

Exceptionally Queer: Mormon Peculiarity and US Exceptionalism

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Katherine A. Mohrman

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Dr. Kevin Murphy, Co-adviser  
Dr. Regina Kunzel, Co-adviser

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## Abstract

Mormonism has been contested in US popular culture and politics ever since the founding of the Latter-day Saint faith tradition in the early nineteenth century. *Exceptionally Queer* examines these contestations – whether it be the nineteenth century uproar over polygamy or the twentieth-century controversy over the LDS Church’s stance on gay marriage – by identifying and analyzing “Mormon peculiarity” as an enduring, but until now, unnamed discourse which actively produces its subject as inherently odd, unique, or strange. The project explores the varying, and at times contradictory, articulations of Mormon peculiarity to expose Mormonism as a potent and *productive* discursive assemblage – not an inherent aspect of LDS religion, culture, or history – which has become central to shaping notions of “Americanness” through the production of sexual and racial normativity. Specifically, the dissertation contends that Mormon peculiarity discourse has been vital to the processes of Othering through which “Americanness” has been and continues to be defined not just as Protestant and capitalist, but as heteronormative and white. Since Mormonism is most frequently identified as strange because of the sexual, marital, and kinship practices of its adherents, the dissertation examines the role discourse about it has played in the production of sexual normativity in the US, arguing that claims of sexual development, civilization, or normalcy made in relation to Mormonism are also essentially racial claims that have helped to forward white supremacy as a national project. Refuting the characterization of Mormonism as an outlier or anomaly on the US historical and cultural landscape, the

project highlights the pivotal role it has played in developing US identity, nationalism, and empire.

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## Introduction

### **Peculiar, Exceptional, Queer**

*But ye are a chosen generation, a royal priesthood, an holy nation, a peculiar people;<sup>1</sup>*

*The identification between Mormonism and America was there at the beginning. No doubt it was and is a unique faith, but it is also uniquely American. It was born at a peculiar moment in the history of the United States, and it bears the marks of that birth.<sup>2</sup>*

*[Q]ueerness has its own exceptionalist desires: exceptionalism is a founding impulse, indeed the very core of a queerness that claims itself as an anti-, trans-, or unidentity. ... We have less understanding of queerness as a biopolitical project, one that both parallels and intersects with that of multiculturalism, the ascendancy of whiteness, and may collude with or collapse into liberationist paradigms. ... [Q]ueerness as transgression ... relies on a normative notion of deviance, always defined in relation to normativity, often universalizing. Thus deviance, despite its claims to freedom and individuality, is ironically cohered to and by regulatory regimes of queerness – through, not despite, any claims to transgression.<sup>3</sup>*

Illuminated by a single spotlight, Elder Price belts out “I Believe,” one of several hit songs from the record breaking musical, *The Book of Mormon*. The audience begins to laugh first nervously and then hysterically as he breaks into the chorus: “I believe ancient Jews built boats and sailed to America. I believe [God’s] plan involves me getting my own planet. I believe in 1978 God changed his mind about black people. I believe that God lives on a planet called Kolob! And I believe that the Garden of Eden was in Jackson County Missouri!” Regardless of whether the audience understands the specific historical or theological references made in these lyrics – from the ancient history recounted in the Book of Mormon, to the power of revelation to change the LDS Church’s 148-year-old racist policies, to beliefs regarding divinity, preexistence, and US exceptionalism – their humor is not lost on listeners.<sup>4</sup> Elder Price’s statements are a select, but revealing, sample

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<sup>1</sup> 1 Peter 2:9 (King James Version, hereafter KJV).

<sup>2</sup> Wood, “Evangelical America and Early Mormonism,” 386.

<sup>3</sup> Puar, *Terrorist Assemblages*, 22-23.

<sup>4</sup> A note on terminology: The Latter-day Saint movement includes several different churches that identify the Christian primitivist (restorationist) tradition founded by Joseph Smith, along with the Book of Mormon, as the basis for their faith. The Church of Jesus Christ of Latter-day Saints (LDS Church) is only one, albeit by the far the largest and most well-known, of these groups. Others include the Community of

of the beliefs that non-Mormons have questioned and ridiculed for almost two centuries. Like *The Book of Mormon*, most contemporary texts that engage Mormonism, such as South Park's much discussed "All About Mormons" episode, Tony Kushner's acclaimed play *Angels in America*, and hit television shows like HBO's fictional *Big Love*, all invoke a notion of Mormons and Mormonism as enigmatically peculiar, whether it be for comic effect, as a foil, or simply for high ratings. But emphasis on the strangeness of Mormons and Mormonism is not just a contemporary phenomenon. In fact, "Mormonism" has been contested in US popular culture and politics ever since the founding of the Latter-day Saint tradition in the early nineteenth century, a history that is recounted in the following chapters. *The Book of Mormon* is merely one of the most recent and visible in a long line of cultural texts that trades on an enduring, but, until

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Christ (formerly known as the Reorganized Church of Jesus Christ of Latter-day Saints or RLDS), the Church of Christ, the Apostolic United Brethren, and the Fundamentalist Church of Jesus Christ of Latter-day Saints (FLDS Church). The terms "Mormon" and "Mormonism" are commonly used to refer to all of these groups. I refrain from using "Mormon" and "Mormonism" as synonymous with the LDS Church for several reasons. First and foremost, I use the terms "LDS Church," "LDS," and "Saints" to refer to the institution, and members of, the Church of Jesus Christ of Latter-day Saints for clarity's sake. Second, because "Mormon," and "Mormonism" were originally coined as derogatory terms I have avoided using them to describe the LDS Church and its followers in my discussions of the church's history. Over the course of the nineteenth century, these terms became the quotidian monikers with which to refer to the church and its members; even the Saints themselves began to adopt them. However, it is important to remember that "Mormon" and "Mormonism" retained derogatory undertones well into the early twentieth century.

I use two terms to refer to those who were not part of any Latter-day Saint group. I use the term "non-Mormon" as a broader label for those who did not actively oppose "Mormonism." I also use the term "anti-Mormons" rather than "anti-polygamists," to describe the church's nineteenth-century opponents. This is because "anti-polygamist" implies that polygamy was the only practice at issue in the conflict between the Saints and those that labelled them "Mormons." While anti-polygamists were without question a major part of the nineteenth-century anti-Mormon movement, they were certainly not the only part.

"Polygamy" is commonly understood to describe the marriage of multiple women to one man. However, the term technically refers to two forms of multiple marriage: polygyny, in which one man is married to two or more women *and* polyandry in which one woman is married to two or more men. In keeping with the accepted form of usage I employ "polygamy" to describe the polygyny practiced by various Latter-day Saint groups.

I am fully aware of the constructed nature, as well as the political implications, of the terms "America," "American(s)," and "Americanness" when they are used to refer to the US nation-state and its citizens. I only use these terms when quoting directly from a source or to highlight them as discursive constructions.



now, unnamed discourse, which I call “Mormon peculiarity.”

Mormon peculiarity is a performative discourse which does not merely describe, but constructs “Mormonism” as its object, characterizing it as inherently odd, unique, or strange. Saints and non-Mormons, scholars and lay people alike, have accepted and reiterated the idea of Mormon peculiarity over the course of Mormonism’s 187-year history, even as the substance and meaning of that peculiarity has changed over time. The concept emerged alongside the birth of the Latter-day Saint movement in the 1830s when the term “Mormonite” was coined by non-Mormon writers wary of the new belief system, a term which soon evolved into the more familiar expression “Mormon.”<sup>5</sup> Originally used as pejorative, and at first rejected by the Saints as ignorant and misguided, the term(s) soon took hold on a much wider scale. By 1831, if not before, “Mormonites” or “Mormons” were regularly described as “ignorant,” “dupes,” “silly sheep,” “fanatical,” “degraded,” but above all, “*strange*.”<sup>6</sup>

While the early development and usage of these terms by non-Mormons was meant to signal a distinctly negative difference, the Saints were quick to counter such descriptions with their own religious, and more positive, explanation for outsiders’ perception of Mormonism as peculiar – a perception that the Saints, not incidentally, shared with non-Mormons. Over the first four decades of the Church’s growth (in an early foreshadowing of the remarkably successful twenty-first-century “I’m a Mormon”

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<sup>5</sup> See Brodie, *No Man Knows My History*, 148; Reeve, *Religion of a Different Color*, 4 and 20; and D. Michael Quinn, *The Mormon Hierarchy*, 616 and 674.

<sup>6</sup> By the end of the 1830s, “Mormons” and “Mormonism” had largely replaced “Mormonites” as the standard terminology by which non-Mormons referred to the LDS Church and its members. Emphasis added to descriptions from various Northeastern papers published between 1831 and 1835, cited in Reeve, *Religion of a Different Color*, 20.

marketing campaign),<sup>7</sup> leaders used the popular descriptors “Mormon” and “Mormonism” as entry points for educating the masses about the Latter-day Saint faith, often placing the terms in scare quotes to indicate their vernacular and derogatory origins.<sup>8</sup> Brigham Young, the second president of the LDS Church, along with other Church leaders, regularly expounded on the faith’s “peculiar” reputation. He explained that “the people called ‘Mormons’ by the world have a peculiarity about them that is understood by very few” and pointed to the Saints’ beliefs in “the Gospel of salvation—the Priesthood of the Son of God ... [and the] principles of eternal existence by which the worlds are and were” to explain their purported peculiarity.<sup>9</sup>

As Young’s explanation indicates, the Saints’ have proudly presented themselves as peculiar in a truly religious sense: “peculiar” in LDS theology does not denote otherness or oddness, but singles out its subject as unique or special.<sup>10</sup> In their own estimation, what makes the Saints peculiar is the fact that they are God’s chosen people, that He revealed and restored to them, through Joseph Smith and the Book of Mormon, the priesthood, the nature of existence, and the path to divine exaltation, making them seem strange to non-believers. For followers of the Latter-day Saint tradition then, biblical references to God’s chosen or peculiar people – such as Peter’s declaration that “...ye are a chosen generation, a royal priesthood, an holy nation, a peculiar people” and Moses’ pronouncement in Deuteronomy that “the Lord hath chosen thee to be a peculiar

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<sup>7</sup> The “I’m a Mormon” campaign seeks to attract potential converts by featuring diverse profiles of individual Mormons from all over the globe in television commercials, online, and on billboards. Typically, these profiles attempt to dispel commonplace stereotypes about Mormonism and Mormons, although they sometimes reinforce them. See <https://www.mormon.org/people>.

<sup>8</sup> This practice was maintained well into the twentieth-century.

<sup>9</sup> Brigham Young, “Peculiarity of ‘Mormons,’” *Journal of Discourses* (hereafter *JD*) 7 (June 27, 1858): 54.

<sup>10</sup> See the online LDS Church’s “Bible Dictionary,” <https://www.lds.org/scriptures/bd/peculiar?lang=eng>, accessed May 11, 2017.

people unto himself, above all the nations that are upon the earth” – do not refer to either Jews or Christians generally or metaphorically, but are instead taken as explicit references to the Saints’ special status as direct descendants of the Tribes of Israel and therefore as the rightful custodians of the original Christian Church as revealed by Jesus Christ.<sup>11</sup>

Since the 1830s Church leaders have spun the derogatory identification of the Saints as “Mormons” into an opportunity to promote the theological distinctiveness of the LDS Church, even interpreting non-Mormon persecution of the faith as evidence that, like the Jews of the Old Testament, they are God’s elect people. But while early Church leaders argued that the Saints’ peculiarity sprung from divine mandate, which directly guided their efforts to build up the Kingdom of God on Earth, nineteenth-century anti-Mormons simultaneously represented “Mormons” first as heretical, fanatical, and delusional, and then even more potently, as despotic patriarchs whose licentious and depraved desires produced a degenerative and barbarous racial stock. In contrast, twentieth-century articulations of Mormon peculiarity – by both the Saints themselves and non-Mormon commentators – shifted drastically to resignify Mormonism as a benign, religious oddity, and a legitimate church that was admirable for its promotion of normative sexual and economic practices and even exceptional in the high percentage of Saints who adhered to those norms. More recently, in the wake of national LGBT civil rights movements, Mormon peculiarity discourse has framed Mormonism as a hopelessly

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<sup>11</sup> 1 Peter 2:9 (KJV) and Deuteronomy (Deut.) 14:2. Also see Exodus (Ex.) 19:5; Deut. 7:6; Deut. 10:15; Deut. 26:18; Psalm (Ps.) 135:4; Isaiah (Isa.) 41:8; Amos 3:2; Titus 2:14 in the Old and New Testament and 2 Nephi (Ne.) 1:19 in the Book of Mormon; and 101:39 and 115:5 in The Doctrine and Covenants (D&C) for references to a chosen, peculiar, special, or favored people.

homophobic and backward religion, situating the LDS Church as a foil against which the US nation-state is represented as accepting and tolerant of sexual diversity in contrast. This project explores these varying, and at times even contradictory, articulations of Mormon peculiarity to expose “Mormonism” as a potent and *productive* discursive construction and not as an inherent aspect of LDS religion, culture, or history.

The popular conception that Mormonism is innately peculiar has been paralleled in Mormon studies, American studies, and US history scholarship, helping to ensure that the discourse has gone perennially unnoticed *as* a discourse. Analyses of Mormonism’s place in US history and culture have relied on what might be called “the peculiarity thesis” to interpret and explain its emergence, development, and relationship to broader social and political patterns. The peculiarity thesis has been variously used to argue that Mormonism is simply different or distinctive from other religious traditions or cultures in the nation; that it is unique or even anomalous in the recorded patterns of US (religious) history; or that it is so exceptionally enigmatic that it eludes proper historical explanation. This work often takes one of two tacks, arguing either that intrinsic differences have always existed between Mormons and other Americans or that Mormons are typical, even, model Americans. The problem with this approach is that it not only disproportionately emphasizes differences over similarities to the exclusion of other interpretive possibilities, but that it reifies “Mormon” and “American” as distinct and stable social and political categories with definite and identifiable attributes. If, as this dissertation asserts, Mormon peculiarity is a historically significant and persistent discursive construction with material effects, then uncritically promoting that discourse

does not merely describe, but also (re)produces the very effects that such scholarship seeks to explain. Thus, this project's driving questions ask when and why Mormonism, Mormons, and the beliefs and practices associated with them, have been represented and accepted as inherently peculiar, how this peculiarity has become naturalized as an essential characteristic of Mormonism, and most importantly, what the effects of this naturalization process are.

A typical expression of the peculiarity thesis is prominent Mormon studies scholar Jan Shipps' description of Mormonism as a "peculiarly American minority faith" that is "distinctive, even unique" in US (religious) history.<sup>12</sup> Similar is rhetorician Brett Lunceford's contention that "unlike most other religious practices in the United States, Mormonism is a distinctly American religion" and historian Gordon Wood's claim that there is "no doubt 'Mormonism' was and is a unique faith, but [that] it is also uniquely American ... born at a peculiar moment in the history of the United States, [ ] it bears the mark[] of that birth."<sup>13</sup> As characteristic expressions of the peculiarity thesis, it is notable that Shipps, Lunceford, and Wood's statements all tie Mormonism's so-called peculiarity to its national origins, suggesting that the religion's uniqueness – as both a faith and an ethnic group – is derived from its heritage in the nineteenth-century US. This use of peculiarity as an explicatory and interpretive framework for analyzing Mormon history mimics, and in fact is part and parcel of, the exceptionalist paradigm in the study of US history and culture.<sup>14</sup> While many scholarly examinations of US history have touted the

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<sup>12</sup> Shipps, "Difference and Otherness," 82.

<sup>13</sup> Lunceford, "One Nation Under God," 49 and Wood, "Evangelical America and Early Mormonism," 386.

<sup>14</sup> For discussions of the exceptionalist paradigm in American studies and US History see Adas, "From Settler Colony to Global Hegemon;" Appleby, "Recovering America's Historic Diversity;" Haskell,

nation's religious dimensions as particularly notable, even suggesting that they are at the core of the nation's "exceptional" character, explaining Mormonism's peculiarity as a result of its US birth flips that thinking on its head, framing LDS religion's apparent uniqueness as a product of being born in and from an exceptional nation.<sup>15</sup> The classification of Mormonism as both essentially peculiar and peculiarly American is paradoxical, though perhaps not unsurprising, in the context of a tradition that views US history as "essentially the history of one long millenarian movement" in which Americans have considered themselves "God's chosen [people], leading the world to perfection."<sup>16</sup>

US exceptionalism, like Mormon peculiarity, does not merely describe its subject, but actively produces it, presenting the US nation-state and its citizens as unique, exemplary, and, increasingly since World War I, specially and justifiably exempt from certain international standards and regulations. While the form, meaning, and usages of US exceptionalism have changed over time its foundations in Puritan Massachusetts, by way of Tudor England, shed an important light on the relationship between Mormon peculiarity and US exceptionalism as well as the emergence of the Latter-day Saint tradition itself. As Deborah L. Madsen chronicles, the exceptionalist logic of the Massachusetts Bay Puritan colonialists, led by John Winthrop, included many of the

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"Taking Exception to Exceptionalism;" Jay, "White Out;" Kammen, "The Problem of American Exceptionalism;" Rauchway, "More Means Different;" Shafer, *Is America Different?*; and Tyrrell, "American Exceptionalism in an Age of International History."

<sup>15</sup> For example see Bellah, "Civil Religion in America;" Caplow, "Contrasting Trends in European and American Religion;" Demerath, "Excepting Exceptionalism;" Greeley, "American Exceptionalism," in *Is America Different?*; Lipset, *American Exceptionalism*; Tiryakian, "American Religious Exceptionalism;" and Wald, *Religion and Politics in the United States*.

