

## LETTERS

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### *Driggs Postscript*

Readers of my article “The Prosecutions Begin: Defining Cohabitation in 1885” in the Spring 1988 issue of *DIALOGUE* may be interested in this postscript concerning source materials I have recently examined in the LDS Church Archives in Salt Lake City.

My article maintained that the key legal decision bringing about mass prosecutions of polygamous Latter-day Saints was not *Reynolds v. United States* (1879) but instead the Edmunds Act (1882) and one of the early test cases concerning its provisions, *Cannon v. United States* (1885). (For complete case citations see my article.)

The Church Archives contain a document entitled “Prisoners for Conscience Sake, 1884–1892,” a digest of the prosecution of 883 Mormon men and women for polygamy-related offenses, with details on 859 of them. Assistant Church Historian Andrew Jenson compiled the list in 1932. It is undoubtedly not comprehensive and does not contain any individuals who were only fined, but it does represent the timing of federal prosecutions and the distribution of the types of charges pressed by prosecutors.

Angus M. Cannon was convicted of cohabitation in April 1885 and sentenced in May. At that point the crime had been on the books thirteen months, and the Jenson list notes only six convictions under it. Cannon was the first to seek appellate review of his conviction, and the Supreme Court decided against him in December 1885. Jenson shows thirty-three cohabitation convictions under the Edmunds Act

to that date. With *Cannon* decided, prosecutions for cohabitation increased dramatically. Jenson shows 106 convictions in 1886, 193 in 1887, 217 in 1888, 126 in 1889, and 37 in 1890, the year of the first Manifesto.

For the period of his records Jenson shows only sixteen convictions for the felony crime of polygamy, but 724 for cohabitation, 107 for adultery, and 16 for contempt of court, a sanction mostly imposed on wives who refused to cooperate with the government. Adultery convictions all followed the passage of the Edmunds-Tucker Act in 1887, which added that new crime to federal law.

In my article I stated that Franklin Snyder Richards was retained as general attorney for the Church in 1880, a date he would later recall. The archives contain a 16 June 1879 handwritten “agreement” between future Church president John Taylor and the law firm of Richards and Williams hiring them to represent the Church in “all legal matters” for the fee of \$2,000 a year, plus expenses. Given Richards’ demonstrated skills, his law firm came at a bargain price!

Also in my article I indicated that Cannon selected Richards to represent him, an assertion I now wish to modify. In 1932 Richards spoke to the high priests quorum of the Ensign Stake about his many years representing the Church. The text of this speech can also be found in the archives. Though his memory of some details is inaccurate, the speech remains a key resource on the history of the Church’s legal strategy for the period. Richards recalls that he was retained by the Church, along with his brother Charles C. Richards,

Judge Samuel R. Thurman, and other Utah lawyers, "to take charge of the defenses of the brethren in prosecutions under the law." It is not likely that Cannon retained Richards. Rather, Church authorities probably directed Cannon to Richards as the lawyer already retained to defend him and other Latter-day Saint defendants.

Ken Driggs  
Macon, Georgia

### *Time for Compassionate Reasoning*

I was so happy to see R. Jan Stout's article concerning homosexuality (Summer 1987). It is an issue people often don't seem to be able to talk about in a rational way, but one which cannot (and should not) be easily dismissed. Research tells us that somewhere between 10 and 20 percent of our population has a predominantly gay orientation (this includes Latter-day Saints as well as the general population). Research also tells us that these people are reared (almost exclusively) by heterosexual parents who are usually quite baffled at the sexual orientation of their gay children. I know; I am the heterosexual mother of a gay son. Name calling and accusations of sinful behavior (or thought) don't contribute to any positive resolution of the problems that inevitably arise.

The Church has, historically, tried to deal rationally and practically with other social (and mental health) issues. LDS Social Services offers professional caretakers to deal with adoptions, substance abuse, and family crisis. It is time to live up to our tradition of scholarship and good, compassionate reasoning on this issue also—not resorting to emotional, reactionary measures that send our gay men and women out of the Church and away from the protection and love of those they grew up with and learned to love and trust. I have met many of these men and women, and I believe the Church loses as much as they do when they leave the fold.

I hope and pray that more unprejudiced thought and compassion will be applied to these many thousands (in the Church) and millions (in the world) of our Father in Heaven's sons and daughters.

