10-20-2005

In-Laws and Outlaws: Lessons in Research and Friendship and a Report from the Archives

Sarah Barringer Gordon

Follow this and additional works at: https://digitalcommons.usu.edu/arrington_lecture

Part of the History Commons

Recommended Citation
https://digitalcommons.usu.edu/arrington_lecture/10
LEONARD J. ARRINGTON
MORMON HISTORY LECTURE SERIES
No. 11

IN-LAWS AND OUTLAWS
Lessons in Research and Friendship
and a Report from the Archives

by
Sarah Barringer Gordon

October 20, 2005

Sponsored by
Special Collections & Archives
Merrill Library
Utah State University
Logan, Utah
Introduction

F. Ross Peterson

The ninth annual Leonard J. Arrington Mormon History Lecture featured Laurel Thatcher Ulrich, a renowned historian from Harvard University. Professor Ulrich's contribution to the series fulfills one of the great dreams of Leonard Arrington. Professor Arrington wanted individuals to write about families and events in such a way that ordinary people's stories become extraordinary.

Utah State University hosts the lecture series. Its Merrill Library Special Collections and Archives houses the Arrington collection. The state's land grant university began collecting records very early, and in the 1960s became a major depository for Utah and Mormon records. Leonard and his wife Grace joined the USU faculty and family in 1946, and the Arringtons and their colleagues worked to collect original diaries, journals, letters, and photographs.

Although trained as an economist at the University of North Carolina, Arrington became a Mormon historian of international repute. Working with numerous colleagues, the Twin Falls, Idaho, native produced the classic Great Basin Kingdom: An Economic History of the Latter-day Saints in 1958. Utilizing available collections at USU, Arrington embarked on a prolific publishing and editing career. He and his close ally, Dr. S. George Ellsworth helped organize the Western History Association, and they created the Western Historical Quarterly as the scholarly voice of the WHA. While serving with Ellsworth as editor of the new journal, Arrington also helped both the Mormon History Association and the independent journal Dialogue get established.

One of Arrington's great talents was to encourage and inspire other scholars or writers. While he worked on biographies or institutional histories, he employed many young scholars as researchers. He fos-
tered many careers as well as arranged for the publication of numerous books and articles.

In 1973, Arrington accepted the appointment as the official historian of the Church of Jesus Christ of Latter-day Saints as well as the Lemuel Redd Chair of Western History at Brigham Young University. More and more Arrington focused on Mormon, rather than economic, historical topics. His own career flourished by the publication of *The Mormon Experience*, co-authored with Davis Bitton, and *American Moses: A Biography of Brigham Young*. He and his staff produced many research papers and position papers for the LDS Church as well. Nevertheless, tension developed over the historical process, and Arrington chose to move full time to BYU with his entire staff. The Joseph Fielding Smith Institute of History was established, and Leonard continued to mentor new scholars as well as publish biographies. He also produced a very significant two-volume study, *The History of Idaho*.

After Grace Arrington passed away, Leonard married Harriet Horne of Salt Lake City. They made the decision to deposit the vast Arrington collection of research documents, letters, files, books, and journals at Utah State University. The Leonard J. Arrington Historical Archives is part of the university’s Special Collections. The Arrington Lecture Committee works with Special Collections to sponsor the annual lecture.

Sarah (Sally) Barringer Gordon, Arlin M. Adams Professor of Constitutional Law and History at the University of Pennsylvania, teaches in the areas of church and state, property, and legal history in the law school, and American religious and constitutional history in the history department. Sally is the author of *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America* (University of North Carolina Press, 2002), which won the 2003 Best Book Awards from both the Mormon History Association and the Utah Historical Society, and is currently at work on a twentieth-century book on law and religion called *The Spirit of the Law*, to be published by Harvard University Press. She is also a co-author, with Professor Kathryn Daynes of Brigham Young University, of a book-length study of the social history of prosecutions of polygamists
In-laws and Outlaws

in territorial Utah, to be published by the University of Illinois Press. Sally is a regular commentator on radio and television on law and religion. She serves on the boards of Vassar College, American Society for Legal History, and the Mormon History Association, and is actively involved in the American Historical Association, the Western History Association, the Historical Society of Pennsylvania, and the Organization of American Historians.
In-laws and Outlaws
Lessons in Research and Friendship and a Report from the Archives

This occasion is an honor for me. I do not think of myself as a person who has reached the point in her career where a lecture such as this is anything like she expected. So I come before you this evening with enthusiasm and energy and trepidation. Leonard Arrington once spoke of his career as series of adventures. I would like to echo and draw on that sense of excitement and joy in the unexpected as well as what could reasonably be anticipated. In this spirit of adventure, I will talk about the three basic ingredients that have transformed my day job into a vocation, in the richest sense of that word. The first is respect for the past, and the qualities that the researcher brings with her into an archive. The second is insight, which gives order and draws meaning from sources that would otherwise lie silent. The third is generosity, which reflects the gifts that scholars give to each other and, if all goes well, to the broader community.¹

Respect

With this brief introduction, let me launch into the first of my three ingredients—respect. Taking the past seriously means calling up respect for the struggles faced by those who cannot explain themselves in present terms, and who cannot readily be translated into modern idioms. It is vitally important to take historical subjects seriously enough to criticize them. That means that I not only admire their accomplishments, but also work to see them as people—and to appreciate that people are bedeviled by contradictions, limitations, gaps, inadequacies, flaws. Without a lively sense of the richness and the failures of human life, the historian cannot give the past its due. I have found that maintaining respect in these terms is itself a discipline, which has led me to new
places and required me to revise presumptions and overturn even deeply held beliefs about the past. There is nothing more exciting—nothing that smacks more of adventure—than upsetting the apple cart and finding new ways to think about the past. Sometimes it takes a while to get there, but the journey can be glorious, as Leonard Arrington’s example shows us so beautifully.

My own journey is full of school. I am the only practicing legal historian of religion with training in all three disciplines that I know or am aware of. This label has a lot of graduate training behind it. My long-suffering parents despaired that I might never grow up—and I never really did. Instead, I stayed a student and grew gradually into my vocation. Being a legal historian of religion is not as dull or specialized as it sounds. I spend a lot of time thinking about issues that are in the news: intelligent design, school prayer, abortion, divorce, same-sex marriage, evangelism, toleration, civic faith, civil rights, civil disobedience, and more. Questions of church and state are all over our law and our politics, and they show no sign of leaving any time soon. In many ways, this is nothing new. My own work in the nineteenth century has led me to many conflicts that form the landscape for battles that rage today. And in this sense, as I keep telling my colleagues in the East, we can all learn a lot from Utah.