<sup>16</sup> McLoughlin, *Revivals, Awakenings, and Reform*, 19, quoted in Tiryakian, "American Religious Exceptionalism," 46.

defining elements of US exceptionalist discourse recognizable today. The popularly held “belief that England was God’s elect nation and Elizabeth His appointed servant to transform the nation into a new Israel” was absorbed and transported to North America by the Puritan colonists, fundamentally influencing their own assertions that their “errand into the wilderness” was divinely sanctioned.<sup>17</sup> Specifically, they believed that they had been chosen by God as a community to reestablish the true Church in the “New World,” thereby serving as a model for the world’s salvation, a model so excellent that it would even facilitate Christ’s Second Coming. The Puritans believed that as a model church theirs would be a beacon of hope to other Christians worldwide, inspiring a global return to the original Christian Church. These beliefs resonate deeply with contemporary claims that the establishment of the US was divinely inspired, that it is a model for other nations, and that it serves as an inspiration for, even a savior of, other peoples worldwide.

The Puritan certainty that theirs was an exceptional mission undertaken as an elect community – so famously articulated by Winthrop as “a city upon a hill” and later embellished by Ronald Reagan as a “shining city upon a hill” – is one that was transmuted and adopted by the emergent US nation-state.<sup>18</sup> Over the course of the eighteenth century Puritan notions of exceptionalism continued to dominate the colonial mindset, but were subtly altered to reflect the economic and political values of the new country. Republican government, and not just religious community, was increasingly spoken of as a divinely mandated organization that would facilitate the deliverance of

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<sup>17</sup> Madsen, *American Exceptionalism*, 8.

<sup>18</sup> The original reference to “a city upon a hill” comes from Jesus’ Sermon on the Mount, found in Matthew 5:14 (KJV): “Ye are the light of the world. A city that is set on an hill cannot be hid.” Reagan made his reference in his election eve speech, “A Vision for America,” as a reference to visitors’ perceptions of Washington D.C. as the symbolic seat of the nation.

God's chosen people.<sup>19</sup> Central figures to the founding of the nation, such as Benjamin Franklin, argued that Providence (a Puritan concept denoting God's intervention in human affairs) had dictated the creation of a secular republic "purified of the corruption of European politics and a social structure based on inherited title" that would become an example for the rest of the world.<sup>20</sup>

A successor of the Puritan tradition, the LDS Church shares many of the same ideas and ideals that the original colonists propounded, including a belief in the divine inspiration for the Puritan's immigration, the (re)establishment of the pure and uncorrupted Christian Church on the North American continent, and its facilitation of Christ's return. Essentially, the Saints identify themselves, like the Puritans, "as latter-day Israelites occupying the New Canaan by divine decree."<sup>21</sup> Importantly, this sense of themselves as a divinely elected people, advancing the original Church of Christ, is also deeply grounded in their own religious explanations for US exceptionalism. Unlike US Protestantism, LDS' views about the nation's "exceptional" qualities also arise from Mormon scripture and theology which identify the "American continent" as the site for the New Jerusalem and interpret the creation of the nation, specifically a representative government that ensures religious liberty, as the necessary condition for the establishment of a new Zion.<sup>22</sup> Thus, the Saints' exceptionalist views about the nation are intertwined with their own knowledge of themselves as a "peculiar" or "chosen" people.

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<sup>19</sup> See Madsen, *American Exceptionalism*, especially pages 35-38.

<sup>20</sup> Madsen, 37.

<sup>21</sup> Ibid, 17.

<sup>22</sup> See the tenth article in the Articles of Faith printed in *The Pearl of Great Price*, one of four sacred texts used by the LDS Church. The tenth article reads "We believe in the literal gathering of Israel and in the restoration of the Ten Tribes; that Zion (the New Jerusalem) will be built upon the American continent; that



Yet, even as the concept of Mormon peculiarity grew out of and was molded by early articulations of US exceptionalism, I contend that it has itself become central to shaping notions of “Americanness” – particularly through the production of sexual and racial normativity – that have motivated and justified the biased, exclusionary, and imperialist policies and practices of the US nation-state. Put another way, the project examines how political and cultural discourse about Mormonism’s purported peculiarity – from nineteenth-century battles over polygamy and its effects on racial development, to accounts of the LDS Church’s emphases on “individual responsibility” and “family values” as laudatory examples of (white) citizenship, to the recent legal and cultural contestation over same-sex and plural marriage both nationally and in Utah – has been vital to the processes of Othering through which “Americanness” has been and continues to be defined as white, heterosexual, capitalist, and Protestant. In so doing, the dissertation highlights how Mormonism, which often appears as an outlier or anomaly on the US historical and cultural landscape, has actually played a pivotal, and in some cases ongoing, role in determining debates over religious freedom, practices of racial (re)form(ul)ation, colonial practice and imperial policy, the naturalization of gender binarism, the institutionalization of heteronormativity, and the regularization of capitalism as the most ethical and inevitable economic system.

Only recently have Mormon studies scholars begun to examine the discursive construction of Mormonism.<sup>23</sup> Unsurprisingly, this body of scholarship has mainly

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Christ will reign personally upon the earth; and, that the earth will be renewed and receive its paradisiacal glory,” and Lunceford’s essay “One Nation Under God,” in *The Rhetoric of American Exceptionalism*.

<sup>23</sup> Only a handful of studies have considered the discursive construction of Mormonism. See Flake, *The Politics of American Religious Identity*; Fluhman, “*A Peculiar People*”; Givens, *The Viper on the Hearth*;

focused on what nineteenth-century discourse about Mormonism reveals about the nation's claims to religious liberty, particularly interrogating the validity of assertions that the US has made good on its guarantee of the free exercise of religion. These studies expose the implicitly "Protestant shape" of the US' constitutional order in which the LDS Church was forced to alter its system of belief in order to survive, let alone gain the privileged protections of "religious freedom."<sup>24</sup> But despite interest in analyzing how and why Mormonism was represented and discussed, some of these studies nonetheless retain an attachment to the notion of Mormon peculiarity as a fundamental essence rather than a discursive formation. For example, standing in contrast to his argument that "categories like 'Christian' or 'American,' and the identities they imply, are [not] objective realities, outside of negotiation or manipulation, [but are] products of political conflict and ideological construction," Terryl Givens insists that there is "something peculiar to Mormonism" and that "that something *does* bring the church [sic] out of the religious sphere."<sup>25</sup>

Fewer of these studies focus on non-religious aspects of Mormon history. Those that have centralize the controversy over nineteenth-century LDS plural marriage and its place in defining national identity as well as US citizenship and law. For example, Christine Talbot has convincingly argued that polygamy was not simply a challenge to the sexual and marital mores of the Victorian-era US, but rather to the gendered public/private divide that was becoming essential to notions of "Americanness" at that

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Barringer Gordon, *The Mormon Question*; Mason, *The Mormon Menace*; Neilson, *Exhibiting Mormonism*; Reeve, *Religion of a Different Color*; and Talbot, *A Foreign Kingdom*.

<sup>24</sup> Flake, *The Politics of American Religious Identity*, 1.

<sup>25</sup> Givens, *The Viper on the Hearth*, 19-20.

time. Sarah Barringer Gordon's work examines how legal battles over "Mormon polygamy" were key to the institutionalization of a distinctly Protestant notion of disestablishment and freedom of religion through constitutional jurisprudence. Amazingly, given the predominately racial character of popular representations of Mormonism during this period, only one major work tackles the racial dimensions of nineteenth-century discourse about it. W. Paul Reeve's *Religion of a Different Color* rightly argues, "rather than being an anomaly in frontier history, the Mormons helped to define America's racial and religious identity."<sup>26</sup>

Building off, but also amending, this preliminary work, this project provides a more comprehensive picture of the discursive (re)production of Mormonism through a consideration of "peculiarity" as a fundamental organizing framework that continues to define our interpretations of Mormonism today. Rather than focus exclusively on Mormonism in the nineteenth century, which gives the mistaken impression that Mormon peculiarity is a purely historical discourse that disappeared after the LDS Church formally renounced the notoriously "peculiar" practice of plural marriage in 1890, the dissertation scrutinizes nineteenth-, twentieth-, and twenty-first-century contributions to that discourse as well as the relationships between them. Although Mormon peculiarity discourse is most obviously identified in the nineteenth-century conflict between the Saints and anti-Mormons, it has continued to articulate and define "Mormonism" in relation to "Americanness" well after the fin de siècle, evidenced by its consistent reappearance at the center of US popular and political culture: during the Depression both federal officials and the national press praised the LDS Church's new welfare program

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<sup>26</sup> Reeve, *Religion of a Different Color*, 6.

and its commitment to family as an exceptional model for the nation; the watershed depiction of a gay LDS character in the 1962 film *Advise and Consent* recycled underlying fears of Mormon's sexual peculiarity; in the 1960s, 1970s, and 1980s the Church received considerable backlash for both its continued anti-black policies and its key role in the failure of the Equal Rights Amendment, positions that were represented as strangely backward; both of Mitt Romney's presidential campaigns elicited renewed interest in the "strangeness" of Mormon religion; fervor over the Church's influence in gay marriage referendums in the 1990s and 2000s was portrayed as an example of Mormonism's excessively strong influence over its adherents; and, most recently, popular TV series, such as *Sister Wives* on TLC and *Escaping Polygamy* on A&E, portray Mormon polygamy as an entertaining curiosity. Not only do these examples illustrate the malleable ways that Mormonism has been portrayed as peculiar, but also the centrality of sexuality, race, and gender to those representations.

Previous studies have sought to segregate the religious, sexual, gendered, racial, and classed representations of Mormonism from one another. But as women of color feminism has shown, attempts to separate various social categories or hierarchies from one another misunderstands the realities of identity, social formation, and oppression, especially as those phenomena are (re)produced in and through discourse.<sup>27</sup> Isolating certain representations of Mormonism from others based on an understanding of social categories as set, discrete, or immutable not only dismisses the material effects of

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<sup>27</sup> Foundational women of color feminist work that has argued for an intersectional approach include, but is not limited to Anzaldúa, *Borderlands/La Frontera*; Crenshaw, "Demarginalizing the Intersection of Race and Sex" in *Feminist Legal Theory*; Hill Collins, *Black Feminist Thought*; Davis, *Women, Race, and Class*; hooks, *Ain't I A Woman*; hooks, *Feminist Theory*; Lorde, *Sister Outsider*; and Moraga and Anzaldúa, *This Bridge Called My Back*.

discourse, but obscures how those categories are elaborated in and through their relationship to one another. For example, depictions of Mormons as “Oriental” in the nineteenth century were not solely racial. These representations communicated their racial significance, in part, through references to gendered relations and sexual practices. In one typical account, respected academic and anti-Mormon commentator Francis Lieber argued that, “wedlock, or monogamic [sic] marriage” as the ideal gendered and sexual relation between men and women “is one of the elementary distinctions . . . between [the] European and Asiatic” races.<sup>28</sup> Lieber’s contention that one’s choice of sexual/marital practice was in fact a racial designation is a pointed example of how social formations, such as race and sexuality, cohere and attain meaning through their discursive relationship to one another.

Accordingly, this study uses queer of color analysis to scrutinize various social formations “as the intersections of race, gender, sexuality, and class” *as well as religion* “with particular interest in how those formations correspond with and diverge from nationalist ideals and practices.”<sup>29</sup> Because Mormonism’s apparent strangeness has most frequently been linked to the sexual, marital, and kinship practices of its adherents (polygamy especially), the dissertation emphasizes and analyzes how the articulation of Mormon peculiarity as an essentially sexual peculiarity has operated as a method of racialization in the service of nationalism and empire. Most frequently, these articulations come in the form of gender and sexual exceptionalism. American, feminist, postcolonial,

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<sup>28</sup> Francis Lieber, *A Manual of Political Ethics: Designed Chiefly for the Use of Colleges and Students at Law*, 2 vols. (Boston: C. C. Little and J. Brown, 1839-1847), 234 quoted in Talbot, *A Foreign Kingdom*, 133.

<sup>29</sup> Ferguson, *Aberrations in Black*, 149.

and sexuality studies scholars have identified gender and sexual exceptionalism as important strains of US exceptionalist discourse which assert a nation's or group's superior (racial) status through claims to advanced knowledge about, or practice of, gendered and sexual roles, relationships, and practices.

For the most part, analyses of gender and sexual exceptionalism have almost exclusively focused on the post-9/11 US and Europe.<sup>30</sup> Postcolonial and transnational feminist scholarship, for example, has critiqued mainstream feminist narratives of “saving” Muslim women from Muslim men, religion, and culture – very often articulated as a critique of veiling practices – as a modern illustration of gender exceptionalism discourse. While gender exceptionalism's colonial history has helped scholars to expose its more recent neocolonial and modern imperial instantiations, sexual exceptionalism has been represented as, or has at least been assumed to be, a relatively recent discursive construction.<sup>31</sup> Jasbir Puar defines US sexual exceptionalism as a contemporary nationalist discourse that temporarily acknowledges and embraces certain queer subjects for the purpose of framing the US as a tolerant, progressive, and therefore potentially liberating society.<sup>32</sup> She argues that the seeming “progressiveness” of tolerance and/or acceptance of same-sex sexuality in the US, for example, has been used to distinguish the

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<sup>30</sup> See, for example, Abu-Lughod, *Do Muslim Women Need Saving?*; Al-Ali and Pratt, *What Kind of Liberation?*; Mepschen, Duyvendak, and Tonkens, “Sexual Politics, Orientalism, and Multicultural Citizenship in the Netherlands”; and Werner, “Reaping the Bloody Harvest.”

<sup>31</sup> Although scholarship on gender exceptionalism has predominantly focused on the contemporary context, researchers often cite historical examples in varying colonial contexts. In particular, there is a striking resemblance between modern forms of US and European gender exceptionalism and nineteenth-century British colonialist arguments that cited the apparently oppressive treatment of women and children in South Asian and Middle Eastern cultures as proof of the need for colonial rule (an argument which was, not incidentally, recycled and adapted to justify federal control of Utah in the 1879 Supreme Court ruling on the constitutionality of LDS polygamy discussed in chapters one and two). See Grewal, *Home and Harem*; Mohanty, “Under Western Eyes;” and Spivak, “Can the Subaltern Speak?” in *Marxism and the Interpretation of Behavior*.

<sup>32</sup> Puar, *Terrorist Assemblages*, 3-4.

nation-state as sexually, and by extension racially and religiously, exceptional in contrast to Muslim nations that are presumed to be inherently homophobic – a distinction that has been subsequently used to rationalize military intervention in the Middle East. While Puar’s conceptualization of sexual exceptionalism has been taken up in analyses of the “War on Terror” in US and European contexts, almost no work has been done to historicize the discourse. The sole exception is Hiram Pérez’s examination of the “tacit, if complex, participation of gay modernity in U.S. imperialist expansion.”<sup>33</sup> Pérez argues that the modern gay male subject has been central, not peripheral, to US and European national projects of war and colonialism since the late Victorian era, specifically as an incidental agent of imperialism through leisure, consumerism, and travel.

While Pérez’s work moves beyond the twenty-first century focus of US sexual exceptionalism scholarship, it maintains an exclusive emphasis on the contingent inclusion of certain homosexual subjects. As my definitions of gender and sexual exceptionalism attest, this project takes a necessarily broader view of both discourses to encompass multiple knowledges, formations, and assemblages of gender and sex. Put another way, while homosexual subjects and same-sex sexuality more generally have certainly been lightning rods around which modern societies have come to define sexual normativity, other forms of sexual subjectivity, modes of sexual practice, and knowledges of sex and sexuality have been and continue to be central in creating and maintaining hierarchical relations between and within nation-states. Thus, the following chapters highlight gender and sexual exceptionalism, not as modern expressions of US exceptionalism, but ones that have existed since at least the 1850s when anti-Mormon

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<sup>33</sup> Pérez, “The Rough Trade of U.S. Imperialism,” 1081. Also see Pérez’s *A Taste for Brown Bodies*.

disdain for plural marriage, coupled with a corresponding self-righteousness about “American monogamy” as more “civilized,” was used to justify federal intervention in Utah and bolster a growing sense of obligation to colonize “barbaric” peoples around the world. Consequently, the project identifies gender and sexual exceptionalism as vehicles that drove *racial* articulations of “Americanness” as early as the nineteenth century, vis-à-vis Mormon peculiarity and US exceptionalism.

Bringing feminist, critical race, and queer of color analysis to bear on the study of Mormonism addresses the unfortunate limitations critical sexuality and queer studies scholarship have reserved for questions of religion. As Melissa Wilcox has observed, sexuality studies has only been able to account for religion “as a stultifying, oppressive institution of a [homophobic], sexist social order,” an assessment reflecting, what Puar calls, “the queer liberal imaginary ... resolutely secular [and] unforgiving in its understanding of (irrational, illogical, senseless) religion, faith, or spirituality as the downfall of any rational politics.”<sup>34</sup> The dismissal of religion as merely “oppressive,” “irrational,” “illogical,” or “senseless” neglects the complex role that various religious movements and institutions have played in the nation’s cultural and political landscape particularly the ways that religion has come to stand in for race especially around questions of sexual identity and practice.

The few studies that have taken up questions of Mormon religion and queerness have tended to uncritically perpetuate Mormon peculiarity discourse. One of the few queer theorists to consistently engage questions of religion, Michael Cobb regurgitates

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<sup>34</sup> Wilcox, “Outlaws or In-Laws?” in *LGBT Studies and Queer Theory*, 94 and Puar, *Terrorist Assemblages*, 13.