Carolyn W. Perna  
Seattle, Washington

### *Masonic Origins Questioned*

David John Buerger oversimplifies an important point in his otherwise excellent essay, "The Development of the Mormon Temple Endowment Ceremony" (Winter 1987). The similarities between the rituals of the Mormon endowment and those of Freemasonry are clear to those who have investigated this subject. The secret signs, handshakes, passwords, and penalties of the Masonic ritual correspond to the key words, signs, and tokens of the Mormon ritual. This substantiates Buerger's claim that Joseph Smith borrowed from Freemasonry to some extent as he developed the Mormon endowment.

But Buerger only generalizes in response to the important question of the source of the Masonic ritual. This question is not trivial to Latter-day Saints who believe the temple ceremony to be of divine origin. If Freemasonry is indeed a corrupted form of temple worship which was practiced, as Masons claim, in Solomon's temple, the similarity between the Masonic and Mormon rituals, and Joseph Smith's borrowing of the former, is not problematic. The old story that temple worship is the "true Masonry" would suffice. However, if the Masons developed rudimentary ceremonies, including secret signs, handshakes, passwords, and penalties sometime after the Middle Ages, as Buerger states, and therefore did not inherit their ceremonies from Solomon's temple, Latter-day Saint temple-goers would be forced to rethink the value and efficacy of what has heretofore been considered one of the most important, or at least most closely guarded, portions of the endowment.

Buerger does not provide adequate information on the development of the Masonic ritual. Instead, he generalizes, using phrases like, "Freemasonry . . . actually *seems* to have been a development" of craft guilds during the tenth to seventeenth centuries (p. 39). In another place he writes, "Historians . . . *generally agree* that the trigradal system . . . as practiced in Nauvoo, cannot *reliably* be traced back further than the eighteenth century" (p. 40, my emphasis). Buerger's quotations from Knoop and Jones are equally unimpressive in and of themselves. Buerger needs convincing evidence to substantiate the claim that the Masons developed their rituals on their own rather than inheriting them from Solomon's temple.

What seems to be isn't always what is, and the notions that people generally agree to are not always borne out under scrutiny. It would be interesting to know whether or not the Masons invented their ritual or inherited it. Buerger claims they invented it, but his evidence does not seem adequate to back his claim. I hope he will do more than generalize on this interesting question in his forthcoming book on the subject.

Ed Berkovich  
Martinez, California

### *Straight to Heaven?*

The voice of Rustin Kaufman continues: "Since I wrote the letter published in the spring 1988 issue of *DIALOGUE* responding to the England-Stout debate, I received the winter 1987 issue and read Eugene England's piece which says that there may not be plural marriage in the celestial kingdom after all. Monogamy is on a higher plane than polygamy, says Brother England.

"I've been sitting here thinking about it for a whole two hours. What *is* the real nature of relationships in the heavens? Suddenly, like a bolt, I saw the truth of it. Think about visitors from God's realm.

Have any *women* appeared to the prophets? No way. Only *men*! Why? '*Cause they're the only ones up there; that's why!*' Among the heavenly visitors have been God and Jesus and the Holy Ghost. There have been Moroni and Alvin and Michael the Archangel. Also the male angel who wrestled with Jacob, the three (male) Nephites, together with John and Elijah. *All men!*

"When the General Authorities finally get it all worked out, I'll bet potatoes to chokecherries that polygamy will be goin' on in only the telestial kingdom, monogamy in the terrestrial, and the celestial will be reserved for priesthood holders only.

In celestial, are people single?

No. The thought makes reason stare.

Something tells me —

Something tells me

I've a loving brother there.

I realize that after what I wrote about homosexuals in the earlier letter, I'm now going to have to eat crow!

"Don't you see? Just as the temple ceremony moves from kingdom to kingdom, so too does our liaison training in earth life: In the nineteenth century we were introduced to polygamy; in the twentieth century we were told to practice monogamy; and in the twenty-first century we will adopt "brotherly love" as a sentiment to celestial inhabitation. (Church visitors' centers in the twenty-first century will have display windows showing medieval monasteries as forerunners of the new posture.) The reason the Church presently asks members not to be polygamists or homosexuals is that we are still in the twentieth century, and those postures are not appropriate for our era.

"With the help of this theological breakthrough, one can now discern a wisdom more than human in the *modus operandi* of the Gods: Patiently the Almighty brings the collective body of mankind along from one stage to the next, until the human race has experienced the lower realms on the way to higher ones, as symbolized in the temple ceremony.

