomplete.

The trial minutes, condensed from about thirteen hours¹⁰ of intense questioning in the case of John W. Taylor, and from about five hours in the case of Matthias F. Cowley, are not one hundred percent complete. One wonders at times if certain statements were deliberately left unrecorded, if vocal inflections or body language played a part in how certain answers were given, or if unstated assumptions affected the tenor of certain answers. Without the contextual background offered in this volume, portions of these membership trials remain somewhat obscure – if not downright murky – and some exchanges between the apostles are so far removed from our modern cultural paradigms that they are rendered essentially incognizable. In context however, some of these passages become not only clarion, they become enlightening.

Therefore, rather than simply presenting the trial minutes in a vacuum, this volume will preliminarily and contextually explore:

¹⁰ Although the trial minutes offer some demarcations of time, they do not tell us the precise time when the trials were completed. Accordingly, the length of the trials can only be estimated by counting the number of lines/pages, counting the time from the beginning of the trial until a recorded break, converting those numbers into a ratio of time per line/page, and then imputing a ratio of time per line/page upon the remaining pages. Admittedly, this only offers a reasonable guesstimate as to the length of Taylor's trial but given the fact that it extended over two days, thirteen hours does not seem to be an unreasonable guesstimate. In comparison, Cowley's trial extends very little after a precisely demarcated time break so the computation of time for his trial requires less guesstimating than simple reporting.

1. various interpretations of Wilford Woodruff's 1890 manifesto;
2. the petition for amnesty;
3. the Reed Smoot hearings as they relate to the resignations of Apostles Taylor and Cowley from the Quorum of Twelve Apostles;
4. the Master of Chancery hearings;
5. various interpretations of Joseph F. Smith's 1904 manifesto;
6. apostolic involvement in post 1890 manifesto plural marriages; and finally,
7. possible reasons behind the 1911 policy that so drastically affected the outcome of these membership trials.

Far from exhaustive, these materials are an attempt to reasonably offer the reader a holistic understanding of post manifesto plural marriages so that Taylor and Cowley's activities can be viewed from a fairly thorough contextual background. Annotated and easy to read trial minutes help flesh out references to relatively unknown personalities and events and facsimiles of the original minutes are found in Appendix 3 so that the annotated minutes can be verified for their accuracy.

After the trial minutes, I included brief biographical vignettes of each apostle serving at the time of the trials.¹¹ Although these biographical vignettes could have logically preceded the trial minutes within this volume (because they also provide a contextual background for the trials), I placed them at the end of this volume because they function best as a source of reference.

Primarily, these biographical vignettes address post 1890 manifesto legal violations. By addressing "legal violations," I do not intend in any way to cast shadowy aspersions upon the character of any of the apostles. As an attorney, I consciously and conscientiously respect the path of civil disobedience pursued by these men. Instead, I am using the term "legal violations" for technical reasons: some of the apostles insisted that new plural marriages after the 1890 manifesto were legal violations that were simultaneously punishable violations of the *laws* of the church; others viewed new plural marriages as violations of

¹¹ Many non-apostles mentioned in the trial minutes have brief biographical information found in the biographical vignettes of Apostles Taylor and Cowley.

the laws of the land – but mere violations of a *rule* of the church that should not be punishable by church discipline; others saw new plural marriages as morally reprehensible, deserving of both church discipline and civil punishment. Violations of the laws against cohabitation with plural wives were similarly dissected and diced, interpreted and interpolated, explained and equivocated by each of the various apostles. Regardless of their respective wranglings, each apostle candidly recognized that any marginal involvement in post 1890 new plural marriages or post 1890 cohabitation with plural wives amounted to some sort of civil disobedience or legal violation – or at least, they amounted to some sort of technical violation of the amnesty pledges made to the United States government, which pledge was unequivocally viewed as a legally binding contract between the church and the federal government. Hence, “legal violations” seems a fitting terminological label.

Hopefully these biographical vignettes, along with trial minute annotations, will offer the reader greater insight into queries such as these: what was the involvement of each adjudicating apostle in post 1890 manifesto plural marriages? which apostles were present and which were absent from these membership trials? can we reasonably determine why certain absentee apostles were not present? what were the relationships between the apostles at each trial? what misunderstandings existed between members of the Quorum of the Twelve in 1911 when these trials took place?

Also included in this volume are multiple facsimiles and charts to help the average reader digest and mentally organize various items of historical interest that are not well circulated. For instance, John W. Taylor’s trial minutes are permeated with references to the 1886 revelation received by his father, President John Taylor – a revelation that declared that the Lord would never revoke the law of plural marriage. The impetus behind most Mormon fundamentalist movements, this revelation played an important part in the excommunication of John W. Taylor – both for his “mischievous” interpretation of it and for circulating it among members of the church and thereby encouraging them to enter into plural marriages purportedly without the authority of the president of the church. Copies of this revelation are found between the two days of Apostle Taylor’s trial minutes. Various lists and charts of post manifesto

marriages and individual polygamists are also included for easy reference and to visually demonstrate the importance of the Salt Lake Tribune list of “sporadics” (post 1890 manifesto polygamists) upon these trials.

Hopefully, these several ready references will assist the thorough reader and serious historian alike to easily access the contextual background behind these membership trial minutes. While this volume is far from exhaustive in its treatment of these contextual issues, it will hopefully assist the reader to follow many of the nuances that escaped me for several years – even after several readings.

In preparing this publication, I tried to thoroughly investigate claims made in previous publications related to these trials; I initially tried to be sensitive when addressing the involvement of various apostles in perpetuating post manifesto plural marriages. However, in the end, the evidence requires the reader to make a very stark (and potentially disturbing) conclusion: most of the apostles involved in these trials engaged in deceptive practices at some level. There is simply no logical means of rationalizing away the voluminous compilation of contradictory statements made by the apostles involved in these membership trials apart from naively concluding that the massive amount of records that we have access to are fundamentally inaccurate due to scrivener’s errors – an exegetical approach that is juvenile at best after even a brief perusal of the congressional record surrounding the Reed Smoot hearings (a record that was professionally recorded and printed) – and claiming that each of the apostles made identical scrivener’s errors in their private journals is similarly nonsensical. In short, the evidence is so conclusive that most of the apostles involved in the membership trials engaged in double-tongued practices that a subjective analysis of what they “really meant” is unavoidable – and while their actions may be the best indicator of their actual beliefs, any conclusions must be based on something other than straightforward deductions. This renders any “objective” reporting of these events indelibly trouble ridden – or at least controversial.

Induction, inference, implication, metaphor, and a myriad of other interpretive devices must be employed in order to grasp what happened during these 1911 trials. This is the core reason why feelings over the Taylor and Cowley trials continue to ignite a storm of controversy and confusion – so a thorough understanding of contextual issues is of paramount importance. In other words, the many contrary

statements and the many contrary positions taken by various individuals involved in these membership trials disallow simplistic and controversy free conclusions. In such an environment, the question of interpretational objectivity becomes much more than a philosophically engaging question – it becomes the very core of discussion. Regardless of one’s interpretation, from the summons to the verdict, original sources have been produced within this volume so the reader is invited to a much closer scrutiny of the record than has ever been available to the general public before. Hopefully, this strength will override any apparent interpretive weakness and/or bias that must inevitably arise when viewing the turbulent evidence.

THE PURPOSE OF THIS VOLUME

Regardless of the inevitable interpretational incongruities that arise, this volume should serve as a strong resource to allow the reader to understand why Apostles Taylor and Cowley:

1. did not accept the 1890 manifesto as a binding revelation from God;
2. ignored formal pronouncements that plural marriages were no longer permissible after the 1890 manifesto was issued;
2. ignored formal pronouncements that plural marriages were no longer permissible after the 1904 or “second manifesto” was issued;
3. believed that it was permissible for them to marry plural wives after the 1890 manifesto; and
4. believed that it was permissible for them to perform scores of post 1890 manifesto plural marriages for other members of the church.

My analysis in this volume is not intended to serve as an unbiased treatise on the membership trials of Apostles Taylor and Cowley. That was my original intent. I found it extremely difficult to deviate from that deeply ingrained paradigmatic approach – an approach that was justly drummed into my psyche during my studies in BYU

history classes. I believe, contrary to apologetic history, that this should be every honest historian's approach. However, as the research developed and the facts were outlined for presentation, the sensible lawyer in me naggingly took over. At some point, evidence for a certain issue becomes so overwhelming that it becomes unethical to argue against the evidence.¹²

That doesn't mean that you throw the whole case away; it simply means that certain points must be conceded. In the case of Apostles Taylor and Cowley, even die-hard apologists must concede crucial points if they value their integrity. That is, these apostles had significant and rational reasons to believe that the 1890 manifesto was not spiritually binding; they had significant reasons to believe that post 1890 manifesto plural marriages were authorized by the First Presidency; and they had significant reasons to believe that they were in harmony with their fellow apostles – it is even arguable that they had significant reasons to believe that what they were doing was sanctioned by the church itself. To argue against some of these positions is to ignore dozens of facts that appear in prominent positions of the historical record.

Therefore, this volume is intended to offer the reader a stronger understanding of *why* Apostles Taylor and Cowley did what they did rather than argue *whether or not they were justified* in what they did. Besides, whether or not they were justified is really just a religious question disguised as a legitimate historical question; In this instance, I was more interested in exploring historical issues rather than doctrinal disputes. That is *not* to say that the question of *who was in the right* can never be an interesting historical question. I well remember learning for the first time that American Indians were not unilaterally the real bad guys in American colonial expansion – and the first time that I learned that the southern states had legitimate, principle-based, non-racial reasons for fighting in America's Civil War – and the first time that I learned that Sir Thomas More wasn't unilaterally the hero he is made out to be (he was largely responsible for the death of one of my greatest heroes: William Tyndale). The question of who was right in each of these stories is – historically speaking – very interesting and

¹² Besides, it inevitably makes judges grumpy to listen to litigants tenuously hold on to unstable positions.

engaging. However, given the one-sided historical understanding of modern latter-day saints, it seemed more engaging to elucidate the understanding and pragmatic perspectives of Apostles Taylor and Cowley rather than jumping into the pedantic fray of authors contending over whether or not they were right or wrong.

This approach allowed me to somewhat sidestep difficult questions that require more investigation than I could reasonably address in this volume. For example, I offer evidence that contemporary apostles neither accepted the 1890 manifesto as a revelation nor as binding church policy while offering little evidence that any apostles (serving in during these trials) accepted the 1890 manifesto as a binding revelation (some did). While the question of *when* apostles began to unanimously view the 1890 manifesto as binding may be intellectually engaging and while it may be spiritually imperative for modern latter-day saints, this volume deliberately sidesteps this and similar issues in favor of shedding light on why Apostles Taylor and Cowley never viewed that manifesto as binding.

Hopefully, the end result is that readers will have a more intimate understanding of how Apostles Taylor and Cowley viewed contemporary conflicts surrounding post manifesto plural marriages. Whether or not these apostles were rogues or faithful servants, whether or not we should view them with charitable forgiveness, and whether or not we should view them as martyrs who sacrificed themselves for the benefit of the church is left for the reader to decide.

“APOSTLES,” FOOTNOTES, & FORMATTING ISSUES

When referring to John W. Taylor and Matthias F. Cowley, I consistently use the appellation “Apostle” throughout this volume. I realize that some sensitive readers may object to this terminology because modern readers may feel that these terms should be solely reserved for active members of the Quorum of Twelve Apostles and the two men who remain the focus of this volume resigned from that quorum long before their membership trials happened. With respectful deference to this opinion, Apostles Taylor and Cowley retained the office of an apostle at all relevant time periods under consideration (*de*

minimus until Taylor’s excommunication). Further, preliminary editors suffered mild confusion when terminological labels were inconsistent even when technically accurate. For instance, even though it could be proper to refer to Apostle John Henry Smith as “President Smith” because he was a member of the First Presidency, that designation occasionally confused preliminary editors who were more familiar with President Joseph F. Smith. For these reasons, John W. Taylor and Matthias F. Cowley are exclusively referred to using this appellation of distinction.

Previous readers have noted (with significant surprise) that my footnotes tend to be interesting and sometimes crucial to a thorough understanding of points I make within my books. I believe those same readers will find the same observation is true of this volume. Items delegated to footnotes are not just citations and trivialities. If I find a detail interesting, engaging, and otherwise worthy of note, I may still delegate it to a footnote to preserve the logical flow of the narrative. I understand that this can be avoided but the cost is a text that begins to exceed the intended scope of this volume. There is an enormous amount of scholarly material that needs to be compiled in one logical source volume for easy reference. Whenever keeping material in the narrative gave the appearance that this volume was moving in that direction, the information was invariably demoted to the status of a footnote. These details are nevertheless fascinating and worthy of all but the most casual reader’s attention.

Here is the boring, but terribly important stuff that scholars want to know: I have standardized all sorts of things where I have supplied the original documents. In other words, where I have supplied facsimiles of the original documents, I have standardized spelling, filled out missing portions of words (e.g., Bro. is transcribed Brother; Pres. is transcribed President, etc.), reformatted paragraph structures to appear more comely, and added emphasis without making any note of such changes. Similarly, and whether or not I provide any original documentation, I have added emphases without making any note of such changes – it should be obvious to the reader that journal entries and formal congressional hearing minutes generally do not have italicized items nor bolded wording except in very rare instances. Accordingly, *none* of the emphases made throughout this book are original. In no case have I intentionally altered the meaning of a

passage. I have used standard square brackets [] to indicate materials that I have inserted into a passage (usually to substitute a capital or lowercase letter to fit the context of this volume).

I keep errata sheets for all of my books so that I can correct any known errors for future printings. The same will be true of this book. If any reader notices an error in this volume, please feel free to bring it to my attention at drewbriney@gmail.com. Lastly, I am happy to dialogue with anyone interested in seriously discussing the topics covered in this book or in any of my other books; please feel free to contact me at the above email address if you would like to discuss any of these issues further.

BEHOLD OUR CONFUSION

A Background to the Membership Trials

Because the LDS Church has embraced Wilford Woodruff's famous 1890 manifesto as a revelation for so long, its general membership has become relatively unaware of the history behind that manifesto and more especially, the history of its interpretation. If anything, church periodicals, general conference addresses, and public meetings in general abbreviate "the history behind the manifesto" to a few collective, oversimplified "facts" that essentially claim (sometimes blushing) that plural marriages were once allowed by the LDS Church, the United States declared those marriages illegal, and then President Woodruff received a revelation forbidding any further plural marriages because it is a doctrinal requirement to obey the laws of the land. Rarely, although occasionally, an addendum "fact" is tagged onto these statements that declares that no more plural marriages were performed after 1890. Indeed, modern newspapers regularly add the caveat that the LDS Church "stopped" plural marriages in 1890 when reporting about various polygamist groups in Utah.

In contrast, fundamentalist publications frequently claim that the 1890 manifesto was merely a "compact with the devil" (or some other inflammatory label), claim that the manifesto itself is *prima facie* evidence that the LDS Church is in a state of apostasy (often offering difficult to substantiate supporting statements), and then conclude with a tirade of unrelated *ad hominem* attacks upon various leaders of the LDS Church.

With such disparate "facts" and such poor scholarship on both ends of the religious spectrum, one finds a growing chasm of misunderstanding – a chasm that is difficult to bridge and that is harmful to constructive historical dialogue. When discussing the membership trials of Apostles Taylor and Cowley, this chasm of misunderstanding necessarily comes to the forefront and threatens to derail a healthy historical understanding of what these men experienced. Fortunately, some few dedicated scholars have plowed

this field of scholarship and have provided information that can bridge this gap for anyone with clear, rational thought and an inquisitive mind.

In fact, the 1890 manifesto says very little about any of these “facts” and outwardly focuses on other, less known historical facts that most modern latter-day saints are largely unaware of. Accordingly, unaware of what the actual manifesto itself says, most latter-day saints are quick to wholeheartedly believe presented “facts” without much independent thought. Indeed, little, if anything else beyond these “facts,” is mentionable during formal LDS Church meetings without causing a certain degree of discomfort. One can readily read a vast array of church approved periodicals and rarely miss a meeting for a decade (or more) without ever once hearing any of the following *historically defensible positions*:

- At least two LDS Church presidents strongly denied that the 1890 manifesto was a revelation.
- Other apostles and leading men of the LDS Church denied that the 1890 manifesto was a revelation.
- Wilford Woodruff did not draft the 1890 manifesto by himself.
- The 1890 manifesto contained inaccurate and misleading statements.
- The Quorum of Twelve held discussions debating the meaning and scope of the 1890 manifesto after it was issued.
- LDS Church presidents and apostles authorized new plural marriages after the 1890 manifesto; several took new plural wives to themselves.

Within the confines of a culture that successfully ignores these controversial allegations (a few of which are entirely incontrovertible), it is difficult, if not impossible to understand the actions of John W. Taylor and Matthias F. Cowley as anything other than a series of unjustified rebellions and one can readily understand why some modern latter-day saints blush with embarrassment when they hear about Taylor and Cowley’s activities. However, when one escapes the confines of this shallow understanding of history, the activities of Taylor and Cowley are much more engaging and worthy of careful investigation. A solid contextual understanding of post 1890 plural

marriages will help the reader understand why Apostles Taylor and Cowley felt justified in promoting post manifesto plural marriages.

Although polygamy is generally a hot topic among Mormon authors and mainstream media journalists, relatively few ambitious scholars have heavily documented post 1890 manifesto plural marriages – and while their research has had a tremendous impact on academia, it has had a relatively non-existent impact on latter-day saints in general. This volume, a precursor to a more exhaustive treatise of the subject, will only lightly tread these deep waters;¹³ however, it will offer enough information to give the reader a well informed context as to why these membership trials happened in the first place; finally, it will address each of the above propositions in order to provide that contextual background.

WHICH CHURCH PRESIDENTS DENIED THAT THE 1890 MANIFESTO WAS A REVELATION?

Oddly, most authors addressing the 1890 manifesto fail to address a glaringly important question for modern latter-day saints who are unfamiliar with the word “manifesto” except as it pertains to the 1890 manifesto. That is, what *is* a manifesto? Unlike today, in the nineteenth century, the term was commonly used in all circles of public life. Manifestos were commonly found in newspapers, periodicals, and other publications and simply referred to public declarations. Significantly, no revelation previous to the 1890 manifesto was ever referred to as a manifesto. Given the political content and format of the 1890 manifesto and given the definition of the term “manifesto,” it is not therefore surprising that the question of whether or not the 1890 manifesto was a revelation became a prominent question among contemporary latter-day saints who were asked to sustain its terms. At one point, it was published with an 1889 declaration as “the two

¹³ While some of these issues may seem thoroughly documented to the uninitiated reader, there is an enormous amount of material that is not addressed in this volume. These issues will be addressed much more thoroughly in *Silencing Mormon Polygamy*, Volume 2.

Manifestoes”¹⁴ (nearly two decades before it was placed within LDS scriptures).

It is perhaps significant to note that neither of the following unilateral denials (that the 1890 manifesto was a revelation) occurred during the presidency of either apostle. That said, it appears likely (although unproven) that Heber J. Grant was the first apostle to deny that the 1890 manifesto was a revelation. A few days after the manifesto was presented to the general membership of the LDS Church, the *Salt Lake Herald*, published by Apostle Grant, attacked the integrity of journalism put forth by the *Salt Lake Tribune*. It forcefully declared that the *Salt Lake Tribune* “pretends the declaration is a revelation . . . although no one today has heard anyone except the lying sheet say it was a revelation.”¹⁵ To conclude that the authorship of the *Herald’s* editorial should be attributed to Apostle Heber J. Grant would be unfair (at least, it would be unfair without a computerized word print analysis) except for the fact that Apostle Grant and the *Tribune* had a long history of mutual dislike, except for the fact that Apostle Grant was the publisher of the newspaper, and except for the authoritative language put forth in that editorial; accordingly, it is certainly reasonable to believe that Apostle Grant penned the denial. However, even if he did not pen the *Herald’s* precise denial, he apparently held to the sentiment that the 1890 manifesto was not a revelation. On September 26, 1890, Apostle Abraham H. Cannon recorded Apostle Grant’s statement approving the manifesto because, as he said: “I . . . feel that it is *merely a public announcement* of the course which we had already decided in our private councils to adopt.”¹⁶ . . . Yet I believe greater troubles will follow

¹⁴ Hardy, B. Carmon, *Doing the Works of Abraham: Mormon Polygamy: Its Origin, Practice, and Demise* (The Arthur H. Clark Company: 2007), 350 (“*Works of Abraham*”).

¹⁵ *Salt Lake Herald*, 10/9/1890, p. 4 as cited in Dialogue: A Journal of Mormon Thought (Spring 1985) Vol. 18, No. 1; *LDS Church Authority and New Plural Marriages: 1890-1904*, p. 10 (“*LDS Church Authority*”).