I don’t have to tell this audience how important Utah is, but the rest of the country needs constant reminding. Taking American history seriously—treating the past with respect—means grappling with the complexities and demands of Utah. There are treasures here, not just of society and industry and architecture and art, but also of law and legal development on the one hand, and faith and family strategy on the other. The two collided in desperate and devastating ways in the second half of the nineteenth century. And while we have fabulous and thoughtful work on much of the conflict between the Latter-day Saints and the national government, we still don’t know a great deal about how individual Saints grappled with the legal system, and what their experience was. Nor do we know much about how the new legal system went about its day-to-day business of enforcing law and processing disputes. Yet we can learn, because the material that can teach us is preserved—at least, most of it is.

The materials I am talking about are the records of the Territorial Courts of Utah. The records are housed in the Rocky Mountain West
Division of the National Archives. There is a lot of material. The official case files of Utah's territorial district courts from 1871–1896 comprise fourteen cubic feet of paper. Case files include material of variable quality, from pre-printed criminal complaint forms from companies in San Francisco or New York, to stained and sometimes illegible scraps of paper containing scribbled jury verdicts in faded ink. But the records are actually relatively accessible. They have been microfilmed, and if you have an extra $3,000 or so lying around, you can buy a set. There are thirty-six reels. The Family History Library also owns at least one set, so they are also available around the country.2

As anyone who has worked in archives knows, fourteen cubic feet is a lot to plow through. This alone may well explain why nobody has tackled the records yet in a systematic way. But it's worth the effort. I should note a limitation right at the outset, and say here that we know the records are not complete. To take just one example, the indictment of Brigham Young and other leading Mormons on charges of “lascivious cohabitation” in 1871 is not included in the criminal files, nor is his wife Ann Eliza's divorce suit, which was filed in 1873. But these federal records are by far the most complete set of materials available to students of antipolygamy, and they are an invaluable resource for assessing run-of-the-mill and many of the more spectacular polygamy prosecutions.3

What they show is Utah territory caught up in law. The conflict over polygamy flowed into courts and away from other fields of battle. I think of this process as “legalization.” It happened over time, but its course was steady and incremental. By the early 1880’s, law was everywhere in Utah. Yet the picture we have had to date is relatively uninformed as to how the legal system functioned. We don't know how the vast majority of people were actually treated within the system, what options they created for themselves there, how their families survived, or even who escaped. We can begin to recover the social history of legal change by working with these materials.4

A typical case record contains a complaint, arrest warrant, bail record, and indictment. The latter generally gives quite a bit of information, including the names and residences of wives, the government's witnesses, and so on. Many of the records also include other interesting tidbits. One judge, for example, required his clerk to note the result of a prosecution, including any sentence, on the back of each indictment. If you
look carefully, there is a great deal of information to be gleaned even from an apparently sparse record.  

Respect for the past, in the scholarly sense that I am using the term, demands that we not ignore this vast source, and also that we approach it with the tools that are necessary to tease meaning and analytical insight from the material. There is so much of it, and it has such potential to teach us, that it may seem surprising to many that we haven’t yet seen several dissertations, books, documentaries and more drawn from work on the records. Yet the records also bring their own set of demands in addition to their sheer size, which explains why my co-author, Professor Kathryn Daynes of Brigham Young University, and I are the first to really tackle them. This storehouse of material includes more names, places, cases, arrest warrants, dates, and testimony than many scholars are willing or capable of tackling in a single project. Yet dividing up the records doesn’t make sense. The cases happened over a concrete period, they are integrally related in subject matter and often involved the same court personnel and lawyers, and defendants were frequently well aware of what was happening elsewhere. But there is more—much more—than any one person can master.

At a minimum, one needs constitutional, legal, historical, regional, statistical, demographic, and geographic training, as well as a grounding both in Latter-day Saint practice and faith, and the belief structures of the mostly Protestants and few Catholics who opposed the Saints and their marital system. Political theory and practice are also a plus. So it is literally the case that respect for these records demands collaboration and cooperation. Kathy and I have widely divergent backgrounds and training, yet we can meet in this project as complements; each brings skills that the other doesn’t have. Kathy is a well-known and accomplished scholar; she was trained in religious studies by none other than Jan Shipps, and her work on Manti revolutionized our understanding of how the Saints experienced plural marriage, who entered plurality, and what they found in the relation. She is also deeply sensitive to how families work. We very much hope that our combined work on this project will yield results that simply could not be achieved alone.
Let me turn now to some of the analytical insights that we have gleaned from our work with the records, and you can judge for yourselves whether our collaboration has borne fruit. We have developed basic numbers for much of what we will be working on, including a finer parsing of many individual cases, supplemented by searches of newspapers for reports of trials, prison sentences, and more. We have worked in the massive scrapbook maintained at LDS Church Archives and known as the Journal History, and studied nineteenth-century criminal procedure and legislation. Kathy has meticulously constructed an enormous database, which we can manipulate and sort in many ways. We have struggled with the limits of the information we can collect, but we have also been constantly amazed by the massive amounts of data that we have at our disposal.

This report, then, comes from the trenches; we are in the midst of the project, and results are, by definition, preliminary. But there can be no question that we will continue to learn a great deal from this project, and that the history of the period will never look the same once we have finished. One constant surprise is how riveting the stories are that we find in the records. The trial of Dean Joseph for polygamy, for example, included the testimony of John C. Young, who described how when Dean noticed that he was being watched by a newspaper reporter for the Salt Lake Tribune, he dropped the parcels of a young woman as the two were preparing to board a train in Logan. “When a man marries a wife in polygamy, and he knows there is a Tribune reporter around, that is generally the effect, I believe; that has been my experience.” Young followed them to Salt Lake, and saw them getting into a wagon together there. There are some twenty pages of testimony reprinted in the record, documenting how the plans for a discreet trip to Salt Lake became a legal nightmare for the defendant. We see how deeply divided the communities were, and how much dissembling and spying happened every day and in the most unexpected places.