Mormon peculiarity discourse in his essay “Pioneer, Polygamy, Probate, and You,” claiming that Mormonism “is marked by its devotion to families ... a devotion that seems peculiar, even in a nation enthralled by its almost unquestionable devotion to making families” and that “Mormons certainly have a unique take on families” that “generates much national anxiety.”<sup>35</sup> He uses Mormon peculiarity to underwrite his argument that “perhaps what makes Utah families so troubling and so terrorizing for so many is not always the polygamous difference.”<sup>36</sup> Similarly, Kyra Hunting argues in her analysis of the popular HBO series *Big Love* about a fictional polygamous family living in a suburb of Salt Lake City, that Mormon “polygamy itself can be understood as queer because of the complex set of affections, allegiances, and desires between sister-wives and potential sister-wives,” leaving unexamined both the racialized dimensions of polygamy in US popular culture and the ways that the practice continues to promote heteronormative ideals.<sup>37</sup>

However, this project does not take up the notion of Mormon peculiarity to characterize Mormonism, nor its famous association with polygamy, as queer. While this might be an incredibly attractive move to make, especially given the underlying associations between queerness and peculiarity – Siobhan Somerville reminds us that from 1700, until “the mid-twentieth century, ‘queer’ tended to refer to anything ‘strange,’ ‘odd,’ or ‘peculiar,’ with additional negative connotations that suggested something ‘bad,’ ‘worthless,’ or even ‘counterfeit’” – doing so not only continues to leave unexamined the discursive construction of Mormon peculiarity, but it reifies

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<sup>35</sup> Cobb, “Pioneer, Polygamy, Probate, and You,” 278-279.

<sup>36</sup> Cobb, 278-279 and 282.

<sup>37</sup> Hunting, “Love between Sisters,” 3-4.

exceptionalist interpretations of Mormon, and by extension US, history.<sup>38</sup> Lauding a specific religious tradition or sexual practice as queer by virtue of its transgressive or non-normative qualities problematically defines queerness as a prescriptive ideal that assumes a stagnant and universalizing relationship between normativity and deviance. Instead, this project considers how regulatory queer ideals are propagated through, and productive of, both Mormon peculiarity and US exceptionalism.

Thus, I do not hail Mormonism, or any of the practices associated with it (polygamy included) as either strange (peculiar), unique (exception[al]), or transgressive (queer). Rather the dissertation uses feminist, queer of color, and critical race theory to frame its examination of Mormonism as an assemblage, helping to elucidate the ways that queerness sometimes functions as a biopolitical project that advances “ascendant white American nationalist formations.”<sup>39</sup> Defined as “continuously shifting relational totalities comprised of spasmodic networks between different entities (content) and their articulation within ‘acts and statements’ (expression)” assemblages allow for a necessary rethinking of the study of history that does not assume the discreet ontological essence of any social categories, but still acknowledges their performative and material effects.<sup>40</sup> Therefore, the dissertation approaches Mormonism not as a religion or an ethnic group, but as a(n) (racialized) assemblage produced in and through Mormon peculiarity discourse that has helped to reaffirm a national project of white supremacy that marks certain populations as expendable.

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<sup>38</sup> Somerville, “Queer,” in *Keywords for American Cultural Studies*, 203-204.

<sup>39</sup> Puar, *Terrorist Assemblages*, 22.

<sup>40</sup> Weheliye, *Habeas Viscus*, 46.

In order to provide an historical overview of Mormon peculiarity discourse, its numerous elaborations and the multitude of uses to which it has been put, this project examines a variety of sources from several analytical vantages. The dissertation relies primarily on archival material about Mormonism – including newspaper and magazine articles, religious study guides, medical reports, novels, court cases, graphic images, sermons, phrenological charts, travel narratives, congressional debates, exposés, dairy entries, television episodes, local and national statutes, letters, popular advice literature, political platforms and speeches, sacred texts, and news reports – to elucidate both the complicated processes through which the concept was discursively formed as well as the ways that Mormon peculiarity discourse was used to establish, and at times challenge, US exceptionalism by defining “Americanness” as white, Protestant, heteronormative, and capitalist. While this is not a comparative study, evaluating a broad range of primary sources helps to contextualize Mormonism within US history, not as substantially different from, but rather as a representative example of the ways that sexual and racial othering have been fundamental, not incidental, to the nation’s perpetuation. Coupling historical analysis with critical discourse analysis as well as close visual and textual evaluation uncovers the enduring (historically consistent), yet flexible (context specific), features of Mormon peculiarity discourse. While a multitude of sources and analytical tools permit me to provide a macro-level portrait of Mormon peculiarity discourse in historical context, this project is not meant to be a comprehensive review of all the formulations and elaborations of Mormonism. Instead, the dissertation provides a

chronological outline of Mormonism's importance to justifying the imperial project of US exceptionalism.

The first chapter, "A 'Peculiar Race' with 'Peculiar Institutions': The Discursive Formation of 'Mormonism,' 1830-1874" contextualizes the birth and early development of the LDS Church in terms of nationwide efforts to define "Americanness," particularly as those efforts relied on the logic of US exceptionalism. Because the Church emerged at a time when what it meant to be and who was considered an "American" was still relatively malleable, conflict over the nascent faith was framed by debates over the religious, racial, sexual, gendered, economic, and political characteristics of "Americanness." Mormon peculiarity emerged as a discourse almost concurrently with the new faith as non-Mormons sought to discredit Joseph Smith and the Saints attempted to champion their restorationist beliefs, both through recourse to exceptionalist logics. This chapter argues that as a product of this new discourse "Mormonism" was actively (re)produced in and through its relationship to the racial, sexual, and economic aspects of "Americanness" helping to solidify the nation's investment in white supremacy.

Chapter two looks at the "Mormon problem" (also known as the "Mormon question"), which emerged as a national concern during the second half of the nineteenth century. The conflict between the Saints and anti-Mormons during this period was characterized by the latter group as a racial problem that required a federal solution. The Mormon question mirrored and intersected with other conflicts over the place of African-Americans, American Indians, and Chinese and Irish immigrants in the nation. Already engrained as a racially, culturally, politically, and economically un-American scourge,

Mormonism, in conjunction with and among other racialized assemblages, was used to justify a reinvestment in a national culture of white supremacy after the Civil War and just before the US began its imperial ventures overseas. The chapter contends that the Mormon question was integral for preparing the nation in its movement away from settler colonialism toward a global imperial vision at the turn of the twentieth century. Mormon peculiarity discourse was used to racialize the Saints as “barbaric” and “foreign” and therefore call for federal intervention in the Utah Territory. Approaching the central government’s involvement in Utah’s governance as a colonialist enterprise, this chapter highlights both non-Mormon and LDS deployments of gender and sexual exceptionalism as key rhetorical strategies. These discourses were used to promote each groups’ claim to civilizational superiority by virtue of their purportedly advanced knowledge about, or practice of, gender and sexual relations. Over the course of the conflict, gender and sexual exceptionalism, as expressed in both Mormon peculiarity and American exceptionalist discourse, functioned as important tools for further distinguishing “Mormonism” from “Americanness.”

Mormon studies scholars have noted the abrupt change in how the LDS Church was regarded in the short period between 1890 and 1940. Chapter three examines this change in light of the underlying cultural affinities between the Saints and other white Americans, principally their shared views on white racial superiority, which have been obscured by Mormon peculiarity discourse and thus far ignored by relevant scholarship. The assimilation of the Saints into mainstream US culture and politics, this chapter argues, was predicated upon a reordering of the discursive relationship between

“Mormonism” and “Americanness,” following the LDS Church’s reinterpretation of many of its fundamental teachings about gender, sexuality, marriage, and political economy. Specifically, as the nineteenth century gave way to the twentieth, the Church expressed new commitments to heteronormativity and capitalism, embarking on theological and practical campaigns to encourage followers to adhere to binary gender roles, marry young, have as many children as possible, and participate in the two-party political system and capitalist economy. The Church’s new commitments, the campaigns those commitments spawned, as well as the Saints’ widespread obedience to their leaders’ teachings were touted by both the Church leadership and non-Mormon commentators as evidence of a new version of Mormon peculiarity. No longer dismissed as sexually deviant and racially degraded as they had been in the nineteenth century, in general twentieth-century representations of Mormons praised the Saints for their commitment to responsible individualism as exceptionally American. As a key part of the prevailing discourse of Americanness, promoting responsible individualism – exemplified in virtues such as self-control, self-cultivation, and hard work – helped to communicate, at first explicitly, but increasingly implicitly, the Church’s underlying investment in US nationalism as a fundamentally white supremacist enterprise.

The fourth and final chapter considers contemporary articulations of Mormon peculiarity discourse in the context of the national debate over same-sex marriage. Based on an analysis of two federal court cases, *Kitchen v. Herbert* (2013), the case that legalized gay marriage in Utah, and *Brown v. Buhman* (2013), a case that partially reversed Utah’s anti-polygamy statute, I argue that Mormon peculiarity discourse is

currently being deployed in support of US exceptionalist claims that serve to justify the nation's imperialist endeavors. The tendency to view these cases as examples of the full-fledged acceptance of sexual non-normativity in the US, especially so because they occurred in Mormon-dominated Utah, is itself an assessment grounded in the logic of Mormon peculiarity. Instead, the chapter contextualizes the decisions within the landscape of marriage case law – recalling the often overlooked importance of *Reynolds v. United States* (1879) as the first decision to interpret the US Constitution's guarantee of the free exercise of religion and in defining the racial and sexual parameters of belonging in the US – to demonstrate that both entrench a narrow definition of sexual freedom that disguises an insidious state-interest in both heteronormativity and whiteness. Identifying the elaboration of Mormon peculiarity discourse in these cases helps to reveal how sexual and religious freedom in *Kitchen* and *Brown* relies on a willful denial of both the nation's racial history and the continued effects of that legacy.

## Chapter One

### A “Peculiar Race” with “Peculiar Institutions”: The Discursive Formation of “Mormonism,” 1830-1874

*There is something about this people that is truly peculiar ...*<sup>1</sup>

*Men from afar cannot cross the continent without coming to visit the Latter-day Saints. Why is this? It is because there is a feeling throughout the earth that there is something remarkable connected with us, that we are not as other people are. What is it that distinguishes us from our fellows? What is it that distinguishes us from the average American, Englishman, Scandinavian, German, Swiss, Italian, or Frenchman, or from the average Asiatic? There is something; they feel it and we feel it ...*<sup>2</sup>

*The remarks of Surgeon Barthelow [sic] respecting the identity of facial expression, and other peculiarities, chiefly physical, afford an illustration ... of the tendency of peculiar institutions ... to produce permanent varieties of [a] particular race.*<sup>3</sup>

For the better part of the nineteenth century, a major conflict raged between the Church of Jesus Christ of Latter-day Saints and its anti-Mormon opponents. Since the Church’s founding in 1830, the Saints had suffered severe religious persecution and had been forced to move from state to state. Anti-Mormon fervor began to climb during the mid-1850s after the Church announced publicly that polygamy was one of its key doctrinal practices, confirming rumors that had been circulating since at least the early 1840s. The persecution of the Saints reached a fever pitch during the late 1870s and 1880s, when federal legislation sought to break LDS resistance to the imposition of prevailing social, political, and economic values in the US. The attempt on the part of the Saints to establish Zion in present day Utah, Nevada, Idaho, Arizona, California, New Mexico, and parts of Mexico included experimentation with social and political

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<sup>1</sup> Brigham Young Jr., “The Saints a Peculiar People – Gathering of the Poor from Europe,” *JD* 12 (Nov. 17, 1867): 108.

<sup>2</sup> George Q. Cannon, “Stirring Times – The Latter-Day Work,” *JD* 14 (Jan. 8, 1871): 27.

<sup>3</sup> Emphasis in original, C.G. Forshey commenting on Robert Bartholow’s “Hereditary Descent; or Depravity of the Offspring of Polygamy Among the Mormons,” reprinted in *DeBow’s Review* 30, no. 2 (Feb. 1861): 211. Accessed through University of Michigan: Humanities Text Initiative, <http://quod.lib.umich.edu/m/moajrml/acg1336.1-30.002/206:8?rgn=full+text;view=image> (May 17, 2017).



institutions that shocked many non-Mormons. Advocating plural marriage, establishing a communal and cooperative economic system, consenting to theocratic governance, and implementing an ecclesiastical court structure were all practices that chafed against the values and norms which had come to define citizenship, governance, and belonging in the antebellum US. Novelists, preachers, legislators, doctors, feminists, judges, abolitionists, journalists, freed people, and presidential candidates alike (albeit for differing reasons and to different ends) reviled the Saints' choices and participated in a campaign of harassment to end their unconventional way of life. This campaign resulted in the capitulation of the Saints and their ultimate conformity to mainstream norms, embodied in their public abandonment of polygamy in October of 1890 and eventual relinquishment of political monopoly and economic communalism in Utah.

While mainstream scholarship has often marginalized the significance of this struggle in the greater context of US history, Mormon studies has established its centrality to key developments in the nineteenth-century US.<sup>4</sup> Scholars of Mormonism have also sought to show that while the Saints did challenge prevailing social mores and institutions, they also maintained many ideological and practical similarities with the rest

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<sup>4</sup>See Arrington and Bitton, *The Mormon Experience*; Bennett, ““Until This Curse of Polygamy is Wiped Out;”” Bentley, “Marriage as Treason;” Bigler, *Forgotten Kingdom*; Bowman, *The Mormon People*; Burgett, “On the Mormon Question: Race, Sex, and Polygamy in the 1850s and the 1990s;” Ertman, “Race Treason: The Untold Story of America’s Ban on Polygamy;” Flake, *The Politics of American Religious Identity*; Fluhman, “*A Peculiar People*;” Givens, *The Viper on the Hearth*; Gordon, “The Liberty of Self-Degradation;” Gordon, *The Mormon Question*; Gordon, ““Our National Hearthstone;”” Iversen, *The Anti-Polygamy Controversy in U.S. Women’s Movements, 1880-1925*; Madsen, *Battle for the Ballot*; Mason, *The Mormon Menace*; Mason, “Opposition to Polygamy in the Postbellum South;” Oman, “Natural Law and the Rhetoric of Empire;” Reeve, *Religion of a Different Color*; Talbot, *A Foreign Kingdom*; and Talbot, ““Turkey Is in Our Midst.””

of US society.<sup>5</sup> The majority of scholarship on what was known during the second half of the nineteenth century as the “Mormon question” or “Mormon problem,” identifies polygamy as ground zero of the conflict that absorbed the nation’s cultural anxiety and political resolve. Edward Lyman, for example, argues simply that, “the practice of plural marriage among the Latter-day Saints was the foremost obstacle to admission of Utah as a state.”<sup>6</sup> His view represents the most widely accepted opinion on the issue. In contrast, Klaus Hansen and Gustive O. Larson insist that polygamy was simply a convenient excuse for addressing the more pressing concerns stirred by the LDS Church’s theocratic control of Utah. Hansen’s *Quest for Empire*, for example, maintains that polygamy has “lured several generations of historians – not to speak of journalists and popular novelists – into believing that” plural marriage rather than the “political Kingdom of God [is] ... the most important key to an understanding of the Mormon past.”<sup>7</sup> For researchers such as Hansen, polygamy was largely a smokescreen that concealed the real concern of anti-Mormons about the Saints’ efforts to establish an all-encompassing political kingdom controlled and regulated by the LDS hierarchy.

Still other scholars contend that communal economic practices were a major, if not the, true sticking point for anti-Mormon lobbyists during the late-nineteenth century. Prominent scholar and late LDS Church historian Leonard J. Arrington argued that the communal, cooperative, and socialistic aspects of the “Great Basin Kingdom” threatened

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<sup>5</sup> See Arrington, *Great Basin Kingdom*; Arrington and Bitton, *The Mormon Experience*; Bitton and Bunker, “Phrenology Among the Mormons;” Foster, *Religion and Sexuality*; Foster, *Women, Family, and Utopia*; Hardy and Erickson, ““Regeneration; Now and Evermore!””; Kern, *An Ordered Love*; Mason, “The Prohibition of Interracial Marriage in Utah, 1888-1963;” Neilson, *Exhibiting Mormonism*; Quinn, *Same-Sex Dynamics Among Nineteenth-Century Americans*; Reeve, *Religion of a Different Color*; Umbach, “Learning to Shop in Zion;”

<sup>6</sup> Lyman, *Political Deliverance*, 2.

<sup>7</sup> Hansen, *Quest for Empire*, 1.

the hardening logic of industrial and commercial capitalism, but also reflected early nineteenth-century patterns of communal experimentation. Another, more recent, school of thought maintains that the conflict over Mormonism was essentially religious in nature. In his analysis of nineteenth-century fiction, Terryl Givens proposes that the Saints were subject to religious bigotry in the name of establishing mainstream Protestantism as the only acceptable religious tradition. Similarly, J. Spencer Fluhman argues that “through public condemnation of what Mormonism was, Protestants defined just what American religion could be.”<sup>8</sup>

Unlike other work on nineteenth-century Mormonism, this chapter does not weigh in on or argue for one central cause of the Mormon problem per se. Rather, it examines the emergence and development of Mormon peculiarity discourse as an important tool for defining and solidifying the concept of “Americanness” over the course of the nineteenth century. Instead of accepting “Mormonism” as a self-evident and self-contained social category, this chapter interrogates the discursive construction of “Mormonism,” looking at the mutable ways that it was represented and discussed in order to argue that Mormon peculiarity discourse did not merely describe, criticize, or applaud “Mormonism,” but actively produced it as an object of concern. Put another way, the chapter analyzes “Mormonism” and its reputation as fundamentally different or peculiar, as a discursive formation, which emerged alongside and in relation to the Latter-day Saint movement, that played a central role in consolidating “Americanness.”

During the forty-year cold war between the LDS Church and anti-Mormons, the single issue that both sides could agree on was that the Saints were a peculiar people. But

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<sup>8</sup> J. Spencer Fluhman, “*A Peculiar People*,” 9.

any consensus ended where it had begun; the meaning and measure of the “peculiarity” in question was the most essential and fundamental battle of the contest. While Church leaders insisted that the Saints’ peculiarity was a sign of divine favor – just as the nation’s “exceptional” character was – anti-Mormons insisted even more fervently that “the Mormons” were distinctly un-American. While others have examined the religious dimensions of this anti-Mormon claim, this chapter focuses on the connections anti-Mormons drew between sexual and economic practice, gender roles and presentation, and racial status to Other the Saints as un-American and thereby define “Americanness” not only as Protestant, but as capitalist, patriarchal, monogamous, and white. The chasm between anti-Mormon and LDS uses of Mormon peculiarity discourse illuminates that the contest over Mormonism as a focal point around which notions of national identity, culture, and expansion were developed, deployed, and challenged.