¹⁶ *Works of Abraham*, 331, 350. The position had also been made public before the manifesto. The *New York Herald* reported on 10/13/1890 that President Woodruff claimed that he had “refused to give any recommendations for the performance of plural marriages since I have been president. I know that President Taylor, my predecessor, also refused. Since the Edmunds-Tucker law we have refused to recommend plural marriages and have instructed that they should not be solemnized.” *Id.* See also Abraham H. Cannon’s Journal,

the prominent Elders in the Church through the adoption of this *policy*.”¹⁷

If there is any doubt as to whether or not Apostle Grant either authored or authorized the denial published in the *Herald*, there is no reasonable questioning of Apostle Joseph F. Smith’s denial of the 1890 manifesto’s status as a revelation. Apostle Heber J. Grant directly questioned President¹⁸ Smith as to whether or not he believed that the 1890 manifesto was a revelation. “President Smith answered emphatically no” and then, adding his belief that the manifesto was an inspired document (as was almost universally acknowledged by the apostles at the time), he concluded that “he did not believe it to be an emphatic¹⁹ revelation from God abolishing plural marriage.”²⁰ These

7/10/1890 (suggesting that post manifesto plural marriages were acceptable if the plural wife continued to reside in Mexico). There are two published versions of Abraham H. Cannon’s Journals: Lyman, Edward Leo, *Candid Insights of a Mormon Apostle: The Diaries of Abraham H. Cannon, 1889-1895*, which is part of Signature Book’s Significant Mormon Diaries Series and Dennis B. Horne’s *An Apostle’s Record: The Journals of Abraham H. Cannon Member of the Quorum of the Twelve Apostles, 1889-1896*, published by Gnolaum Books. All journal entries cited in this volume are found in each edition of Apostle Cannon’s diaries so I cite only “AHC Journals” throughout (excepting a single instance where I distinguish the volume by its editor to refer to a footnote).

¹⁷ AHC Journals, 9/26/1890.

¹⁸ Joseph F. Smith was a member of the First Presidency at the time.

¹⁹ However, consider the following excerpt from President Joseph F. Smith’s testimony in front of the United States Congress:

The Chairman: ... this manifesto suspending polygamy ... was a revelation and a direction to the church?

Mr. Smith: I understand it just as it is stated there by President Woodruff himself. President Woodruff makes his own statement. I cannot add to nor take anything from that statement. ... President Woodruff [was] inspired to put forth the manifesto.

The Chairman: And in that sense it was a revelation?

Mr. Smith: It was a revelation to me. ... Most *emphatically*.

Burrows, Julius Caesar; Foraker, Joseph Benson, eds., *Proceedings Before the Committee on Privileges and Elections of the United States Senate in the Matter of the Protests Against the Right of Hon. Reed Smoot, a Senator from the State of Utah, to Hold His Seat*, 4 volumes, (Government Printing Office: 1904-06)

1:108. (“Reed Smoot Hearings”).

²⁰ *First Presidency Office Journal*, 8/20/1891, copy in CR 1/48 as cited in *LDS Church Authority*, 82-83, fn. 293. He made a similar statement during the *Reed Smoot Hearings*: After Senator Bailey suggested that the 1890 Manifesto was a

statements are found in trustworthy sources: the First Presidency Office Journal.

Another statement from President Joseph F. Smith disavowing the status of the 1890 manifesto as a revelation comes from the official minutes of the Quorum of Twelve Apostles: Apostle Cowley reported during his membership trial that President²¹ Smith informed him that the 1890 manifesto did not “mean anything.”²² Further statements made during the Reed Smoot hearings, demonstrate that President Joseph F. Smith’s beliefs surrounding plural marriage did not change as a result of the 1890 manifesto²³ and that President Joseph F. Smith repeatedly distinguished the 1890 manifesto from “laws” of the church, preferring to label it as a “rule” rather than a “law” of the church.²⁴ Further circumstantial evidence found later in this volume substantiates the position that these two church presidents did not accept the 1890 manifesto as a revelation from God. For now, it is important only to note that there are historically defensible reasons to believe that President Joseph F. Smith strongly denied that the 1890 manifesto was a revelation and there are historically defensible reasons to believe that

revelation, Joseph F. Smith corrected him by stating: “If the Senator will permit me, it is inspired” but then, apparently sensing that this distinction was somehow problematic, he continued by stating: “It is the same thing.” *Reed Smoot Hearings* 1:335. Why Joseph F. Smith felt a need to make such distinction and then concede that there was no difference made by the distinction is entirely unclear unless there really was a strong distinction in his understanding but he did not want that distinction to be understood by Congress. In another exchange, President Smith agreed to the Church’s then formal position that in “September, 1890 the present head of the church in anguish and prayer... *received permission to advise* the members of the Church of Jesus Christ of Latter-Day Saints that the law commanding polygamy was henceforth suspended.” *Reed Smoot Hearings* 1:106.

²¹ It is unclear from the context whether or not this statement was made by Joseph F. Smith when he was the President of the LDS Church or when he was only a member of the First Presidency; it seems from the context that the former argument is stronger but there is no definitive proof as to when he made the statement.

²² See page 183 in this volume.

²³ *Reed Smoot Hearings* 1:107.

²⁴ See below for a more detailed discussion of this distinction. See also *Reed Smoot Hearings* 1:122 and 1:335 (in a rather heated exchange, President Smith says that the manifesto was inspired after being pressed as to whether or not it was a revelation).

his successor, President Heber J. Grant, did not believe that the 1890 manifesto was a revelation.²⁵

WHO ELSE DENIED THAT THE 1890 MANIFESTO WAS A REVELATION?

Future LDS Church presidents were not the only leading authorities of the Church to deny that the 1890 manifesto was a revelation. George Reynolds' testimony during the Reed Smoot hearings, which will be quoted at length below, documents his position that he did not believe that the 1890 manifesto held equal footing with revelations found within the Doctrine and Covenants; instead, he regarded it as "*instruction of the president of the church to the people.*" In other words, it was a temporary administrative policy. He bluntly characterized it like this: "I regard it *for the time being* as our *rule of church practice.*"²⁶ This interpretation takes the precise wording of the 1890 manifesto on its face – rather than view it as a revelation, he viewed it as "advice." When he was later specifically asked whether or not the 1890 manifesto "purport[ed] to *come from the Lord,*" his answer was simple: "No."²⁷ L. John Nuttall characterized the 1890 manifesto as "*a declaration or manifesto from [President Woodruff] in regard to [a] recent report of the Utah Commission ... in which he denies their statements and declares himself as willing to obey the laws of the nation on that subject & to advise the members of the church to do likewise. ... for [the] distribution to the President, Cabinet, Senate & House of*

²⁵ In a contextual vacuum, one might suggest that "The President's Message" issued by President Wilford W. Woodruff in the *Woman's Exponent* supports the view that he did not view the manifesto as a revelation either. On 12/1/1890, President Woodruff noted that the manifesto was simply a "letter" discouraging law breaking. "[T]he fact should not be overlooked that the doctrine or belief of the Church that polygamous marriages are *rightful* and supported by Divine revelation *remains unchanged.*" *Works of Abraham*, 348. However, outside of that contextual vacuum, such a position would be tenuous. It is well known that he strongly claimed that the manifesto was a revelation at different times. One may nevertheless counter that rebuttal by noting that most of these statements came after the Master of Chancery hearings and were retrospective in nature.

²⁶ *Reed Smoot Hearings* 2:51-54, 60-61.

²⁷ *Reed Smoot Hearings* 2:60.

Rep[resentatives] & other leading men.”²⁸ As secretaries to the First Presidency, these two men were constantly privy to conversations between the prophet and other apostles so their united testimonies on this position is significant, if not glaringly important.

And they were not alone: a number of apostles shared similar views. Apostles Charles W. Penrose and John Henry Smith both made statements denying the status of the 1890 manifesto as a revelation. Reportedly, Apostle Penrose bluntly stated that the 1890 manifesto was “no revelation from God.”²⁹ Apostle John Henry Smith also reportedly declared that “the manifesto [was] only a trick to beat the devil at his own game,” a statement that is tantamount to declaring his belief that it was not a revelation.³⁰ Brigham H. Roberts, a member of the presidency of the quorums of seventy³¹ and future apostle, candidly answered the question “You say the manifesto was a revelation of God?” with a blunt “No, sir.” He then admitted that it was inspired but distinguished it from a revelation because a revelation “is a direct, uncolored, communication from the Divine to man.” He concluded by calling the 1890 manifesto an “act of the church.”³²

²⁸ Rogers, Jedediah S., *In the President's Office: The Diaries of L. John Nuttall, 1879-1892*, (Signature Books: 2007) 9/25/1890. (“*The Diaries of L. John Nuttall*”).

²⁹ These statements are more completely documented below in the section entitled “*Was the 1890 Manifesto Factually Accurate?*” Apostle Penrose, through an editorial found in the *Deseret News*, made a less bold but similar statement. When responding to a Utah Commissioner’s complaint that the 1890 manifesto should have been presented to the saints as a revelation, he asserted that revelations do not come through mortal whims and suggested that the word of the Lord had not come through the Lord’s anointed prophet at that time. *Works of Abraham*, 348 (The editorial was entitled “Utah Commissioner’s Perversions” and was dated 10/1/1890).

³⁰ To be fair, Genesis 12:10-13 and 20:1-5, 12-13 report that God instructed Abraham to issue a misleading statement so one could feasibly read Apostle John Henry Smith’s statement broadly enough to conclude that he felt that the 1890 manifesto was a revelation of God intended to deceive its intended audience. Such an interpretation necessitates a belief that the 1890 manifesto was, in fact, intended to deceive its audience – a proposition that is further discussed below.

³¹ There were 145 quorums of seventy at that time, numbering 9-10,000 members so this was a significant position at that time in church history. *Reed Smoot Hearings* 1:719.

³² *Id.*

Apostle Marriner W. Merrill candidly recorded his similar personal belief that the 1890 manifesto was not a revelation in his personal journal. He records:

I was called to Salt Lake City today by telegram from President [Woodruff]. Met with First Presidency and Apostles – where a number of questions formulated by the Church attorneys F[ranklin] S. Richards and W. D. Dixon relative to the Manifesto and forever abandoning the Practice of Plural Marriage to which I could not accede to or endorse nor vote for as *I do not believe the Manifesto was a revelation from God*, but was formulated by President Woodruff and endorsed by his counselors and the Twelve Apostles *to meet the present situation of affairs in the nation or those against the Church.*³³

The “present situation” was a reference to President Wilford Woodruff’s need to respond to allegations of the Utah Commission that new plural marriages had been authorized under his administration – an allegation that was true but that nonetheless required a formal denial from President Woodruff.³⁴ A year previous to this journal entry, Apostle Merrill recorded the following statements of a comparable flavor in his journal:

I went to Salt Lake and met in council with President Woodruff, George Q. Cannon, Joseph F. Smith, F. D. Richards, and Moses Thatcher, where President Woodruff had *an article* read he had prepared *for the press of the country* declaring to the world that we did not celebrate plural marriages now in the Church and that he counseled the members of the Church not to break the law in relation to plural marriage. *The article*

³³ *Marriner W. Merrill Personal Journal* 8/20/1891, spelling standardized, emphasis and bracketed material added; otherwise, the quote is as cited in Cannon, Kenneth L. II, *Post-Manifesto Polygamy Among L.D.S. General Authorities*, BYU History Thesis, April 1978, copy in author’s possession (“*Cannon Thesis*”), 33.

³⁴ *LDS Church Authority*, 46. That post 1890 manifesto plural marriages were authorized by President Wilford W. Woodruff and his successors is addressed further below.

was approved by all the brethren present, including myself, which *seems the only way to retain the possession of our Temples* and continue the ordinance work for the living and dead, which was *considered more important* than continuing the practice of plural marriages *for the present*.³⁵

Although the retrospective statement most clearly states that Apostle Merrill did “not believe that the manifesto was a revelation from God,” the contemporary journal entry similarly betrays his understanding that the 1890 manifesto was simply an “article” intended *not* for members of the church, but “for the press of the country” and that applied only for a limited time period.

Another apostle, Abraham H. Cannon made indirect statements that suggest that he did not believe that the 1890 manifesto was a revelation either. In his journal, he fails to record the day that the manifesto was either written or issued – a very interesting omission in light of the fact that Apostle Cannon heavily documented most every major event surrounding the church’s conflict with the government over plural marriages. Had he regarded the 1890 manifesto as a revelation from God, it seems most likely that he would have recorded the reception of that revelation as a significant event – just as he recorded the reception of another, less renowned, revelation about polygamy in his journal almost a year previous to Woodruff’s more famous manifesto.³⁶ A couple of days later, he candidly noted that the manifesto was issued by President Woodruff “in reply to a statement made by the Utah Commission that plural marriages were still authorized and celebrated.”³⁷ Nowhere does he refer to it as a revelation (or even inspiration) to members of the church; however, he does state that “there is *no renunciation of principle nor abandonment of families* recommended, as some fault-finders try to make it appear.”³⁸

³⁵ *AHC Journals, Horne*, 153-154, citing Merrill, Melvin Clarence, ed., *Utah Pioneer and Apostle Marriner Wood Merrill and His Family* (n.p.: 1980), 127. See also *AHC Journals*, 10/2/1890.

³⁶ *AHC Journals*, 12/19/1889.

³⁷ *AHC Journals*, 9/26/1890.

³⁸ *Id.* Compare this statement about “fault-finders” with the one made by Heber J. Grant in the *Salt Lake Herald* (on October 9, 1890) where Apostle Grant calls

Although not especially clarion, this last statement does suggest that Apostle Cannon was aware that some people were suggesting that the manifesto was a revelation revoking the *principle* of plural marriage and prohibiting men from cohabitating with their plural wives (the “abandonment of families”) – issues that grew in fervor as more time passed. Significantly, Apostle Cannon’s personal opinion opposed those “fault-finders,” which in turn (at least mildly) suggests that he did not regard the manifesto as a revelation.

This is not the end of Apostle Abraham H. Cannon’s record. In his personal journal, he records the sentiments of the Quorum of Twelve regarding the 1890 manifesto. What is not said in that entry is almost as important as what is explicitly stated. He records:

The manifesto was next discussed, and finally on motion of F[rancis] M. Lyman, all voted to sustain and approve it. The question as to whether or not it should be presented to the Saints for their approval or rejection at our Conference was discussed at some length. Some felt that the assent of the Presidency and Twelve to the matter was sufficient *without committing the people* by their votes *to a policy which they might in the future wish to discard*. . . . The matter of presenting the manifesto to the Conference was left open for the present.³⁹

A few details from this account are particularly noteworthy. First of all, although approved by vote, the 1890 manifesto is referred to as a “policy” that the Quorum of Twelve “might in the future wish to discard.” A few days later, Apostle Cannon refers to the 1890 manifesto as a “new *position* we have been *forced* to assume.”⁴⁰ This clearly suggests that the apostles did not anticipate seriously treating this announcement as a revelation that they were going to abide by. And again, Apostle Cannon’s journal fails to refer to the document as a revelation; by calling it a “policy” and “position,” his record seems to suggest that he did not regard the manifesto as a revelation.

the *Salt Lake Tribune* a “lying sheet” for claiming that the manifesto was a revelation.

³⁹ *AHC Journals*, 10/2/1890.

⁴⁰ *AHC Journals*, 10/6/1890.

Further, the question of whether or not the 1890 manifesto was to be presented to the latter-day saints was “left open for the present.” Heber J. Grant’s journal entry agrees on this point.⁴¹ However, he adds that some of the apostles did not want the manifesto to be presented to the saints for a vote, a discussion that would seem both out of place and very odd had the manifesto been presented to the apostles as a revelation from the very beginning. The Quorum of Twelve, in both sets of journal accounts, spoke of political details surrounding the 1890 manifesto. It appears that had they believed that the manifesto was a *revelation* at that time, they would have been treating the document very differently – one would expect that they would be anxious to quickly direct the saints’ attention to a revelation that expressly directed its “advice” to those saints. Apostle John W. Taylor’s response to the manifesto is likewise very telling. Heber J. Grant recorded John W. Taylor’s response to hearing about the manifesto for the first time in very simple terms: he frankly replied “Damn it.”⁴² It is notable (given Apostle Taylor’s blunt and outspoken comment) that President Lorenzo Snow expressed his feelings that he was “pleased at our unanimity of feelings and know that the Lord will direct us” and then asked Elder Taylor to lead the members of the Twelve in a sacred prayer circle.⁴³

Also significant was Apostle Moses Thatcher’s prophetic comment about the 1890 manifesto. He stated that “perhaps this very *action* may be the thing that will cause us as a quorum to be separated in the near future.”⁴⁴ Both Apostle Taylor and Apostle Cowley later resigned from the Quorum of Twelve, the former citing a lack of harmony in his understanding of the 1890 manifesto as part of his rationale for offering his resignation. While the letters of resignation were driven by a host of political mechanisms, hindsight requires at least

⁴¹ *Heber J. Grant Journal Excerpts*, 9/30/1890 as found in Signature Books New Mormon Studies CD-ROM. (“*HJG Journal Excerpts*”)

⁴² *HJG Journal Excerpts*, 9/30/1890. Although his stance somewhat softened, Elder Taylor was never fond of the document.

⁴³ *AHC Journals*, 9/26/1890.

⁴⁴ *HJG Journal Excerpts*, 9/30/1890. It is not certain from the journal entry whether or not Apostle Thatcher was simply suggesting that some of the members of the quorum would move to Mexico to escape notice of government officials.

a considerable glance at the uncanny connection between Apostle Thatcher's statement about President Woodruff's "action" and this separation of the quorum.

While some of the above statements are little more than circumstantial evidences that leading apostles did not accept the 1890 manifesto as a revelation, these details become more compelling in light of further evidence. We have at least one contemporary record that many of the leading authorities of the Church did not *encourage* the belief that the 1890 manifesto was a revelation and that members of the Church *pressured* President Woodruff into issuing such a statement. Carl A. Badger, the secretary of Apostle Reed Smoot was a faithful latter-day saint who closely followed the proceedings of the Reed Smoot hearings; he was also intimately familiar with the political dynamics of what was being taught about plural marriages in Utah and apparently accepted the 1890 manifesto as a revelation; however, in a moment of discouragement, he penned a letter complaining that "[t]he truth of the matter is that *very few of our people have been willing to admit that the Manifesto was a revelation*⁴⁵ and that *leading authorities have not*

⁴⁵ There is reasonable evidence that this sentiment was first born at the general conference where the manifesto was presented to the church: Official church reports claimed that the "vote in support of this motion [accepting the Manifesto] was *nearly unanimous*." *Deseret News Weekly*, Oct. 11, 1890. This is somewhat substantiated by Apostle Marriner W. Merrill who noted in his October 6 diary that the motion was "carried by a weak voice, but seemingly unanimous." *LDS Church Authority*, 145. Apostle Abraham H. Cannon also recorded that the vote was unanimous. *AHC Journals*, 10/6/1890. Even President Joseph F. Smith testified during the Reed Smoot hearings that the vote was unanimous, adding that "[e]very hand was raised, so far as we have any power of knowing." *Reed Smoot Hearings* 1:290. However, that was not the case. "William Gibson, later a representative in the Utah legislature, voted against it." *LDS Church Authority*, 48. Thomas Broadbent recorded in his diary that he "*thought it a very slim vote considering the multitude assembled*." Thomas Broadbent Diary, p. 24 as cited in *Id.*, 48. In contrast to Broadbent's observation, Apostle Heber J. Grant noted in his journal that "there were many wet eyes in the congregation when the vote was called ... *There were some of the people that did not vote. There were not many* as I noticed that the votes was as large if not larger than that which had been given to the authorities when they were sustained." *HJG Journal Excerpts*, 10/6/1890. Historian Richard Van Wagoner noted that when the Manifesto was read, "[s]ilence prevailed until someone from the gallery called for a second reading. After this request was granted, Quorum of the Twelve President Lorenzo Snow moved that the declaration be accepted as 'authoritative and binding'.

encouraged this view, but rather that the necessities of the case compelled that we openly give up what we secretly clung to.”⁴⁶ Badger’s statement that “leading authorities have not encouraged” the latter-day saints to believe that the 1890 manifesto was a revelation is a very telling admission from a contemporary member of the church who was in favor of viewing that manifesto as a revelation and who was heavily involved in handling the aftermath of apostles treating the 1890 manifesto as a temporary public policy rather than a binding revelation from God.

His statement doesn’t fall far from the testimony of Apostle (and Senator) Smoot either. Responding to a rather convoluted, legalistic question during the hearings, Apostle Smoot testified that “the manifesto came after passage of certain laws and the final decision thereon by the Supreme Court, and not only that, I believe it came from pressure within the church as well.”⁴⁷ Nowhere does he remotely suggest that the manifesto was a revelation; nowhere does he suggest that he believed that the 1890 manifesto was divinely inspired; he merely notes that it resulted from external pressures from the government and internal pressures from latter-day saints. His testimony goes on to state that he felt that members of the Church wanted to live the laws of the land as outlined by the legal decisions of

Many of the thousands in attendance abstained from voting.” Van Wagoner, Richard, *Mormon Polygamy: A History*, (Signature Books: 1992), 145. Brigham H. Roberts, who viewed the manifesto “with alarm,” refused to vote to sustain the manifesto. *Works of Abraham*, 348; Hardy, B. Carmen, *Solemn Covenant: The Mormon Polygamous Passage* (University of Illinois Press: 1992), 135 (“*Solemn Covenant*”); The Anthony W. Ivins papers state that members “for the most part voted for the *manifesto with individual reservations.*” *Id.*, 134, 159. Other members recorded that “a gloom came over the people” after sustaining the document. *Id.*, 137. To compound these apparently contrary accounts, Apostle Grant’s journal suggests that the silence was due to the audience’s inability to hear the motion to sustain the document, *not because of any disagreement with the contents* (*HJG Journal Excerpts*, 10/6/1890) and the LDS Church’s Official Declaration 1, printed without any original citations, claims that the vote to sustain the manifesto “was unanimous.”