I am also particularly intrigued by the insights into legal change that we can glean from new information on how lawyers went about their business. What follows is primarily from my end of the project—analysis of legal trends and prosecutorial strategies. But it would be impossible to draw meaning from this analysis without Kathy’s insight into the social context in which the law was deployed.
As figure 1 shows, our database contains more than 2,650 separate cases. Criminal cases outnumber civil cases by more than twenty to one. That in itself is extraordinary, and shows how deeply bound up the legal system of the territory was in criminal law. But even more remarkable is that of the criminal cases, the overwhelming majority—something on the order of 95 percent—were related to polygamy. The percentage is even higher if we cut off the date at 1891, when the intense pace of prosecution very dissipated, and life began to return to normal. The numbers here are staggering: 1,458 separate unlawful cohabitation cases, 460 prosecutions for adultery, 188 for fornication, and a smattering of illegal voting, contempt of court, and perjury prosecutions. There are also some figures that are surprisingly low. For example, there are only eighty prosecutions for polygamy. And, despite charges from antipolygamists that Mormons engaged widely in incest, there were only fifteen prosecutions, and approximately half of those appear to be of non-Mormons, or otherwise unrelated to polygamy.
This level of judicial attention to crimes associated with sexual relations is unprecedented in American history. We are often told that the Puritans were, well, puritanical. But they were lenient compared to Utah's legal system. The highest estimates for the seventeenth century top out at 25 percent of the criminal docket. Utah was different, not only because it was the site of a vibrant new religious movement, but also because it was more intricately bound up with law than any other place.\textsuperscript{7}

Some cases are full of interesting material, with page after page of requested jury instructions in lawyers' handwriting, and "given" or "refused" noted by the charging judge at the bottom or on the side. Better still, in some cases, the sentencing colloquy is reprinted. As lawyers know, a sentencing colloquy is the procedure by which a judge inquires of a convicted criminal defendant whether he has anything to say that the court should consider before pronouncing a sentence appropriate to the crime. On such occasions, both the judge and the defendant have an opportunity to reflect on what has transpired in the courtroom, and to assess what the conviction should mean in the defendant's own life and the broader society. Chief Judge Charles Zane engaged in a sentencing colloquy with William Felstead in 1886, after Felstead pled guilty to both polygamy and unlawful cohabitation in 1886.\textsuperscript{8}

Felstead admitted that he had married two plural wives without his first wife's consent, but argued that he had made a covenant "with my Father in heaven, … that I would keep his law and obey his commandments." He pointed out that his first wife refused to come from Detroit to Utah: "I didn't like to live a bachelor's life; it is not good for a man to live alone; I had no one to cook my food, and no one to take care of me." He also argued that he had injured no one, and that he would gladly defend his country against invasion. Judge Zane's response sums up the position of the territorial judiciary:

Well, the man who commits adultery, or keeps a bawdy house, sells liquor without a license, he always says he has wronged no one, but it is a wrong to society. … These covenants you speak of, -- —a man has no right to enter into any supposed covenant to violate the law of his country. … These laws against polygamy and unlawful cohabitation are such in substance as exist in all of the states and in every civilized country on earth, and you cannot say that you enter into some supposed covenant to violate the laws of your country, which all other people are bound to obey and respect. … When this country shall be involved in war, why, you may
show your patriotism … by shouldering your musket. You would show it much better now by simply obeying the laws of your country, … not claiming to belong to some organization whose laws are paramount to the laws of your country. …

Zane, of course, presumed a great deal in such a statement. He implied that polygamy was a harm to society of the same ilk as “keeping a bawdy house,” that is, prostitution. Zane also believed that local customs in sexual matters are subject to the homogenizing effects of the laws of “every civilized country on earth.”

The assumption that there is some stable, uniform body of rules governing human behavior, which both constitute civilization and prohibit deviations such as polygamy, was not admitted by the Mormon defendants in Zane’s courtroom, however. The process by which they battled for legal supremacy—the strategies the Mormons chose in the legal fight to preserve their peculiar form of marriage, and the response of the government’s legal machinery—all of this information is contained in the records.

But there is much, much more. The records are treasures of social history, remnants of lives disrupted and families shattered. They illuminate much of what we have previously only speculated about, because they document how and when and under what circumstances the law was deployed against the Saints.

From a historian’s perspective, the key point is that the antipolygamy campaign was conditioned by law and legal rhetoric at every stage and at every level—from the beginnings of prosecution of an obscure farmer in a remote district to debates in Congress about the resistance of the Saints. In Utah itself, the battle was fought not only in legal terms but through legal institutions. The territorial bench and bar were responsible for an extraordinarily consistent translation of questions of moral governance into questions of law. In Utah, as nowhere else, the very definition of marriage received sustained, and more or less thoughtful, attention in the courts.

In the territory, as in the rest of the nation, debate over polygamy involved two competing visions of society. These visions differed sharply in what they considered valid sources of law. From the vantage point of the legal historian, these competing visions of what should count as law are the crux of the conflict, and into this conflict other assumptions about life and law blended in powerful ways. The Saints and their opponents disagreed about the relative place they accorded religious institutions and centralized economic planning. In particular, they disagreed about
the proper role of women in marriage. In Utah, these questions were hardly abstractions, but the stuff of everyday life and especially of law. An entire way of life was at stake. This was not a simple battle for economic control of the territory by interested individuals, although control was certainly one ingredient in the mix. Even among territorial officials, economic imperialism was not the only, or even the dominant, element of a wide-ranging attempt to articulate the reasons why the treatment of women was important to politics, religion, civilization, and law.\(^\text{12}\)

As the century progressed, the territorial courts assumed an ever greater and more exclusive jurisdiction over the course of events in Utah. In one sense, therefore, this is a story of legal institutions elbowing competing forces out of the way—not just Mormon forces, but also other non-Mormon interests in Utah. The debate over polygamy had always been one element of the more general question of who gets to define what law is; in Utah, the territorial judiciary and other law enforcement personnel, piggybacking on their institutional competence, gradually took over the debate. In Utah, lawyers gradually but inexorably grabbed the reins of power, repeating the pattern that characterized the development of other states and territories, even those that had started, like Utah, with an entrenched anti-lawyer bias. This distinctively legal process eventually pushed female antipolygamy off center stage—for example, as male lawyers and judges translated what had begun as a social campaign to rescue women into a legal campaign to punish polygamous men.\(^\text{13}\)

The most prolific legal actors were territorial officials—federal employees whose job it was to enforce federal law. These men (and their families, who generally migrated with them to Utah) were natural conduits for antipolygamy; their presence in Utah was both a result of antipolygamy in the East, and a cause of the growth of antipolygamy in Utah, which in turn fed antipolygamy in the East, and so on.