The notion of Mormon peculiarity has so effectively masked itself as an intrinsic characteristic of the Latter-day Saint tradition that it remains largely outside the purview of scholarly inquiry. Therefore, this chapter looks at how the discursive construction of “Mormonism” as innately peculiar in the nineteenth century paralleled and intersected with the discursive formation of US exceptionalism (as the primary mode for defining “Americanness”) especially in and through evolving notions of racial and sexual otherness. What follows is an overview of the historical period in which the birth of a new religious tradition simultaneously resulted in a new discursive construction.

### ***Dual and Dueling Exceptionalisms***

US society in the Jacksonian era underwent an intense religious revival largely in response to the first wave of the Industrial Revolution that was transforming the global economy. The pressures that nascent industrialization produced, especially for agrarian and rural workers, resulted in a hardship that was answered by what Charles Sellers has called the “free religious market” of the Northeast US.<sup>9</sup> When Joseph Smith founded the Church of Christ during the Second Great Awakening in the “burnt-over district” of 1830 upstate New York, the US was still an adolescent nation struggling over the parameters of what it meant to be “American” both economically and culturally.<sup>10</sup> A product of its period, the LDS Church reflected many of the trends that characterized the antebellum US.

Compared to other contemporary burgeoning religious movements, the new church adhered relatively closely to the values and norms of early-nineteenth-century US society. Not only did the early Saints share non-Mormons’ fundamental views on white racial superiority, men’s and women’s roles, and reserved sexual expression for procreation within marriage, but they also, perhaps most significantly, shared a belief in the unique nature of US government and the divinity of the Constitution. LDS conviction in the righteousness of the nation’s republican government went beyond simple patriotism to form an axiom of their system of belief. The Articles of Faith, which outline basic principles and teachings of the Church, hint at the intensity of LDS investment in

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<sup>9</sup> Sellers, *The Market Revolution*, 204.

<sup>10</sup> Smith’s church was soon renamed the Church of Jesus Christ of Latter-day Saints.

the nation-state's governance.<sup>11</sup> According to the tenth article, the Saints believe "in the literal gathering of Israel and in the restoration of the Ten Tribes; that Zion will be built upon the [North] American continent." This belief in the US as the New Jerusalem is taken literally in all three sacred (exclusively) LDS scriptures.<sup>12</sup> Not only is the North American continent identified as the site of Zion and future dealings with God, but it is also described as the place where Jesus Christ reappeared to spread the gospel immediately after his crucifixion. Moreover, the Saints believe that "the founding of the United States is merely one step in a chain of events that were necessary to bring forth the true church [sic]. The discovery of the American continent by Columbus and the later arrival of the Pilgrims," and the founding fathers themselves are all thought to be a part of that process.<sup>13</sup> For the early Saints, the nation was exceptional not because of its

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<sup>11</sup> The Articles of Faith are, in the Church's own words, "thirteen basic points of belief to which Mormons subscribe": "1) We believe in God, the Eternal Father, and in His Son, Jesus Christ, and in the Holy Ghost; 2) We believe that men will be punished for their own sins, and not for Adam's transgression; 3) We believe that through the Atonement of Christ, all mankind may be saved, by obedience to the laws and ordinances of the Gospel; 4) We believe that the first principles and ordinances of the Gospel are: first, Faith in the Lord Jesus Christ; second, Repentance; third, Baptism by immersion for the remission of sins; fourth, Laying on of hands for the gift of the Holy Ghost; 5) We believe that a man must be called of God, by prophecy, and by the laying on of hands by those who are in authority, to preach the Gospel and administer in the ordinances thereof; 6) We believe in the same organization that existed in the Primitive Church, namely, apostles, prophets, pastors, teachers, evangelists, and so forth; 7) We believe in the gift of tongues, prophecy, revelation, visions, healing, interpretation of tongues, and so forth; 8) We believe the Bible to be the word of God as far as it is translated correctly; we also believe the Book of Mormon to be the word of God; 9) We believe all that God has revealed, all that He does now reveal, and we believe that He will yet reveal many great and important things pertaining to the Kingdom of God; 10) We believe in the literal gathering of Israel and in the restoration of the Ten Tribes; that Zion (the New Jerusalem) will be built upon the American continent; that Christ will reign personally upon the earth; and, that the earth will be renewed and receive its paradisiacal glory; 11) We claim the privilege of worshiping Almighty God according to the dictates of our own conscience, and allow all men the same privilege, let them worship how, where, or what they may; 12) We believe in being subject to kings, presidents, rulers, and magistrates, in obeying, honoring, and sustaining the law; 13) We believe in being honest, true, chaste, benevolent, virtuous, and in doing good to all men; indeed, we may say that we follow the admonition of Paul-We believe all things, we hope all things, we have endured many things, and hope to be able to endure all things. If there is anything virtuous, lovely, or of good report or praiseworthy, we seek after these things."

<sup>12</sup> In addition to the King James version of the Bible the Saints consider The Book of Mormon, The Doctrine and Covenants, and The Pearl of Great Price to be sacred texts.

<sup>13</sup> Lunceford, "One Nation Under God," 54.

lauding of representative government, but because that government provided the necessary *condition* – religious freedom – for the restoration of the true Church on the North American continent. The Saints saw the Constitution and the nation itself as merely a stepping stone, albeit a vital one, in “the restoration of all things,” a phrase that would come to denote a complex theology and radical worldview.<sup>14</sup>

Herein lies one of, if not the, most vital disagreement(s) between the Saints and anti-Mormons: the meaning and place of US exceptionalism. The Saints understood themselves to be superior to their fellow citizens in the sense that they had received and accepted God’s commandment to restore the original and true form of Christianity. Thus, for them, what might be called “Mormon exceptionalism” transcended US exceptionalism – a stance that non-Mormon Americans could simply not stomach. The battle that ensued over “Mormonism” and its “peculiar” reputation went directly to the ideological root of Americanness. Smith’s was not the first, nor even the most radical, religion to appear in the young nation, but as it became one of the most centralized and politically powerful US religions it presented a compelling and threatening alternative to an, as yet, unfixed understanding of what it meant to be American.<sup>15</sup>

This friction between Mormon and US exceptionalism can help to account for anti-Mormons’ early attempts to smear Joseph Smith and his church’s reputation. Critics were quick to label Smith, paradoxically, both an “imposter” and a “fanatic,” and

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<sup>14</sup> Quinn, *The Mormon Hierarchy*, 4.

<sup>15</sup> When I refer to the Church of Jesus Christ of Latter-day Saints as a US religion, I apply that description in historic context and in the most literal sense possible. The LDS Church was both created within the newly erected borders of the US nation-state and its system of belief, as explained above, was (and continues to be) inextricably linked to the ideological underpinnings of the country. “Mormonism” was a discursive construction with roots, like the LDS Church itself, in the Second Great Awakening US.

stamped the LDS Church as a “fake,” “counterfeit” religion that “deluded” and “deceived” its “misguided” followers.<sup>16</sup> In just the first few years of the Church’s existence, scores of articles published in newspapers in New York, Massachusetts, Vermont, Ohio, and Missouri decried “Mormonites,” “Mormons,” and “Mormonism” on these terms, claiming to “expose” “unveil” or “unmask” the “so-called religion” and its prophet.”<sup>17</sup> By 1834, only four years after the Church’s founding, at least two major anti-Mormon tracts had been published, including Alexander Campbell’s *Delusions: An Analysis of the Book of Mormon* (1832) and Eber D. Howe’s more famous *Mormonism Unveiled* [sic] (1834). From almost the moment of the LDS Church’s birth then, anti-Mormons effectively constructed “Mormonism” in a negative light.

At the same time that the LDS Church took root and achieved an exponential growth in membership during the 1830s and 40s, Manifest Destiny – a term that was coined in 1845 by New York journalist John Louis O’Sullivan in order to rationalize the annexation of Texas – became an increasingly attractive and popular interpretation of national expansion as inevitable, compulsory, and divinely inspired. Territorial expansion was understood to be a unique mission entrusted by God to white Protestants, specifically that Anglo-Saxon Americans had been endowed to bring the North American continent together under the auspices of the also divinely inspired US Constitution, a philosophy that was paralleled in early LDS belief and doctrine.<sup>18</sup> The Saints’ sense of their own exceptionalism, which agreed with and repeated the religious tenets that underpinned

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<sup>16</sup> See chapter one of Fluhman, “*A Peculiar People*” for an in-depth analysis of early representations of Smith and Mormonism as fake.

<sup>17</sup> By 1834 over sixty anti-Mormon articles had appeared in newspapers across the northeast and mid-west. See chapter one of both Reeve, *Religion of a Different Color* and Fluhman, “*A Peculiar People*.”

<sup>18</sup> Ruether, *America, Amerikkka*, 72.



Manifest Destiny, stemmed directly from their belief in a divine mandate to build up the Kingdom of God on Earth. But the Saints' open and forceful assertion that Zion would eventually supersede and overtake the US government provoked the considerable ire of anti-Mormons.

Accompanied by an explicit policy of global colonization, the Saints' aggressive proselytization spread the message of Mormon exceptionalism, grating its nails against the mainstream Protestant chalkboard. Even before their exodus from Illinois to the Salt Lake Valley, the Saints had sent missionaries to convert Native Americans across the mid-West and had established missions on the Eastern seaboard (1839), in Britain (1837), and in French Polynesia (1844). They did not stop there. During the Saints' tenure in Nauvoo (1839-1847) they established a government virtually independent from its parent state of Illinois. Rumors of the Saints' military might mingled with charges of sexual impropriety on the part of Smith and his converts. Although the Saints forcefully and repeatedly pledged their allegiance to the US government in the 1830s and 1840s and actively participated in US settler colonialism, non-Mormons saw them as threatening for two key reasons: first the Saints' divergent understanding of racial hierarchy (especially regarding their views of American Indians' position in that hierarchy) clashed with the accepted racial underpinnings of Manifest Destiny, and second, their social and political unity as well as their governmental independence seemed to be a threatening manifestation of their claim that Mormonism would one day usurp US democracy.

As a theory that justified the often violent extension of US borders, Manifest Destiny reflected, and was undergirded by, various theories of race, both popular and

“scientific.” The early nineteenth century witnessed a rough transition from one major explication of racial origins to another, occasioning competing theories to circulate in society as if they were compatible, even complimentary. By the time Smith moved his followers to Nauvoo, ideas of white racial superiority were flourishing throughout the nation. Southern whites’ racial justifications for slavery as well as the widespread racial rationalization of settler colonialism had become increasingly explicit during the 1830s, bolstered in part through the newly developed disciplines of phrenology and physiognomy. Phrenology, a “science” developed in the 1790s and popularized by the 1820s, advocated the inherent racial inferiority of non-whites, particularly American Indians and African Americans.<sup>19</sup> Various measurements of the head were thought to hold the key to explaining individual and racial differences (brain size was thought to correspond positively with intelligence for example). Phrenological researchers studied what they believed to be the division of the brain into different faculties or sections, each corresponding with different emotional or rational abilities. Utilizing techniques such as observation and physical examination of the contours of a subject’s head, phrenologists claimed to be able to assess the innate abilities of individuals, communities, and even entire races. Both European and US-based phrenologists maintained that those races with a basically sound brain structure (i.e. Anglo-Saxon or white) could use the insights of phrenology to help develop their affective and intellectual capabilities, but that those who

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<sup>19</sup> See Horsman, *Race and Manifest Destiny*, especially chapters three, “Science and Inequality” and seven, “Superior and Inferior Races” for an in-depth examination of the relationship between racial sciences and Manifest Destiny.

were considered of poorer stock (i.e. non-white races) were incapable of improving their status.<sup>20</sup>

Treated seriously in the scientific community until the early 1840s, phrenology retained a formative influence on the general populations' views of racial determination and personal development well into the last quarter of the century. The most dominant phrenological thinker of the period, George Combe, stressed a genetic explanation for racial difference forwarding the widely-held belief that "Anglo-Saxons had the most perfect cerebral organization, an organization that placed them above other Caucasians as well as far above the non-Caucasians of the world." For example, Combe explained away the extermination of American Indians using typical phrenological thinking: "the existing races of native American Indians show skulls inferior in their moral and intellectual development to those of the Anglo-Saxon race, and that, morally and intellectually, these Indians are inferior to their Anglo-Saxon invaders, and have receded before them."<sup>21</sup> These theories had two main functions. First, they reinforced the notion of white supremacy, specifically Anglo-Saxon whiteness, as a fundamental quality of Americanness. In other words, not only were Americans divinely endowed with the responsibility of Manifest Destiny, but they were racially qualified to do so. Second, these theories introduced a modern, scientific foundation for the explicitly racial justifications that had been used to fuel genocide, oppression, and the exclusion of non-whites in the Americas since the late-fifteenth century.<sup>22</sup>

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<sup>20</sup> Horsman, *Race and Manifest Destiny*, 120-121.

<sup>21</sup> Horsman, 58-59.

<sup>22</sup> For work on the origins of race and its use in European and US colonialism see Seth, *Europe's Indians* and Dunbar-Ortiz, *An Indigenous Peoples' History of the United States*.

Relatedly, several religious theories about the whereabouts of God's chosen people also emerged during this period, not coincidentally aligning with the popular theories of white racial superiority. The Saints believed themselves to be direct blood descendants of one of the tribes of ancient Israel who, as the chosen people, had been selected to prepare the Earth and its inhabitants for Christ's return.<sup>23</sup> This belief dovetailed nicely with contemporary notions of Anglo-Saxonism and British Israelism.<sup>24</sup> The former, a mainly religious and scholarly theory, posited that the British Isles were populated by the ancestors of the lost Israelites, and that England was to be one of the gathering places for the lost tribes. According to contemporary scientific and religious explanations then, blood, rather than environment, was responsible for the greatness of certain races and religions.

The Saints' claimed that their Israelite blood (by way of their Anglo-Saxon origins) tied them directly to what those in power saw as the most prized racial stock. Over the course of the 1830s, 1840s, and early 1850s the Saints attempted to cement the relationship between what they saw as their birthright and the national investment in Anglo-Saxonism. While British Israelism was used to account for the Saints' missionary success in England – the chosen people were thought to be especially susceptible to the word of God as extended by LDS disciples – phrenology was used to buttress their claims of divinely-sanctioned Anglo-Saxon triumphalism. Held in high regard by LDS leaders and lay people alike, phrenology was used to demonstrate the superior quality of the Church's leadership, adherents, and, particularly, converts from England and

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<sup>23</sup> The early Saints claimed to be direct descendants of Ephraim.

<sup>24</sup> Mauss, *All Abraham's Children*, 18-21.

Scandinavia. Many Saints, including major figures in the religious hierarchy relied on phrenology to prove their whiteness, and, therefore, their rightful place in the divinely sanctioned nation. However, they also used phrenology to reinforce their claims of superiority over and above other white settlers – a tactic that did not ingratiate them to their neighbors.

Davis Bitton and Gary Bunker’s survey of phrenology’s popularity among the Saints’ demonstrates its importance in establishing LDS exceptionalist claims to whiteness and Americanness.<sup>25</sup> During the Nauvoo period several Church leaders, including two future Church presidents, Brigham Young and Wilford Woodruff, as well as other influential figures such as Hyrum Smith (Joseph Smith’s brother), Willard Richards, and James J. Strang, underwent phrenological examinations, often publicizing the results of their assessments. Joseph Smith himself underwent three different examinations, the results of which at least one, a phrenological diagram depicting the measurements of the prophet’s personal attributes based on an examination of his skull, was published in LDS newspapers and magazines in the early 1840s.<sup>26</sup> While Smith displayed only a moderate personal interest in the new discipline, the fact that he assented to three separate examinations and the fact that numerous Saints invested their time, energy, and money in their own readings, is reflective of the widespread popularity and influence of phrenology during the nineteenth century generally and in the LDS community specifically. In fact, phrenology achieved its ideological stature as a mode of

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<sup>25</sup> Bitton and Bunker, “Phrenology Among the Mormons.”

<sup>26</sup> Ibid.

justification and explanation for Manifest Destiny in part through its entrance into mainstream US culture as a fashionable pastime.

For the Saints, their interest in phrenology was three-fold. First, the Saint's theological investment in individual progress and self-perfection was reflected in phrenologists' insistence that Anglo-Saxons could use its insights to attain personal development and betterment. Second, in many ways phrenological thinking dovetailed with the Saint's own hierarchical thinking about race, specifically the correlation they saw between personal choice (morality, behavior, etc.), physical attributes (skin color, hair texture, etc.), and abilities.<sup>27</sup> Finally, in phrenology the Saints recognized a method of defense that might help insulate them against charges of racial difference that anti-Mormons had begun to circulate. For the Saints, phrenological charts were not just a popular pastime; they also served as proof of their whiteness, their Anglo-Saxon origins, and, therefore, their Americanness at a time when critics were challenging their loyalty vis-à-vis accusations of racial treason and degeneration.

Although the Saints shared an investment in white supremacy with non-Mormons, they did not always share their views on how to interact with non-whites, especially American Indians, causing white settlers in Ohio, Missouri, and Illinois to become suspicious of the Saints.<sup>28</sup> Historically the US government and its settlers practiced violent, genocidal warfare against American Indians, but the Saints largely forewent

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<sup>27</sup> For example, the Saints believed "dark skin" was a curse that reflected a person's poor morality.