⁴⁶ *Letter from Carl A. Badger to Ed Jenkins* 3/18/1904, as cited in Bergera, Gary, “Secretary to the Senator: Carl A. Badger and the Smoot Hearings,” *Sunstone* January-March 1984, 38. (“*Secretary to the Senator*”).

⁴⁷ *Reed Smoot Hearings* 3:212.

the United States Supreme Court, which required the abandonment of plural marriages.⁴⁸

In summary, in addition to statements possibly coming from two LDS Church Presidents claiming that the 1890 manifesto was no revelation to them, we have documentary evidence that George Reynolds and L. John Nuttal (secretaries to the First Presidency), Apostles Charles W. Penrose, John Henry Smith, Marriner W. Merrill, Reed Smoot, Abraham H. Cannon, John W. Taylor (and other unnamed members of the Quorum of Twelve) apparently did not regard the 1890 manifesto as a revelation. We also have the testimony of B. H. Roberts (who later served as an apostle) bluntly refusing to call the 1890 manifesto a revelation from God. Lastly, we have the testimony of Carl A. Badger claiming that very few latter-day saints (as late as 1904) were willing to state their belief that the 1890 manifesto was a revelation. Although arguably inconclusive from a church-wide standpoint, this is historically strong evidence that several of the leading brethren of the Church did not regard the 1890 manifesto as a revelation from heaven.⁴⁹

⁴⁸ *Id.*, 3:212-213.

⁴⁹ This is not retrospective modern history. During the Reed Smoot hearings, the leading brethren had quite a bit of difficulty convincing the prosecutors that the 1890 manifesto represented a revelation under any definition whatsoever.

Consider the following extracts:

Senator Bailey: *I do not have much patience with a doctrine which does not receive a revelation until there is a statute and where the revelation happens to conform to the statute ... I do not quite understand that anybody is required to accept it as a revelation. Reed Smoot Hearings 1:333.*

Senator Bailey: Now I take it, *if it had been a revelation, he would have used the language of a prophet rather than the language of a lawyer ...*

Senator Bailey: [The law] would be *binding on some and the revelation on others?*

Mr. Smith: *It might be, I said.*

Senator Bailey: ... as a matter of conduct or as a matter of conscience?

Mr. Smith: *As a matter of conscience.*

Senator Bailey: *I cannot understand how a man who has any Christian faith can yield his conscience to the law.*

Mr. Smith: ... to my conscience the revelation conflicting with the law might appeal and be paramount but to my brother and to my associate member of the church it might not appeal to his conscience. *Reed Smoot Hearings 1:316-317.*

Senator Bailey: I, myself, think *a Christian would go to the stake before he would abandon his creed; and if that is a revelation, contradicting a former revelation.*

Conclusions aside, this evidence is significant in terms of the membership trials of Apostles Taylor and Cowley because it demonstrates that other leading men of the church held (at least) similar beliefs and/or reservations about the binding nature of the 1890 manifesto. This in turn sheds light on why these apostles were willing to engage in so many activities supporting post manifesto plural marriages.

WHO WROTE THE 1890 MANIFESTO?

In a meeting of the Quorum of Twelve Apostles, Apostle Franklin D. Richards commented that President Woodruff “prepared his manifesto . . . without the aid or suggestion of counselors. He took it⁵⁰ to a clerk⁵¹ and went to a room alone where under the spirit of inspiration, he dictated the declaration he desired to make, and there was only one slight change made therein when it was read to Counselors Cannon and Smith. Therefore I feel it was from the Almighty.”⁵² This statement was made from personal knowledge as he

Mr. Smith: It is not contradicting it.

Senator Bailey: I think it is ...

Mr. Smith: It simply forbids the practice.

Senator Bailey: That is a distinction without difference.

Mr. Smith: Oh, no. *Reed Smoot Hearings* 1:332.

⁵⁰ What Apostle Richards intends to convey here is far from clear – “it” seems to be referring to the final draft of the 1890 manifesto, which at the time in question, was not yet drafted. Further, he suggests that the manifesto was “dictated,” which suggests that someone else was recording the words as President Woodruff dictated them. George Reynolds later testified that Wilford Woodruff “wrote [the manifesto] in his own hand. With contrary facts like these, our ability to decipher some of the nitpicky details surrounding the manifesto’s authorship is difficult at best.

⁵¹ Apostle Richards does not identify who this clerk is. It is possible that he was referring to the First Presidency’s secretary, George Reynolds, or to the second counselor in the Presiding Bishopric John R. Winder. Historian Samuel Taylor suggest that it was a Mr. Green. *The Rocky Mountain Empire*, (New York: 1978), 35.

⁵² *AHC Journals*, 9/30/1890. Heber J. Grant’s journal contains additional and noteworthy details of Elder Richards’ experience. Elder Richards “happened into the Gardo house the day Pres[ident] Woodruff was *dictating* the Manifesto and

was at the Gardo house meeting where Counselor Smith⁵³ suggested the “slight change” before the manifesto was presented to the general membership of the church. It therefore represents a very early understanding of how the manifesto was received and transmitted. Unfortunately, and as outlined further below, Apostle Richard’s information was incomplete and his testimony as to this understanding is flatly contradicted by a few other reliable sources.⁵⁴

In 1904, George Reynolds, the secretary to the First Presidency and a member of the presidency of the Quorum of Seventies, testified under oath that he, Apostle Charles W. Penrose, and John R. Winder⁵⁵ drafted the final manifesto for President Woodruff. The admission came as a great surprise to the senate committee:

Mr. Reynolds: I assisted to write it.

Senator McComas: You helped to write it?

Mr. Reynolds: Yes, sir. . . .

Mr. Worthington: ... Will you explain that?

Mr. Reynolds: President Woodruff wrote it in his own hand – and he was a very poor writer; worse, I believe, than Horace Greeley⁵⁶ – and he gave it into the hands of three of the elders *to prepare it for the press*. I was one of those three.

upon asking for him was told by Pres[ident] Cannon that he was in the other room and was *writing* something very important and was not to be disturbed. When he came out, he saw him and *his face shown with pleasure* and he seemed *very much pleased and contented*. I felt by the *inspirations of the spirit to me* that Pres[ident] Woodruff *had been inspired* in what he had been writing.” *HJG Journal Excerpts*, 9/30/1890.

⁵³ Or, less likely, Apostle Cannon as discussed below.

⁵⁴ The author does not consider sensational Mormon fundamentalist claims that various government officials and/or “gentile attorneys” drafted the document to be credible as they appear to directly contradict contemporary documentary evidence, including private journal entries as outlined below.

⁵⁵ At the time the 1890 manifesto was drafted, John R. Winder was second counselor in the Presiding Bishopric. He later served as the Salt Lake temple president and as first counselor to President Joseph F. Smith. He is referred to in the Reed Smoot hearings as a monogamist counselor to President Joseph F. Smith. *Reed Smoot Hearings* 1:327. He died about one year previous to Taylor and Cowley’s membership trials.

⁵⁶ At the time of the *Reed Smoot Hearings*, Horace Greeley was well known among members of the grey-haired generation. He was the founder and editor of

Mr. Worthington: Who were the three?

Mr. Reynolds: C[harles] W. Penrose, John R. Winder, and myself. ... We transcribed the notes and changed the language slightly to adapt it for publication. ... My understanding was that it was inspired. ...

The Chairman: You mean to say that in an inspired communication from the Almighty, the grammar was bad, was it? You corrected the grammar of the Almighty, did you?

Mr. Reynolds: *That was not a revelation* – “Thus saith the Lord.”⁵⁷ *It was simply that the inspiration of the Lord came to President Woodruff, and he gave it in his own language.* It had nothing to do with correcting what the Lord said.

The Chairman: Then was it inspired?

Mr. Reynolds: I consider it so. There are various degrees of inspiration, in some of which the man simply has the ideas and he writes it in his own language. I regarded the manifesto as one of those. ... I believe *the [original] copy was destroyed right off.*⁵⁸

The Chairman: Who destroyed it?

The New York Tribune, a vocal opponent to slavery, and a candidate for the United States Presidency.

⁵⁷ While today's faithful latter-day saints may bristle at this distinction, the position of modern Mormonism evolved from this very issue; that is, the position that “Thus saith the Lord” statements are not necessary to designate official revelations from the Lord originated from critics complaining that the 1890 manifesto was not a revelation because it did not begin with “Thus saith the Lord;” it may be that the modern position declaring that such language was unnecessary originated from this very statement made by George Reynolds, the secretary to President Woodruff and the First Presidency. Later in the interchange, the chairman brought up this issue again:

Chairman: This manifesto did not say, “Thus saith the Lord?”

Mr. Reynolds: No Sir; it did not.

Chairman: *It did not purport to come from the Lord?*

Mr. Reynolds: *It purported to be the instruction of the president of the church to the people.*

Chairman: *And nothing more?*

Mr. Reynolds: *No.*

⁵⁸ That the original document was destroyed is circumstantial evidence that may suggest that neither President Wilford W. Woodruff nor the men involved believed that the original document represented an emphatic revelation from God. Even if that is not true, it is interesting that such an important document was not preserved.

Mr. Reynolds: I don't know; I suppose one of us three. ...

The Chairman: After you had revised it, did you submit it to the president of the church?

Mr. Reynolds: Yes, sir; and he accepted it as his. ...

Mr. Taylor: You must [regard] the Woodruff manifesto as equally inspired [as the scriptures], is it not?

Mr. Reynolds: To my mind they are not identical, for the simple reason that the revelations given by the Lord commence, "Thus saith the Lord." That [1890 manifesto] does not. *To me it makes a difference.* ...

Mr. Taylor: The Woodruff manifesto overrules and overrides the Doctrine and Covenants, does it not, in so far as it touches the same subject?⁵⁹

Mr. Reynolds: I do not consider that it overrules or overrides. It simply declares that there shall be no further plural marriages.⁶⁰

Later, the chairman neatly summarized these statements as follows: "I understood you to say that this manifesto *did not appear to come from the Lord*; that it was written by the president and then passed over by three gentlemen named and they fixed it up and revised it and had it published."⁶¹ While George Reynolds may have bristled over the demeaning characterization given by the chairman, he was unable to dispute the substance of his summary.

⁵⁹ At one point during the Reed Smoot hearings, Senator Hoar asked President Joseph F. Smith about the Doctrine and Covenants:

Senator Hoar: "[It c]ontains an injunction to take plural wives, does it not?"

Mr. Smith: "Yes, sir." *Reed Smoot Hearings* 1:179. Later in the hearings, he admitted that the "pith of that revelation" was "with respect to the taking of plural wives." *Id.*, 1:200. This was not an isolated position taken on the witness stand; at the time of the *Reed Smoot Hearings*, the title for D&C 132 read "Revelation on the Eternity of the Marriage Covenant, including Plurality of Wives" and was commonly referred to as the revelation on plural marriage. See *Works of Abraham*, 264 for a photograph of this title as found in an 1876 edition of the Doctrine and Covenants.

⁶⁰ *Reed Smoot Hearings*, 2:51-54. George Reynolds further testified that he regarded the Doctrine and Covenants as a "higher authority" than the 1890 manifesto. *Id.*, 2:60.

⁶¹ *Reed Smoot Hearings*, 2:61.

Without addressing the nagging question of whether or not the 1890 manifesto was a revelation from God, George Reynolds' testimony is very significant because it represents firsthand, contemporary evidence that someone besides Wilford Woodruff drafted the final version of the 1890 manifesto. However, that is not all; there are two second hand accounts worthy of consideration. The first is a well circulated anecdotal account that claims that Apostle Charles W. Penrose later acknowledged that he assisted to write the 1890 manifesto just as George Reynolds testified during the Reed Smoot hearings. The statement comes in the form of an affidavit submitted by Thomas Rosser in 1935 that relates the proceedings of a priesthood conference on May 24, 1908. After relating an event about a latter-day saint sister who gained a testimony about plural marriages after the 1890 manifesto, Elder Rosser asked Apostle Penrose how a woman could gain a testimony about plural marriage after the 1890 manifesto. Apostle Penrose reportedly responded:

Brethren, I will answer that question, if you will keep it under your hats. *I, Charles W. Penrose, wrote the Manifesto* with the assistance of Frank J. Cannon and John White. It's no revelation from God, for *I wrote it*. Wilford Woodruff signed it to beat the Devil at his own game.⁶² Brethren, how can God withdraw an everlasting Principle from the earth? He has not, and cannot,⁶³ and I testify to you as a servant of God that this is true.⁶⁴

⁶² This statement clearly echoes a statement allegedly made by John Henry Smith, which is discussed in greater detail below.

⁶³ This language is reminiscent of the 1886 revelation, which states "how can I revoke an everlasting covenant? For I the Lord am everlasting and my everlasting covenants cannot be abrogated nor done away with, but they stand forever." The similar language can be read as evidence that this affidavit was made by a biased apologist who was promoting his personal beliefs or it can be read as evidence that Apostle Penrose was familiar with the contents of this revelation – he did, in fact, read the revelation during Apostle Taylor's trial.

⁶⁴ *Affidavit of Thomas J. Rosser, 1935*, as cited in Newson, Robert C., *Is the Manifesto a Revelation?* (n.p.: 1956), 6-8, emphasis added. Later, Elder Rosser penned a letter to Robert C. Newson on 8/4/1956 recounting the same story with a few more details. The complete letter is quoted on page 263-66 of Ogden

Although mostly consistent with George Reynolds' testimony, this affidavit poses a number of authenticity questions. First of all, within this affidavit, Apostle Penrose allegedly testifies that Frank J. Cannon and John White helped him to write the manifesto. It is possible that either George Reynolds or Apostle Penrose confused John R. Winder and John White or that Mr. Rosser incorrectly transcribed John White when Apostle Penrose said John Winder. That could explain away the presence of John White in Rosser's recounting. However, the possibility that Frank J. Cannon assisted to write Woodruff's 1890 manifesto is hardly credible at all. Frank J. Cannon was bitterly opposed to post 1890 manifesto marriages and fervently tried to cause the LDS Church leadership problems for their involvement in encouraging post 1890 manifesto marriages. Had he been involved in drafting the 1890 manifesto – the very keystone

Kraut's *The Holy Priesthood*, Vol. 6. Here is the most pertinent portion of the letter:

"In response to your inquiry as to authorship of the Manifesto of 1890, the following events which occurred on my mission to England and Wales during 1907 and 1908, might give you a satisfactory answer. ... On Monday morning, the 25th, our Conference Priesthood Meeting was held, which lasted four hours and a half. After the preliminary exercises, President Charles W. Penrose asked if any of the brethren had any questions on their minds, and if so, to present them now before he delivered his message to us. Up went my hand. 'Alright,' he said. 'President Penrose,' I said, 'I have heard much discussion on the Principle of Plural Marriage, some saying that it is withdrawn from the earth and that the Manifesto was a revelation from God. Dear President, what about this case?' Then I related to him the testimony of the Sister, which is written above, and then I asked him, 'Why should she receive this testimony if God has withdrawn the Principle from the earth, and the Manifesto is a true revelation from God?' President Penrose then rose to his feet, scratched the side of his head with his right hand for a moment or so, then stretched out his right hand toward us and said: 'Brethren, I will answer that question, if you will keep it under your hats. I, Charles W. Penrose, wrote the Manifesto with the assistance of Frank J. Cannon and John White. It's no revelation from God, for I wrote it. Wilford Woodruff signed it to beat the Devil, at his own game. Brethren, how can God withdraw an everlasting Principle from the earth? He has not, and cannot, and I testify to you as a servant of God that this is true.'" The fact that Apostle Penrose remained monogamist his entire life is either (1) a curiosity given this stated belief that plural marriage is a law that cannot be revoked by the Lord or it is (2) evidence that this statement by Rosser must not be accepted without a certain degree of suspicion.

document addressing the cessation of plural marriages – we would undoubtedly have a very strong record of his involvement. Publishing this fact would have given Cannon great rhetorical advantage in his campaign against the church and would have undoubtedly incurred a vehement denial from church leadership. Thus, if Rosser’s affidavit is to be trusted in a general sense, it most likely cannot be trusted in every detail.

Despite the inaccuracies in the details, Rosser’s statement should not be summarily dismissed as apologetic rhetoric. Apostle Matthias Cowley testified during his membership trial that Apostle Penrose and President Joseph F. Smith had both personally informed him that Apostle Penrose had written the 1890 manifesto. None of the apostles questioned him further about this statement and Apostle Penrose (who was present and questioned Cowley during his trial) made no objection as to the veracity of this statement. While latter-day saints who believe Apostle Cowley was out of harmony with the Quorum of Twelve may have a difficult time swallowing these two statements reportedly made by Apostle Penrose, it remains noteworthy that Apostle Penrose himself felt no need to correct Cowley’s statement – and neither did any of the other apostles.

Regardless of these somewhat controversial details, the testimony of George Reynolds is undoubtedly reliable. Witnesses at the Reed Smoot hearings who were faithful latter-day saints either told the truth on the stand or they made concerted attempts to falsify information to avoid shedding any bad light on the church.⁶⁵ Had George Reynolds been making any effort to shed the church in a friendly light for the senate committee, he undoubtedly would have made efforts to focus his testimony on the inspiration behind the 1890 manifesto and its binding nature rather than calling into question its status as a revelation and then calling its very authorship into question.

Apart from these statements claiming three men besides President Woodruff wrote the 1890 manifesto, there is substantial and strong documentary evidence that the 1890 manifesto was not drafted solely by President Wilford Woodruff: D. Michael Quinn brought to

⁶⁵ *LDS Church Authority*, 98-99. Notably, Elder Angus M. Cannon overheard President Smith counseling a prospective witness for the Reed Smoot hearings that “[w]e should consider the interests of the Church rather than our own.” *Id.*

light a number of journal entries made by Apostle George Q. Cannon and journal entries in the First Presidency Office Journal that substantiate the claim that Wilford Woodruff did not draft the 1890 manifesto as we now have it. After George Reynolds, Apostle Charles W. Penrose, and John R. Winder prepared the manifesto for publication with their suggested revisions, George Q. Cannon made “several emendations, which were adopted.”⁶⁶

Prominently, Apostle Cannon suggested that Woodruff’s phrase “as soon as the Edmunds-Tucker law was passed, President John Taylor gave orders for all plural marriages to cease” be removed from the final document.⁶⁷ Cannon’s suggestion was well received and the denial was not published. Quinn aptly notes that *thousands* of latter-day saints would have known that this statement was obviously untrue.⁶⁸ Indeed, Taylor’s vehement, continuous, and unrelenting civil disobedience was so widespread that it is doubtful that anyone, saint or gentile, would have taken any manifesto seriously at all – with such a gross and public misstatement of fact made so boldly, what other facts would have seemed trustworthy to anyone? Cannon also successfully convinced President Woodruff to eliminate a statement suggesting that the church advised men against cohabitating with plural wives and to eliminate another statement that church leaders were teaching that cohabitation with plural wives was improper (another statement that hundreds, if not thousands of latter-day saints knew was not true).

One of Cannon’s revisions was to suggest that President Woodruff’s statement that the highly publicized Jorgensen marriage⁶⁹

⁶⁶ *George Q. Cannon Diary*, 9/24-25/1890, copy in CR 1/48; *First Presidency Office Journal* 9/24/1890, copy in CR 1/48, as cited in *LDS Church Authority*, 44-45.

⁶⁷ As noted above, President Woodruff had already made this false statement to a reporter in New York who subsequently published the statement in a newspaper.

⁶⁸ *LDS Church Authority*, 45.

⁶⁹ Two Jorgensen plural marriages show up on the Anthony W. Ivins list of plural marriages performed in Mexico (not publicized at the time in question) and a Jorgensen plural marriage shows up on the highly publicized Salt Lake Tribune List (see Appendix 2). Additionally, and as noted below, all of the verbiage in the 1890 manifesto was changed to make the document read as a manifesto from President Woodruff rather than a manifesto from the First Presidency and the Quorum of Twelve so this may have enforced Cannon’s point here.

was performed “without our permission or knowledge” be changed to state that it was performed “without my knowledge” so that the Jorgensens would not doubt “the legality of their marriage,” they would only doubt as to whether or not President Woodruff was aware of their new plural marriage before it was performed.⁷⁰ Lastly, Cannon revised the manifesto to be read as a document originating solely from President Wilford Woodruff whereas the original version was intended to be issued, approved, and signed by the Quorum of Twelve Apostles in connection with the First Presidency.⁷¹

While some observers have suggested that President Woodruff’s signature was the only authority that was needed to make it authoritative, it raises more skeptical eyebrows. First of all, if it was a revelation, what was the need for any additional signatures – indeed, how many revelations do we have with any signatures at all? A cursory look through the many revelations of President Woodruff’s predecessors betrays the fact that there are very few revelations, if any, with any signatures appended whatsoever.⁷² Thus, it seems clear that

⁷⁰ *Id.*, 45.