Although prosecution was slow and often unsuccessful throughout the 1870s and early 1880s, effective, wide-scale prosecution was made possible by the Edmunds Act in 1882. For the first time, jurors who believed in the rightfulness of polygamy could be challenged for cause. Equally important, prosecutors could now indict for “unlawful cohabitation,” a crime whose elements were far easier to prove than plural marriage. But what few people have noticed is that the Edmunds Act was hardly used in its first three years. By 1885, however, the territorial courts were awash in indictments, arraignments, trials, and appeals.\(^\text{14}\)
This flood of cases had distinct currents that reveal changing strategies. Hidden in the ebb and flow of almost 3,000 criminal cases are the legal arguments deployed by both sides in the contest for legal domination of Utah. These strategic choices help explain both the scope and the tone of the antipolygamy campaign. Most important, they reveal how what was essentially a war, was fought not on the battlefield, but in the courts, and how slowly it built up to the fever pitch that we all remember.

Most of the time, most of the people involved did not employ guns, hatchets, or other paraphernalia of all-out war. Their weapons of choice were subterfuge and legal process. The players from time to time broke the rules and descended into violence, as in 1885, when Sarah Nelson beat two deputies with a broomstick as they attempted to serve process on her husband's plural wives, or the shooting of polygamist Edward Dalton.15

For the most part, however, both sides remained true to their strategic choices, with violence an exceptional and painful reminder that bloodshed lay just around the corner from litigation. It was in the interests of both the subjects and the objects of the court system to keep levels of violence to a minimum. Territorial court personnel had little interest in turning their jobs over to the army; their continued employment depended upon the perception that the court system was the most effective means of dealing with widespread defiance of federal legislation in Utah. Mormon resisters had little desire to tangle with the army or face martial law.

The Mormon defense was articulate and meaningful in judicial terms. In territorial courts, as they had earlier in Congress, Mormons claimed first that there is a higher law-giver to which they alone had access through the New Dispensation and the complementary doctrine of continuous revelation. They made several different legal arguments about why that matters. Most often, the arguments invoked jurisdictional theories about the right to local self-government, and secondarily, about the religion clauses of the First Amendment. They also spent a lot of time attacking their local officials, charging hypocrisy, short-sightedness, cruelty, and prejudice, sometimes (but not always) with good cause.16

In the end, this legal work set the stage for reconciliation after the heat of conflict cooled. There are also other heretofore unlooked-for aspects of Utah's history that are found only or primarily in the records, such as
the appearance of a defense bar, some Mormon lawyers, others not. The records give us new insight, just to give one example, into how defense lawyers, including several Mormons, formed the core of the group that led the reconciliation and accommodation that so marks the post-1890 period. Non-Mormon lawyers did well, I should point out here, but so did Mormon lawyers, and those who worked for Mormons. Historians already know about Franklin S. Richards, but we hadn’t heard of Presley Denny. Nor did we know, to give one unexpected example, that Judge Philip Emerson defended at least one polygamist after retiring from the federal bench.17

There are other unknown aspects of Utah’s history hidden in the records. Fascinating cases include that of Joseph Clark, who had been indicted for unlawful cohabitation in 1887. His lawyers, Samuel Thurman and George Sutherland—among the most able lawyers on either side of the conflict, and future justices of the Utah Supreme Court and the United States Supreme Court, respectively—argued that Clark and his wives should be allowed to choose which one of them he would live with, thus complying with the law against unlawful cohabitation in the way that seemed best to them. He testified in his own defense: “[I determined] when the prosecutions commenced at Salt Lake [Clark was a resident of Provo] that I couldn’t live with but one [wife]. … I told them [his three wives] I would have to live with one woman, and asked the question ‘where shall I live?’ says I. ’Must I leave that woman with 7 small children and go and live with the first wife?’ and she [apparently referring to the first wife], said ’No; go and take care of your children.’18 Territorial Judge John Judd was not persuaded. Although the question whether a given defendant must be presumed to cohabit with his legal wife—or could rebut the presumption—that had been raised in prior cases, it had not been finally decided. Judge Judd delivered a stinging blow to such a potentially useful argument for polygamists who wanted to comply with the law yet chose not to live with their first wives. As Judd saw it, such a defense would undermine the law altogether:

This defendant can cohabit with Sarah for any such time as suits his purpose, and then abandon her; he can then go and cohabit with Frances for such time as may suit his purpose, and then abandon her; and then go and cohabit with Hannah for such time as suits his purpose, and then abandon her; and can thus keep going around the circle ad nauseum [sic],

11 In-laws and Outlaws
and yet not be guilty of any offense because he is cohabiting with but one woman as his wife at the same time: this is an absurdity so gross as to blunt common sense. 19

Another particularly fortunate polygamist named Barnard White was indicted for unlawful cohabitation. Like many cases, his took many months to come to trial. In the meantime, his legal wife died. White promptly married his plural wife, this time as a widower with no living spouse. Although the prosecutors screamed with outrage, this strategy effectively prevented his plural wife from testifying against him. And as her testimony had been the prosecutors’ only evidence at trial, he was acquitted. As the court put it, “It is argued that it is contrary to public policy to permit parties to defeat the ends of justice by entering into the marriage relation for the sole purpose, as in this case, of suppressing testimony. But when the marriage was performed, no matter what the motive, the [former plural wife] became beyond all question the lawful wife of the defendant, and, in this case she could not testify against his objection.” 20

Also intriguing are many petitions for leniency on behalf of admitted or convicted polygamists. Often, the petitions were signed by an array of friends and well-wishers, including non-Mormons. Well-known opponents of polygamy signed such petitions, which generally contained a plea for mercy based on the otherwise respectable nature of the defendant, and the neediness of his families. Even among those who despised polygamy, the punishment that was imposed on old men, many of them frail and few of them rich, was not welcome. Resistance to deployment of the harshest legal tools traveled across religious lines, revealing the threads of respect, kindness, and perhaps even friendships that we had not suspected before. Orlando F. Herron, who was convicted of adultery in 1890, for example, was to be sentenced by Judge J. W. Blackburn. His friends, including George Sutherland, wrote to the judge, pleading for leniency, and claiming that Herron was “in indigent circumstances and has a large family dependent upon him for support.” A second petition on Herron’s behalf included several signatories who identified themselves as “Non Mormons.” Sutherland added a note that predicted “if Mr. Herron make the unconditional promise to obey the law, from what I know of him he should receive the lenience of the Court.” 21
And there are other surprises. In some areas, the number of acquit-tals is higher than polemicists from either side would have us believe. It was not the case (or at least not always the case) that an indictment of a Mormon was tantamount to his conviction, even after most Saints were excluded from juries after 1882. Especially for polygamy, the numbers are significantly lower than one would expect, certainly less than the 98 percent conviction rates we see generally in twenty-first-century criminal prosecutions.