<sup>28</sup> While LDS theology clearly retained and reflected the racial attitudes of the period out of which it was born, it promoted a very different approach to dealing with non-white populations than those advocated by both the federal government and non-Mormon settlers.

genocide for proselytization.<sup>29</sup> Just as the Saints were identified as relatives of the Israelites in the Book of Mormon, so too were American Indians, a not uncommon idea that various religious scholars and popular thinkers promoted in the late-eighteenth and early-nineteenth century US.<sup>30</sup> According to the Book of Mormon, a family of Israelites traveled from Jerusalem to North America around 600 B.C. but, over time, split into two warring factions, the “white, and exceedingly fair and delightsome” Nephites and the dark-skinned Lamanites, who are commonly regarded by the Saints as ancestors of North American Indians.<sup>31</sup> The sacred account of racial origins in the Book of Mormon aligned with and challenged developing ideas and policies toward American Indians, evident in both the romanticism and violence with which they are depicted in the text. While the Indian Removal Act, signed into law by President Andrew Jackson in 1830, represented the continuation of policies of extreme violence against American Indians, the Saints saw it as their duty to convert and “save” their long-lost relatives.<sup>32</sup>

The Saints’ policy of conversion chafed against the realities of settler colonialism under Manifest Destiny and hardening attitudes of white non-Mormons toward “hostile Indians.” As the Saints moved from state to state, local settlers found the Saints’ desire to incorporate Indians into their religion, and by extension their communities, both

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<sup>29</sup> This would not always be the case, especially after Brigham Young moved the church and its followers to Utah. While early settlers had used missionizing and conversion as a form of colonization, genocidal war was the far more common tactic of settler colonialism.

<sup>30</sup> Mauss, *All Abraham’s Children*, 18.

<sup>31</sup> In the Book of Mormon God cursed the Lamanites with “a skin of blackness,” distinguishing them from the Nephites, as a sign of their wickedness and corruption. See 2 Nephi 5:21: “And he had caused the cursing to come upon them, yea, even a sore cursing, because of their iniquity. For behold, they had hardened their hearts against him, that they had become like unto a flint; wherefore, as they were white, and exceedingly fair and delightsome, that they might not be enticing unto my people the Lord God did cause a skin of blackness to come upon them.”

<sup>32</sup> See Dunbar-Ortiz, *An Indigenous Peoples’ History of the United States*, especially chapters one through four, for the early history of settler colonialism in North America.

disconcerting and in open conflict with their own policy of blanket hatred and violent suppression. For example, the Saints' formal missionary policy was one among several reasons Missourians objected to LDS settlement in the western part of their state between 1831 and 1838. Largely in response to their sympathetic and patronizing attitude toward and beliefs about American Indians, anti-Mormons racialized the Saints as non-white. Racializing them as a distinct race was an extremely effective strategy in denying the Saints equal rights to property, enfranchisement, and the protection of state governments as well as justifying violence against them.<sup>33</sup> W. Paul Reeve argues that as a result of these differences discursive constructions of "Mormons" had become explicitly racial as early as the 1830s, transforming the Saints' peculiarity from religious duplicity to racial difference.

In the early period of polygenic racial taxonomy, and in an increasingly nativist national context, non-Mormons began to conceptualize those who practiced LDS religion as part of a new and distinct race. Reeve contends that the terms "Mormonite" and "Mormon" were not merely religious descriptors, but were early examples of the racialization of Mormons as a separate racial group. By 1831 "Mormonites" were described as "vagrants," "strange people," "fanatical and deluded beings" who

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<sup>33</sup> This was especially the case in Ohio and Missouri. For example, in Hiram, Ohio on the night of March 14, 1832 Joseph Smith was kidnapped by an angry mob, stripped, beaten, and tarred and feathered. In July of 1833 another mob in Independence, Missouri tarred and feathered two Saints, Bishop Edward Partridge and Charles Allen, drove scores of LDS women and children from their homes, and destroyed the property and printing equipment of LDS businessmen. In perhaps the most infamous example, a state militia massacred a mobile settlement of LDS families indiscriminately killing men, women, and children on October 30, 1838 at Haun's Mill. Anti-Mormon mobs often formed to prevent the Saints from voting and pushed them out of the Territory at the behest of state leaders. Governor Lilburn Boggs of Missouri even took out an "extermination order" against the Saints in 1838. LDS appeals for protection to other state or federal authorities were always denied. See Arrington and Bitton, *The Mormon Experience*, especially chapter three, for an account of this persecution.



‘degraded themselves,’” and, only ten years later, as “‘savages’” echoing racist descriptions of other racial minorities during this period.<sup>34</sup> Both Fluhman and Reeve point out that Joseph Smith was often compared to Muhammed and the Saints were consistently likened to Muslims. Early-nineteenth-century US citizens’ “knowledge of Islam was informed by exposure to African Muslims through either the slave trade or naval conflict off the North African coast;” a knowledge that would have been inevitably inflected with contemporary racial attitudes toward African(s) (Americans).<sup>35</sup> Thus, the Saints were racialized as “Mormons” through comparisons to both racial *and* religious others including American Indians, blacks, Arabs, and Muslims. These early descriptions of “Mormonites” and “Mormons” quickly gave way to a commonly accepted distinction between whites and “Mormons.”<sup>36</sup>

By the 1850s, “a growing sense that Mormons were degraded whites bound together by a shifting set of degenerate traits or that they were ‘foreigners’ or ‘aliens’” characterized the growing animosity toward the Saints and would later inform the national response to their non-normative practices, especially polygamy.<sup>37</sup> In a time and place in which race was understood to denote not a purely biological grouping but also national origin, this was a powerful tactic with clear effects. As an influx of immigration from Europe resulted in an upswing of nativist sentiment, the Saints were conceptualized in much the same way as Irish immigrants, who were thought to be diluting the whiteness of the Anglo-Saxon, American race.

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<sup>34</sup> Reeve, *Religion of a Different Color*, 20 and 21.

<sup>35</sup> Fluhman, “*A Peculiar People*,” 31.

<sup>36</sup> Reeve, *Religion of a Different Color*, 23-24.

<sup>37</sup> Reeve, 20.

LDS speeches evidence the Saints' own acknowledgement, and at times even acceptance, of themselves as racially different (although never inferior). Reflecting on the government's unwillingness to acknowledge the Saints' settler colonial occupation of the Great Basin as it had other territories, LDS leader George A. Smith concluded that non-Mormons see us "as if we were horses, or elephants, or Cyclops. [Federal officials come to Utah and exclaim] 'Oh! we will run home again, because when we got there, we found the people all Mormons.'"<sup>38</sup> Smith's incredulity that the federal government would pay for "Indian wars" in Oregon, California, New Mexico, or Minnesota, but not in Utah because it was occupied by "Mormons" evidences not only that the Saints were popularly portrayed as strange and animalistic – as other – but that they were aware of and indignant at such portrayals. The Saints' indignation, expressed in Smith's sermon celebrating the Saints' entry into the Salt Lake Valley five years earlier, was a result of their own perception of themselves as white Anglo-Saxon Americans who had been specially chosen by God to reinstitute the true Church on the North American continent; a project Smith believed that the federal government should support by extending its suppression of Indian resistance to settler colonialism in Utah.

Numerous homilies from the 1850s, 1860s, and 1870s self-consciously employed the terms "Mormon" and "Mormonism" as the accepted terminology with which to refer to the LDS Church and its members, but they did so to challenge negative perceptions of the religion and its practices. In other words, the Saints were fully aware that "Mormonism" was not merely a descriptor, but rather a concept whose meaning was

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<sup>38</sup> George A. Smith, "Liberty and Persecution-Conduct of the U.S. Government, Etc.," *JD*, 1 (July 24, 1852): 45.

being actively constructed. Fighting hard to win the battle over its meaning LDS leaders preached sermon after sermon maintaining that the “strange” or “peculiar” qualities of the “Mormons” were a result of their religion’s divine sanction, not a result of racial degeneration.<sup>39</sup>

During the Saints’ tenure in Missouri, Church leaders had also entered the national fray over slavery. Early in its history the Church had several black members, many of whom rose to prominence in the priesthood,<sup>40</sup> but the Church also welcomed white Southern converts who brought their slaves with them when they migrated to western LDS settlements in Ohio and Missouri. Joseph Smith and other Church leaders held racial views about interracial marriage, abolition, and emancipation that reflected the conservative outlook of many Northerners. While maintaining a stance against “amalgamation” between whites and blacks, Smith articulated a vision of gradual and controlled emancipation during his 1844 bid for the presidency of the United States. However, like most politicians during this period (including Abraham Lincoln) emancipation connoted a vision of white paternalism, in which whites were still solidly placed above of and in control of blacks. Overall, the first two decades of Church policy concerning African Americans evinced an ambivalent and oscillating attitude about race and slavery, but by 1847, with Brigham Young as president of the Church, the LDS hierarchy had begun to solidify an explicitly racist policy of denying the priesthood to

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<sup>39</sup> For a representative sample of these types of sermons see Brigham Young, “The Constitution and Government of the United States—Rights and Policy of the Latter-Day Saints,” *JD*, 2 (February 18, 1855); Brigham Young, “Peculiarity of ‘Mormons’-Obedience to the Dictates of the Spirit-Knowledge of the Truth, Etc.,” *JD*, 7 (June 27, 1858); and Joseph F. Smith, “Embarrassments in Arising to Speak-The Different Religions-None Perfect Except Revealed by God,” *JD*, 11 (February 17, 1867).

<sup>40</sup> The priesthood is the lay ministry organization of the Church. The Church does not have a formal trained or paid clergy.

African American men.<sup>41</sup> But even as the Saints aligned with widespread views of the inferiority of blacks – reflected in formal policies toward black members and the Church’s firm support of the prohibition of interracial marriage and sex – the Saints fell prey to charges of racial mixing, implicating them in a “Mormon-black conspiracy” in Missouri.<sup>42</sup>

LDS association by contiguity with other new religious movements that promoted free love, such as the Owenites, helped to fuel concerns about racial mixing. Boiling tensions between the Saints and non-Mormons in Missouri and Illinois were certainly promoted by a wellspring of religious bigotry, but accusations of crossing racial boundaries were used to cement the Saints’ place on the wrong side of the racial divide just as the color line was solidifying. Rumors about marriages between black and white Saints in Ohio and a scandal involving a column promoting LDS missionizing to blacks printed in a July 1833 edition of the LDS newspaper *The Evening and the Morning Star*, prompted an outbreak of outrage on the part of local non-Mormon residents. The column enflamed the already tense situation in western Missouri, and residents “accused Mormons of conspiring to incite a slave rebellion and ultimately to promote a racial assault on white women” with one resident proclaiming, that the Saints had achieved the racial ““condition of the black population”” and were ““little above the condition of our blacks either in regard to property or education.””<sup>43</sup> Thus, the Saints were racialized

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<sup>41</sup> In order to recognize the full significance of this policy, it is necessary to understand both the structure and doctrine of the Church’s ministry system. Under the Church’s established system of lay ministry male members may be part of two different priesthoods, the lesser Aaronic priesthood, or the higher Melchizedek priesthood. Under the ban, black men, and by extension black women, were unable to access the religious privileges as well as the social prestige that comes with membership in the priesthood.

<sup>42</sup> Reeve, *Religion of a Different Color*, 114.

<sup>43</sup> Reeve, 119.

through accusations of “race treason,” forwarding the construction of “the Mormons” as a new racial category distinct from other phenotypically light-skinned non-Mormons.<sup>44</sup>

As concerns over racial “mixing” indicate, racial ideas about the Saints, like other groups, were formed largely in and through ideas about gender and sexuality. Racial formation, to borrow Omi and Winant’s terminology, is a process that is often advanced through the elaboration of normative gender roles and sexual practices.<sup>45</sup> By tying the Saint’s purported “abnormal” sexual and marital behavior to their racial categorization, anti-Mormons promoted the Saint’s “peculiar” outsider status as degraded whites. In the reigning, yet contradictory, logic of nineteenth-century scientific and popular thought, (sexual and gendered) behavior could define racial status, while one’s (designated) race could simultaneously determine the behaviors that individual (supposedly) exhibited. In other words, procreation between those of different races (taboo behavior in the 1830s US) could actually produce racial degeneracy, while being “mulatto,” for example, (a racially inferior status) was thought to ensure inappropriate and promiscuous behavior such as interracial sex. For those struggling to stake a claim to whiteness, and therefore, Americanness, like the Saints, this logic worked against them while it also functioned to reinforce the oppression of those groups that were unable to even attempt such a claim, particularly African Americans.

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<sup>44</sup> For the concept of race treason as it was applied to the Saints see Ertman, “Race Treason.”

<sup>45</sup> Omi and Winant, *Racial Formation in the United States*.

However, the Saints' racially suspect status was complicated by their participation in the normative gender and sexual cultures of the 1830s and 1840s.<sup>46</sup> Predominant thinking regarding white racial superiority underlying the call to Manifest Destiny was entangled with shifting notions of sex, gender, and marriage during this period. The synchronized concept of the "cult of domesticity," which dictated popular thinking regarding white middle- and upper-class women in the early to mid-1800s, promoted piety, purity, domesticity, and submissiveness as values women should ideally embody. But as many feminist scholars have shown, the cult accomplished much more than this. It implicitly relied on racialized and classed notions of femininity that privileged well-to-do white women and enforced an ideological separation between public and private as distinct spheres which gendered wage-earning and formal politics in opposition to home life and childrearing.<sup>47</sup> Of course, this opposition also served to make sense of and reinforce the changes resulting from the development of industrial capitalism, insulating the home as an escape from the distressing consequences of expanding market forces. The LDS Church was born just as the ideology of domesticity began to change expectations regarding women's economic roles, during a period when women were entirely subject to their husband's authority. The Saints unquestioningly absorbed these new attitudes about women's roles.

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<sup>46</sup> See Ertman, "Race Treason;" Givens, *The Viper on the Hearth*; Reeve, *Religion of a Different Color*; and Talbot, *A Foreign Kingdom* for the argument that the Saints' simultaneous insider-outsider status is what made them so threatening to anti-Mormon whites.

<sup>47</sup> See Baym, *Woman's Fiction*; Brown, *Domestic Individualism*; Cott, *The Bonds of Womanhood*; Douglas, *The Feminization of American Culture*; Kelley, *Private Woman, Public Stage*; Ryan, *Cradle of the Middle Class*; Ryan, *Empire of the Mother*; Samuels, *The Culture of Sentiment*; Sklar, *Catherine Beecher*; Tompkins, *Sensational Designs*; and Welter, "The Cult of True Womanhood."

Although it is commonly assumed that the practice of plural marriage is evidence of a dramatic dissimilarity between the highly-prized ideals of gender and sexuality in the Victorian US and those of the LDS Church, the opposite is in fact true. The Saints did not openly or widely practice plural marriage until 1852. Before that year plural marriage was mostly practiced by select, high ranking officials in the LDS hierarchy and was not always accompanied by sexual relationships between spouses. Like their non-Mormon counterparts, the Saints accepted and integrated the “cult of true womanhood” into their worldview and daily lives. As the “most heavily male-dominated” religious communal experiment to emerge out of the Second Great Awakening, the LDS Church held views about gender, and women’s roles in particular, that were the “closest to the attitudes of the outer society,” compared to other religious experiments.<sup>48</sup> Women’s participation in the priesthood, for example, was only possible indirectly through marriage and their status was exalted directly through childbearing and childrearing. As Carmon Hardy and Dan Erickson point out, even after the Saints began to advocate polygamy, they did so by drawing on non-Mormon scientific theories of gender and sexuality (which also aligned with rapidly developing racial theories) to argue that the supremacy and divinity of polygamy best maintained and enriched the inherent differences between men and women.<sup>49</sup> Early Church history shows that the attitudes of the Church’s leaders reflected those of non-Mormons when it came to the “proper” relations between men and women, husband and wife.

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<sup>48</sup> Foster, *Religion and Sexuality*, 230.

<sup>49</sup> Hardy and Erickson, “Regeneration: Now and Evermore!”

The Doctrine and Covenants, which contains the revelations received by Church leaders from God, provides invaluable insight into the similarities and differences between the Saints and non-Mormons during the early years of the religion's development.<sup>50</sup> In particular, Section 32 – famously expressing God's commandment for the Saints to practice plural marriage – evinces that LDS attitudes regarding the nature of, and appropriate roles for, men and women, aligned quite well with contemporary non-Mormon ideals and norms. Through the invocation of the Old Testament relationship between Abraham, his wife Sarah, and his concubine Hagar, the revelation commands women's (particularly wives') submission to men; in the case of the revelation, the submission of Joseph Smith's wife, Emma, to her husband:

God commanded Abraham, and Sarah gave Hagar to Abraham to wife. And why did she do it? Because this was the law; and from Hagar sprang many people ... A commandment I give unto mine handmaid, Emma Smith, your wife, whom I have given unto you, that she stay herself and partake not of that which I commanded you to offer unto her; for I did it, saith the Lord, to prove you all, as I did Abraham, and that I might require an offering at your hand, by covenant and sacrifice. And I command mine handmaid, Emma Smith, to abide and cleave unto my servant Joseph, and to none else. But if she will not abide this commandment she shall be destroyed, saith the Lord;

Emma Smith is instructed to submit to both God's and her husband's authority in all things temporal and divine. Of course, many have disputed the truth of Joseph Smith's revelation. It is often described as simply a ruse to coerce his wife into accepting his other marriages and to silence her stream of objections to plural marriage:

... if any man espouse a virgin, and desire to espouse another, and the first give her consent, and if he espouse the second, and they are virgins, and have vowed to no other man, then is he justified ... for they are given unto him to multiply and replenish the earth, according to my commandment, ... if any man have a wife, who holds the keys of this power, and he teaches unto her the law of my priesthood, as pertaining to these things, then shall she believe and administer unto him, or she shall be destroyed;

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<sup>50</sup> The vast majority of revelations were received and recorded by Joseph Smith.