⁷¹ *Id.*, 45-46.

⁷² A thorough review of the facsimile revelations of Joseph Smith demonstrates that very few revelations end with anything apart from “Amen” or “Even so, amen.” Dean C. Jesse, Ronald K. Esplin, Richard L. Bushman, *The Joseph Smith Papers, Revelations and Translations: Manuscript Revelation Books (Facsimile Edition)*, (Church Historian's Press: 2009), Vol. 1. When names are appended, they do not appear to be formal signatures. Instead, it is clear that only unpublished revelations have any names added to them at the end of the revelation and when names are added, it appears that they are added for a specific purpose. Here are the primary examples: *Id.*, 1:215 (although not technically a revelation, the testimony of several men supporting the Book of Commandments is followed by a list of names); 1:393, 403 (identify the owner of a document or the location where the revelation was received); 1:475, 477, 479, 631, 639 (identify the scribe of the revelation without naming the person receiving the revelation); 1:453, 505, 523 (identify two persons: the scribe and the receiver of the revelation - Joseph Smith); 1:433 (only revelation to identify more than one person to receive a revelation at the same time: Joseph Smith and Sidney Rigdon); 1:535 (only revelation solely identifying Joseph Smith as receiver of the revelation – but it does not bear his signature). The only photocopies available of other revelations of other prophets reveal no appended signatures either: see copies of the 1886 revelation on pages 109-11 of this volume. In contrast, declarations of the First Presidency commonly carry the name of the prophet and/or the First Presidency; only occasionally are the names of all of the Quorum

President Woodruff did not initially intend for the 1890 manifesto to be issued as a document that he personally drafted; indeed, the question of authorship would be rather trivial had the manifesto been signed by all of the apostles as he initially intended.⁷³ Apparently, President Woodruff felt that having more signatures was important because it would give greater credibility to the manifesto and apparently, at least some of the other apostles were not comfortable with attaching their signatures to the document.⁷⁴

Notably, in meetings of the Quorum of the Twelve that followed, there was a good deal of reservation expressed by some members of the quorum. At least one apostle was against making any public declarations of this nature. A year previous to the issuance of the 1890 manifesto, John W. Taylor, the most vocal apostle who opposed any manifesto,⁷⁵ wryly observed that no statement should be made falsely declaring that the President of the Church would not give his “consent that plural marriages shall be consummated” because it would “be impossible for us or the Elders to fully explain [this] to the Saints,

of Twelve appended as well. Clark, James C., *Messages of the First Presidency*, (Bookcraft: 1965-1975), six volumes; see also *The Diaries of L. John Nuttal*, 12/6/1889.

⁷³ The question of whether or not the 1890 manifesto was a revelation may be seen from a different perspective given this fact as well. In other words, what precedence is there for any revelation to be simultaneously received by the Quorum of Twelve and First Presidency – especially in light of contemporary journals that record that neither the Twelve nor the First Presidency were present when the document was dictated?

⁷⁴ *LDS Church Authority*, 46-47. See the above section addressing apostolic reaction to the manifesto.

⁷⁵ Taylor consistently opposed the issuance of any political manifesto. “The apostles should, however, in my opinion, keep out of politics as much as possible. I fear if we make ourselves too prominent in these affairs, traps will be set for us, and trouble will follow.” *AHC Journals*, 7/7/1891. He may have also been partially opposed to the 1890 manifesto on the basis of his father’s 1886 revelation (which he brought up on a couple of occasions when discussing the 1890 manifesto) claiming that the law of plural marriage would not be rescinded by the Lord. Additionally, his opposition to a manifesto may have been partially founded on the basis of President Woodruff’s 1889 revelation wherein the Lord instructed the church: “Place not yourselves in jeopardy to your enemies by promise.” Collier, Fred. C. Compiler, *Unpublished Revelations*, (Collier’s Publishing Co.: 1981) 1:146-47. While speculation on this issue has thrived and circulated for decades, there is no clear record to make a decisive determination.

and much confusion will ensue.”⁷⁶ Regrettably, few statements in Mormon history have ever proved to be more prophetic than this one made by Apostle John W. Taylor.

Against Taylor’s advice, President Woodruff issued a public statement less than two weeks later falsely claiming that he had “refused to give any recommendations for the performance of plural marriages since [he had] been president.” He continued: “I know that President Taylor, my predecessor, also refused. . . . There is no intention on our part to do anything but to obey the law.”⁷⁷ Among scholars, it is well known that these statements were blatantly false. New plural marriages continued, illegal cohabitation with plural wives continued, and the ensuing confusion has become legendary among all those who have done the slightest amount of reading into this time of Mormon history. John W. Taylor was known among members of the Quorum of Twelve Apostles for being “the prophet of the quorum.” Undoubtedly, his statement that “much confusion will ensue” ranks among one of his most comprehensively fulfilled prophecies.⁷⁸ Precisely because of these types of concerns, some of the apostles were reluctant to sign any document like the 1890 manifesto and thus, it was ultimately signed by President Wilford Woodruff alone. Nevertheless, it is clear that he did not draft the 1890 manifesto by himself.

Following those revisions outlined above, the draft manifesto was presented to the First Presidency and Apostles Franklin D. Richards, Moses Thatcher, and Marriner W. Merrill who made “one or

⁷⁶ *First Presidency Office Journal*, 10/2/1889 as cited in *LDS Church Authority*, 37.

⁷⁷ *New York Herald*, 10/13/1889; *Salt Lake Tribune*, 9/27/1889, p. 2 as cited in *LDS Church Authority*, 37.

⁷⁸ Indeed, his statement is uncannily echoed during the Reed Smoot Hearings by Apostle Reed Smoot’s secretary who personally witnessed the intense fallout occasioned by church policies surrounding the 1890 manifesto: “If we wish to convert the world to the truths of polygamy, let us first be honest. *If as a people we had strictly observed the Manifesto*, I believe that our example would have challenged the admiration of the world; but *we have thought that there is something higher than honesty, and behold our confusion.*” *Secretary to the Senator*, 40, citing Carl A. Badger letter to Charlie 6/22/1906.

two alterations” to it.⁷⁹ As noted above, Apostle Richards claimed that there was only one slight change made at that meeting and it was initiated by either George Q. Cannon or Joseph Fielding Smith, Sr. Considering the fact that Apostle Cannon had already made his suggested revisions to the document, it seems most likely that President Smith suggested the “one or two alterations” made at this meeting – although that is by no means certain; there remains some possibility that Apostle Cannon thought of an additional revision at this latter meeting and that he brought it forth for consideration.

It appears that most revisions to the original draft of the 1890 manifesto were in the form of deletions. Charles W. Penrose penned a Deseret News editorial describing the 1890 manifesto as a condensed form of an earlier draft, which (along with the facts outlined above) suggests that the original draft was significantly larger. It further noted that it only “poorly” expressed President Wilford W. Woodruff’s thoughts.⁸⁰ In sum, we have the first hand testimony of George Reynolds that he assisted in writing the 1890 manifesto (along with Apostle Penrose and Elder John R. Winder), we have two second hand accounts claiming that Charles Penrose drafted the manifesto (one of which was made in Apostle Penrose’s presence and escaped his correction), we have three different contemporary journal accounts documenting a number of revisions made by Apostle Cannon and perhaps Apostle Smith, and we have an editorial penned by Apostle Penrose that claims that the original draft of the 1890 manifesto was longer than the published version that we have access to (the original was apparently destroyed). While apologists may claim that none of these revisions were substantial in nature, the very nature of the revisions tend to suggest that the manifesto was not a revelation – otherwise, we would have to attribute misstatements of fact (that deserved correction or deletion) to the Lord himself.

Again, because Apostles Taylor and Cowley were aware of at least some of these details, we can better appreciate why they felt that the 1890 manifesto was not a binding revelation and therefore gave it

⁷⁹ *George Q. Cannon Diary*, 9/24-25/1890, copy in CR 1/48; *First Presidency Office Journal* 9/24/1890, copy in CR 1/48, as cited in *LDS Church Authority*, 44-45.

⁸⁰ *Works of Abraham*, 348.

little (or no) consideration when performing post 1890 manifesto plural marriages for their peers.

WAS THE 1890 MANIFESTO FACTUALLY ACCURATE?

For all of the controversy that has surrounded it, the 1890 manifesto is a fairly brief document. It answered the explicit call of the Utah Commission requesting a formal declaration from the church abandoning polygamy,⁸¹ controverted statements made by the Utah Commission, and concluded with President Woodruff's advice to the saints that they should not enter into any new plural marriages. For being so brief, it is interesting to note how significantly and historically inaccurate the document is.

While Apostle Cannon's personal revisions to the 1890 manifesto demonstrate that the original 1890 manifesto (as allegedly drafted by President Wilford Woodruff's own pen) would have contained at least one grossly inaccurate statement⁸² and one inaccurate statement that was modified to mislead rather than to deceive,⁸³ the final product contained further inaccurate and misleading statements. In other words, there is substantial evidence that the manifesto was issued with the intent of misleading its audience for purposes of protecting the reputation of the LDS Church. There are two types of evidence that demonstrate this: *objective* and *subjective*.

Quinn *objectively* proved that "most of its retrospective statements were untrue" – neither were they particularly credible to those who listened carefully. For instance, Quinn notes that the "Utah Commission report claimed that forty Utah male residents married plural wives since June 1889. Sealing and genealogical records demonstrate that at least thirty men did so."⁸⁴ Because President

⁸¹ *Works of Abraham*, 343-44.

⁸² Again, thousands of saints knew that President Taylor continued to authorize plural marriages throughout his presidency and that he stood in complete defiance against the laws of the United States declaring plural marriages as illegal and void. Briney, Drew, *I Defy the United States: Mormon Civil Disobedience in the Nineteenth Century* (Hindsight Publications: 2007).

⁸³ That is, the Jorgensen case.

⁸⁴ *LDS Church Authority*, 46.

Woodruff and his counselors authorized many, if not all, of these marriages, Woodruff's manifesto recharacterized the Utah Commission's report as claiming that these were new marriages that were performed in Utah (they were mostly performed in Mexico) and denied that any new marriages were made in Utah – which detail was also inaccurate but more true than the broader denial.⁸⁵

Of all of the claims made by the Utah Commission, the allegations about new plural marriages were undoubtedly the single most important claims to be made. President Woodruff (with the help of others) drafted the manifesto with the intent of denying those charges and restoring some of the church's credibility with the United States government. Regardless of intent, any success was short lived and ultimately the effort failed. In short, the authors of the document were exposed in their deliberate efforts to mislead the government. More candidly, their blatantly false statements were exposed during the Reed Smoot hearings and the credibility of the LDS Church plummeted in the eyes of the general public nationwide.⁸⁶

Without going into further details of reviewing each false statement,⁸⁷ we can also turn to *subjective* evidence demonstrating that there were misleading and false statements found in the 1890 manifesto: apostles of the LDS Church made some very candid confessions. Most famous among these is a blunt portrayal by Counselor John H. Smith that “the manifesto [was] *only a trick* to beat the devil at his own game.” This statement was first reported in the *Salt Lake Tribune* on January 16, 1906. Soon thereafter, the statement was repeated a second time in front of the United States Senate during the Reed Smoot hearings.⁸⁸

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ Other false and/or misleading statements could include allegations concerning: (1) the immediacy of closing the endowment house; (2) President Woodruff's inability to find out who performed an ordinance; (3) the claim that plural marriages were not solemnized in Utah territory as reported by the Utah Commission; (4) elders allegedly being reprovved for teaching polygamy; (5) mischaracterizations of the Utah Commission's allegations; (6) the endowment house being razed because a plural marriage had been performed there without President Woodruff's consent when in actuality, the endowment house was dilapidated and arguably needed demolishing anyway, etc.

⁸⁸ *Reed Smoot Hearings*, 4:11-13 (Apostle John H. Smith to Walker M. Wolfe: “Brother Wolfe, don't you know that the manifesto is only a trick to beat the devil

Unsurprisingly, affidavits were submitted to the senate denying that this statement was ever made.⁸⁹ Also unsurprisingly, these sworn denials were generally ignored by members of the senate who, by that time, were more than aware that much of the testimony that they were receiving from members of the church had been fabricated to protect the church from further persecution by the U.S. government.⁹⁰

While modern readers may feel some reason to pause over the accuracy of Counselor John Henry Smith's statement given these formal and sworn denials, these statements were substantially echoed – and uncontroverted – during Matthias Cowley's membership trial as well. Apostle Cowley candidly declared to members of the Twelve who were present at his membership trial: "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." Despite the fact that Cowley ultimately received church discipline after the membership trial, arguments against the credibility of Cowley's statement fail to be convincing for one very simple reason: Charles W. Penrose was present during Cowley's trial, he questioned Apostle Cowley during the trial, and he failed to raise any objection to this statement – either during the trial or at any time thereafter. Undoubtedly, if any of the members of the Quorum of Twelve Apostles believed that the 1890 manifesto was a revelation given directly by God, a statement that Charles W. Penrose drafted the

at his own game?"); see also Jorgensen, Victor W. and Hardy, B. Carmon, *The Taylor-Cowley Affair and the Watershed of Mormon History*, (Utah Historical Quarterly: Winter 1980), 9. ("*The Taylor-Cowley Affair*").

⁸⁹ *Reed Smoot Hearings*, 4:367-68, 405 and *The Taylor-Cowley Affair*, 9 provide further references for this issue: a letter from Counselor John Henry Smith to T. D. Ehle found in the John Henry Smith Papers, 7/8, Western Americana, Marriott Library, University of Utah, SLC.

⁹⁰ Josiah Strong, a contemporary clergyman, claimed that it was "the well-nigh universal opinion of Gentiles in Salt Lake City that this manifesto was a mere trick intended for obvious reasons to hoodwink the public." *Works of Abraham*, 349. President Francis Lyman lamented in a letter to Apostle Smoot that church leaders were considered "dishonest and untrustworthy." Letter dated 7/8/1904 as cited in *Solemn Covenant*, 261. In another letter to Apostle Teasdale, President Lyman noted that leaders of the church were "considered as two-faced and insincere. We must not stand in that light before the Saints or the world." 7/9/1904 letter as cited in Van Wagoner, *Mormon Polygamy: A History*, 169.

statement “so that it did not mean anything” would have been notoriously offensive and would have drawn strenuous objections by Apostle Penrose and other apostles. Their silent acceptance of this testimony is therefore quite telling.

While President Joseph F. Smith was not present at Cowley’s trial, his absence does little to affect the credibility of Cowley’s statement. One could either argue that his son (who was present) would have stepped up to defend his father’s reputation and denied Cowley’s claim or that the remaining members of the Quorum of Twelve simply decided to let the matter alone since President Smith was not present to confirm or deny the statement. Either way, the argument reverts back to Apostle Penrose’s silence. The statement implicitly suggests that the manifesto contained inaccurate statements and/or that the manifesto was misleading: that is, if it didn’t mean “anything,” it must not be one hundred percent true as truth surely means something. Again, if the apostles believed the manifesto was a revelation, surely, the charge that Apostle Penrose drafted the manifesto would have been objectionable and surely the charge that the manifesto didn’t “mean anything” would have been objectionable. Further, Apostle Cowley said that he brought this detail up “only to show the training” he had received. In short, this statement was at the very core of his trial defense. It is difficult to believe that all of the apostles would have remained silent had this statement carried the slightest air of falsehood. This is especially true when one looks carefully at the formal verdict against Apostle John W. Taylor: when President Francis M. Lyman found Apostle Taylor’s formal trial testimony offensive, he incorporated it into the final verdict. One would expect Cowley’s statements to have found their way into the verdict against him had they been considered offensive or inaccurate.

In sum, objective evidence demonstrates that President Woodruff’s 1890 manifesto contained a number of false and misleading statements even after several revisions had been made. Subjective evidence suggests that a number of apostles were aware that the 1890 manifesto contained a number of materially false statements. Further, subjective evidence almost indisputably proves that the whole concept behind the 1890 manifesto was so full of factual errors that one can only read the section making factual denials as a politically motivated farce.

These evidences, taken together with the various denials that the manifesto was a revelation provide a foundational understanding as to why Apostles Taylor and Cowley did not feel that they were violating any laws of the church when they became involved in post 1890 manifesto new plural marriages.

WHAT WAS THE SCOPE OF THE 1890 MANIFESTO?

If some of the questions outlined in the beginning of this chapter are not treated with comprehensive precision, the question of how various apostles interpreted the 1890 manifesto is even more voluminous and can only be cursorily documented here.⁹¹ Initially, two questions predominated in the post 1890 manifesto Mormon worldview: (1) did the manifesto apply to *unlawful cohabitation* with plural wives? and (2) did the manifesto only apply to the United States or *did it apply everywhere?*

As noted above, President Woodruff's initial draft of the 1890 manifesto included verbiage prohibiting unlawful cohabitation with plural wives. Government officials expected to see cohabitation treated in the official statement so its omission was glaring. Within that context, President Woodruff understood that some future, public statement would need to formally denounce the practice of unlawful cohabitation with plural wives – a practice that was almost universal among Mormon polygamists whenever circumstances permitted. Nevertheless, in private meetings with members of the Quorum of Twelve Apostles, President Woodruff quietly assuaged the concerns of fellow polygamist apostles by informing them that the “manifesto only refers to future marriages, and does not affect past conditions. I did not,

⁹¹ This is true despite the fact that this is one of the larger sections of this chapter. For a more thorough treatment on this subject, see *LDS Church Authority, Cannon Thesis, After the Manifesto*, and other articles cited throughout this section.

could not, and would not promise that you would desert your wives and children. This you could not do in honor.”⁹²

Sadly, and as a result of political wrangling to secure church property, President Woodruff did in fact promise government officials that he advised men to cease cohabitating with their plural wives. A year after the manifesto was issued, leading brethren of the LDS Church petitioned for the return of property that had escheated to the United States government as a result of the church’s failure to cease performing plural marriages.⁹³ Church leaders argued that the return of church

⁹² *AHC Journals*, 10/7/1890; this statement followed an emotional outburst by Apostle George Q. Cannon who railed against the U.S. Government: “I feel like saying, ‘Damn the law!’ We can expect neither justice nor mercy in the administration of the law with the present corrupt administrators. Women should be encouraged, for some feel as though they had been betrayed, and *a man who will act the coward and shield himself behind the manifesto for deserting his plural wife or wives, would be damned.*” Apostle Marriner W. Merrill’s journal entry for the same day claims that President Woodruff added: “*brethren must not abandon their plural families* but be more kind than heretofore if it was possible, and also to children of such relation, and *if they did not God would hold them responsible.*” As cited in *AHC Journals*, Horne, 164, fn. 31. The question of whether or not the government “would demand that our people come into court and promise to obey the law and to discard their wives” was anticipated less than a week before this meeting. See *HJG Journal Extracts*, 10/2/1890.

⁹³ Here are some selections from the formal Plea for Amnesty: “September, 1890 the present head of the church in anguish and prayer ... received permission to advise the members of the Church of Jesus Christ of Latter-Day Saints that the law commanding polygamy was henceforth suspended. ... This being the true situation, and believing that the object of the Government was simply the vindication of its own authority and to compel obedience to its laws, and that it takes no pleasure in persecution, we respectfully pray that *full amnesty* may be extended to all who are under disabilities because of the operation of the so-called Edmunds-Tucker law. Our people are scattered, homes are made desolate, many are still imprisoned, others are banished or in hiding. Our hearts bleed for these. In the past they followed our counsels, and while they are thus afflicted our souls are in sackcloth and ashes. We believe that there is nowhere in the Union a more loyal people than the Latter-day Saints. ... To be at peace with the Government and in harmony with their fellow-citizens who are not of their faith, and to share in the confidence of the Government and people, *our people have voluntarily put aside something which all their lives they have believed to be a sacred principle.* Have they not the right to ask for such clemency as comes when the claims of both law and justice have been fully liquidated? *As shepherds of a patient and suffering people we ask amnesty for them and pledge our faith and honor for their future.*” ...

property was justified because the 1890 manifesto had been issued and because of “solemn assurances” given by church leadership that polygamy “had entirely ceased.”⁹⁴ Evidentiary hearings were scheduled about one year after the 1890 manifesto was issued.⁹⁵ Church leadership was keenly aware that the hearings would focus on whether or not the manifesto really applied to unlawful cohabitation so they devised a “scheme”⁹⁶ as to how they would unitedly respond under examination.⁹⁷ They were questioned by U.S. attorney C. S. Varian who pursued the case in front of Judge C. F. Loofbourow, the Master of Chancery. These hearings were reported in the *Deseret News* and are popularly referred to as the Master of Chancery hearings. During those

President Harrison responded on 1/4/1893 with a document granting “a full amnesty and pardon to all persons liable to the penalties of said act by reason of unlawful cohabitation under the color of polygamous or plural marriage, *who have, since November 1, 1890 abstained from such unlawful cohabitation: but upon the express condition that they shall in the future faithfully obey the laws of the United States hereinbefore named, and not otherwise.* Those who shall fail to avail themselves of the clemency hereby offered will be *vigorously punished.*” *Reed Smoot Hearings* 1:106; *Cannon Thesis*, 14-15; After the Manifesto: Mormon Polygamy 1890-1906,” *Sunstone*, January – March, 1983 (“*After the Manifesto*”).