Figure 2 shows conviction rates for the crime known as “bigamy or polygamy.” Polygamy, as I mentioned before, was not a reliable route for prosecutors. Of eighty criminal indictments before 1893, we have some results in fifty-two cases, convictions in thirty-six, and acquittal in eight, for an overall conviction rate of 69 percent. This conviction rate includes guilty pleas; without pleas the rate drops to 48 percent. There are legal reasons for this low rate, but what bears emphasizing here is that the rate is directly related to a prosecutor’s decision whether or not to pursue an indictment, and how vigorously to pursue a given defendant once indicted.
This summary also brings us to another important fact about the records. That is, they are spectacular, and spectacularly informative; but we constantly struggle with their incompleteness. On average, we have some information about the final result in the records themselves in just over 50 percent of the cases. In other words, there is a guilty plea, or a jury verdict, or a dismissal in those cases. The precise sentence is included in the records of about half these cases. Before jumping to final conclusions, we will need to complete the painstaking work of matching up newspaper and Journal History archives, as well as prison records with prosecutions. We are already learning a great deal from Kathy's work in family history sources, as well. Our totals for overall numbers of cases have risen slightly, and our conviction rate has risen, especially for unlawful cohabitation. We can probably glean a pretty good sense of the scope of prosecution and punishment from these results, but we will need to take samplings from across the time period and in all courts to confirm that the results in these cases are in fact representative. Whatever the shortcomings of the court records, however, there is simply no doubt that these materials are more complete and voluminous than any other available source.

Equally intriguing is our sense of how many people who were involved in polygamy never faced legal charges. We know that many of those indicted went on the Underground or otherwise evaded arrest by leaving the state, going on missions, or just moving quietly. Many of these indictments were later dismissed—after 1892 or so, the records are full of lists of dismissed indictments with notes that the prosecutor did not intend to proceed for what he always called “reasons on file.” Generally, that meant that the case was stale because the situation had changed in fundamental ways.22

We need to supplement such lists, wherever we can, with knowledge of who escaped notice altogether. As we are coming to understand, the federal government did not come close to catching or even indicting a significant portion of polygamous men. By definition, the records are limited to those who were wealthy or unlucky enough to come to the government’s attention. Wherever I go, I ask people to tell me if they know of anyone who practices plural marriage yet escaped the maw of the legal system.23
By working closely with the records, we have begun to chart change over time with much greater precision than we ever could before. Figure 3 shows the relative frequency of prosecution for unlawful cohabitation.

This figure also demonstrates the effect of important legal victories for prosecutors and defendants. For the first three years that it was available after the enactment of the Edmunds Act of 1882, prosecutors did not use unlawful cohabitation systematically. There was only one indictment each in 1882, 1883, and 1884. In 1885, the number jumps to 136, as prosecutors reacted to the first conviction in 1884, and especially to the stiff sentence that was handed down to the defendant Rudger Clawson. Prosecutors apparently believed that they could break Mormon resistance by a practice that they called “segregation.” It worked like this: unlawful cohabitation, the easiest crime to prove of all those imposed by the federal government, was a misdemeanor. In other words, not a serious crime—not a felony. Unlawful cohabitation carried a maximum six-month prison term. But, reasoned a clever prosecutor, if one could convict any given man of several counts of
unlawful cohabitation, one could pile up consecutive sentences that more closely resembled a felony.  

This appealed to government lawyers, because they could use such a strategy to inflict more pain on fewer people: they could send a message to all involved that the government could do more than disrupt lives—it could destroy them. It was also vital for government lawyers to cut down on the number of trials, since each trial and prison term was expensive, and the national government was always reluctant to raise territorial budgets. One of the things that worked in favor of Mormon defendants was that punishing them was costly—a significant drain on the very limited resources of a national government that still funded itself by selling off western land at bargain basement prices.

There was no uniform prosecutorial practice for segregation—some indictments included multiple counts divided into one-year or six-month periods; other prosecutors sought separate indictments for each count. In such cases, we have counted separate indictments as a single case. All in all, segregation was a clever strategy. But the United States Supreme Court intervened in 1887. In an appeal brought by Lorenzo
Snow, the Court held that unlawful cohabitation is a continuous offense, which cannot be separated and made the subject of multiple indictments or multiple counts in a single charge. Snow had been sentenced to a total of eighteen months in the Salt Lake Penitentiary on three “segregated” convictions. Now that it was clear he had committed only one crime, Snow’s sentence was immediately reduced to six months, as were those of other “cohabs.”

Because it was only a misdemeanor, and could not be segregated after the Snow decision, unlawful cohabitation now set limits on what federal prosecutors could accomplish in a single prosecution. Yet an indictment for polygamy was not a prudent investment of prosecutors’ time. Instead, two other federal crimes, both relatively obscure provisions of the Edmunds-Tucker Act of 1887, provided prosecutors with the tools they were looking for. They were first, adultery, and second, fornication. Both provisions were standard elements of state law everywhere in the United States but Utah Territory. But when transposed onto Utah, they had effects that have not been understood by historians. Beginning in 1887, as shown in figure 5, prosecutors routinely paired indictments for unlawful cohabitation with adultery counts wherever possible. Often prosecutors changed an unlawful cohabitation charge to adultery. This made sense legally, if not as a matter of popular understanding. Despite what most people think is the essence of unmarried people living together, sex is not considered an element of the crime. Thus, a conviction for unlawful cohabitation did not depend on proof of sexual intercourse. This was true in the law of many (but not all) individual states, and the Supreme Court held that this rule also applied in Utah. The central element of unlawful cohabitation, the Court held, was an open and continuing relationship. Adultery and fornication, however, both depend on intercourse and neither requires anything continuous. Adultery, especially, has always been considered a serious crime. Charges of adultery and fornication were handy ways to ratchet up the available punishment to be inflicted on a convicted polygamist.