However, questions about the divinity of the revelation distract from the more interesting fact that Smith and other LDS leaders, as well as the general membership of the Church, accepted and promoted notions of female subordination through the ideology of domesticity at the same time that women were, paradoxically, afforded “extremely varied and flexible economic roles” in LDS society and often times participated more fully than their non-Mormon counterparts in the traditional political realm.<sup>51</sup> Moreover, the fact remains that after the prophet’s death and the exodus to Utah, LDS women maintained a seemingly paradoxical submissiveness under the doctrine of plural marriage; they actively fought against the federal government’s repeated attempts to destroy polygamy, a presumably patriarchal and anti-feminist institution *at the same time* that they argued for and achieved suffrage in Utah.<sup>52</sup>

Couched in the language of religious sacrifice and dutiful obedience to God, the revelation mirrors common attitudes that regarded wives as their husband’s property and women as naturally submissive. Unsurprisingly, the revelation uses this sexist logic to explain plural marriage as not only a divinely sanctioned, but required practice. But in order to move beyond the overdetermined interpretations of this revelation as proof of Joseph Smith’s licentious and manipulative nature, the text in its entirety must be approached as a historical document replete with examples of the ideals, values, and norms of the early nineteenth-century US and LDS culture. Importantly, the revelation also explains the concept of eternal marriage as essential (even above and beyond plural

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<sup>51</sup> Foster, *Religion and Sexuality*, 233.

<sup>52</sup> Women in Utah gained the right to vote in January 1870 less than a month after women in Wyoming, the first state or territory to grant women’s suffrage. I discuss Utah’s women’s suffrage movement, its relationship to anti-Mormonism, and its implications for understanding gender and sexuality in LDS history in the next chapter.

marriage) for the restoration of the true Church and the salvation of humankind.<sup>53</sup> The concept of eternal marriage, in which the marital union lasts beyond the temporal realm, into the eternity of the afterlife, illustrates the extent to which the Saints prized and privileged the marriage relation as fundamental to exaltation after death:

... I reveal unto you a new and an everlasting covenant; and if ye abide not that covenant, then are ye damned; for no one can reject this covenant and be permitted to enter into my glory. ... All covenants, ... that are not made and entered into and sealed by the Holy Spirit of promise, of him who is anointed, both as well for time and for all eternity, ... are of no efficacy, virtue, or force in and after the resurrection from the dead; for all contracts that are not made unto this end have an end when men are dead. ... Therefore, if a man marry him a wife in the world, and he marry her not by me nor by my word, ... their covenant and marriage are not of force when they are dead ... Therefore, when they are out of the world they neither marry nor are given in marriage; but are appointed angels in heaven; which angels are ministering servants, to minister for those who are worthy of a far more, and an exceeding, and an eternal weight of glory. For these angels did not abide my law; therefore, they cannot be enlarged, but remain separately and singly, without exaltations, in their saved condition, to all eternity.<sup>54</sup>

Just as the Saints took seriously US exceptionalism as evidence of divine intervention, so too did they prize the marriage contract as a heavenly relationship that extended beyond the confines of mere mortality.

Valued above all other relationships in the nineteenth-century US, the marriage contract made a woman into “a feme covert, and a husband possessed a dependent wife. Without marriage, none of this existed. Without marriage, sex was fornication; with marriage, it became duty and right.”<sup>55</sup> For the Saints, the marriage contract went beyond the earthly implications of these values, attaching an individual’s ability to achieve glory in the afterlife to marriage and procreation. Both eternal and plural marriage were considered essential religious customs for LDS practitioners because they ensured heavenly adulation and provided the quickest route for bringing about the millennium. In

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<sup>53</sup> There continues to be both a historical and faction-based debate about the link (or lack thereof) between the meanings of eternal and plural marriage.

<sup>54</sup> Section 132 of The Doctrine and Covenants.

<sup>55</sup> Hartog, *Man and Wife in America*, 93.

other words, without a marriage performed, sanctioned, and sealed by a priesthood holder, a man could not achieve godhood and a woman could not become a mother-in-heaven; both would be merely angels “without exaltations” after death for all eternity.<sup>56</sup> For women especially, marriage and childbearing were the only ways to achieve a godlike status, in addition to a more protected and privileged position on Earth.

As an in-depth reading of Section 132 makes clear, the Saints were more similar than they were different from non-Mormons when it came to gender roles and relationships. But it is equally clear that their adherence to such norms and standards in the 1830s, 1840s, and 1850s did not prevent their detractors from effectively racializing them as non-white, a trend that gained increasing traction after their move to Utah and their open acknowledgement of plural marriage in 1852. This fact suggests that while compliance to gendered norms, expectations, and practices was an essential prerequisite for being read as white, it alone did not determine racial status; in fact, any deviation from those standards could be used to ensure one’s exclusion from the privileged construction of whiteness, and therefore, Americanness. Furthermore, the “natural”

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<sup>56</sup> The LDS Church teaches that all beings have a material existence which transcends birth and death, including mortals, angels – even God – and that all are at different stages on a scale of eternal progression. The stages of eternal progression include: preexistence as a spirit, mortality on earth (constituted by the veil of forgetfulness), the spirit world (constituted by positive and negative levels reached after death where spirits reside before the resurrection and final judgement), and, of course, heaven. There are three levels of heaven in LDS cosmology: the lowest, the telestial, the second highest, the terrestrial, and the highest, the celestial. Lower levels of exaltation (telestial and terrestrial) are characterized by less perfect forms of embodiment. God created mortals first by “organizing” his spirit children out of “intelligences” or the material that God himself is made from. Then through procreation God and his wife (or wives) gave the spirit beings bodies here on earth. Like man, God was once mortal and achieved the highest level of exaltation, godhood (or the celestial level of heaven), by partaking in essential rites and rituals while he was mortal, including baptism, confirmation, washing and anointing, receiving endowment, and eternal marriage. After the resurrection and final judgment, it will be determined which spirits achieve what levels of exaltation and who will be cast into “outer darkness” (the Mormon version of hell). Women do not become Gods in the same sense that men do, but through the security of marriage they are assured a place in the celestial kingdom as a “Mother-in-Heaven,” or as angels in the lower forms of heaven. For a more thorough description see Mitchell, “Good, Evil, and Godhood,” in *Powers of Good and Evil*.

relationship that was understood to exist between gender norms and sexual practices was tenuous to the point of fragility, ensuring that the slightest inconsistency could destroy an individual's or group's claim, as in the case of LDS polygamy.

Such divergences between nineteenth-century Saints' views of gender and sexuality, which they shared with non-Mormons, and their practical application of those views demonstrate this tenuous state of affairs. These divergences emerged at the intersection between industrial capitalism and changing notions of marriage, family, gender roles, love, and sexuality. First, the shift from a distinctly patriarchal notion of marriage to one of companionship between the 1790s and 1830s did not align with plural marriage's increasingly important place in the LDS system of belief and practice after the 1850s, which required the suppression of emotions that were promoted in nineteenth-century sentimentality. What Shirley Samuels calls the "national project" of sentimentality promoted a state of exclusivity between a husband and wife that the structure of plural marriage could simply not sustain. In the 1830s and 1840s women derived increased "status, standing, and power through the medium of affection and self-expression in their relationships with men," in turn strengthening hierarchal gendered distinctions that appeared to clearly separate the public and private spheres of work and home.<sup>57</sup> As Barbara Epstein notes in her study of women's experiences of religion and temperance in the nineteenth-century US, "domesticity represented a weakening of women's power in relation to men, but in an immediate sense, it represented the best of all available alternatives; and by providing women with a role that was clearly defined and widely venerated, it offered them an arena for self-development and a base from

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<sup>57</sup> Lystra, *Searching the Heart*, 231.

which to press their claims.”<sup>58</sup> Thus, even as women were losing power through the diminishment of their influence in the economic family unit, the 1840s witnessed an upshot in women’s political activism, exemplified in the 1848 Seneca Falls Convention. These trends among middle-class northeasterners became less important for the Saints as the significance of plural marriage increased once they established their community in Utah.

LDS women, like their husbands and other settlers, engaged in physically demanding work that contributed to the economic development of both the household and community. Additionally, the increasing value that was placed on individual achievement and worth under industrial capitalism was countered by early socialistic experiments conducted by the Saints. Although the LDS Church came of age during a time when money and earthly goods were thought to reflect a man’s work ethic and success, Smith’s implementation of the Law of Consecration and Stewardship challenged these still solidifying standards. As early as 1831 the Saints attempted to live in communal harmony under a structure called the United Order. This system of “economic equality, socialization of surplus incomes, freedom of enterprise, and group economic self-sufficiency” was based upon the notion that all the Earth and everything on it belonged to the Lord and not to individual property owners.<sup>59</sup> Under the fledgling system Saints would consecrate or deed their property to the Church and in return receive a stewardship. This system allowed Church leaders to allocate based on “want and need” and to care for impoverished converts, of whom there were many joining the Church. By

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<sup>58</sup> Epstein, *The Politics of Domesticity*, 84.

<sup>59</sup> Arrington, Fox, and May, *Building the City of God*, 15.

implementing these communal economic practices in Ohio and Missouri, the Saints not only challenged the notion of separate spheres, but they also questioned the individualistic order of industrial capitalism that was coming to characterize, but did not yet define, national identity, citizenship, and ideology.

Because these economic-religious attempts to set themselves apart coincided with their less violent attitude toward American Indians, the Saints' ostracism was virtually ensured. Their early economic experimentations appreciably impacted their "peculiar" reputation, only adding to the surety of non-Mormon settlers that the Saints stood in stark contrast to what it meant to be American, religiously, racially, and economically. The large influx of LDS settlers, their early economic experimentation, differing attitudes toward indigenous peoples, and rumors about their proselytizing to slaves incited non-Mormon settlers to drive them out of both Ohio and Missouri. Violent mobs forced the Saints to put their economic experiments on hold as they fled from the borderlands of Missouri into the temporary safety of Nauvoo, Illinois in 1839.

Although the Saints managed to attain an unprecedented level of autonomy in the early 1840s, they continued to face increasing levels of prejudice during their residence in Illinois. Throughout their tenure they achieved all but political independence – from both state and federal governance – first as a result of an unprecedentedly generous city charter and subsequently because of the sheer numbers that made bloc voting a mainstay of the LDS political presence in the state. Not only did Nauvoo virtually function as a state within a state, but it boasted a large and well-trained militia as well as the largest population in the state, second only to Chicago, with ten thousand residents. But beneath

the prosperous surface, Nauvoo was built on a precarious economic foundation – as were many western settlements. Moreover, key theological developments were rapidly transforming the Church hierarchy during this period.<sup>60</sup>

It was in Nauvoo that Smith introduced plural marriage to his most trusted advisors and the practice spread horizontally among the leadership. Unfortunately for him, the introduction of polygamy coincided with the defection of several high-level Church leaders. John C. Bennett, who had served as a close confidant of Smith and the mayor of Nauvoo, published a highly embarrassing, sensationalized, and extremely erroneous exposé of the Church and its leadership. In it, he revealed the practice of polygamy, exaggerating and even inventing details about the practice among the Saints. He also accused leaders, especially Smith, of other types of sexual misconduct.<sup>61</sup> Bennett went so far as to declare: “Joe Smith meditates the *total overthrow, not only of our government and of our social fabric*, but of all creeds and religions that are not in perfect accordance with his own bloody and stupid imposture [Mormonism].”<sup>62</sup> Here Bennett explicitly linked the well-being of the state to the norms and practices of society, charging Mormonism with blurring the distinction between the public and private spheres that had begun to cohere under the joint auspices of industrial capitalism and the cult of true womanhood. He also employed accusations of religious bigotry against the Saints –

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<sup>60</sup> Arrington and Bitton, *The Mormon Experience*, 69.

<sup>61</sup> It is notable that Bennett was the first known person to be accused of sodomy in Mormonism (see Quinn, *Same-Sex Dynamics Among Nineteenth-Century Americans*, chapter nine) and that Smith dealt incredibly leniently with the accusations against Bennett. It would be fair to argue that Bennett’s accusations of sexual impropriety among the LDS leadership were an attempt to deflect attention away from his own sexual escapades, of which he was accused both before, during, and after his time as a Saint with both women and men.

<sup>62</sup> John C. Bennett, *History of the Saints; an Exposé of Joe Smith and Mormonism* (Boston: Leland & Whiting, 1842): 306.

rendering invisible the very real and violent religious intolerance suffered by them – to paint a portrait of “Mormons” as not just un-American, but anti-American in both their attempts to establish a theocratic state and their social indiscretions. While in retrospect many of his claims are highly suspect and plainly inflammatory, they nonetheless reflected and helped to construct the prevailing social attitude toward “Mormonism” in the mid-nineteenth century.

Bennett’s accusations of religious persecution were especially ironic given that anti-Mormons used Mormon peculiarity as a foil with which to establish Protestantism as the unspoken national religious tradition, all the while lauding religious freedom.<sup>63</sup> Such accusations pushed an already simmering anti-Mormonism to the boiling point, confirming and heightening the fears of non-Mormons in the mid-West. Bennett fed into fears of both race treason and political sedition, accusing the Saints of planning to “exterminate” all non-Mormons if they would not convert, once again obscuring reality by accusing the Saints of preparing to eradicate all non-Mormons, when in fact anti-Mormons were violently suppressing LDS settlements and actively annihilating American Indian peoples.<sup>64</sup>

By the spring of 1844, events were congealing that would result in Joseph Smith’s martyrdom that summer. Lingering resentments on the part of Missourians and growing concern over the Saints’ political power in Illinois found their outlet when more top leaders began to defect from the Church. The secrecy with which Smith had disseminated

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<sup>63</sup> See Fluhman, “*A Peculiar People*” and Givens, *Viper on the Hearth*. It is worthy to note here that even though Nauvoo did function as a theocracy, its city charter ensured religious liberty to all creeds, including Islam – an unprecedented extension of religious liberty in the US at that time.

<sup>64</sup> Ibid.



the practice of plural marriage within the upper echelons of the Church resulted in confusion and schism. Disaffected leaders began to print indictments of Smith as a fallen prophet in local newspapers. The city council of Nauvoo, led by Smith, responded by declaring one apostate press a civic nuisance and ordered it destroyed. Too late did Smith realize that destroying the press gave his enemies the perfect excuse to come after him with the legal force of the state. After an arrest warrant was issued by Governor Ford of Illinois, Smith and his brother Hyrum surrendered themselves and were held in the Carthage Jail for trial. On June 27, 1844, a mob made up primarily of the Warsaw militia, stormed the jail and killed Smith and his brother. Smith's martyrdom, even more than previous persecution they had suffered, cemented the Saints' sense of themselves as a distinct social, even ethnic, group.<sup>65</sup>

Following Smith's death, the Saints were forced to reevaluate their position in Nauvoo as violent anti-Mormonism once again began to rear its head. They soon decided to leave the state and settle in an unpopulated territory outside the reach of anti-Mormon violence. Brigham Young, the Church's new leader, led a massive exodus from Nauvoo to the Mexican territory of the Great Basin (present-day Salt Lake City), arriving in July of 1847. During the Saints' yearlong migration, the US declared war against Mexico. By the time the Saints arrived in the Salt Lake Valley, it was disputed territory. Despite continued persecution and multiple failed attempts to elicit help from the federal government during their time in Illinois, Young dispatched troops to fight in the Mexican-American War as a sign of allegiance to the US government.

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<sup>65</sup> See Jan Shipps, "Difference and Otherness" in *Minority Faiths and the American Protestant Mainstream* for an analysis of "Mormon ethnicity."

The Saints continued to promote US colonial efforts immediately upon their arrival in the Great Basin through both military and settler colonial means, yet their support of the US government did nothing to improve their reputation. Reginald Horsman argues that while tribal resistance to the appropriation of their lands was used to characterize Indians as “subhuman savages” that helped to support an implicit understanding of white superiority, the more significant “catalyst in the overt adoption of a racial Anglo-Saxonism was the meeting of Americans and Mexicans in the Southwest, the Texas Revolution, and the war with Mexico.”<sup>66</sup> Just as the Saints had been racialized as non-white through claims of race treason and miscegenation in Ohio and Missouri, Mexicans were vilified during the war as dangerous because of their “mixed” race status. Not only were Mexicans “mixed,” in and of itself considered a problematic status, but they had also infused the least desirable ancestry into their racial make-up – Indian and African blood – through mixed sexual unions.<sup>67</sup> Debates among elected officials during the war reveal that anxiety about the annexation of Mexican land circulated around the implied annexation of Mexican bodies that came with the territory.<sup>68</sup> Already discursively distinguished from Anglo-Saxons – despite their best efforts – the Saints’ residence in a disputed territory populated with “undesirable” Mexicans combined with increasingly prevalent rumors about their plural sexual practices to further ostracize them. By the time Orson Pratt, a member of the Quorum of the Twelve Apostles, the second highest body in the LDS Church, announced plural marriage as a calling and obligation of faithful Saints

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<sup>66</sup> Horsman, *Race and Manifest Destiny*, 204.

<sup>67</sup> Horsman, 210.

<sup>68</sup> It is not unreasonable to assume that officials’ concern around the integration of Mexican bodies into US society extended to the bodies of “Mormons” – these bodies, for nineteenth-century non-Mormons, represented the collision of racial impurity and sexual impropriety.

in August 1852, anti-Mormons had already been racializing the Saints through reference to their sexual practices. Long before sexology co-opted comparative anatomy and embraced eugenics – both methods of late-nineteenth-century racial science – to produce (homo)sexual subjects, race was being constructed in and through discourses of sex and sexuality.<sup>69</sup> This ready-made and seasoned strategy would prove incredibly useful in the coming conflict over the “Mormon question;” it became a central strategy for justifying federal intervention in Utah politics over the next four decades.

The religious, racial, gendered, sexual, economic, and colonial dimensions of early- and mid-nineteenth-century US society detailed above are all essential for contextualizing both mushrooming anti-Mormon sentiment and activity and, particularly, the discursive formulation of Mormon peculiarity. Even in the early decades of the Church’s history, anti-Mormons’ nascent articulations of Mormon peculiarity – that characterized “Mormonism” as a strange, deluded, non-white religious cult – helped to determine what was considered unacceptable, peculiar, and deviant, and, by extension, what was understood to be expected, normal, and natural. Although LDS thought and practice were undoubtedly products of the Jacksonian era from which the Church was born, the social views that the Saints held in common with non-Mormons were not enough to insulate them from escalating levels of religious bigotry, racialization, and federal harassment.

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<sup>69</sup> See Somerville, *Queering the Color Line* for an explanation of the late-nineteenth and early-twentieth century conflation of racial science and sexology in solidifying both racial and sexual categories.