President Grover Cleveland issued a second proclamation of amnesty: “I ... do hereby declare and grant a full amnesty and pardon to all persons who have in violation of said act committed either of the offenses of polygamy, bigamy, adultery, or unlawful cohabitation under the color of polygamy or plural marriage, or who having been convicted of violation of said act are now suffering deprivation of civil rights in consequence of the same, *excepting all persons who have not complied with conditions* in said executive proclamation of January 4, 1893.” *Deseret News* 9/27/1894 as cited in *Cannon Thesis*, 12-13. These exceptions led President Woodruff to pen his discouragement that this amnesty was “of little benefit.” *Works of Abraham*, 359.

⁹⁴ *Reed Smoot Hearings* 1:20.

⁹⁵ *AHC Journals*, 10/19-20/1891; see *The Diaries of L. John Nuttall*, 477 and *Collected Discourses* 2:282-83 for further information on the Master of Chancery Hearings.

⁹⁶ *AHC Journals*, 8/6/1891; 8/20/1891.

⁹⁷ *AHC Journals*, 8/6, 20/1890; 10/2/1891; 10/12/1890. Abraham H. Cannon records in his journal that some of the apostles expected plural marriages to be abandoned without the expectation of renewal (8/20/1891; 10/12/1891; 4/1/1892); however, it is not clear whether or not this was the intended testimony for the “scheme” or whether this was the universal expectation of all of the apostles in the quorum; concubinage was considered as another possibility (4/5/1894).

hearings, Mr. Varian directly questioned President Woodruff over this issue of unlawful cohabitation:

Mr. Varian: You mean to include the laws, then, *forbidding association* in plural marriages as well as the forming of plural marriages?

Mr. Woodruff: Whatever there is in the law of the land with regard to it.

Mr. Varian: In the concluding portion of your declaration, or statement, you say: "I now publicly declare that my advice to the Latter-day Saints is to refrain from *contracting* any marriage forbidden by the law of the land." Do you understand that that language was to be expanded, and include the further statement of *living or associating in plural marriage* by those already in that status?

Mr. Woodruff: I *intended* the proclamation to cover the laws of the land *entirely*.⁹⁸

President Woodruff's response is interesting on a number of levels. First of all, the initial draft had included language addressing unlawful cohabitation so his statement that he personally "intended the proclamation to cover the laws of the land entirely" is accurate inasmuch as that was his original intention. Nevertheless, that intention was purposefully and expressly taken out of the final version that was presented to the public. Further, and as the meeting minutes of the Quorum of Twelve demonstrate, any statement advising the saints against unlawful cohabitation would have been aimed at intentionally deceiving U.S. government officials: President Woodruff had zero intention of actually enforcing any such "advice." Unsatisfied with President Woodruff's testimony, Mr. Varian pressed the matter further with an awkwardly phrased question:

⁹⁸ *Deseret Weekly News* (10/24/1891), as cited in Cannon, Kenneth L. II, "Beyond the Manifesto: Polygamous Cohabitation among LDS General Authorities after 1890", *Utah Historical Quarterly* 46:#24 (1978), 27. ("Beyond the Manifesto").

Mr. Varian: Does this declaration anywhere indicate to your people that a *failure to follow your advice* would become *subject of Church discipline*?

Mr. Woodruff: Well it would become so, whether so stated or not.⁹⁹

Both Lorenzo Snow and Joseph F. Smith were questioned at the Master of Chancery hearings about this very same issue and both of them gave similar responses. Joseph F. Smith reaffirmed Woodruff's testimony that members of the LDS Church would be subject to church discipline and possibly even excommunication if they continued to cohabit with their plural wives.¹⁰⁰ This was no small matter.

⁹⁹ *Deseret Weekly News*, 10/24/1891, as cited in *Cannon Thesis*, 9-10. Heber J. Grant recorded his response to this testimony: "They [President Wilford Woodruff and his counselors] gave it as their views that plural marriages had ceased in the Church and cohabitation was discountenanced. In fact, Pres[ident] Woodruff said that he intended in the Manifesto to cause men who had plural wives to cease associating with them." *HJG Journal Excerpts*, 10/19/1891. Apostle Grant was so disturbed over this testimony that he felt another manifesto (clarifying this statement to only apply to the jurisdiction of the United States) would be beneficial to keep government officials from spying on apostles who were unlawfully cohabitating with their wives. See his journal entry for 11/11/1891.

¹⁰⁰ *Deseret Weekly News*, 10/24/1891, as cited in *Beyond the Manifesto*, 28. President Joseph F. Smith took a position directly contrary to this during the Reed Smoot hearings. He stated that church members who violated a "rule" of the church (which included unlawful cohabitation with plural wives) would not be subject to church discipline absent further un-Christian conduct. *Reed Smoot Hearings* 1:320. Another exchange demonstrates this position:

Senator Bailey: *I cannot understand how a man who has any Christian faith can yield his conscience to the law.*

Mr. Smith: *... to my conscience the revelation conflicting with the law might appeal and be paramount but to my brother and to my associate member of the church it might not appeal to his conscience ...*

Senator Hoar: *Could a man remain in good standing as an apostle who disobeyed God and obeyed man?*

Mr. Smith: *I rather think he would be considered as a little out of harmony with his associates if he did that.*

Senator Dubois: *Anyone is at liberty to refuse a revelation?*

Mr. Smith: *That is right.*

Senator Dubois: *It is not binding at all upon any of your people?*

Because these hearings were reported in the LDS Church's newspaper, most latter-day saints were aware of the proceedings – and many dozens of men were cohabitating with their plural wives where they could do so without gaining unwanted attention from government officials. Further, this testimony offered in the Master of Chancery proceedings was contrary to the “scheme” agreed upon by the apostles. Unsurprisingly, confusion ensued.

Disgruntled over this matter, Apostle Heber J. Grant complained that he “had no idea for an instant that there was the least desire on the part of Pres[ident] Woodruff that any one should desert their wives.”¹⁰¹ His memory of the apostolic understanding of the scope of the 1890 manifesto was accurate:¹⁰² both Presidents Lorenzo Snow and Joseph F. Smith mirrored this understanding in later years. President Snow remembered that when “the Manifesto was issued, we had no idea that it was to affect our cohabitation with our wives”¹⁰³ and President Smith testified that “[w]hen I accepted the manifesto issued by President Wilford Woodruff, I did not understand that I would be expected to abandon and discard my wives.”¹⁰⁴ Further, when discussing the 1890 manifesto with the Quorum of Twelve, President Woodruff promised that “he would see [the church's enemies] in the very best possible kind of a hell” before promising government officials that latter-day saint men would be required to cease cohabiting with

Mr. Smith: *Not at all; only the binding of conscience.* It never was. *Reed Smoot Hearings* 1:317-318. See also 1:313; but see 1:96 where he notes that members who reject revelations are not to be considered in good standing.

¹⁰¹ *HJG Journal Excerpts*, 10/2/1890.

¹⁰² The earliest recorded understandings of the 1890 manifesto all point toward the manifesto not having any reference to unlawful cohabitation. For example, Apostle Abraham H. Cannon recorded that “there is no renunciation of principle *nor abandonment of families recommended*, as some fault-finders try to make it appear.” *AHC Journals*, 9/26/1890. In other words, in the beginning, the apostles did not understand the manifesto to refer to laws of unlawful cohabitation – however, “fault-finders” believed that it did refer to these laws.

¹⁰³ *AHC Journals*, 4/1/1892.

¹⁰⁴ *Deseret Evening News*, 11/28/1906. This statement was directed towards his sentencing judge when he plead guilty to unlawful cohabitation and paid a \$300 fine; his confession before the judge was reprinted in newspapers across the nation and was published in the *Improvement Era* 10:723 #2.

their plural wives.¹⁰⁵ And then, previous to the Master of Chancery proceedings, President Woodruff agreed with the rest of the apostles not to make any such promises. In Apostle Grant's words, "The testimony which they gave [at the Master of Chancery hearings] is opposed to what was decided should be given, at a former council of ours."¹⁰⁶

At a meeting of the Quorum of Twelve following the hearings, President Woodruff acknowledged that his testimony was contrary to what they had agreed upon¹⁰⁷ but that "he was placed in such a position on the witness stand that he could not answer other than he did; yet any man who deserts and neglects his wives or children because of the Manifesto, should be handled on his fellowship."¹⁰⁸ Thus, contrary to the public statement that anyone found to be unlawfully cohabitating with their plural wives would be subject to excommunication, President Woodruff affirmed in private circles that quite the opposite

¹⁰⁵ *HJG Journal Excerpts*, 10/2/1890. Heber J. Grant further noted that President Woodruff had counseled the apostles to be true to their wives and *a motion was made and carried* to "use our influence privately to *get our people not to promise to desert their wives when they are taken into court*. I had no idea for an instant that there was the least desire on the part of Pres[ident] Woodruff that any one should desert their wives." He further editorialized his journal entry by stating that "I feel that I could not endorse any" manifesto requiring him to cease cohabitating with his plural wives and concluded: "I hope and pray that I may never be called on to do anything of the kind." On April 1, 1892, Abraham H. Cannon recorded in his journal that Apostle Grant commented about the scope of the 1890 manifesto as it was understood when it was issued: "I remember Pres[ident] Woodruff saying that the Manifesto would never apply to our living with our wives, and he would see them damned and in hell before he would agree to cease living with his wives or advise any other person to do so. ... I believe that *if we had taken the manly stand* and had said we will continue to live with and honor our present wives but will cease marrying in the future, *we would have fared better.*"

¹⁰⁶ *AHC Journals*, 11/11/1891.

¹⁰⁷ President Lorenzo Snow later acknowledged that the brethren were "forced to go further in their testimony than we anticipated." *AHC Journals*, 4/11/1892.

¹⁰⁸ *AHC Journals* 11/12/1891. He then added: "men *must be careful to avoid exposing themselves to arrest or conviction for violations of the law*; and yet they *must not break their covenants* with their wives." Compare President Smith's comment about his testimony in the Reed Smoot hearings. He admitted that "I said what I did because I had to." See Stanley Ivins letter to Juanita Brooks, 2/25/2955 as quoted in *Cannon Thesis*, 28.

result would take place: if anyone followed the advice given in publicly recorded hearings, they would be “handled on [their] fellowship.”¹⁰⁹ The pressure must have been exasperating for conscientious polygamists who were trying to follow the counsel of their leaders during this period of time.

Perhaps no one summarized the situation more accurately than Joseph F. Smith when he drafted a letter to I. E. D. Zundell on December 21 later that same year (1891). He said: “The whole thing in a nut shell is this, *you should keep your covenants with your family and you should also not violate the law*. Now if you can comprehend it – you will grasp the situation.”¹¹⁰ In short, the proverbial conundrum of catch twenty-two was enthusiastically in full force. Although not clearly articulated in Joseph F. Smith’s letter, this statement accurately portrays the formal, hidden policy of the church: while the LDS Church was officially abandoning plural marriage and the church was officially

¹⁰⁹ The Salt Lake Tribune, on January 8, 1900 (as recorded in *Reed Smoot Hearings* 1:13), reported that Angus M. Cannon feared that “some sneaking whelps might use the declaration of President Snow [regarding unlawful cohabitation] as a pretext for deserting their wives, and *if they do they are the fellows that should be disciplined*.” He added that President Snow’s statement simply meant that “President Snow will not be held responsible for any violation of the law against unlawful cohabitation. I wouldn’t think, however, that those in that condition would believe that President Snow had the right to command them to give up their wives whom they took before President Woodruff’s manifesto was issued.” A similar sentiment (made without the threat of church discipline) was reportedly made by Joseph F. Smith in 1890. “God will not justify you in kicking out your families and stultifying yourselves in the eyes of all good men. *We do not want you to leave your wives because of the manifesto*. Tell your people to take care of their families just as they have always done. *What, cohabit with them?* I would advise them *not to do it in the United States*. Take them where they will be safe and where you can live with them without violating the law. The time will come when those who endure faithful in this practice will receive a full, complete deliverance and be more exalted. All the principles are just as true as they ever were, and if they have been withdrawn it is because the people as a rule are unworthy of them.” *AHC Journals*, 10/7/1891. Similarly, at the dedication of a meetinghouse in Payson, Utah, he reportedly instructed those present to “[t]ake care of your polygamous wives; we don’t care for Uncle Sam now.” *Reed Smoot Hearings* 1:9.

¹¹⁰ *Smith Papers Letter*, as cited in *LDS Church Authority*, 83. Apart from the strong irony, President Smith may have been suggesting that this brother move out of the country. See below for more information on that topic.

discouraging cohabitating with plural wives, leaders of the church, acting as individuals, were counseling and encouraging men to continue cohabitating with their wives contrary to the laws of the land and to be willing to accept the legal consequences of those actions.¹¹¹ Historian Kenneth L. Cannon, Jr. observed: “From the government’s point of view, a definite mistrust was created by the church leaders’ failure to abide by the promises they had made within the amnesty plea.”¹¹² Again, the First Presidency and Quorum of Twelve under Wilford W. Woodruff had made promises with the United States government that they would honor the laws of the land respecting plural marriages (including unlawful cohabitation) if the United States government would return church properties that it had previously taken from the church.¹¹³ Despite the written pledges of President Woodruff, the First Presidency, and the Quorum of Twelve Apostles, at least eleven of the

¹¹¹ *Beyond the Manifesto*, 35. See Appendix 1 for more extensive documentation of apostolic involvement in perpetuating post 1890 manifesto plural marriages. Cannon similarly observed that “they changed the laws of the Church to coincide with national laws, but through their authority as Priesthood leaders, they continued sanctioning, solemnizing, and contracting new plural marriages.” *Cannon Thesis*, 37. This perspective has been a strong impetus behind a number of fundamentalist Mormon movements.

¹¹² An example of this feeling is demonstrated by the questioning of Counselor John H. Smith by Congressman Taylor in reference to Apostle Abraham H. Cannon’s post manifesto plural wife: “Did it not appeal to you that the rest of the country – Congress, for instance ... might think that Utah or the Mormon Church had been unfaithful and untrue if an apostle of the church had taken a fourth wife?” *Reed Smoot Hearings* 2:289. Apostle Franklin S. Richards reported to Apostle Reed Smoot that the pervasive feeling in Congress was that post 1890 plural marriages approved by church leadership had created a strong mistrust against the church. Heath, Harvard S., “The Reed Smoot Hearings: A Quest for Legitimacy,” *Journal of Mormon History* 33:#2 (2007), 48. (“A Quest for Legitimacy”). It may be important to keep in mind that when the Reed Smoot hearings began, various congressman were already convinced that the church was not trustworthy: “All of the first presidency and the twelve apostles encourage, countenance, conceal and connive at polygamy and polygamous cohabitation and honor and reward by high office and distinguished preferment those who persistently and defiantly violate the law of the land.” *Reed Smoot Hearings* 1:115. See also footnote 90 above.

¹¹³ See the Plea for Amnesty text as cited in footnote 93 above. *Reed Smoot Hearings*, 1:18-19.

fifteen signing apostles failed to keep their promises to the United States government.¹¹⁴

This failure later shed a very bad light upon the church. As the Reed Smoot hearings progressed, it became evident that these men, as official church spokesmen, encouraged latter-day saint men to cease cohabitating with their plural wives but as individuals, they broke those promises. As one historian noted: “the plea for amnesty and the amnesty proclamation were viewed [by church leaders] as agreements between two institutions, the government and the church. As church leaders, they entered into the agreements, but as individuals before God, not as representatives of the church itself, they broke the law of the land.”¹¹⁵ A few statements from Presidents of the Church substantiate this conclusion.

President Smith bluntly admitted to his examiners at the Reed Smoot hearings: “I prefer to stand my chances against the law ... [r]ather than to abandon my children and their mothers. That is all there is to it. ... *the church has obeyed the law of the land ... it has kept its pledges with this Government; I have not, as an individual.*”¹¹⁶ He also testified that the “law of unlawful cohabitation is another law entirely. That is the law which *I have presumed to face in preference to disgracing myself and degrading my family* by turning them off and ceasing to acknowledge them and to administer to their wants – not the law in relation to plural marriage. *Neither has any man broken it by the sanction or approval of the church.*”¹¹⁷ Then, he more broadly applied this principle to other

¹¹⁴ “It is significant to note that *at least eleven of the signers of the plea for amnesty cohabitated with their plural wives after making this pledge* to the United States government and it is possible that others violated their pledge but this cannot be documented.” See *Cannon Thesis*, 14-15; *After the Manifesto*, 28; See also *Reed Smoot Hearings* 1:109-10.

¹¹⁵ *After the Manifesto*, 35.

¹¹⁶ *Reed Smoot Hearings* 1:197.

¹¹⁷ *Reed Smoot Hearings* 1:130. He similarly testified at 1:143: “[T]here has *not any man, with the consent or knowledge or approval of the church, ever married a plural wife since the manifesto.*” Echoing that sentiment, he testified with very similar words at 1:196: “The law, gentlemen, *has been complied with by the church; that law has been kept by the church; and there never has been a plural marriage by the consent or sanction or knowledge or approval of the church since the manifesto.*” For similar denials, see *Id.*, 1:102, 143, 177, 178, 184, 211,

polygamists: “[T]hese men who are in the polygamous status with myself take their own chances individually as to the consequences of living with or abstaining from living with their families. They are amenable to the law.”¹¹⁸

President Lorenzo Snow offered this same position a few years previous. He stated that no officer of the church had any “authority whatever to form a plural marriage. *Nor does the church advise or encourage unlawful cohabitation* ... [a man who unlawfully cohabits] *must bear his own burden*; or, in other words, be *answerable to the tribunal of the land* for his own action.”¹¹⁹ President Smith was later asked whether or not President Snow’s statement was “correctly represented” by the reporting newspapers. President Smith answered in the affirmative, adding “Then and now.”¹²⁰

Apostle Abraham H. Cannon recorded similar feelings as expressed by two of his fellow apostles: Counselor John H. Smith expressed concerns that he could not “feel to say that the manifesto is quite right or wrong. It may be that the people are unworthy of the principle and hence the Lord has withdrawn it.” Regardless, he continued, “*I cannot consent to cease living with my wives unless I am imprisoned.*” During the Reed Smoot hearings, he was equally candid about his opinions of the 1890 manifesto: “nobody could take from me my family ... I must take the consequences of my countrymen punishing me if they saw fit to do so. That has been my position in regard to this matter.”¹²¹ Asked if there was “a higher obligation ...

312, 317-18, 430, 431, 448, 449, 485, 612-13, 722; 2:50, 57, 58, 302-03; 3:192, 205-06.

¹¹⁸ *Reed Smoot Hearings* 1:328-29.

¹¹⁹ *Reed Smoot Hearings* 1:13. The original statement is found in *Deseret News*, 1/8/1900.

¹²⁰ *Reed Smoot Hearings* 1:176. Shortly after President Snow’s statement was issued, George M. Cannon astutely noted that President Snow was not discouraging unlawful cohabitation either – he simply left the matter in the hands of members of the church to “take the consequences” of their actions. *Reed Smoot Hearings* 1:14. George M. Cannon was a cashier of Zion’s Savings Bank and should not be confused with President George Q. Cannon. Although related, he did not hold the same high station in the church that the apostle held. His plural marriage is briefly discussed in the Cowley trial and his name shows up on the Salt Lake Tribune list. See Appendix 2.

¹²¹ *Reed Smoot Hearings* 2:285-286.

than the obligation to obey the law,” he answered: “Yes; I must suffer the consequences if my countrymen see fit to punish me.”¹²²

Apostle Abraham H. Cannon’s journal also records the similar sentiments of Apostle Moses Thatcher in a meeting of the Quorum of Twelve Apostles. He suggested that polygamists take their families to Mexico so that their “women bearing children shall not be in constant fear of capture” and so that the saints could turn their attention to “twelve millions of Lamanites.”¹²³ The previous day, Apostle Francis M. Lyman declared: “I endorse the Manifesto, and feel it will do good. I design to live with and have children by my wives, using the wisdom which God gives me to avoid being captured by the officers of the law.”¹²⁴ He reiterated this position during the membership trial of John W. Taylor. Said he: “I am living with my wives now all the time, but I don’t hold the Church responsible for it, but shoulder the responsibility myself.”¹²⁵

Apostle Brigham Young, Jr. also expressed feelings on this topic in his personal journal: “Had a long talk with Br[other] Willis on the true meaning of the Manifesto prohibiting plural marriages especially in relation to men living with their wives. . . . I can take no oath that looks towards annulling the covenants I had made with my wives.”¹²⁶ And at the end of a fall, 1891 meeting where members of the Twelve again discussed their concerns surrounding unlawful cohabitation, the apostles concluded that “as far as our families are concerned, we must support and honor them, though if we live with them, *it is at our peril.*”¹²⁷

Leading members of the church accepted statements like these as a *carte blanche* concession that unlawful cohabitation was considered acceptable by the church.¹²⁸ The reason for this position was intuitive:

¹²² *Reed Smoot Hearings* 2:286.

¹²³ *AHC Journals*, 10/1/1890.

¹²⁴ *AHC Journals*, 9/30/1890.