There’s more to this story, though. As we pieced through the records, and came across indictments like those of Neils and Elsa Oleson, a new pattern began to emerge. In the late 1880s, prosecutors began, for the first time, the wholesale indictment of plural wives under the fornication provision. In less than three years, 188 women were indicted. When a polygamist’s second or third or fourth wife became visibly pregnant, he
Figure 5.
became vulnerable to an adultery charge. The punishment for adultery set out in the Edmunds-Tucker Act was three years in prison. This is consistent both with the law and the prison terms faced by adulterers in other states and territories. Given that a polygamist’s first wife was his only legal spouse, sexual activity with any other woman was adultery, however much the legal wife may not have been inclined to complain to the authorities. A polygamist was caught out, as it were, and the pregnancy was evidence that he had violated the law.28

Plural wives also became vulnerable in new ways. They were now fornicators. They, too, had had sexual relations outside marriage, and while this was not as serious a betrayal of the standard legal order as adultery,
it was a well-known category of offense around the country. Typically, when used against women, it sent a clear message. A fornicator was loose, unprincipled—often a prostitute or a woman who drifted from man to man. The fornicator label must have been deeply painful and humiliating. Certainly, the women like Elsa Oleson who were indicted for fornication have not been remembered in the history books. Nor were they treated like Belle Harris, who was jailed for contempt of court in the early 1880s. The great chronicler and polemicist Orson Whitney, who was himself indicted for polygamy, wrote extensively about Harris, and he and others celebrated the smattering of other women who were
Figure 8.
held overnight (or longer) in makeshift accommodations for refusing to answer questions in court. That dilemma was quickly resolved. As soon as plural wives learned that a total lack of recall was far more effective than silence in response to questions, they escaped the tortured choice between contempt of court or playing a key role in the conviction of the men they had married.²⁹

Federal officials were both relieved and frustrated. Relieved because they had no space to house female prisoners, and frustrated because they knew, but in almost all cases could not prove, that the women were lying. Of the small number of indictments of women for perjury, there is a record of an actual trial and conviction by a jury in only one case. There is no record of any sentence, and it is unlikely that Susan Parry actually received a fine or was imprisoned. Instead, Joseph Parry changed his initial not guilty plea to guilty of the charge of unlawful cohabitation.³⁰

A final point about the records rests on an educated guess about what prompted the widespread indictment of plural wives for fornication. The availability of this new offense after 1887 gave prosecutors the ability to punish women criminally. A pregnant woman who was not legally married would have an extraordinarily difficult time persuading a jury that she was not, in fact, a fornicator, although here again such assumptions are not necessarily consistent with what we have found in the case files. As it happened, few women were called upon to defend themselves actively. Of the 188 indictments between 1887 and 1890, only one woman was tried—she was convicted, but there is no record of any sentence. Nor have we found evidence of any woman incarcerated for fornication. Four additional women were acquitted at trial, and four pled guilty (only one was actually sentenced, as far as we know—and she was given a suspended sentence). For prosecutors, this was an abysmal record—for the few cases prosecutors pursued against women, the conviction rate was only 55 percent; without guilty pleas the rate drops to 20 percent.³¹

What could explain such terrible results for prosecutors? First, juries evidently were not eager to punish plural wives; of the trials held, only one in five produced a guilty verdict. Second, and arguably more important from the perspective of prosecutors, the indictment of a plural wife for fornication was apparently a method of increasing pressure on an accused man to plead guilty, especially to plead guilty to the serious crime of adultery. Although we will need to do substantial research in
family histories to be really sure, we hypothesize that prosecutors rou-
tinely offered to stop prosecuting plural wives in return for a guilty plea
by their husbands. This would explain why we see so many guilty pleas
by men whose wives were indicted, and also why the records for forni-
cation cases only rarely contain information about final resolution. If
the prosecutor simply didn’t follow up on the indictment in the vast
majority of cases, then it is understandable that the records would also
contain only a small number of accounts that reflect prosecution beyond
the indictment stage.

In categories such as fornication and adultery, it is also noteworthy
that a significant percentage of those indicted throughout the period
were in fact not Mormon. Based on initial work, we believe prosecutors
sought to counter charges of blatant anti-Mormonism in this as in other
areas of the law. The “Raid” holds up pretty well when measured against
what we know of nineteenth-century criminal procedure, which was far
less protective of criminal defendants than current rules. The Eighth
Amendment to the national Constitution prohibits “cruel and unusual”
punishment. In light of this standard, certainly—when we consider
how prosecutors worked in other nineteenth-century settings—however
“cruel” the system imposed on Utah by the national government, in
some ways, it does not appear “unusual.”

This brief review of our joint project in the social and legal history of
the prosecutions has whetted your appetite, I hope. It has been a pleasure
to share some of our early results with you. There is no greater adventure
than the opportunity to learn and explore among friends.

Generosity

This brings me to my final category, generosity. In many senses, gen-
erosity is key to all of scholarship. Librarians, collectors, genealogists,
and more; all make scholarship possible and often rewarding. Authorship
in this sense is collaborative, achieved only by the willing exchange of
knowledge and material between interested people. We all owe many
debts to those who preserve and make available the material we use as
primary sources.

But there is a special sense in which I would like to talk about gen-
erosity. I have been the beneficiary of three extraordinarily generous
scholars. One of them has herself been an Arrington lecturer. In different
ways and at distinct times, each has become a friend. Friendship as a scholarly, theological, and intellectual good has been understudied, and certainly, underappreciated. I cannot remedy this oversight in one lecture, but I can emphasize how much the community of scholars, and each of us as individuals, owes to the generosity of others. Friendship has been key to my flourishing as a scholar, and essential to the kind of work I value. The great Anglican theologian C. S. Lewis once said that friends are, by definition, different one from the other, and the maintenance of their individuality is the key to friendship. As he put it, lovers gaze into each other's eyes, while friends gaze together in the same direction. The discipline of friendship allows the exchange of ideas, but also the cultivation of trust—good will is one result, but so, if I am right, is good scholarship.³²

Let me illustrate what I mean by generosity as a key to scholarly growth. The first of my three scholarly friends is Davis Bitton. In my life, he embodies what C. S. Lewis thought was the true core of friendship—the process of entering into a relationship with a very different person, and looking together in the same direction. Davis got a letter from me one day about twenty years ago, out of the blue. He wrote back warmly and with great generosity in recommending sources. He had absolutely no reason to know who I was, or that I would ever follow his advice for reading, or that we would ever meet. But the connection flourished, and he and I have become friends. I don't want to imply here that Davis has always agreed with everything I have said, or that I haven't had the temerity to disagree with him. He doesn't pull the punches, and neither do I. We have a grand old time arguing—and I couldn't appreciate more the honor he pays me by being willing to mix it up.