### ***Mormon Peculiarity Comes of Age***

Entering the Salt Lake Valley for the first time in July of 1847, Brigham Young boldly declared: “This is the right place.”<sup>70</sup> His statement has become a famous affirmation of the site’s material and divine significance to the LDS project; but it also, ironically, served as a harbinger of the central and formative importance that Utah Territory would come to play, via the faith, in the solidification of US nationalism and empire. When the Great Basin region was ceded by Mexico to the US under the Treaty of Guadalupe-Hidalgo in 1848, the Saints formally reentered the country after less than a year outside of it. As early as 1849, the Saints sent a formal petition to Congress asking them to grant statehood to an area that encompassed present day Utah, major portions of Nevada, California, Arizona, Idaho, Wyoming, Colorado, and New Mexico. Refusing to recognize the extensive and theocratically controlled State of Deseret, Congress only granted territorial status to a much smaller region in 1851 under the Compromise of 1850, renaming the jurisdiction “Utah.”<sup>71</sup> Despite the federal government’s icy reception of petitions for statehood, upon their arrival the Saints immediately set about building Zion. A provisional government was formed that functioned as the de facto administration long after the statehood petition had been denied. After Congress appointed Brigham Young Utah’s governor in 1851 the Saints’ interim administration continued to function as a shadow government well into the 1870s.<sup>72</sup>

Charges of theocracy arose almost before the Saints had established themselves in the valley and only increased once outsiders saw that individual Saints unanimously

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<sup>70</sup> Wilford Woodruff journals and papers, MS 1352, Church History Library, Salt Lake City, Utah.

<sup>71</sup> Deseret is a name derived from the Book of Mormon meaning honeybee.

<sup>72</sup> Arrington, *Great Basin Kingdom*, 50.

endorsed Church directives with the ballot. Assaults on polygamy by anti-Mormons were almost always accompanied by accusations of autocracy. The ecclesiastical court system that had accompanied the establishment of the State of Deseret remained the primary legal structure in the Territory until Congress passed the anti-Mormon Poland Act in 1874. Seen as a symbol of a totalitarian regime, the system was one of the most offensive institutions to anti-Mormons *and* one of the most effective insulations against federal control of the Territory.<sup>73</sup> The Church also established the Perpetual Emigrating Fund – a self-replenishing account – that fostered the emigration of converts from across the globe, but primarily from Britain and Scandinavia. The systematically organized gathering of all followers in Zion, and the global immigration that it promoted, resulted in the emigration of over 85,000 people to the Great Basin area by 1887.<sup>74</sup>

In addition to establishing political and governmental control, exploratory and colonial parties were sent out to survey and claim land, slowly, but systematically working to assimilate and/or expel its indigenous inhabitants. The LDS attitude toward and approach to interacting with local tribes ebbed and flowed. Young experimented with killing, forcibly removing, trading with, marrying, and converting American Indians, but ultimately settled on a policy of “civilizing” that mirrored widespread white supremacist notions of white “civilization” and red, black, and yellow “barbarism.” Despite the LDS belief, grounded in the Book of Mormon, that Native Americans were descendants of the ancient Lamanites, the Church’s treatment of them was equally guided by the attitude expressed by Young that “we are located in the midst of savage tribes who for

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<sup>73</sup> Firmage and Mangrum, *Zion in the Courts*, 126.

<sup>74</sup> Arrington and Bitton, *The Mormon Experience*, 136.

generations untold have been taught to rob[,] and kill .... They are moreover ignorant and degraded[,] living in the lowest degree of filthiness[,] practicing extreme barbarity.”<sup>75</sup>

With an attitude at times indistinguishable from non-Mormon whites, the Saints “asserted their role as agents of civilization and progress” in order to argue for what they saw as their rightful place within the US nation-state.<sup>76</sup> As with other minority groups staking a claim to whiteness, the Saints asserted their privilege through the denigration and violent suppression of other minority groups already firmly established as (racially) inferior.

By 1850 the Saints had also established missions on the Hawai‘ian islands, in Scandinavia, France, Italy, and Switzerland. Over the next two years they set up delegations in Australia, East India, Germany, and South Africa. The Latter-day Saints were serious about bringing the true Church not only to other North Americans but to everyone else as well. This vast missionary undertaking clashed with the solidification of American Protestant Anglo-Saxonism that had congealed by 1850 – while missionizing itself was not taboo, strongly encouraging converts to migrate to Utah utterly exacerbated contemporary nativist alarm about the integration of non-white peoples into the fabric of the nation.

Widespread debates about the incorporation of Native Americans, Mexicans, Irish, and the Chinese into the nation during the 1850s coincided with the Saints’ ambitious proselytizing efforts and their attempts to establish economic and political self-sufficiency across the southwest. Opinions about the assimilation of non-white races varied in the US; some considered it the destiny and responsibility of white Americans to

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<sup>75</sup> Brigham Young quoted in Reeve, *Religion of a Different Color*, 77.

<sup>76</sup> Reeve, *Religion of a Different Color*, 77.

govern and civilize “lowlier” peoples; others thought that the US had a divine right to usurp territory and exorcise its former inhabitants. But while opinions about integration varied, notions of Anglo-Saxon supremacy did not. As was the case with Irish Catholic immigrants, in the popular imagination “Mormons” were considered non-white, a perception that was created largely, but not exclusively, through vehement religious persecution. As Moustafa Bayoumi points out, the equation of race with religion, what he calls “racing religion,” has been a primary mode of racial formation in the post-9/11 period.<sup>77</sup> But in fact, the “Mormon problem” is one example demonstrating that the racing of religion has been a major strategy of othering in the US at least since the 1830s; Mexican, Irish, and “Oriental” peoples, as well as the Saints themselves, were all racialized as non-white, at least partially (if not primarily) as a result of their religious affiliations.

The Saint’s geographic proximity to, and their interactions with, other populations deemed racially inferior – Mexicans and American Indians in particular – combined with the fact of their non-normative religious practices to place them even further outside the ideal notions of whiteness and, therefore, outside what Barbara Welke calls “the borders of belonging” that constitute(d) personhood and citizenship in the US.<sup>78</sup> For example, federal Indian agents repeatedly used the fact that American Indians in Utah distinguished between “Americans” and “Mormons” as evidence of the Saints political

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<sup>77</sup> Baymoui, “Racing Religion.” Also see the following scholarship on the racialization of minority religions in the US: Brodtkin, *How Jews Became White Folks and What That Says About Race in America*; Franchot, *Roads to Rome*; Ignatiev, *How the Irish Became White*; Jacobsen, *Whiteness of a Different Color*; Joshi, “The Racialization of Hinduism, Islam, and Sikhism in the United States;” Moore, *Religious Outsiders and the Makings of Americans*; Orsi, “The Religious Boundaries of an In-between People;” Reeve, *Religion of a Different Color*; and Takaki, *Strangers From A Different Shore*.

<sup>78</sup> Welke, *Law and the Borders of Belonging in the Long Nineteenth-Century United States*.

and racial treason. Reports that “the Mormons” had fostered this distinction circulated in Washington, DC throughout the 1850s, specifically charging that Brigham Young had gone to ““great pains and considerable expense to procure and retain the friendship of the Indian tribes. He has made them valuable presents, has invited them to his settlements, has educated their children, and loaded them with every favor which it was in his power to bestow.””<sup>79</sup> While the Saints saw themselves as proselytizing to the ancestors of the Lamanites in fulfillment of God’s plan, helpfully forwarding the project of Manifest Destiny through a religious organized system of settler colonialism, anti-Mormons saw their actions as a treasonous deviation from that project.

Responding to this perception, high ranking LDS leader, Heber C. Kimball, directly challenged claims of LDS racial treason, arguing that,

We are white folks; a good portion of us were born in the United States, and a great many in Old England; and they are our brethren and sisters. My father came from there, and fought for this country, and sustained it; if he did not my grandfather did, it is along in that train somewhere. We have all come from the old countries, and come into a new country, into the States; and from that we have emigrated into still newer countries ...<sup>80</sup>

Kimball’s assertion makes clear the ways that whiteness had become entwined with mid-nineteenth-century notions of US citizenship and nationalism. He supported his assertion that the Saints were “white folks,” through a declaration of Anglo-Saxon ancestry *and* their commitment to the project of Manifest Destiny. “We have all come from the old countries, and come into a new country, into the States,” Kimball implored, advancing the notion of immigration and benevolent, religious settler colonialism as the historical basis of the country’s past.

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<sup>79</sup> “The Mormons in Utah,” *National Era* (Washington, DC), June 28, 1855 quoted in Reeve, *Religion of a Different Color*, 93.

<sup>80</sup> Heber C. Kimball, “Obedience – The Priesthood – Spiritual Communication – The Saints and the World,” *JD* 2, (September 15, 1854): 211-220.



Reflecting on the entrance of US troops into the Salt Lake Valley that winter Kimball claimed that the soldiers “rejoice[d] to dwell in the midst of white people. They never thought for a moment we were *white* men and women; but when they came, they found out, to their astonishment, that the people in Utah were quite white, and right from their own country.”<sup>81</sup> Yet, Kimball’s reliance on the phenotypical similarities between the Saints and other US citizens, their English ancestry, and their participation in settler colonialism was not enough to stem the tide of racist anti-Mormonism. Despite Kimball’s assertions that some non-Mormons were relieved to find the Saints were actually “white men and women,” the Saints would be increasingly racialized as non-white by anti-Mormons during the 1850s and 1860s.

The platform of the Republican National Party, announced at their very first convention in 1856, demonstrates just how far outside the boundaries of acceptability the Saints had wandered, both racially and politically. Mormon studies scholars have repeatedly pointed to the Republicans’ call for the elimination of polygamy and slavery as the “twin relics of barbarism,” as an especially significant sign of (anti-)Mormonism’s place in US history. The platform signaled an important shift in popular understandings of Mormon peculiarity that would characterize the rest of the nineteenth century. The rhetoric of “barbarism” was an explicitly racial (as well as imperial) language that anti-Mormons argued constituted “Mormonism.”<sup>82</sup> If by the mid-1850s an understanding of Mormons as a separate race was still budding, then by the middle of the next decade it had ripened into a fine fruit. In the context of anti-Mormonism, “barbarism” was a label

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<sup>81</sup> Ibid.

<sup>82</sup> I explore the imperial dimensions of this language and what I argue was the federal government’s explicitly colonial relationship to the LDS Church in the next chapter.

that signaled the Saints' inferior racial status by virtue of certain social, economic, and political practices and that worked to cement the equation of "Mormon" with "non-white," subsequently justifying the federal government's growing interest in regulating the Saints in the 1870s.

By the mid-1850s, public knowledge that the Saints practiced plural marriage had encouraged the development of a burgeoning anti-Mormon industry: travel writers, journalists, novelists, and cultural critics all put pen to page in an effort to define Mormon polygamy as an un-American danger; in doing so these writers ensured the continued relevance of Mormonism to the project of defining what it meant to be American. The importance of sentimental anti-polygamy fiction has, in particular, been well established by scholars who have focused on the forms, messages, and effects of such writing on the general public's perception of Mormonism.<sup>83</sup> Immensely popular sentimental novels such as Maria Ward's *Female Life Among the Mormons* (1855), Alfreda Eva Bell's *Boadicea, The Mormon Wife: Life-Scenes in Utah* (1855), and Orvilla S. Belisle's *The Prophets: Or Mormonism Unveiled* (1855) did not just encourage a resurgence in the strangeness of Mormonism, but they actively constructed Mormonism as peculiar. While numerous analyses have already well-documented the breadth and importance of anti-polygamy fiction's role in suturing gendered notions of public and private, domesticity, and monogamy to the project of Manifest Destiny, I focus on the

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<sup>83</sup> See Arrington and Haupt, "Intolerable Zion;" Bentley, "Marriage as Treason" in *The Futures of American Studies*; Burgett, "On the Mormon Question;"; Cannon, "The Awesome Power of Sex;"; Gordon, "'Our National Hearthstone;'" Gordon, *The Mormon Question*; Iversen, *The Anti-Polygamy Controversy in U.S. Women's Movements, 1880-1925*; Lynn, "Sensational Virtue;"; Nussbaum, "The Other Woman," in *Women, "Race," and Writing in the Early Modern Period*; and Talbot, *A Foreign Kingdom*.

visual representation of Mormonism as well as other types of anti-Mormon writing to scrutinize how the concept was actively produced as a *racial* peculiarity that by contrast expressed “Americanness” as white.

Both visual and written representations of the Saints deployed the entangled logics of gender, race, and sexuality to construct Mormonism as peculiar in the mid-nineteenth-century popular imagination. While sexuality was only an embryonic concept – one that had not formally entered the popular or scientific lexicon of the US public – by the end of the century it became an especially important tool for identifying and representing “inferior,” “barbaric,” “foreign,” and “peculiar” peoples that threatened the domestic space of the nation. Much of the scholarship in the history of sexuality has focused on the emergence of homo- and heterosexuality in the later-nineteenth century as identities that constituted individual subjects, but little attention has been paid to the notion of polygamy, and by extension monogamy, as categories of sexual *practice* that had implications for racial *identity*. As with burgeoning notions of sexuality identity at the end of the century, gender presentation and behaviors played a central role in defining certain sexual practices as deviant.

Similar to nascent notions of homosexuality, many depictions of LDS polygamy during the middle of the nineteenth century focused on the ways that those who practiced plural marriage suffered from inverted gender presentation and/or roles. Predating the formal announcement of polygamy by Church leaders by almost five months, a comic image printed in the April 1852 edition of the *Old Soldier* played on the reversal of gender roles to criticize the Saints. The federal government’s attempts to take control of

governance in Utah had resulted in a souring of relations between the Church and the public officials dispatched to the Territory. Several federal officials abandoned their posts, traveling back to Washington to hyperbolically report on the unwillingness of the Saints to cooperate with the appointees, describing them as disloyal and treasonous. Such reports included tales of polygamous unions that quickly filtered down into the popular press. “Mormon Breastworks and U.S. Troops” (Fig. 1.1) depicted polygamous wives confronting fleeing US troops, wielding exaggerated features of their femininity – their large breasts and infants in arms – as weapons against the enemy, while Mormon men squat behind them with guns at the ready.



Figure 1.1 “Mormon Breastworks and U.S. Troops. Officer U.S.A.: ‘Trumpeter! Sound the retreat! We never can carry that Battery in the world. Cesar himself would be defeated before such Breastworks,’” *The Old Soldier*, April 1, 1852.

The reversal of gender roles in graphic images such as this one subtly communicated the implicit links that were assumed to exist between gender roles, sexual practice, and racial status. Women fighting on the front lines defending men not only maligned Mormon men’s masculinity as cowardly, but also indirectly suggested that polygamy produced gender inversion in Mormonism. This early image anticipated the tropes of anti-Mormon illustration that were employed time and again against the Saints during the Utah War of 1857-1858, but it also served as a forerunner to the ways

biopolitical knowledges (such as eugenics) would come to link sexuality and gender with the processes of racial othering that fueled US imperialism at the turn of the century.

Mid-nineteenth-century visual culture built upon the baseline of sentimental anti-polygamy novels, exploding with fervor against the LDS Church during the Utah War. Based on the sensationalized and much exaggerated accounts of so-called “runaway” federal officials (who had abandoned their posts in Utah after butting-heads with the Saints) and hoping to score some easy political points, President James Buchanan sent federal troops to Utah in early 1857 in order to suppress “Mormon rebellion.”<sup>84</sup> Buchanan’s decision to send federal troops to the Territory revealed both the inaccuracy of the charges against the Saints (a truth conveniently ignored by many) *and* the loyalty and organization of the Saints under Young’s command. While the War did not result in any major battles, it did enflame tensions.

As soon as Young heard that Buchanan had dispatched troops, he organized his followers in a complete evacuation of northern Utah, created alliances with local tribal leaders, and implemented effective strategies to waylay the coming army. Even though the Utah War never included any formal battles, it did result in the Mountain Meadows massacre in which a group of Saints and Paiutes attacked and killed members of the Baker-Fancher wagon train. War hysteria, combined with a general LDS fear of non-

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<sup>84</sup> Beginning in 1851 federal officials abandoned their posts due to various disagreements with the Saints and “ran away” reporting to Washington that the Saints were disloyal. Charges ran the gamut from polygamy, to theocracy, to murder. While several of the officials simply reported that the non-normative practices of the Saints, including polygamy, theocracy, an ecclesiastical court system, proselytizing to the Indians, and communitarian economics, were in conflict with the norms and laws of US government, many of the officials gave hyperbolic accounts of “Mormon treason” in response to the Saints’ unwillingness to stomach the officials’ political corruption and/or their sexual improprieties. One appointed official, for example, caused a scandal among the Saints by bringing his mistress to Utah, a particularly aggravating breach of propriety to the Saints since anti-Mormons increasingly characterized polygamy as a form of prostitution.

Mormon outsiders, is thought to account for the slaughter of the traveling settlers; however, the incident remains one of the most well-known and cited events of LDS history. It was touted extensively during the second half of the nineteenth century as evidence of Mormon treason and barbarism. Although the conflict was resolved through diplomatic means in 1858 the federal government's actions had significantly sharpened the Saints' sense of urgency to refortify themselves against the federal government – a task that was mainly implemented through new programs for economic self-sufficiency during the 1860s. As for anti-Mormons, the incident increased interest in and pressure to assume control over the Saints as racially inferior others.