¹²⁵ See page 106 below.

¹²⁶ *Brigham Young, Jr. Personal Journal* 5/4/1896 as cited in *Cannon Thesis*, 17.

¹²⁷ *AHC Journals*, 10/7/1891.

¹²⁸ Any substantial distinction between advice from “the church” and from the First Presidency or Twelve Apostles offered over the pulpit was probably lost to saints of that era who were not quibbling over such technical details. This advice was not exclusively offered in simple, legally focused terms. In September of

while talk of obeying the laws of the land carried great rhetorical power, men in polygamous relationships were keenly aware that they had made sacred covenants with their wives and they were not ready to cast those covenants aside – not to mention the glaringly significant fact that plural marriages were known to be illegal for nearly thirty years before the 1890 manifesto was issued.

Brigham H. Roberts (while Congress was making efforts to exclude him from Congress on the charge that he was living with three wives) stated his feelings a little more boldly. Said he: “the law has said that I shall part from them. My church has bowed to the power of Congress and relinquished the practice of plural marriage. But the law cannot free me from obligations assumed before it spoke.¹²⁹ No power can do that. Even were the church ... to turn its back upon us ... and say that the marriage is not valid now, and that I must give these good and loyal women up, *I'll be damned if I would.*”¹³⁰ Joseph F. Smith made a very similar statement during an exchange with Senator Bailey during the Reed Smoot Hearings:

Sen. Overman: If [the 1890 manifesto] is a revelation, *are you not violating the laws of God?*

Mr. Smith: *I have admitted that, Mr. Senator, a great many times here*¹³¹ ... the church itself ... *the church forbids me to violate the law*

1899, George Q. Cannon boldly encouraged the saints to continue illegally cohabitating with their plural wives when he stated “I admit those raising children by plural wives are *not complying with man-made laws* but in the sight of God they are not sinning, as *there is no sin in it.* *Reed Smoot Hearings* 1:9.

¹²⁹ Although powerful rhetorically, this statement couldn't have carried a lot of weight in the eyes of members of Congress as plural marriages were legally forbidden as early as 1862 (before he had married one of his wives). Brigham H. Roberts considered those laws unconstitutional at the time of the marriages but Congress, of course, did not.

¹³⁰ *Reed Smoot Hearings* 1:14.

¹³¹ In addition to the above admissions from President Smith that he broke the law of unlawful cohabitation, here are a few more:

Mr. Smith: I have had 11 children born since 1890.

Mr. Smith: All of my wives bore children.

Mr. Tayler: Since 1890?

Mr. Smith: That is correct. *Reed Smoot Hearings* 1:133.

During the hearings, Senator Tayler read from a speech given by President Joseph F. Smith that was printed in the *Deseret News* on June 20, 1903. The

speech was given in Ogden on June 12, 1903. Here is an extract that President Smith acknowledged was substantively accurate: “[W]e are taking care of our wives, and I honor the men who take care of them and who are true to them. I would not like to sit in judgment on any of my brethren who are not true to their families ... and I will keep them so far as I can.” *Reed Smoot Hearings* 1:192-193.

Mr. Smith: I have acknowledged them; I have visited them. They have borne me children since 1890, and I have done it, knowing the responsibility and *knowing that I was amenable to the law*. ... *I would have been willing to submit to the penalty of the law*, whatever it might have been. *Reed Smoot Hearings* 1:130 (He did answer to the law in November of 1906 when he paid a \$300 fine for unlawful cohabitation).

Senator Dubois: ... did any apostle ever object [to the] sustaining of Brigham H. Roberts ... because he is a polygamist?

Mr. Smith: Why should they?

Mr. Smith: ... B. H. Roberts is in the same status that I am in myself, and I could not object to him with any degree of consistency myself, and I do not think any other man in the priesthood ... could do so any more than I could myself. *Reed Smoot Hearings* 1:151-52.

Mr. Tayer: You as the head of the church never undertook to apply any more rigid rule of conduct to [Apostle and Polygamist Brigham H. Roberts] than you applied to yourself?

Mr. Smith: *I certainly could not condemn him when I was in the same practice*. *Reed Smoot Hearings* 1:141.

Mr. Smith: ... *I choose, rather than to abandon my children and their mothers, to run my risks before the law* ... it is the law of my State; it is not the law of Congress ... [it] has no business with my private conduct ... *Reed Smoot Hearings* 1:334.

Mr. Smith: I would not like to be put in a position where I would have to abandon my children. I could not do that very well. I would rather stand anything than to do that. *Reed Smoot Hearings* 1:314.

Mr. Tayer: *Do you consider it an abandonment of your family to maintain relations with your wives except that of occupying their beds?*

Mr. Smith: I do not wish to be impertinent, but *I should like the gentleman to ask any woman, who is a wife that question*.

Mr. Tayer: [This is] not the status of this examination at this point.

Mr. Smith: *All the same; it is my sentiment*. *Reed Smoot Hearings* 1:131. Some commentators have suggested that general authorities were only cohabitating with their younger wives who were able to bear children. This comment by President Smith strongly suggests that this was neither his position nor his sentiment.

President Smith was not the only general authority to be exposed by such admissions. For a non-exhaustive sampling of admissions to unlawful cohabitation found in the Reed Smoot Hearings, consider the following: *Reed Smoot Hearings* 1:12-13 (Angus M. Cannon and others); 1:129-30 (President

... but the church gave me those wives, and *the church can not be consistent with itself and compel me to forsake them and surrender them.*¹³²

This interchange provided the Senator with a couple issues that begged for some intense follow up questions. First, there was the surprising admission from President Smith that he had violated the “laws of God;” then, there was the implicit concession that the church was inconsistent with itself because it both gave plural wives and then established a rule prohibiting men from living with those plural wives. Both of these issues would provide fodder for tabloid reporting across the country. However, it was the first of those issues that monopolized Senator Bailey’s attention during that day of questioning.

He began by asking Joseph F. Smith about how “the Lord gave [a] second revelation forbidding” unlawful cohabitation, a clear reference to the 1890 manifesto as interpreted by President Wilford W. Woodruff during the Master of Chancery hearings. Joseph F. Smith was obviously unhappy with this characterization and contradicted the Senator by claiming that the Lord did not “forbid it.” In turn, the Senator expressed his frustration with the contrary positions being put forth by President Smith by retorting: “Well, he did if the manifesto is based upon a revelation, because the manifesto declares against it.” He then added:

Sen. Bailey: ... *both plural marriage and unlawful cohabitation are forbidden by the statutes of Utah and by the revelations of God.* Is that true?

Mr. Smith: That is the spirit of it, sir. ...

Sen. Bailey: And yet you as the head of the church are defying both –

Mr. Smith: Oh, no. ...¹³³

Joseph F. Smith and others); 1:131, 133, 141, 151-52, 192-93, 314, 334, 336-37, 378-79 (President Joseph F. Smith); 1:428-29, 455 (Francis M. Lyman); 1:515-22, 718-19 (Brigham H. Roberts); 1:329; 2:284-86 (President John Henry Smith); 1:43, 109, 178, 211, 476-79, 685-87, 1058; 2:302-03, 254, 258, 975; 3:126, 219-21; 4:478-79 (others). It is doubtful whether any of these men suffered any private or public church discipline after these admissions were made.

¹³² *Reed Smoot Hearings* 1:335.

Senator Bailey's frustration with the President's responses intensified, leading him to introduce a new term that further conflated the dispute: he used the term "ordinance" to refer to church policy concerning unlawful cohabitation; President Smith was clearly uncomfortable with this term so Senator Bailey's proposed a final, alternative term (used by President Wilford W. Woodruff during the Master of Chancery hearings¹³⁴) that led, not only to more confusion, but to cavernous doors for speculation:

Sen. Bailey: *We will call it the law* of the church.

Mr. Smith: No, sir; *call it the rule*.

Sen. Bailey: Does not a revelation become the *law* of the church?

Mr. Smith: *Call it a rule* of the church, and I will understand.¹³⁵

Apparently unsatisfied with this interchange, Senator Bailey later asked President Smith an additional time whether or not the 1890 manifesto forbade both "plural marriage and unlawful cohabitation" as "reinforced by the statutes." President Smith responded in the affirmative.

Sen. Bailey: ... the head of the church is living in open ... defiance of a *revelation*...

Mr. Smith: You are correct so far that I have confessed here openly and it has gone to the world that I have not observed the *law* against cohabitation with my wives. That is all there is to it. ... It is a *rule* of the church.¹³⁶

¹³³ *Reed Smoot Hearings* 1:335.

¹³⁴ He testified that the "manifesto was intended to apply to the Church of Jesus Christ of Latter-day Saints everywhere in every nation and country. We are giving no liberty to enter into polygamous relations anywhere. ... It is, as I have said, against the *law of the Church*. *Deseret Weekly News* 10/24/1891 as cited in Cannon Thesis, 9-10.

¹³⁵ *Reed Smoot Hearings* 1:335. Consider also the following exchange:

Mr. Taylor: Is the *law* of the church ... against taking of plural wives?

Mr. Smith: Yes, sir.

Mr. Smith: I would substitute the "*rule*" of the church. ... *Instead of law*, as you put it. *Reed Smoot Hearings* 1:128.

¹³⁶ *Reed Smoot Hearings* 1:336.

The distinction here between a “law” of the church and a “rule” of the church appears to have been an important one for the President of the Church as he made the distinction on a number of occasions. However, subsequent questioning pushed him into a corner: this particular distinction was not only void of any legal significance, it was also void of any significant ecclesiastical meaning. President Smith was practically forced to acknowledge that “a man who disobeys” either a rule or revelation of the church would be “out of harmony” with the Church. Either way, President Smith conceded, it was “[j]ust the same.”¹³⁷ Whatever being “out of harmony” might entail,¹³⁸ President Smith continually and regularly made the distinction throughout the hearings.

At one point, Senator Tayler unsuccessfully pressured President Smith to abandon this unhelpful distinction by asking him whether unlawful cohabitation was “a violation of the *law or rule* of the church, as well as the law of the land?” Sidestepping the question of whether or not it was a *law* of the church, President Smith responded that it was “contrary to the *rule* of the church and contrary as well to the law of the land for a man to cohabit with his wives.” He further noted that he preferred to “meet the consequences of the law [of the land] rather than to abandon [his] children and their mothers,”¹³⁹ a concession that he made several times throughout the hearings.

Following the lead of his prophet, Francis M. Lyman, the President of the Quorum of Twelve Apostles, also called unlawful cohabitation a “rule” of the church and admitted to unlawfully cohabiting with his wives.¹⁴⁰ As noted earlier, George Reynold’s testified during the hearings and bluntly characterized the 1890 manifesto as an “instruction” and a temporary “*rule* of church practice.”¹⁴¹ If this genre of semantic wordplay aggravated congressmen pushing to unseat Senator Reed Smoot, it had to be especially

¹³⁷ *Reed Smoot Hearings* 1:339.

¹³⁸ He did testify that being “out of harmony” would not subject any apostle to “discipline in the church” unless “he committed some overt act of unchristian-like conduct, or rebellion against the church.” *Reed Smoot Hearings* 1:177.

¹³⁹ *Reed Smoot Hearings* 1:129.

¹⁴⁰ *Reed Smoot Hearings* 1:428-29, 455.

¹⁴¹ *Reed Smoot Hearings* 2:51-54, 60-61.

exasperating for contemporary polygamists who were trying to faithfully follow the counsel of their file leaders who, in turn, pursued tactics like these while under oath on the witness stand.

President Smith's testimony does offer some hints as to the significance of his specialized word choices. If we are to comprehend any distinction between "laws" of the church and "rules" of the church, it is helpful to first consider a few examples of "rules" of the church that he offered during the proceedings. President Smith stated that it was a rule for the apostles to meet once a week and stated that it was a rule of the church that gave the First Presidency authority to make decisions contrary to the advice of the Twelve Apostles – that however was also a "law of the church."¹⁴² In one interchange, Senator Dubois asked President Smith whether or not an apostle could be a polygamist without President Smith's knowledge. He responded that an apostle could not take a plural wife after the 1890 manifesto without his knowledge "[u]nless he violated the *rule* of the church."¹⁴³ At one point, President Smith referred to section 121 of the Doctrine and Covenants as a rule of the church as well.¹⁴⁴

He further stated that it was a rule of the church to disallow men in leadership positions from engaging in business that would take them away from the exercise of their ecclesiastical duties.¹⁴⁵ He then testified that violation of this rule would be just as serious as the violation of any other *regulation* of the church. When pressed for an example of another *regulation* of the church, President Smith could not give one. However, when pressed as to whether or not violation of this rule would result in the withdrawal of fellowship, President Smith replied that whether or not fellowship would be withdrawn would depend on whether or not "the offending party had committed additional overt acts of un-Christianlike conduct." He then noted that un-Christianlike conduct was "much more serious" than simply violating a rule of the church.

¹⁴² *Reed Smoot Hearings* 1:354.

¹⁴³ *Reed Smoot Hearings* 1:140.

¹⁴⁴ *Reed Smoot Hearings* 1:188.

¹⁴⁵ *Reed Smoot Hearings* 1:163, 336. In fact, this was an issue that came up with Apostle John W. Taylor's business activities (surrounding a large parcel of land that he controlled in Canada).

And significantly, he noted that Christian conduct was “vital” while violating a rule of the church was “simply a matter of free will.”¹⁴⁶

Again, these proceedings were broadcast far and wide and conscientious polygamists were undoubtedly aware of their prophet’s testimony. Undoubtedly, they would have interpreted this testimony as evidence that violations of a rule of the church would not subject anyone to a membership trial unless some other un-Christian conduct was involved as well.¹⁴⁷ It is within this context that President Smith’s statements establishing adherence to the 1890 manifesto (as it pertained to unlawful cohabitation) as a “rule” of the church¹⁴⁸ becomes worthy

¹⁴⁶ *Reed Smoot Hearings* 1:320. Counselor John Henry Smith very explicitly expressed a similar sentiment during the Reed Smoot hearings. Asked what should happen if President Joseph F. Smith married a plural wife after the 1890 manifesto, he replied:

Mr. Smith: I believe that he should be prosecuted if he did that sort of thing.

Mr. Taylor: *And that is all?*

Mr. Smith: Yes. *Reed Smoot Hearings* 2:289-90.

President Lorenzo Snow made a similar observation when testifying during the Temple Lot case. Noting that those who married polygamously *before* 1843 “would have violated the laws of the church and [sic] been guilty of adultery,” he immediately thereafter conceded that Joseph Smith, Jr. married Eliza R. Snow (President Snow’s sister) “prior to the giving of this [1843] revelation [D&C 132]. Following up on the logical consequences of such a testimony (viz., Joseph Smith was guilty of adultery for violating a law of the church), the attorney asked what sort of position that put Joseph Smith, Jr. and Eliza R. Snow in. President Snow responded, “It put them in a first-rate, splendid condition for time and eternity.” Author/Editor unstated, *The Temple Lot Case: Complainant’s Abstract of Pleading and Evidence, in the Circuit Court of the United States, Western District of Missouri, Western Division at Kansas City; The Reorganized Church of Jesus Christ of Latter Day Saints, Complainant, vs. The Church of Christ at Independence, Missouri*, (Price Publishing Company: 2003 reprint), 321-22.

¹⁴⁷ However, see *Reed Smoot Hearings* 1:178 where President Smith states that an apostle who performed a plural marriage after the 1890 manifesto would be subjected to excommunication proceedings. This statement would make for some convincing apologetic rhetoric in a contextual vacuum. However, this claim needs to be taken with a great amount of suspicion or at least careful consideration given the many plural marriages that President Joseph F. Smith authorized before these hearings were conducted. See his biographical vignette for more detailed information on this topic.

¹⁴⁸ Apart from the statements above, President Smith clearly stated that “[i]t has been the continuous and conscientious *practice and rule* of the church to observe the manifesto.” *Reed Smoot Hearings* 1:129. See also *Id.*, 1:315 (where Senator Bailey then switches to using the term “law” of the church).

of careful scrutiny. In short, President Smith's testimony undoubtedly led some to suppose that President Smith did not believe that a man should suffer church discipline for unlawfully cohabitating with his plural wives. While this may seem retrospectively intuitive and not particularly noteworthy, it was a significant position to make publicly because the church had been specifically and publically condemning this practice for fifteen years. Consequently, there were strong feelings over this issue – strong enough feelings that some members of the church believed that men who continued to live in polygamist relationships after the manifesto were wicked men – regardless of whether or not those plural marriages occurred before 1890.¹⁴⁹

There are other reasons to believe that President Smith was serious about this tacit position against violators of the unlawful cohabitation statutes (at least up to the time in question). There were significant numbers of men who had been found guilty of unlawful cohabitation after the 1890 manifesto and/or who had admitted to unlawful cohabitation after the 1890 manifesto and none of them received the slightest church discipline for their indiscretions – including Heber J. Grant who paid a \$100 fine in September of 1899 after pleading guilty to unlawful cohabitation and Joseph F. Smith who paid a \$300 fine in November of 1906 after pleading guilty to unlawful cohabitation with his wives.¹⁵⁰

¹⁴⁹ Terry, Joyce, ed., *George Washington Terry: Eliza, Fannie, and Families*, (BYU Print Services: 1998), 26. The journal notes that *persecution became so bad that some families fled to Mexico to live*. One particularly telling story revolves around a Sister Peterson who became possessed of an evil spirit, "screaming and foaming at the mouth." Her husband asked George Washington Terry, a post 1890 manifesto cohabitor (who married *before* the 1890 manifesto) to give her a blessing. After her healing at the hands of Brother Terry, Sister Peterson confessed: "Brother Terry, I think I was taken ill suddenly so that you could be called in to help me. I have talked about you, and told things that I had heard about you, some things that I know now were not true. I was prejudiced against you on account of your living with two women. But I shall never speak evil of you again. For I know that you are a man of God." Subsequently, the Petersons and George Washington Terry became "staunch friends." *Id.*, 27.

¹⁵⁰ Kenneth L. Cannon, Jr. concluded that sixty-one percent of the apostles were guilty of illegally cohabitating with plural wives. He concluded that these "figures illustrate a high disregard for the illegal cohabitation clauses of the anti-bigamy acts by a majority of those who made up the highest echelon of the church

Ironically, Joseph F. Smith's formal 1904 manifesto reiterating the position taken by the 1890 manifesto functioned (for some) as an acknowledgement that men who were unlawfully cohabitating with their wives would not be subject to any church discipline. Quinn explains:

A polygamist confidant of both President Smith and Senator Smoot told the Senator's secretary that the "Second Manifesto" had a hidden meaning: "The new manifesto modifies that of 1890 by eliminating unlawful cohabitation. Unlawful cohabitation now has the sanction of the Church, though the people did not know what they were doing in adopting it."¹⁵¹

That however was only part of the "hidden meaning" of the 1904 manifesto. In the eyes of some, the 1904 manifesto gave strong assurances that post 1890 (and perhaps post 1904) manifesto plural marriages were sanctioned by church leaders:

Despite the Second Manifesto's unqualified denial of post-Manifesto polygamy, the circumstances of its ratification by the general conference also sent another message to those who were already aware of what had been happening on and off for more than thirteen years. Although President Smith wrote Reed Smoot that the conference action regarding the declaration was "spontaneous," President of Seventy Seymour B. Young's diary stated that those who seconded the motion to sustain the Second Manifesto did so "per arrangement." Among these seconds were Seymour B. Young (who had performed two plural marriages in

hierarchy during the time period 1890-1905." *Beyond the Manifesto*, 29 (see also *Id.*, 30).

¹⁵¹ *LDS Church Authority*, 98-99. While this may seem a little odd at first glance, this was not the only time that official church pronouncements were interpreted in a way directly contrary to their plain meaning: during the Reed Smoot Hearings, some of the most revealing testimonials came from Walker M. Wolfe who testified that a John Wilson informed him that the 1890 "manifesto enables the church to exclude men who are not good men and the men who ought not to have plural wives, but it gives an opportunity for worthy men to take more wives." He "spoke as if it was a glorious thing." *Reed Smoot Hearings* 4:14.

Mexico under Joseph F. Smith's direction), Anthony W. Ivins (who had performed dozens of plural marriages in Mexico by First Presidency authorization), Angus M. Cannon¹⁵² (who had assented to the First Presidency's suggestion in 1894 that his daughter marry polygamously Apostle Abraham H. Cannon, and who knew that his three sons married polygamously in Salt Lake City in 1900 and 1901), Jesse N. Smith (who had given his daughter permission to marry polygamously in Salt Lake City in 1904), and Moses W. Taylor (brother of post-1890 polygamists John W. Taylor and Frank Y. Taylor). By the way he orchestrated the sustaining of the Second Manifesto, Joseph F. Smith sent unspoken but public reassurance to those who had conscientiously entered plural marriage after the Manifesto. It is not surprising that *some Latter-day Saints interpreted the covert message of 6 April 1904 as applying to future polygamous marriages, the reverse of the document's overt statements, and therefore regarded the Second Manifesto as no more restrictive of new polygamy than the first.*¹⁵³

Quinn's insightful research is instructive, not only because it helps us to understand why faithful latter-day saints could have believed that unlawful cohabitation with plural wives was tacitly condoned by the church, it also helps us to understand why faithful latter-day saints could have rationally believed that new plural marriages would be tacitly condoned after 1904.