“Just as we move from polygamy to monogamy to brotherly love in the area of personal relationships, we can see the same pattern in so many other facets of earth life. For example, there is the idea that “ontogeny recapitulates phylogeny” (or vice versa), which means that the stages through which an embryo goes parallel the stages of evolutionary development of species. Evolution appears to be God’s way of creating mankind.

“Anyway, to get a better perspective of the future — what we’re all in for in the twenty-first century — I’m thinking of pulling up stakes and moving from Rexburg to San Francisco.”

Joseph H. Jeppson  
Woodside, California

### *Rams and Ewes*

King David and King Solomon  
lived very wicked lives

They had too many concubines  
and far too many wives.

Time glided on, they older grew,  
began to have some qualms,

Then Solomon wrote the Proverbs  
(allegedly) and David wrote  
the Psalms (some at least).

It is always a pleasure to read the philosophical essays of Eugene England (“On Fidelity, Polygamy, and Celestial Marriage,” Winter 1987). His summation of the joys of faithful monogamy is very true, and the longer the relationship goes on the better it becomes. I speak as an authority of sorts, having been trying it out for fifty-three years.

I liked his argument that Joseph Smith and our other prophets have not been infallible. The Prophet Joseph himself said he sometimes spoke as a man, though this is not often commented on. But I do not believe that his revelation on the need for plural wives was in any way due to lust, as some critics suggest.

Great prophets and psychics — such as Joseph Smith — are often highly sexual beings. We have only to be reminded of King David (a great and good man in many ways), or of the reputed rascal Rasputin who, while attending mass every day, living in spartan surroundings, and using his mystic power to counsel and heal the sorrowing and afflicted (particularly the little hemopheliac Tsarevich), was sexually promiscuous to a scandalous degree. This is the problem with charismatic, prophetic men: they have desire and women are drawn to them. Joseph Smith was a prophet and a charmer, but he also was from New England and had high standards of what was required in his relationship with women, so he simply made his desires possible through marriage, following the example of Abraham. (Not that Abraham was much of a model where family was concerned. He cast his oldest son out into the wilderness with a bottle of water, to live or die as the case might be, and he was all set to murder his second son when God told him not to. I have often wondered if it were Sarah hiding behind a rock and speaking through a bullhorn.)

I liked England’s reasoning about the unlikelihood of polygamy being practiced in the hereafter. But I don’t know about the arithmetic involved in figuring how long it would take a man to sort things out and make enough people to populate a world. Let us assume for the sake of argument that only one in a thousand men would want to undertake the world-making task, so to any aspirer there might be a thousand women available. That might change the statistics. A story my father told of his experience as a young fellow trailing a herd of sheep from the high mountain country of Idaho to winter in Nevada might be pertinent here: “I was taking a herd of ewes to the desert. Behind me was coming a herd of rams. I was taking no chances of those rams getting to those ewes, so we turned off the sheep trail and went right down into Lava Hot Springs

Valley. I waited till the rams went on and then got back on the trail. That night we rounded up the herd by the sheep wagon, where we slept. The rams had been taken three or four miles ahead, but they smelled those ewes and two of them got away from the bunch and came back. Those two rams probably got in there about twelve o'clock and were there till we got up at five. This happened around the first part of September. In January, ninety-two lambs were born in the desert. A great many of them froze."

Now the only thing would be to make sure of the climate, which would probably be ideal in heaven, if a man really aspired to being ruler of a world.

Gay Taylor  
Redwood City, California

### *The Lyman Thesis*

A review of Richard D. Poll in the *Journal of American History* (June 1987) led me to Edward L. Lyman's *Political Deliverance: The Mormon Quest for Statehood* (Urbana and Chicago: University Illinois Press, 1986). While I was reading the book, Thomas G. Alexander's review in *Sunstone* (May 1987) arrived, followed later by Kent Powell's review in *DIALOGUE* (Spring 1988). Each reviewer reacts to Lyman's thesis and treatment of the role of polygamy in the struggle for Utah statehood somewhat differently than I.

Lyman gives no emphasis to the strong gentile reaction to the prevailing Mormon economic system, clearly, in my opinion the primary factor in the controversy about statehood for Utah. Nor does any reviewer comment on this omission. Each is impressed almost exclusively with Lyman's treatment of the political controversy around the polygamy question. Not one of the three go behind the tortuous political maneuvering to the underlying economic reality that Mormons controlled both the local political *and* economic scenes.