Davis showed me clearly that to make headway among Mormon historians, one must be archivally grounded, and have an extraordinary number of facts, dates, names, and places committed to memory. These are demanding standards, and I have benefitted from this discipline. In return, he has often commented on my acerbic editing style. Davis was also the first person I met who spent his time studying the history of a religion of which he is a devout member. History occupies a place within Mormonism that is truly unique, unfamiliar to someone outside the faith. Knowing and appreciating Davis's commitment to scholarship has not only taught me a lot about Mormon history, it has also taught me a lot about the role of history within Mormonism.³³
Next, and very, very special, is Jan Shipps. She is an example of a gracious, honest, yet never obstreperous presence among a field of experts who are themselves part of a peculiar people. Her scholarship, in particular, showed me as a brand new graduate student that it is possible to write riveting and original scholarship about religion, even by those, and in part, for those outside the faith. Her work on history within Mormonism is as exciting an insight into a creative religious culture as I have ever encountered. More than anyone else, Jan has encouraged me to stay in there pitching, to keep working in LDS history, and to value the association of scholars in religion generally, and Mormonism, in particular. Ralph Waldo Emerson, in his essay on Friendship, argued that “[o]ur intellectual and active powers increase with our affection.” Friends, in other words, help each other to think, to remain curious, and to bring energy and determination to bear on the big questions we study. Jan Shipps epitomizes a true friend in this Emersonian sense. We have spent many days and nights together at conferences, talking about the field of Mormon studies and how best to nurture young scholars. With Jan at the center of flourishing community of scholars, Mormon studies has bright future.

I turn now to the relationship that most immediately motivates and sustains this talk, and the research that produces new work in the records. In many ways, Jan Shipps is also responsible for this special friendship. Jan knew that I had read the records that form the basis of this project, and that I had only some of the skills necessary to sustain the book-length study that they truly merit. She badgered me (there really is no other word) into making a presentation at the Western History Association years ago. Jan is literally irresistible. So I buckled down and went to the conference we all call the Western. There, I explained how much we needed new scholarship on these records. I never dreamt that I would be lucky enough to find the co-author that I am proud to work with today. Kathy Daynes is a precise and thoughtful scholar. She is also a deeply kind and welcoming person, who patiently entered each and every one of those 2,657 cases into a database over the summer of 2005. She discovered 57 new unlawful cohabitation cases that I had not found in my work in the records. She has also unearthed 175 guilty pleas that we did not know about before.

Most important of all, she has created an amazing database, complete with names of witnesses, many references to newspaper articles, links, other sources, and cross-references among the cases. This database can now be manipulated to show all kinds of information about geography,
demographics, patterns of prosecution, and more. We are now at a stage of filling in the many blanks, and also learning to live with the incompleteness of what we can actually find, and thus what we can actually say. It is already clear that the payoff will be enormous, and the book we are working on will add to our store of knowledge about the legal and social history of Utah.

This scholarly benefit isn’t the whole story. The spirit of friendship and the generosity that underlies it is the tissue that connects respect for the past with insight, and has made possible the new research I have described here. To borrow a phrase from Martha Sonntag Bradley’s fine work—respect, insight, and generosity are woven together like the triple strands of a braid when the world of historical work is functioning at its best. Collaborations can help create and sustain mutual respect and friendship. They are the essence of scholarly adventure. Leonard Arrington’s career is a model in this, as in many other ways, for his collaborative work extended far and wide and included many friends. Especially important, his daughter and co-author, Susan Arrington Madsen, attends these lectures established in her father’s name; her presence honors that spirit of generosity.35

I would like to close with a quotation from the Old Testament Book of Ecclesiastes that exemplifies the strength and value of a scholarly collaborator such as Kathy: “Two are better than one, because they have a good reward for their labor. For if they fall, the one will lift up his fellow, but woe to him that is alone when he falls; for he has not another to help him up.”36
NOTES

2. Records of the United States District Court, Record Group 21, Territorial Court Records, Utah, National Archives, Rocky Mountain West Division, Denver, Colo.
5. See, for example, the case of George Udall, who was indicted for perjury after testifying that a woman named Rebecca was not the plural wife of his father, Daniel. He was found guilty after a jury trial, and a group of his neighbors, including the local clerk of court as well as merchants, the sheriff, and a probate judge, wrote a petition on behalf of young George, who they said was only seventeen years of age, and deserving of the “most wise and merciful discretion.” Case file 2088, Territorial Court Records.
8. Charles Zane of Illinois was perhaps the single best known and most renowned of all federal appointees sent to Utah. However feared he was during the Raid, he was also respected as a scrupulously honest and professional man. He stayed on in Utah after statehood, and was key to the development of the territory’s, and then the state’s, legal system after the virulent antipolygamy era. On Zane, see Thomas G. Alexander, “Charles S. Zane: Apostle of the New Era,” *Utah Historical Quarterly* 34 (Fall 1966).
9. William Felstead was sentenced to three years on the polygamy count, and six months on the unlawful cohabitation count. Case files 677 and 678, Territorial Court Records.
10. The claim that polygamy was “barbaric” was widespread in late nineteenth-century America. The Republican Party platform of 1856—which called both polygamy and slavery the “twin relics of barbarism”—was repeated in subsequent platforms, political speeches, editorials, and more. For a more detailed treatment, see Sarah Barringer Gordon, *The Mormon Question* (Chapel Hill: University of North Carolina Press, 2002), chap 2.
11. For a fascinating, early twentieth-century look at how law and legal conflict over marriage consumed Utah in the late nineteenth century, see the lengthy, tendentious, and
anonymously authored “preface” to History of the Bench and Bar of Utah (Salt Lake City: Interstate Press Association, 1913).

12. Earlier scholarship on the question tended toward the polemical. Gustive Larson’s anger and outrage at the treatment of polygamists and their families, for example, colored his understanding. See Larson, “Americanization” of Utah. More recent treatments have focused on the real issues at stake in the conflict, and have argued persuasively that polygamy was indeed the most persistent and deep-seated issue for those who opposed the church in the late nineteenth century. See E. Leo Lyman, Political Deliverance: The Mormon Quest for Utah Statehood (Urbana: University of Illinois Press, 1986); Gordon, The Mormon Question.

13. The centrality of law and lawyers to American political life has been a much-noted and often criticized phenomenon. See, for example, Mark C. Miller, The High Priests of American Politics: The Role of Lawyers in American Political Institutions (Knoxville: University of Tennessee Press, 1995).

14. The Edmunds Act of 1882 included two key new elements, one procedural and the other substantive. The first allowed prosecutors to screen juries for polygamous sympathies. In other words, those who believed in the lawfulness of polygamy were kept off juries charged with adjudicating cases involving polygamy. The second added a new crime, unlawful cohabitation, to the territorial law. This crime consisted in the fact of living together as putative husband and wife, and did not depend on proof of an actual marriage ceremony. U.S. Statutes at Large 22 (1882): 30–32.