Significantly, the question of whether or not post 1890 manifesto plural marriages could be performed with church authorization was not a new issue that arose after Joseph F. Smith's unusual orchestration of the presentation of the 1904 manifesto. This was an issue that had been addressed both publicly and behind closed doors soon after the 1890 manifesto had been issued. This leads us more solidly into the second point of debate over the scope of the 1890 manifesto.

¹⁵² Angus Cannon later told congressmen during the Reed Smoot hearings that he would not have seconded the motion to sustain the 1904 manifesto had unlawful cohabitations "been condemned" by the document. *Reed Smoot Hearings* 1:789.

¹⁵³ *LDS Church Authority*, 99.

On its face, the 1890 manifesto advised latter-day saints to “refrain from contracting any marriage forbidden by the law of the land,” a blatant reference to polygamous marriages during this period of Mormon history. Nevertheless, latter-day saints by the droves understood that the phrase “law of the land” referred to laws of the United States and therefore believed that plural marriages could still be performed with church authority outside of the United States.¹⁵⁴ Apostle Taylor explicitly referenced this understanding in his letter of resignation from the Quorum of Twelve in late October, 1905:

I have always believed that the government of the United States had jurisdiction only within its own boundaries and that the term “laws of the land” in the Manifesto meant merely the laws of the United States. I find now that this opinion is different to that expressed by the Church authorities, who have declared that the prohibition against plural marriages extended to every place and to every part of the Church. It is doubtless true that this view of the matter has been given by President Woodruff and others,¹⁵⁵ but I have never taken that as binding on me or the Church, because it [such interpretation] was never presented for adoption by “common consent” as was the Manifesto itself, and I have disputed its authority as a law or a *rule*¹⁵⁶ of the Church.¹⁵⁷

¹⁵⁴ Interestingly, this interpretation, as rational as it may initially sound, was fraught with further difficulty. Most latter-day saints accepted this phrase as evidence that plural marriages could be authorized in Mexico – a country that had laws forbidding polygamous marriages as well. Anthony W. Ivins and other apostles performed scores of marriages in Mexico between 1890 and 1904.

¹⁵⁵ There had been numerous public declarations stating that plural marriages were forbidden both in the United States and anywhere else. See below for further details.

¹⁵⁶ Interestingly, Apostle Taylor’s wording here suggests that he believed that “rules” of the church were not binding on members of the church unless they were “presented for adoption” by members of the church. Unfortunately, we have no statements from President Joseph F. Smith to help us know whether or not Apostle Taylor’s understanding of the parameters of church “rules” was compatible with President Smith’s understanding.

¹⁵⁷ The full text of John W. Taylor’s resignation can be found in the *Improvement Era*, 10:#2, 718-719; an abbreviated version can be found in *A Quest for Legitimacy*, 57-58.

This portion of John W. Taylor’s letter of resignation acknowledging that his “opinion is different to that expressed by the Church authorities” sounds like a straightforward and humble admission of his mistake. However, such an interpretation should be made with manifest caution. As discussed in greater detail below, this resignation letter was issued during the Reed Smoot hearings. That context is crucially important and suggests that this admission was given with political pretext only – Apostle Taylor had strong reasons for believing that he was not out of harmony with the Twelve.

On April 11, 1911, President Joseph F. Smith acknowledged in a telegram to Senator/Apostle Reed Smoot that Apostle Taylor’s understanding of the scope of the 1890 manifesto was not maverick:

If [President Roosevelt] inquires about new polygamy tell him the truth. Tell him *that President [George Q.] Cannon was the first to conceive the idea that we could consistently countenance polygamy beyond the confines of the Republic* where we have no chartered law against it,¹⁵⁸ *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.*¹⁵⁹

Thus, Apostle Taylor’s understanding was not only in harmony with President Joseph F. Smith’s personal views of the scope of the 1890 manifesto, his position as a post manifesto polygamist¹⁶⁰ was tacitly acknowledged as being “in good faith” by President Smith. Later in correspondence with Senator/Apostle Reed Smoot, President Smith further acknowledged that there were post manifesto plural marriages performed in Mexico with full church authority.¹⁶¹

¹⁵⁸ Again, this was an incorrect understanding but it was widely held at the time.

¹⁵⁹ *After the Manifesto*, 31, citing Reed Smoot correspondence, LDS Church Archives (a 4/11/1911 telegram).

¹⁶⁰ To be precise, President Smith may have only intended to condone pre 1904 plural marriages – although this point is subject to debate.

¹⁶¹ *Id.* Smith acknowledged that “*marriages had been performed both in Canada and Mexico with Church authority.*” *Id.* fn. 41 on page 35. Later however, President Smith recanted the Canadian portion of that statement to Apostle

Unfortunately for Apostle Taylor, these statements were made two weeks *after* he had been formally excommunicated from the church and they were only communicated to Apostle Smoot in private. Even if Apostle Smoot was aware of this detail before Apostle Taylor's trial, it did not matter because he did not attend either day of Taylor's membership trial. Neither would this information prove helpful to Apostle Cowley whose trial was held after Apostle Smoot received this telegram because Apostle Smoot did not attend Cowley's trial either.

Other apostles engaged in activities that acknowledged that new plural marriages were permissible and/or they made contemporary¹⁶² statements acknowledging that new plural marriages outside of the United States were permissible after 1890: President Francis M. Lyman (who led the prosecution against Apostles Taylor and Cowley), Heber J. Grant (who attended both trials), Moses Thatcher, Abraham H. Cannon, and Brigham Young, Jr. (who were deceased at the time of the trials).

In a meeting of the Quorum of Twelve and First Presidency, President Lyman stated that he “did not feel that we had surrendered the least principle” in publishing the manifesto because *the church* “had refused to allow marriages in the United States and he could not see the least reason” why the church should not benefit from that previously established policy by “publishing this fact to the world.”¹⁶³ Whether or not President Lyman acknowledged that *church* authorized marriages were not synonymous with *priesthood* authorized marriages at the time he made this statement, he knew better than to believe that new plural marriages were not being authorized a handful of days later: he performed the very first post 1890 manifesto plural marriage for Apostle

Smoot – a detail that is highly significant in regards to the activities of Apostle Taylor who was heavily involved in authorizing plural marriages in Canada. Even with this partial recanting, the telegram to Apostle Reed Smoot contradicts formal testimony given during the Reed Smoot hearings and the express verbiage of the 1904 manifesto itself (viz., “no such marriages have been solemnized with the sanction, consent, or knowledge of the Church.”). *The Taylor-Cowley Affair*, 36.

¹⁶² In the next section, retrospective statements approving of new post manifesto plural marriages are discussed; here, only contemporary statements are addressed.

¹⁶³ *HJG Journal Excerpts*, 9/30/1890. In context of Apostle Taylor's plural marriage less than two weeks later, it is interesting to note that Apostle Taylor was at the meeting when this statement was made.

John W. Taylor while riding in a carriage around Liberty Park in Salt Lake City, Utah.¹⁶⁴ It is reasonable to believe that President Lyman's actions in performing this marriage reflected his understanding that certain priesthood leaders could authorize marriages forbidden by the church itself – and if this could be done in Salt Lake City, surely it could be done outside of the United States.

Moses Thatcher made a couple comments that arguably apply to plural marriages outside of the United States as well – both of which were made in context of the formal position of the 1890 manifesto. The first statement was recorded in Apostle Abraham H. Cannon's journal:

I think the brethren should so arrange their families that women bearing children shall not be in constant fear of capture. . . . The troubles will *perhaps cause us to seek refuge in Mexico* where there are twelve millions of Lamanites to whom we can then turn our attention.¹⁶⁵

Clearly, the children of a monogamist wife would not be “in constant fear of capture” so he must be referring to plural wives. A second, similar statement was recorded in Apostle Heber J. Grant's journal a few days later:

¹⁶⁴ Reportedly, President Francis M. Lyman made the following significant statement in a general conference talk: “The manifesto of President Woodruff is the word of God unto the saints. When it was given, it simply gave notice to the saints that they *need not enter into plural marriage any longer*, but the action taken in Salt Lake City on the 6th day of April, 1904 [President Joseph F. Smith's second manifesto], made that [1890] *manifesto prohibitory*.” *LDS Conference Reports*, April 1911, 126-129 as cited in Boss, Arnold, *The History of Plural Marriage Among the Mormon People*, (Pioneer Publishing: 2008) 6:244-45. While this citation is in error (President Lyman spoke on other issues that day of conference and as these words do not match up after multiple database searches), the general substance of the quote appears to be genuine. See the Appendix 2 Tribune article dated 1/18/1911 in this volume. If the statement is accurate, President Lyman here suggests that the 1890 manifesto was *simply advisory* while claiming that the 1904 manifesto was *compulsory*.

¹⁶⁵ *AHC Journals*, 9/26/1890.

*I have known for years that our people would go to Mexico in great numbers. God will deal out to this Nation the measure they deal out to us. The battle ax of the Lord [that is,] the Lamanites will have a hand in humbling this nation.*¹⁶⁶

At the very least, these comments condoned illegal cohabitation; at most, they condone post manifesto plural marriages outside of the United States. While neither of Apostle Thatcher's statements are particularly clarion for purposes of determining which of these two interpretations is correct, it seems likely (in context of other statements made within this section) that he anticipated that plural marriages would continue outside of the United States. In contrast, Apostle Heber J. Grant was very candid and transparent about his opinions surrounding the 1890 manifesto – especially within the confines of his personal journal. Noting that President Wilford W. Woodruff had counseled the apostles to keep their covenants with their wives, he further recorded that a motion was made and carried to:

use our influence privately to get our people not to promise to desert their wives when they are taken into court. I had no idea for an instant that there was the least desire on the part of Pres[ident] Woodruff that any one should desert their wives. *All that he desired was that the[re] shall be no more plural marriages in the United States.*¹⁶⁷

Thus, not only did Apostle Grant acknowledge that the 1890 manifesto did not apply to illegal cohabitation – by a formal motion made among members of the Quorum of Twelve and First Presidency, he affirmatively states that his understanding was that the 1890 manifesto exclusively applied to new plural marriages within the borders of the United States. He continued in the same journal entry to explain that “I am almost sure that in case things got so warm in the United States that such a position was necessary that I should feel that I did not care to live here and should go to Mexico or some other

¹⁶⁶ HJG *Journal Excerpts*, 9/30/1890.

¹⁶⁷ HJG *Journal Excerpts*, 10/2/1890.

country.” Thus at a very early time, Apostle Grant believed that the 1890 manifesto had a very limited scope.

Notably, the apostles rarely (if ever) offered any doctrinal reasons to substantiate these varied opinions about the scope of the 1890 manifesto. Typically, their thoughts, suggestions, opinions, and decisions consist of little more than practical considerations. Apostle Abraham H. Cannon, for example, pragmatically argued that:

[q]uite a large number of plural wives are now living in Franklin, as it is considered safe for them to do so, there being no law of the state yet enacted against the practice of the Saints. *Besides, it is doubtful if a man could be punished if he has his wi[ves] in different States or Territories.*¹⁶⁸

His pragmatism is telling. As noted above, it appears that Apostle Cannon never believed that the 1890 manifesto was a binding, doctrinal revelation – and this journal entry implicitly supports that suspicion. While one could reasonably argue that this particular entry says nothing about new plural marriages, only something about illegal cohabitation laws within the United States, such a conclusion needs to be cautious and it needs to be issued on the reminder that Apostle Cannon married a plural wife in California in the summer of 1896. Either way, he clearly viewed the scope of the manifesto as geographically limited and the abundance of evidence suggests that this marriage was performed by President Joseph F. Smith himself so he must have come to believe at some point before 1896 that the manifesto did not apply to plural marriages outside of Utah or that the manifesto was not morally binding.

Lastly, Apostle Brigham Young, Jr. made a comment acknowledging his understanding that the 1890 manifesto did not extend to nations other than the United States. Obviously disgruntled at the lack of wisdom exhibited by latter-day saints in Mexico, he grumbled that:

¹⁶⁸ AHC Journals, 1/26/1891.

[o]ur own foolishness as a people is apt to bring trouble upon us. Down in Mexico, I found apostates and Gentiles associating with our people and learning all about *their private affairs, thus placing weapons in the hands of our enemies* which they may hereafter use to our great injury.¹⁶⁹

Tacitly, Apostle Young thus acknowledged that the *private* position was to allow polygamists to live peacefully with their plural wives in Mexico while the *public* position was directly contrary to that private position. If that was not true, his statement about “placing weapons in the hands of our enemies” makes no logical sense.

This tacit acknowledgement was in fact, the accurate position to take. More than a decade later, President Smith publicly acknowledged that formal church policy was to prohibit plural marriages everywhere in the world:

Mr. Tayler: This [1890] manifesto was intended to reach through *all the world* wherever the Mormon Church operated, was it not?

Mr. Smith: It is so stated.

Mr. Tayler: ...where?

Mr. Smith: *In the investigation that followed.*

Mr. Smith: Before the master of chancery, I suppose.

Mr. Tayler: ... *everywhere* ...

Mr. Smith. That is our understanding, that it did.¹⁷⁰

The Deseret News reported the following statement of President Lorenzo Snow, which also stresses this formal position of the church:

[I]n accordance with the manifesto of the late President Wilford Woodruff, dated September 25, 1890, which was presented to and unanimously accepted by our General Conference of the 6th of October, 1890, *the Church has positively abandoned the practice of polygamy, or the solemnization of plural marriages, in this and every other State*, and that no member or officer thereof has any

¹⁶⁹ *AHC Journals*, 4/5/1890.

¹⁷⁰ *Reed Smoot Hearings* 1:106.

authority whatever to perform a plural marriage or enter into such a relation.¹⁷¹

Although the document can be variously interpreted (because of the words “in this and every other state”), a conventional reading suggests that this public announcement was trying to convey the idea that no one had authority to perform plural marriages anywhere.¹⁷² D. Michael Quinn notes that President Snow made similar private statements to members of the Quorum of Twelve: “Lorenzo Snow was telling the quorum of Twelve over and over again, ‘I will not authorize anyone to enter into a plural marriage anywhere in the U.S., anywhere in Mexico, anywhere in Canada, I don’t care what his position is. No one can enter into a plural marriage by God’s authority or by my authority.’ Then, his counselors were authorizing people to enter into plural marriages. I don’t know the counselors’ point of view, but I do know the apostles’ point of view, and it was a tension filled situation. They felt uncomfortable with it.”¹⁷³

In summary, the apostles met several times to discuss the issue of whether or not the 1890 manifesto applied to (1) laws against continued cohabitation with plural wives taken before the 1890 manifesto was issued and (2) new plural marriages outside of the United States. Initially, none of the apostles believed that the manifesto applied to illegal cohabitation laws. However, after the First Presidency testified at the Master of Chancery hearings to retrieve church property (including the Salt Lake Temple) that had been confiscated by the United States, the official church policy was that all plural relationships must be discontinued. Although the First Presidency and the Quorum of Twelve privately taught otherwise, many saints remained genuinely confused over this issue – so much so that monogamist saints began persecuting polygamist men (along with their families) who continued

¹⁷¹ *Deseret News* 1/8/1900 as cited in *Cannon Thesis*, 20-21.

¹⁷² President Joseph F. Smith made similar, private statements: “In 1901 [Joseph F. Smith] told Brigham Young, Jr. that no plural marriages were ‘taking place to his knowledge in the Church either in the U.S. or any other country.’ He further stated, ‘It is thoroughly understood and has been for years that no one is authorized to perform any such marriages.’” *After the Manifesto*, 31, citing the *Journal of Brigham Young, Jr.* (6/5/1902).

¹⁷³ *Bluffdale Conference*.

cohabitating with plural wives they married previous to the 1890 manifesto.

The question of whether or not the 1890 manifesto applied to the United States or the entire world suffered similar contradictory testimonies. While Joseph F. Smith's infamous telegram dated April 11, 1911¹⁷⁴ clearly set forth the First Presidency's standard that post 1890 manifesto plural marriages were sanctioned by church leadership, two other factors neatly sum up their continued, private sanctioning of plural marriages after 1890: (1) historian Kenneth L. Cannon, Jr. notes that "[i]n 1897, the first full year after Utah attained statehood, the number of plural marriages jumped nearly five-fold. Political pressures created by attempts for statehood subsided after Utah became a state, and church leaders realized they could allow more polygamous marriages than before because federal interference would be minimized;"¹⁷⁵ and (2) at least four LDS Church Presidents retroactively approved of post 1890 manifesto plural marriages during their respective presidencies. While the statements approving post manifesto plural marriages are discussed in the next section, an exchange between Apostles John Henry Smith and Heber J. Grant demonstrates that this approval was not given as blushing as modern saints often believe:

While visiting with Heber J. Grant in Juarez, Mexico (which was heavily populated by polygamists), Apostle John Henry Smith quipped to Apostle Heber J. Grant:

Heber, the people of these colonies are the salt of the church, the salt of the world. *The fact that they have left their comfortable homes of the north and have come down to these desert wastes to be able to live the higher law of the gospel of plural marriage makes them as I have said before 'the salt of the earth.'*

Apostle Grant replied:

¹⁷⁴ See page 55 above.

¹⁷⁵ *After the Manifesto*, 28.

Brother John, I believe you are correct. I have the same impression with regard to the people living in these colonies.¹⁷⁶

WHO AUTHORIZED NEW PLURAL MARRIAGES AFTER 1890?

A detailed modern survey of who authorized new plural marriages after 1890 would easily engulf a couple hundred pages and would require a mammoth undertaking beyond the scope of this volume. However, there are a few details worth mentioning in the context of the membership trials of Apostles Taylor and Cowley: while these two men have a persistent reputation as the apostles who wouldn't stop performing plural marriages despite official statements condemning new plural marriages, they were not alone, and we have evidence that most (if not all) of them obtained their authority from a few members of the First Presidency – including Presidents Woodruff and Smith. Later Church Presidents informally ratified post manifesto plural marriages as well and acknowledged that secretive actions of earlier prophets prevented them from knowing precisely when post manifesto plural marriages ceased receiving approval from Presidents of the Church.

President Wilford W. Woodruff wasted little time authorizing new plural marriages. While he did not perform any new plural marriages on the day that he formally issued the manifesto, he did sign “recommends for about six or seven plural marriages to be performed in Mexico. . . . [T]he last of those plural marriages was not performed until mid-December 1890.”¹⁷⁷ Many historians have noted that President Woodruff referred prospective plural marriages to Counselor George

¹⁷⁶ Orson Brown Manuscript, BYU Special Collections, 34 as cited in *Post-1890 Plural Marriage in Mexico Between 1890 and 1904*, by Lynn Pulsipher, 4/12/1977 (unpublished: Senior Seminar Paper; copy in possession of author), 9.

¹⁷⁷ Quinn, D. Michael, *Beyond the First Presidency: New Plural Marriages in the Church 1890-1903*, (Paper presented at the Sunstone Symposium, August 25, 1990), typescript copy of audio recording in possession of author. (“*Beyond the First Presidency*”).

Q. Cannon so that he would not be personally implicated in new marriages.¹⁷⁸ However, D. Michael Quinn carefully documented several instances where he was directly involved in authorizing post 1890 manifesto plural marriages, possibly including his own.¹⁷⁹ He further notes that the 1890 manifesto did not end plural marriages. Instead, “it was basically a return to the practices of Nauvoo plural marriage, where there were no official records.”¹⁸⁰ Indeed, a son of Apostle Anthony W. Ivins noted that:

[t]here can be no doubt that Wilford Woodruff did not intend his Manifesto to put an end to plural marriages throughout the entire Church. It is further evident that he did not forbid the practice of polygamy or the performance of plural marriages by citizens of the United States. *He sat in the presence of his two councilors, George Q. Cannon and Joseph F. Smith and listened as President Cannon told my father that they would send men and women to him in Mexico to be married there.* During the three years during which Wilford Woodruff presided over the Church, seventeen such marriages were performed.¹⁸¹

President Lorenzo Snow was not so brazen in his actions in regards to the manifesto. As noted earlier, he publicly and privately counseled men against entering into new plural marriages and he left almost no trace of explicit authorizations to perform new plural marriages during his administration. However, Counselor George Q. Cannon continued to authorize new plural marriages and Apostle Cowley testified that he believed President Snow approved of new plural marriages as long as they were authorized by Counselor George

¹⁷⁸ *After the Manifesto*, 28, citing Joseph T. Bentley Oral History, was one of the first to do so.

¹⁷⁹ *LDS Church Authority*, 59-66.

¹⁸⁰ *Id.*

¹⁸¹ Ivins, Heber Grant, *Polygamy in Mexico as Practiced by the Mormon Church*, 1895-1905, Volume 1, Issue 3 of *Doctrine of the Priesthood*, (Collier's Publishing Company: 1981); typescript, University of Utah library, also available on *New Mormon Studies CD-Rom* (SLC: Signature Books, 1998), copy in author's possession. ("*Polygamy in Mexico*").