What is also a little surprising to me, in view of his *Great Basin Kingdom* and his standing as an economic historian, is Leonard Arrington's statement in the *Forward*. He seems to be blessing both Lyman's thesis *and* conclusion when he praises "fresh and fine" research that "causes old timers and experts to sit up and take notice." Take notice, yes. Lyman has done extensive research into the political records. He has done this job very well, indeed. He deserves commendation for this.

The economic and political controls are clearly identifiable in the efforts of the Mormons to build, as they then saw it, the kingdom of God—not only the peculiar, self-sufficient economic system but also the government of that kingdom. The gentiles fought against both economic and political controls, and their struggle was neither overshadowed nor dominated by the controversy over polygamy.

Obviously polygamy was an important factor in the gentile resistance to statehood, but is Lyman accurate in stating flatly, "The practice of plural marriage among the Latter-day Saints was the foremost obstacle to admission of Utah as a state." He challenges, as he puts it, "two of the foremost students of Mormon politics, Klaus J. Hansen and Gustave O. Larson [who] contend . . . that raising the polygamy issue was simply a means of attacking the more serious problem of church involvement in political affairs." In contrast, Lyman holds that "polygamy was still the real objection of most in Congress" (p. 2).

Technically, Lyman may be right in saying that polygamy was the real objection of most in Congress. Most persons in Congress may not have understood the basic economic issue and its corollary, political dominance.

Lyman, of course, acknowledges the conflict over political control, and the value of his book is found in the detailed account of the struggles of the Church authorities and their changing political

allegiances, along with the extensive congressional debates. But he almost completely ignores the fundamental Mormon control of the economic system which gentile businessmen, mine-owners, and merchants found so opposed to their interests.

One exception to his disregard of the economic thesis, as he puts it, is: "While [George Q.] Cannon was yet in the East, he had occasion to converse with [Senator George F.] Edmunds and learned that the senator's efforts were not 'seeking so much to put down polygamy as to break down the "Mormon" system of theocracy,' which he [Edmunds] claimed was entirely in conflict with the institutions of the nation and therefore much more dangerous to the people than polygamy." Lyman comments, "This was but one of the admissions during the era that the furor raised over plural marriage was but an emotion-laden pretext that could be effectively utilized to arouse the public clamor necessary to implement sufficiently stringent measures to curb the political influence of the Mormon hierarchy. They were undoubtedly correct that most Americans, including most congressmen, were more concerned about polygamy; however, it was admittedly the political involvement that the majority of the nation's anti-Mormon leaders most abhorred and aimed to eradicate" (p. 23).

His footnote to this statement (n42, p. 38) is interesting, indeed. He quotes Fred T. Dubois, one of the era's leading anti-Mormon crusaders in the 1880s: "My entire thought was through my own political activities to destroy the political power of the Mormon church and in this way, as I view it, destroy polygamy. Those of us who understood the situation were not nearly so much opposed to polygamy as we were to the political domination of the church. We realized, however, that we could not make those who did not come actually in contact with it, understand what the political domination meant. We made use of polygamy, in consequence, as our great weapon of offense and to gain our standards. There was a universal detesta-

tion of polygamy, and inasmuch as the Mormons openly defended it we were given a very effective weapon with which to attack" (in Louis J. Clements, ed., *The Making of a State*, Rexburg, Idaho, 1971, p. 48).

Lyman, after noting that the Mormon leaders eagerly sought self-government as an ideal, recognizes that the gentiles were generally opposed to statehood because "as long as the federal government exercised power through appointment of executive and judicial officers and held extensive veto power over 'inappropriate' legislative enactments, the Gentiles enjoyed governmental power superior to that held by the Mormon majority." Furthermore, the gentiles organized themselves economically and "were also the leading opponents of Mormon efforts for statehood, which would permanently enthrone the priesthood in power" (p. 15).

Thus, it seems quite apparent that nineteenth-century non-Mormon businessmen in Utah saw the conflict primarily in its economic aspects and only tangentially as the "moral" issue of polygamy, which churchmen pressed nationally.

Ecclesiastical domination of local politics countered the strong national norm of pluralism, just as its efforts to build an exclusive, self-sufficient economic society countered the national preference for the free enterprise system.

Internally, some Mormons also generated an opposition to the Church's economic domination. The Godbeite movement was such a manifestation. It is ironic that the Godbeite approach, originally labeled a heresy, became the order of the day as Utah was "Americanized."