15. For Sarah Nelson, see case file 1493, Territorial Court Records; for Edward Dalton, see Fae Decker Dix, “Unwilling Martyr: The Death of Young Ed Dalton,” Utah Historical Quarterly 41 (Summer 1973).


17. Emerson represented William Griffin in his appeal from a conviction for polygamy in 1887. Case file 876, Territorial Court Records. He also represented Severence N. Lee, who was charged with unlawful cohabitation. Case file 1440, Territorial Court Records. The lawyer Presley Denny does not appear in later histories of bench and bar, yet clearly conducted a brisk business in defending accused Mormons during the 1880s.

18. Case file 430, Territorial Court Records.

19. Case file 433, Territorial Court Records. This issue was also raised during the trial of Lorenzo Snow by Franklin S. Richards, who argued that Snow lived only with his seventh and youngest wife, and should not be prosecuted for the mere acknowledgment of his marital status with regard to the six other women to whom he had been sealed. The question whether cohabitation with the legal wife should be assumed was briefed and argued by Richards and George Ticknor Curtis in Snow’s first appeal to the United States Supreme Court, which never reached the merits of this issue. Snow v. United States, 118 U.S. 346 (1886). Judd’s opinion in the Clark case, denying the motion for a new trial, apparently spelled the end of the rebuttable presumption doctrine, but the very use of the argument by Mormon defendants illustrates the confusion in legal circles about whether the law was designed primarily to protect vulnerable women or to punish polygamous men. After the Clark case, it was clear that the latter was the favored interpretation.

20. Case file 2156, Territorial Court Records.

21. Case file 846, Territorial Court Records. Herron had pled guilty to unlawful cohabitation in both 1887 and 1888. Case files 873 and 893, Territorial Court Records.
22. On December 20, 1892, for example, District Attorney Charles S. Varian filed a motion to dismiss six indictments for unlawful cohabitation against Brigham Young, as well as thirty-eight other cases, all but two of which were apparently related to polygamy, and ranged from bigamy to fornication. Case file 2210, Territorial Court Records.

23. In our work on the social history of the prosecutions, Kathryn Daynes and I have chosen three towns or wards as potential community studies, to determine the differences and degree of legal penetration in various jurisdictions and across time.


25. On territorial finances, see Thomas G. Alexander, *A Clash of Interests: Interior Department and Mountain West, 1863–1896* (Provo, Utah: Brigham Young University Press, 1977), 135, estimating annual costs of government at $130,000 between 1887 and 1891. In 1888, for example, Acting Attorney General G. A. Jenks reported that the federal government had collected almost $46,000 in fines and other assessments, and one spectacularly large forfeiture (George Q. Cannon's bail, which he forfeited in 1886), but also included information that reveals more than $64,000 in fines had not been paid. Letter from Jenks to the House Judiciary Committee, September 13, 1888, reprinted in Whitney, *History of Utah*, 3:462.

26. For an overview of the Supreme Court decision and the briefs in the case, see Ken Driggs, "Lorenzo Snow's Appellate Court Victory," *Western Historical Quarterly* 58 (1990).

27. The Edmunds-Tucker Act of 1887 was debated for several years before passage, and as enacted, did not include a provision that would have allowed a first or legal wife to testify against her husband in cases related to polygamy. See *Congressional Record*, 49th Cong., 2nd sess. (February 18 1887) (final text of statute). See also *Bassett v. United States*, 137 U.S. 496 (1890) (reversing conviction for polygamy based on spousal testimony). For the law of adultery and fornication outside Utah, see Joel P. Bishop, *Commentaries on the Law of Marriage and Divorce*, 5th ed., 2 vols. (Boston: Little, Brown, 1873).


29. Case file 1580 (Elsa Oleson), Territorial Court Records. For Whitney's discussion of Belle Harris's imprisonment, which lasted some two months, see *History of Utah*, 3:218.

30. Case file 1641, Territorial Court Records.

31. Hannah J. Bywater, the plural wife of James Bywater, pled guilty to fornication in 1888, case file 197, Territorial Court Records; there is no further information in the file. Emily Crane was also indicted for fornication in 1888, and was represented by Presley Denny. After some preliminary skirmishes by her lawyer, she pled guilty, but the cause was dismissed the next day on the motion of the U.S. Attorney. Case file 481, Territorial Court Records. Lucy Darke was indicted for fornication in 1888, pled not guilty, and was acquitted at trial. Case file 569, Territorial Court Records. Polly Gaines pled not guilty to fornication in 1887, and was acquitted after a jury trial. Case file 1776, Territorial Court Records. Elsie St. Omer was indicted for fornication in 1889, and found not guilty at trial. Case file 1903, Territorial Court Records. Sarah Tracy pled guilty after she was indicted twice for fornication in 1888. Eliza Walton pled guilty after she was indicted for fornication in 1888, and was given a suspended sentence.

32. C. S. Lewis, *The Four Loves* (New York, Harcourt, Brace 1960), 91. (“Lovers are normally face to face, absorbed in each other; Friends, side by side, absorbed in some common interest.”)

33. There are many potentially excellent illustrations of Davis Bitton's contributions to the historiography of Mormonism. See, for example, Bitton, *Guide to Mormon Diaries and Autobiographies* (Provo, Utah: Brigham Young University Press, 1977).
away in early 2007. Davis will be remembered for his wonderful work and deep kindness. His friendship with Leonard Arrington was foundational to his own scholarship, demonstrating that scholarly friendships are generative in myriad ways.


35. For the Bradley citation, see Martha Sonntag Bradley, *Kidnapped from that Land: The Government Raids on the Short Creek Polygamists* (Salt Lake City: University of Utah Press, 1993). Arrington’s *Church Historian*, as well as his “The Search for Truth and Meaning in Mormon History,” *Dialogue: A Journal of Mormon Thought* 34 (2001), have inspired this and many other essays in Mormon history, just to give two examples. For an example of the insight to be gained from co-authorship, see Arrington’s work with his daughter Susan, including *Sunbonnet Sisters: True Stories of Mormon Women and Frontier Life* (Salt Lake City: Bookcraft, 1984), and *Mothers of the Prophets* (Salt Lake City: Deseret Book Company, 1987), and rev. ed. (Salt Lake City: Bookcraft, 2001), co-authored with Emily Madsen Jones.