Q. Cannon.¹⁸² Supporting Cowley's belief is President Joseph F. Smith's September 26, 1904 letter to members of the Twelve expressing his understanding that President Snow had authorized new plural marriages during his administration and President Smith's telegram to Apostle Smoot (mentioned earlier) wherein President Smith expressly acknowledged that new plural marriages were performed with authorization from Counselor George Q. Cannon.¹⁸³

That President Joseph F. Smith authorized new plural marriages after he became President of the Church is beyond dispute among honest historians and is summarized later in this volume.¹⁸⁴ Even after issuing his own 1904 manifesto, President Smith "did nothing to discipline those who refused to follow the dictates of the Manifesto" for at least a couple of years and even then, no committee was created to actively investigate new plural marriages until the early fall of 1909.¹⁸⁵ That committee was not particularly proactive in taking any action against post manifesto polygamists until the Salt Lake Tribune began publishing the names of polygamist men who had not been the subject of any church discipline; only after the Tribune list became a thorny issue did the committee determine to remove polygamist men from positions of authority where they had been identified.¹⁸⁶ Although this could be considered a noteworthy action taken by church leadership, such actions were far distant from what one would expect if these men were considered adulterers for taking new plural wives without proper authorization.

Unsurprisingly, heavy editorial criticism by the Tribune continued – criticism that ultimately heavily influenced the

¹⁸² See page 183 of this volume for Cowley's testimony surrounding this issue.

¹⁸³ President Joseph F. Smith and his counselors sent a letter on 9/26/1904 withdrawing authority that "President Woodruff and President Snow, each in his time, authorized some of the Apostles, and perhaps others to perform sealings for time and eternity." *LDS Church Authority*, 103, citing *First Presidency Letterbook*. While the 4/11/1911 telegram does not expressly refer to President Snow's administration, the 9/26/1904 First Presidency letter suggests that such a reading would be reasonable. See also page 62 above).

¹⁸⁴ See his biographical vignette later in this volume.

¹⁸⁵ *After the Manifesto*, 33-34, citing George F. Richards Journal, 7/14/1909.

¹⁸⁶ *The Taylor-Cowley Affair*, 32, citing the John Henry Smith Journal, vol. 34 (11/8/1910 and 1/5/1911; see also 12/10/1910) and *Comprehensive History of the Church* 6:413.

membership trials of Apostles Taylor and Cowley. Ultimately, very pointed Tribune articles spurred additional meetings to determine what further actions would have to be taken. On January 11, 1911, Apostle Anthony W. Ivins recorded in his private journal that:

The question of plural marriages was discussed & it was decided that *in the cases where plural marriages were entered into prior to 1904, the parties to such marriages should not be molested unless they be cases where the interests of the Church were involved. Where men are in prominence in the Church who have taken plural wives since Pres. Woodruff's manifesto, they are to be removed¹⁸⁷ where it can be done without giving unnecessary offense.¹⁸⁸*

This privately adopted policy effectively (albeit quietly) legitimized all plural marriages performed before 1904 (as did President Smith's 1911 telegram cited earlier). While one may argue that the 1911 policy may have influenced the outcome of Apostle Taylor's membership trial,¹⁸⁹ it more notably demonstrates that the First

¹⁸⁷ Being "removed" could suggest that such men were only to be taken out of leadership positions – a conclusion that had already been reached in 1909 – and may suggest a reticence to make any significant change to existing policy. However, the actual results of membership trials held against post manifesto polygamists during this time period suggests that the apostles may have understood this policy to mean that these individuals were to be removed from church records through excommunication.

¹⁸⁸ *Polygamy in Mexico*. See also Anthony W. Ivins Journal entries for 3/16/1910 and 1/7/1911.

¹⁸⁹ The argument runs like this: because Apostles Taylor and Cowley were "in prominence in the Church," they were subject to being "molested" under the policy – if it could be done without giving unnecessary offense. Apostle Taylor stated that he was willing to take responsibility for whatever was laid on his shoulders; in contrast, Apostle Cowley stated that he would rather die than lose his church membership (see pages 164, 195 below). Accordingly, Apostle Taylor was removed from the church and Apostle Cowley was not – despite the fact that Apostle Cowley apparently performed many more post manifesto plural marriages than Apostle Taylor. As convincing as this argument may seem at first blush, it ignores the fact that both of these apostles were involved in at least one post 1904 manifesto plural marriage and possibly more; it further ignores the factor of Cowley's humility and cooperation during his trial and Taylor's uncompromising boldness in not disclosing requested information.

Presidency and Quorum of Twelve were reticent to punish anyone who married plurally before 1904.

There can be no rational explanation for such a soft handed policy towards plural marriages performed between 1890 and 1904 other than an explanation that concedes that these marriages were authorized by someone with authority to do so – even Apostle John Taylor (who has been branded by critics as a rogue apostle acting outside of legitimate authority) openly testified that only the President of the LDS Church held the authority to perform such marriages.¹⁹⁰ Thus, in context of the many documented plural marriages performed between 1890 and 1904, the 1911 policy decision acts as a tacit acknowledgement that those marriages were properly authorized by the respective Presidents of the Church. Further supporting this conclusion is the fact that at least four Church Presidents (during their respective administrations) privately acknowledged that such was the case: Joseph F. Smith,¹⁹¹ Heber J. Grant, David O. McKay, and Spencer W. Kimball.

In 1934, Heber J. Grant wrote a private letter stating that he had “never felt to hold anything against any person who was married by Owen Woodruff or John W. Taylor prior to John W. having lost his standing in the Church,”¹⁹² a statement that may extend his retrospective approval of post manifesto plural marriages to March 28, 1911 while tacitly acknowledging that whatever discipline Apostle Taylor may have deserved, it was not because of his involvement in performing new plural marriages after the manifesto.¹⁹³

President David O. McKay similarly conceded in a personal letter that a plural marriage performed in 1902 and similar plural

¹⁹⁰ See pages 122-23, 126, and 135 of this volume. However, he also suggests that a man may find authority in the 1886 revelation received by his father as well. See pages 106-07 for his testimony suggesting this contrary result.

¹⁹¹ See page 65 and footnote 183 above.

¹⁹² *LDS Church Authority*, 103.

¹⁹³ This presumes of course that President Grant was aware of marriages performed by Apostle Taylor (and/or Woodruff) after 1904 – a conclusion that is arguably unsubstantiated because President Grant’s statement is vague. However, Apostle Taylor expressly stated in his formal, written answer to his trial summons that he had not performed any plural marriages since his resignation from the Twelve on October 28, 1905. See page 95 below for his trial testimony on this issue.

marriages “were real sealings.”¹⁹⁴ President Spencer W. Kimball also acknowledged that plural marriages between 1890 and 1904 had been authorized by someone in authority. In a personal letter, he conceded: “I don’t know just when the Manifesto was *made operative* in *all* the world, including Canada and Mexico, but Aunt Fannie [Woolley] was married before the late President Joseph F. Smith ‘locked the gate.’”¹⁹⁵ Presumably, locking the gate is referring to the 1904 manifesto, although this conclusion is somewhat speculative.

With four Church Presidents admitting that new plural marriages were performed with proper authority at least until 1904, there is little doubt that Apostles Taylor and Cowley rightfully believed that new plural marriages were acceptable to Presidents of the Church even if they were forbidden by official church policy.

Regardless of who personally authorized post 1890 manifesto plural marriages, D. Michael Quinn has provided a statistical summary of approximately 275 new plural marriages that offers little room for doubt that several apostles had to be aware of the private authorizations for new plural marriages between 1890 and 1904. He notes that at the time of the individual ceremonies:

the husbands had these highest Church offices ... One Church President [Wilford W. Woodruff to Madame Mountford], eight Apostles, one member of the Council of Seventy, eight members of the Auxiliary General Boards, nineteen current or former mission presidents, ten stake presidents, eleven stake presidency counselors, four stake clerks, thirty stake high councilmen, three patriarchs, nineteen local seventies quorum presidents, twenty one bishops, eleven bishopric counselors, five ward clerks, and one president of BYU. ... there were several general authorities who never married plural wives ... but they wanted to. It just never worked out for them.¹⁹⁶

¹⁹⁴ *Id.*, 104.

¹⁹⁵ *Id.*

¹⁹⁶ *Beyond the First Presidency*. Kenneth L. Cannon, Jr. notes that “[w]hile the Church leaders cited commitments to marriage made prior to the Manifesto as justification for these marriages, this seems unlikely in many instances. A survey of the dates of birth of those who were married reveals that five of the women

While it is relatively uncontroversial to conclude that new plural marriages were approved by Presidents of the Church after 1890, the question of whether or not post 1904 manifesto marriages were authorized is much more complex. Indeed, one wry author noted that:

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.*¹⁹⁷

In other words, while various Quorums of Twelve Apostles may have initially been making efforts to cover up post 1890 manifesto plural marriages to avoid government persecutions and while members of those same quorums may have been privately and ardently encouraging plural marriages, later quorums began to adopt the public policy as private policy as well. As they did so, the LDS Church slowly morphed into a mainstream, monogamist entity that eventually eschewed new polygamy as a vile act of adultery.¹⁹⁸ It may very well be that the Quorum of Twelve that tried Apostles Taylor and Cowley for their membership was the very quorum that turned the tide in effectively stopping new plural marriages and ushering in the new, mainstream, monogamist Mormon Church.

were under age five and twenty-two were younger than ten years at the time of the issuance of the Woodruff Manifesto.” *Cannon Thesis*, 25.

¹⁹⁷ *The Taylor-Cowley Affair*, 35.

¹⁹⁸ Excepting of course the ardent church apologist argument that a man may be sealed to successive wives as he becomes a widower, a form of polygamy that respectively few find controversial.

THE RESIGNATIONS OF APOSTLES TAYLOR & COWLEY

Although the initial complaints against Senator Smoot included allegations that the reputed “oath of vengeance” taken in nineteenth century Mormon temple endowments¹⁹⁹ and the plural marriage of Senator Smoot²⁰⁰ made Senator Smoot unfit for public office, those allegations morphed into charges that the First Presidency and Quorum of Twelve Apostles constituted a mafia-like body of men engaged in a conspiracy²⁰¹ to perpetuate plural marriages contrary to the laws of the United States. Thus, as the hearings progressed, the initial charges took a backseat to the charges of new plural marriages approved by the First Presidency and Quorum of Twelve. Eventually, the senate hearings focused upon new plural marriages authorized by (or performed by) Apostles Taylor and Cowley. At one juncture, Apostle Smoot lamented that “all he heard in Washington was ‘Taylor and Cowley, Taylor and Cowley,’”²⁰²

As this trend continued, it became evident to Apostle-Senator Smoot that the presence of Apostles Taylor and Cowley in the Quorum of Twelve Apostles could possibly prevent him from retaining his seat in the United States Senate. Accordingly, Apostle Smoot began distancing himself from Apostles Taylor and Cowley, noting that he

¹⁹⁹ This charge related to the oath taken by endowment initiates that they would avenge the martyrdom of the prophet Joseph Smith if they came upon anyone who assisted in his unlawful assassination. See *Reed Smoot Hearings* 2:161-62 for a brief overview of the oath of vengeance and penalties associated with it. See AHC Journals, (12/6/1889) for a colorful story of Joseph F. Smith’s near fulfillment of this oath of vengeance.

²⁰⁰ As far as any known records are concerned, this charge was patently false: Apostle Reed Smoot was a monogamist.

²⁰¹ After the conclusion of Joseph F. Smith’s testimony at the Reed Smoot hearings, a contemporary observed: “there was no doubt but that the Mormon hierarchy was engaged in a ‘conspiracy against the United States.’” *The Taylor-Cowley Affair*, 22 fn. 31. See also Lewis, Alfred Henry, *The Great Mormon Conspiracy*, (Collier: 1904), 11.

²⁰² *After the Manifesto*, 32.

was never in either of their homes,²⁰³ that he would not sustain them if they were “guilty of violating the law of the Church,”²⁰⁴ and that he “would not countenance any man or woman living in polygamous cohabitation.”²⁰⁵ He “shunned April conference, citing important business commitments” because he understood that “the continued sustaining of Taylor and Cowley would have a negative effect” on his case.²⁰⁶ In October of 1905, he publicly refused to sustain Apostles Taylor and Cowley,²⁰⁷ and ultimately, Apostle Smoot reported that the resignation of Apostles Taylor and Cowley had “improved his case” to retain his seat in the senate.²⁰⁸

However, the resignations of Apostles Taylor and Cowley did not come without controversy among the members of the Quorum of Twelve. Although they were initially and formally requested by President Francis M. Lyman only a few days before they were drafted,²⁰⁹ the Quorum of Twelve was not unified in their feelings about the resignation of Apostles Taylor and Cowley. Apostle Heber J. Grant recorded that it had been his “earnest and constant prayer that Brothers Taylor and Cowley might be preserved from the shafts of the enemy” rather than being “sacrificed” as just “one more concession.”²¹⁰

Even after the resignation letters were finalized, Apostle Smoot received formal notice that the Twelve was not in favor of “sacrificing” these two apostles.²¹¹ The next day, Apostle Smoot wrote President Joseph F. Smith a lengthy letter that claimed he did not want to be

²⁰³ *A Quest for Legitimacy*, 44. The original sources for these and the following statements come from the Reed Smoot hearings themselves but they are neatly summarized in Heath’s article.

²⁰⁴ *Id.*

²⁰⁵ *Id.*

²⁰⁶ *Id.*, 50.

²⁰⁷ *Id.*, 57.

²⁰⁸ *Id.*, 69.

²⁰⁹ *Id.*, 57.

²¹⁰ *Id.*, 69.

²¹¹ *After the Manifesto*, 32, citing 12/7/1905 correspondence. Contrarily, George F. Gibbs telegraphed Reed Smoot on the same day to inform him that the resignations letters of Apostles Taylor and Cowley could be used whenever most helpful. See *Comprehensive History of the Church* 6:400 for a formal church position on these resignation letters.

“responsible for the ‘sacrifice’ of Taylor and Cowley.”²¹² This was not a one time sentiment expressed in passing angst either: Apostle Smoot offered at least four times to resign from the Quorum of Twelve so that the church would no longer suffer the repercussions of the senate hearings.²¹³

On December 8, 1905, George F. Gibbs, secretary to the First Presidency, sent an encrypted telegraph to Apostle Smoot, advising him:

When you become convinced that action should not be delayed any longer, let us know ... and I feel to say to you ... that if you will *cast aside forever all thought of making a sacrifice* of [Apostles Taylor and Cowley] *you will begin to see your way brighten*, for such a thing cannot be done simply in the hope of avoiding drastic legislation, nor for the purpose of convincing friends that [Joseph F. Smith] is honest.²¹⁴

Despite the counsel to “cast aside forever all thoughts of making a sacrifice of” Apostles Taylor and Cowley, Apostle Smoot received a message penned by President Francis M. Lyman a week later claiming that he could “feel at perfect liberty to use the resignations.”²¹⁵ As noted earlier, the resignation letters were eventually submitted before the United States Senate to help Apostle Smoot’s chances of retaining his seat there. However, the Quorum of Twelve initially “came to the conclusion to suspend them or rather to accept their resignations” rather than permanently drop the apostles from the quorum,²¹⁶ voting

²¹² *Id.* *The Taylor-Cowley Affair*, 30 adds that “The leaders in Salt Lake City apprised Smoot ... that the resignations, should they be accepted, were being given not for his benefit alone but for the ‘relief of the Church.’” *Reed Smoot Hearings* 4:441 records this event before the senate. “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.” *Id.*, 31.

²¹³ *A Quest for Legitimacy*, 55.

²¹⁴ *A Quest for Legitimacy*, 59.

²¹⁵ *Id.*, 59. The message was dated 12/15/1905.

²¹⁶ *Id.*, 68.

that “they were one in faith”²¹⁷ with the remaining members of the Twelve and First Presidency.

Despite all of the anxiety and stress caused by the resignations of Apostles Taylor and Cowley, they ultimately did little, if any good – either for the Church’s reputation or for Apostle Smoot’s position in the senate. The senate notes record that 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.”²¹⁸ Reactions from members of the church were little different. John G. McQuarrie, president of the Eastern States Mission, wrote to George A. Smith:

the dropping of two of our 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.*²¹⁹

Similarly, a Mexican colonist reported that:

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.²²⁰

Family tradition was no different. John W. Taylor’s third wife, Janet Taylor, “told her enquiring son that Joseph F. Smith, at the time of their resignations in 1905, had said to John W. of him and Cowley,

²¹⁷ *Id.*, 69.

²¹⁸ *Reed Smoot Hearings* 4:477. However, *The Taylor-Cowley Affair* at page 31 notes that a *New York Times*, 4/11/1906 article suggests a contrasting public reaction to Taylor and Cowley’s resignations.

²¹⁹ *The Taylor-Cowley Affair*, 32 fn. 57.

²²⁰ *Id.*

‘You brethren are called upon to make this sacrifice, but you will lose nothing from it. When things quiet down *you will be reinstated.*’²²¹ Apostle Cowley expressed a similar view when he related the circumstances surrounding the resignation letters to one of John W. Taylor’s sons in 1937:

When we were in council relative to our trouble brother Penrose remarked, “These brethren are not on trial *nor have they committed any offense*, 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. ... [Cowley continued to explain that they were seen] 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.²²²

Given this nearly universal reaction to the resignations of Apostles Taylor and Cowley and given the family understanding that these apostles would be reinstated after time passed by, it is not surprising to observe that neither of these apostles felt that they were out of harmony with their fellow apostles or that they were being dropped from the Twelve for any other reason than as a sacrifice for the well being of the church.

Apostle Cowley’s statement that they were “no more guilty than those who supposedly took action against us” is especially engaging in context of the membership trials. The biographical vignettes and charts that follow the trials supports this statement to a limited degree. Most of the senior apostles were in fact “guilty” of various involvement with post manifesto plural marriages. However, with the exception of President Joseph F. Smith,²²³ none of these apostles were as prolific as

²²¹ *Id.*, 33.

²²² *Id.*

²²³ President Joseph F. Smith was arguably more involved in perpetuating new plural marriages because he likely authorized most of the marriages performed by Apostles Taylor and Cowley and the men who were given direction to perform new plural marriages by Apostles Taylor and Cowley. However, it is abundantly clear that President Joseph F. Smith did not perform as many plural marriages as Apostle Cowley.

Apostle Cowley in performing post manifesto plural marriages and a number of the junior apostles were relatively uninvolved in post manifesto plural marriages at all – excepting their involvement in trying polygamists for their church membership when new plural marriages were brought to their attention.

CONCLUSORY REMARKS

From the drafting of the 1890 manifesto to the resignation of Apostles Taylor and Cowley from the Quorum of Twelve, there are multitudinous evidences that these two apostles had every reason to believe that their actions in perpetuating plural marriages after the 1890 and 1904 manifestoes met with the approval and sanction of the First Presidency – if not the Twelve. However, the church was undergoing a very tough transition at that time. Transitioning from a widely held paradigm that living one’s religion was the only truly defining element of one’s religion into a new paradigm where one could “believe” in plural marriage but be forbidden to “live” it created painful and irreconcilable cognitive dissonance for latter-day saints of that era. Adding to that double talk,²²⁴ encrypted correspondence, conflicting messages, and a persistent belief that the 1890 manifesto was not a revelation, it is not surprising that members of the church were unified

²²⁴ *The Taylor-Cowley Affair* at 23 notes that E. B. Critchlow complained during the Reed Smoot hearings that “in the face of so much evidence [of post 1890 manifesto marriages], Smith *must be employing his words differently from the way most people ordinarily use them.*” Indeed, one extract is particularly illustrative of this double talk:

Reed Smoot Hearings 1:337

Mr. Smith. *I am not practicing polygamy at all. ... I have prohibited polygamy.*

The Chairman. You are living in polygamous cohabitation?

Mr. Smith. Oh, yes; but not in polygamy. *Polygamy means the marrying of more wives than one ... It is not polygamy inasmuch as the marriage occurred before the manifesto.*

This definition of “polygamy” may have originated as early as 1900 when, in a formal statement issued by President Lorenzo Snow, the parenthetical “or the solemnization of plural marriages” may have been intended to define “polygamy.” See pages 60-61 above for the more complete statement. “New polygamy” was the standard term to refer to these marriages among the gentiles.

in their confusion as well. As the son of Apostle Anthony W. Ivins' astutely noted:

Failure of the Church leaders to make a frank and honest disclosure of the official policy on polygamy during the years 1890 ... to 1904 ... has left hundreds of men and women, now in their mature years, born during this period, confused and bewildered. ... [and, as one man born of polygamist parentage said] "The statements of the Church leaders make me the illegitimate son of a very immoral man."²²⁵

Because the LDS Church continues to distance itself from polygamy as much as possible, modern statements about post manifesto polygamy have tended to lead modern latter-day saints into believing that there were no approved post 1890 manifesto plural marriages. Accordingly, many latter-day saints mistakenly presume that Apostles Taylor and Cowley were completely unjustified in taking the actions that they did in performing and authorizing many of those marriages. That misunderstanding makes it difficult to contextually understand the membership trials of these apostles. Thus, a hundred years after their membership trials, the words of Carl A. Badger, secretary to Apostle-Senator Reed Smoot continue to ring true: "we have thought that there is something higher than honesty, and *behold our confusion*."²²⁶

²²⁵ *Polygamy in Mexico*, 12.

²²⁶ *Secretary to the Senator*, 40.