Economists do not have a laboratory for experiments, as chemists and physical scientists have, and one might argue that it would have been interesting to have allowed the Mormon economic "experiment" to run a longer course. As matters turned out, individual Mormons took to the free enterprise economy avidly and have often done very well, indeed. Temporally, the Church has also benefitted.

Lyman covers the political situation and the legislative history quite well. If only he had not convinced himself that polygamy was the primary obstacle to statehood he might have given more attention to the economic facts of life in Utah, to the nature and force of the economic system, to the history of persecution which made local control desirable, and to the political theocracy which kept the gentiles at an uncomfortable disadvantage.

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### *The Only Chance of Success*

In his essay, "I'd Rather Be . . ." (Fall 1987), Marden J. Clark argues that the arms race is fueled by the erroneous attitude that it is better to be "dead than red" (p. 142), and that if we would only disabuse our minds of this attitude, we could abolish the arms race (pp. 146-47). While Clark's goal is laudable, he suggests no viable means of achieving it.

Clark argues that the arms race is not justified because the supposed justification for it — security from Soviet domination — is not really worth dying for. "Even under the worst of circumstances, I would choose life," he says (p. 146). In other words, it is not really better to be dead than red. Life under communist oppression appears to be worth living (p. 145). Therefore, armed resistance to a communist takeover, involving a risk of death, is not worthwhile.

This logic incorrectly assumes that as long as the alternative to a war is not literally a fate worse than death, war is never justified. The Book of Mormon teaches, on the contrary, that we owe a duty to God to fight for such things as our families, our liberties, and our church (see Alma 43:45-49). When the Nephites' freedoms were threatened, Captain Moroni, "a man of perfect understanding" (Alma 48:11), led them into battle beneath the words, "In memory of our God, our religion, and freedom, and our peace, our

wives, and our children" (v. 12). The modern "Better dead than red" bumper sticker, to which Clark so strongly objects, is not really so different from the "title of liberty," after all. Clearly some freedoms are worth dying for, even if we can live without them.

Clark argues that a change of attitude is all that we need to abolish the arms race. Once we realize that the arms race threatens all of humanity, that it causes the Soviets to fear us as much as we fear them, and that it is an issue ordinary people can understand, we will naturally unite with our Soviet brothers and sisters and demand an end to our common enemy, the bomb (pp. 146-48). "[T]ogether we can set up a climate of urgency and of public outrage that will push our leaders through a process that can end it" (p. 149).

This argument fails to account for the Soviet government's demonstrated commitment to suppressing liberty wherever possible. Acknowledging that the arms race is bad and that Soviet citizens are our brothers and sisters does not remove the very real threat to our liberties that created the arms race in the first place. Although Clark says he does not advocate unilateral disarmament (p. 148), that is the practical extension of his argument. If we believe, as the Nephites did, that the freedoms Americans would lose under Soviet rule are, in fact, worth fighting and dying for, Clark's approach is unacceptable.

Ultimately, Clark's thesis fails because he looks to temporal means to solve spiritual problems. Our "lone and dreary world" of conflict and unrest is not the result of misunderstanding the arms race, or failing to appreciate the Russians. It is the result of Adam's fall. As natural beings we are enemies not only to God but to ourselves, "and will be, forever and ever, unless [we yield] to the enticings of the Holy Spirit, and [put] off the natural man and [become] saint[s] through the atonement of Christ" (Mosiah 3:19). What we need is not a change of attitude, but true conversion.

Only national righteousness leads to national security. Our liberty and security are guaranteed only to the extent that we serve Jesus Christ (Ether 2:12). If the energy currently being expended in anti-nuclear activism were directed toward liv-

ing the gospel of Jesus Christ and spreading it throughout the world, the arms race would become obsolete in short order.

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*DISSERTATION FELLOWSHIPS*

To advance understanding of the roles religious congregations play in American life, the Congregational History Project will be awarding up to seven dissertation fellowships for the 1989–90 academic year. Applicants must be candidates for the Ph.D. or Th.D. degree at North American graduate schools who have completed all predissertation requirements by the time of application. The Congregational History Project is funded by a grant from the Lilly Endowment, Inc. Applications must be received by 1 January 1989. Further information and application forms are available from Dr. James W. Lewis, Congregational History Project, Institute for the Advanced Study of Religion, 1025 East 58th Street, Chicago, IL 60637.