Another image from late 1857 makes clear that anti-Mormons did not just construct the Mormons as peculiar with portrayals of gender role reversals but also

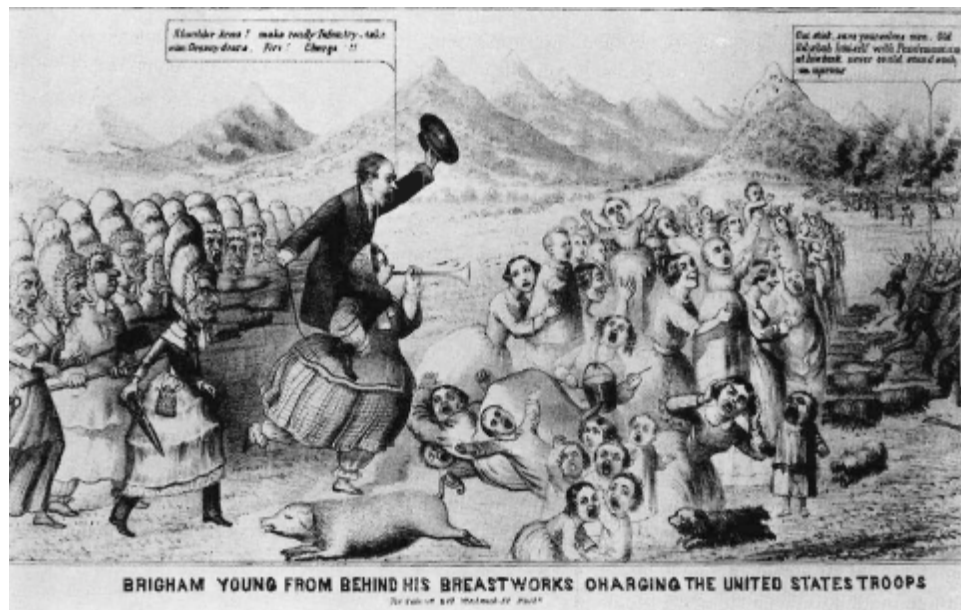


Figure 1.2 “Brigham Young From Behind His Breastworks Charging the United States Troops,” 1857.

through the portrayal of inverted gender presentation. In “Brigham Young from Behind His Breastworks Charging the United States Troops” (Fig. 1.2) Young sits astride the

shoulders of a robust woman trumpeter as he leads a host of elderly women into battle. At first glance the image merely repeats the previous “breastworks” theme from the 1852 image, mocking the inappropriateness of women soldiers and men’s cowardice; upon further inspection however, the lithograph contains subtle, yet telling details about how anti-Mormons deployed concepts of gender and sexuality. For example, one of the Mormon soldiers stands slightly in front of the rest, placed in the left forefront of the picture, outfitted in a dress and a ridiculously high, frilled bonnet. The figure wields an extremely large and dangerous looking pair of scissors, which appear to have just been pulled from the sewing bag hanging from their shoulder. Despite feminine accouterment and weaponry, the figure betrays a distinctly masculine countenance, with a hooked nose, bushy eyebrows, a goatee, and even men’s pants and shoes visible underneath a dress. The contrast between feminine garb and masculine physical features is evident in the entire crowd of Mormon soldiers standing behind Young, who are variously carrying brooms and brushes instead of guns or swords as weapons.

The artist cleverly uses the tools of domestic maintenance – brooms, scissors, and dusters – to mock both the threat of LDS resistance to federal pressure and President Buchanan’s blunder in sending troops to Utah in the first place. But the choice to replace weapons with domestic utilities does more than simply ridicule the gender imbalance that polygamy was (inaccurately) thought to produce. While on the surface an army populated by women was laughable to the Saints’ contemporaries, the image plays subtly on the ways that state institutions relied on practices of domestication, and in particular, the labor of women to maintain and (re)produce itself. The LDS system was therefore

understood to be, and was consequently portrayed as, a threat to that delicate balance because of the challenge it posed to normative ideals of gender and domesticity.

The funny, but alarming threat of Mormonism is made clear by focusing on the group of young women and children placed at the center of the picture, between the oncoming Mormon multitude and the escaping federal troops. Young and his trumpeter are about to trample over several screaming women and babies, some tearing out their hair at the prospect of being overtaken. It is easy to assume that these figures represent the innocents of the nation who were portrayed as the most likely to be taken in and/or hurt by Mormon polygamy – vulnerable women and children – which was a consistent trope of anti-Mormonism and anti-polygamy activism. It is equally likely that these figures were meant to represent the Mountain Meadows Massacre. This explanation seems likely considering that in the upper right hand corner of the lithograph a wagon train is being burned.

These apparently clear references, however, must be tempered by a closer look at the women and children standing directly behind those being trampled. At first glance they appear to be part of the group being crushed, fearful and attempting to flee. But the expressions of some of the women still standing and holding their children in outstretched arms at the back of the image are gleeful rather than fearful. They seem to be holding out their screaming children in order to scare the enemy away. Another interpretation of this group of women and children then is that they themselves are the “breastworks” – they represent the young wives and mothers of Mormonism on the front lines of the battle. These women contrast with the women behind Young, who he refers



to as “Grannydears,” as the excess detritus of polygamy, widows and grandmothers. This pictorial move allows the author to depict the progressive effect of polygamy as doubly threatening – first in Mormonism’s apparent devaluing of young women and children who can be trampled without a second thought (there are always more wives and children to be had) and second, in polygamy’s gradual destruction of appropriate gender roles and presentation evident in the elderly Mormon women whose sense of patriotism is represented as having been so depleted under plural marriage that they are willing to take up the roles of men to defend their prophet.

Several other illustrations with these themes appeared in popular newspapers between 1857 and 1858. The majority of images lampooned Mormon polygamy with illustrations of “crinoline camp[s],” “the parasol guard,” and “moveable harems,” employing some explicitly racialized tropes.<sup>85</sup> For example, in one graphic story, under the caption “[Young] issues a proclamation of war,” an image of a smoking campfire elicited popular assumptions about Native American war rituals, again playing on popular ideas about the racial affinities between American Indians and the Saints.<sup>86</sup> This cursory linkage, as discussed above, was not the first time the Saints were rhetorically compared to a group considered to be “savage” or “wild” and in need of domestication. Nor by any means would it be the last. In another illustration printed in *Nick Nax* in June of 1858 the Saints were represented by a typically racist “coon” caricature, complete with exaggerated facial features and a dull expression; the caption read, “the Mormon fighting.

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<sup>85</sup> “The Mormon War,” *Nick Nax*, June 1858; “The Mormons Convert Their Carts into Moveable Harems, and Go on Their Way Rejoicing,” *Frank Leslie’s Illustrated Newspaper*, June 5, 1858.

<sup>86</sup> “Brigham Young’s Preparations for the Defence [sic] of Utah – The Result,” *Frank Leslie’s Illustrated Newspaper*, 19 December 1857.

Great cry and little wool.”<sup>87</sup> Playing on the association between Middle Eastern cultures and polygamy, yet another comic image showed a figure, complete with top hat and umbrella shielding against a bright sun, on the back of a running camel as it crosses the desert, followed by the caption “Express with News from Utah.” Still other images, such as “Ye Popular Idea of Brigham Young and His Followers,” printed in the April 1858 edition of *Yankee Notions*, and “The Veiled Prophet of Polygamutah,” published in the February 11, 1860 edition of *Vanity Fair*, recycled racist caricatures of Jews to represent the Saints as animalistic and evil (Fig. 1.3).



Figure 1.3 “The Veiled Prophet of Polygamutah,” *Vanity Fair*, February 11, 1860.

*Yankee Notions* portrayed Young as a horned, hooved, and bearded goat tipping his hat to his bowing followers, who are also adorned with horns, while *Vanity Fair* represented Young as half man, half goat, blindfolded and carrying a musical pipe labeled “Polygamy” as he points to a warning sign declaring that all non-Mormons “shall be SHOT.” Such examples of early visual representations of Mormonism, its followers, and the practice of polygamy demonstrate how gendered, sexualized, and racialized logics

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<sup>87</sup> “The Mormon War,” *Nick Nax*, June 1858.

coalesced to demean the Saints and to reinforce already established stereotypes against other marginalized groups in the nineteenth-century US.

In the mid-nineteenth century, these images, along with contemporary anti-polygamy fiction, functioned to solidify a perception of the Saints as racially non-white, and therefore, un-American. These mediated and political representations of LDS religion were bolstered by, and reinforced, the popular racial sciences of phrenology and physiognomy. Just as federally appointed officials had come and gone in Utah Territory either shocked by their superfluous status or disgusted by their lack of power in the LDS-controlled territory, other anti-Mormons who had visited Utah used their professional expertise and story-telling skills to fuel Mormon peculiarity discourse. For example, Dr. Robert Bartholow, who had accompanied the troops dispatched by President Buchanan during the Utah War, wrote a malicious report on the “physiological aspects of Mormonism.”

On his first major assignment as an army doctor, Bartholow parlayed his observations of the Saints during the summer of 1858 into a fantastically popular perspective that argued polygamy had actually produced a new and degenerate race: “Mormons.” Originally published in the 1860 Surgeon General’s Statistical Report, Bartholow’s account was influenced by and reinforced already circulating reports of disease, degeneracy, and death in the LDS population.<sup>88</sup> As overland travel to the Pacific coast increased, so too did travel narratives, both popular and scientific. Claiming to describe LDS life and practice in Utah, but largely inventing colorful fictions about it,

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<sup>88</sup> See Bush, “A Peculiar People.”

these accounts served as equally popular companions to anti-polygamy novels.<sup>89</sup> Looking to distinguish between the Saints and Anglo-Saxon Americans, travelers increasingly admonish the Saints as producing a physical and genetic difference.

Bartholow's report fell firmly in this camp, explaining that polygamy and the Saints' isolated existence had produced in them "a physical and mental condition, in a few years of growth, such as densely-populated communities in the older parts of the world, hereditary victims of all the vices of civilization, have been ages in reaching."<sup>90</sup> Subtly aligning the Saints with "older" and "densely-populated" civilizations was easily understood by readers to denote Middle-Eastern cultures that practiced polygamy. These parallels between LDS and Islamic religion and cultures were reinforced in his report and elsewhere with references to "harems," "sexual desires stimulated to an unnatural degree," and "eastern life, where [polygamy] has been a recognized domestic institution for ages."<sup>91</sup> Bartholow connected new ideas about racial development with popular stereotypes of those who were thought to be in need of colonial control in the Middle East and Asia, stereotypes that were perpetuated in the media. Bartholow's report was soon reproduced in several prominent scientific and popular journals between 1860 and 1867, including *Medical Times & Gazette* of London, the southern periodical *DeBow's*

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<sup>89</sup> Talbot, *A Foreign Kingdom*, 87. In *The Viper on the Hearth*, Givens argues that novels, exposés, travel writing, and newspaper articles were frequently confused among readers. In other words, both fiction and non-fiction writing on "the Mormons" was accepted as accurate, reflective of reality, and was even used to influence federal legislation: "That [anti-Mormon authors] w[ere] taken at their word is evident from the fact that such important debate as that surrounding the Cummins Bill (legislation designed to strip the Utah Territory of self-governance) was largely informed by 'facts' garnered from 'reliable sources' that turn out, on inspection, to be novels and 'exposés'" (127). See especially chapter six, "'Ground in the Presbyterian Smut Machine': The Popular Press, Fiction, and Moral Crusading."

<sup>90</sup> Lawson, "Sanitary Report - Utah Territory" in *Statistical Report on the Sickness and Morality in the Army of the United States, compiled from the Records of the Surgeon General's Office; Embracing a Period of Five Years from January 1, 1855, to January, 1860* (Senate Executive Document 52, 36th Cong., 1st Sess): 301.

<sup>91</sup> *Ibid*, 301-302.

*Review, The San Francisco Medical Press, The Cincinnati Lancet and Observer, The Boston Medical and Surgical Journal, the British Medical Journal, and the American Medical Times* among others.

According to him, the Saints' inferior status was evident in "the preponderance of female births, by the mortality in infantine life, by the large proportion of the albuminous and gelatinous types of constitution, and by striking uniformity in facial expression and in physical conformation of the younger proportion of the community." Moreover, "one of the most deplorable effects" of Mormon polygamy was "the genital weakness of the boys and young men, the progeny of the 'peculiar institution.'"<sup>92</sup> Much like the images discussed above, scientific descriptions such as this connected sexual practice, gender, and racial status in order to construct "Mormons" as completely outside of and threatening to the nation. An overabundance of female births and a substandard masculinity (equally undesirable to nineteenth-century Mormons and non-Mormons alike) was directly attributed to the sexual practices of racially inferior populations. The circular logic of this type of racial science maintained that certain sexual practices could actually produce new, inferior races, but also that only the most racially inferior people practiced such a marital system to begin with. Discourses of Mormon peculiarity ripened, through accounts such as Bartholow's, by deriving racial meanings from religious, cultural, sexual, and gendered non-normative practices.

Bartholow's physical descriptions leave little doubt as to the popular perception of "Mormons" only a decade after the Saints have moved to Utah and a year before the beginning of the Civil War:

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<sup>92</sup> Ibid, 302.

Compounded of sensuality, cunning, suspicion, and a smirking self-conceit. The yellow, sunken, cadaverous visage; the greenish-colored eyes; the thick, protuberant lips; the low forehead; the light, yellowish hair; and the lank, angular person, constitute an appearance so characteristic of the new race, the production of polygamy, as to distinguish them at a glance.<sup>93</sup>

His portrayal leaves one to wonder exactly how any individual could possess such juxtaposing characteristics. Yet, having utilized many of the stereotypes employed against African Americans, American Indians, and Irish, Catholic, and Jewish immigrants, Bartholow's "scientific" representation of the Saints – as a member of the US military and a doctor – serves as a particularly accurate barometer of the state's investment in whiteness and how that investment was reinforced through the construction of Mormons as a distinctly un-American race through Mormon peculiarity discourse. Bartholow's descriptions of the Saints would be almost comical in their insincerity, if not for the fact that the report was taken so seriously by the medical and scientific communities of the time.

Bartholow's contentions caused enough sensation to be debated at the December 10, 1860 meeting of the New Orleans Academy of Science. After his report, "On the Effects and Tendencies of Mormon Polygamy in the Territory of Utah" was read aloud by the association's secretary, several members discussed the accuracy of the report's claims. While there was certainly disagreement as to the plausibility of a new race being produced in such a short span (thirty years or less), those who disagreed with Bartholow's thesis admitted that "the remarks of Surgeon Barthelow [sic] respecting the identity of facial expression, and other peculiarities, chiefly physical, afford an illustration, rarely offered in so brief a period, of the tendency of peculiar institutions, and

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<sup>93</sup> Ibid, 309.

of isolation, to produce permanent *varieties* of the particular race, such as the Saxon, the Celt, the Slave, and the Briton.” In other words, these medical professionals saw a difference between the production of separate races and the production of multiple varieties *within* a single race. But the distinction between races and varieties did not matter inasmuch as all scientists agreed “peculiar institutions” could result in degraded, inferior, and in fact “peculiar” people. Thus, for scientists and the public alike, Mormonism was a peculiarity that produced racial degeneracy through polygamy.

Bartholow’s critics’ comments clarify why “Mormonism” was understood to be such a threat and can help explain why anti-Mormons worked so hard to control the LDS Church. According to one medical professional at the conference,

the intercommerce of these varieties, when established by no violation of natural law such as degrades the Mormon type, is, doubtless, beneficial to the progeny, while the violation of the natural law, which all men read in the instinctive aversion of *different* races, degrades the offspring and commences the process of a certain extinction. The *mulatto*, a reproduct of the European and negro races; the *mestizo*; a product of Saracenic[] and Indo-American races – all these are mongrel or hybrid, and have the seeds of decadence and extinction in their constitution. While the offspring or reproduct of Celtish, Saxon, and British varieties, as illustrated in the American citizen, presents the highest type of physical and mental health that has adorned the history of the master race or mankind.<sup>94</sup>

While variety within the Anglo-Saxon race could be beneficial in its ability to encourage intelligence and strength, the intermixing of various races would produce a deficient product; one that was destined for extinction. But what is illuminating about this critic’s commentary is not the stance against amalgamation – that had been more than established as the commonplace attitude in the mid-nineteenth-century US – but rather that he equated the exercise of certain *sexual practices* (such as polygamy) with amalgamation. In other words, if individuals of one racial stock utilized the sexual practices of another

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<sup>94</sup> Emphasis in original, C.G. Forshey commenting on Robert Bartholow’s “Hereditary Descent; or Depravity of the Offspring of Polygamy Among the Mormons,” *DeBow’s Review* 30, no. 2 (Feb. 1861): 211-212. Available through University of Michigan: Humanities Text Initiative.

racial stock – in this case, “Mormons” with “Anglo-Saxon origins” practicing an “Oriental” sexual system – then they were thought to produce inferior racial descendants, just as amalgamation would. Anxiety over maintaining white racial dominance functioned to erect normative sexual practice in the mid-nineteenth US. As a discourse, Mormon peculiarity constructed the Saints, like other minority groups, as a racial threat to the white nation, thereby helping to establish certain practices, sexual and otherwise, as inherently white and American.

Embracing contemporary scientific theories of race, the Saints vehemently insisted their ancestry made them white. Evident in their own descriptions of themselves LDS leaders argued that they were racially distinct, but as *improved* whites rather than degraded ones. LDS leader George Q. Cannon was quick to note that,

men from afar cannot cross the continent without coming to visit the Latter-day Saints. Why is this? It is because there is a feeling throughout the earth that there is something remarkable connected with us, that we are not as other people are. What is it that distinguishes us from our fellows? What is it that distinguishes us from the average American, Englishman, Scandinavian, German, Swiss, Italian, or Frenchman, or from the average Asiatic? There is something; they feel it and we feel it ...<sup>95</sup>

Cannon reinforced the idea that the Saints are different from other races/nationalities, but does so through God’s selection of the Saints as his chosen people.<sup>96</sup> For Cannon and other LDS leaders, what made the Saints unique was their knowledge of the true Church. “‘A strange people’ is a peculiar expression, as though we were different from others!” Brigham Young asserted; yet, the Saints were different he maintained because God “has planted within each of us the germ of the same intelligence, power, glory and exaltation

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<sup>95</sup> George Q. Cannon, “Stirring Times – The Latter-Day Work,” *JD*, 14 (Jan. 8, 1871): 27.

<sup>96</sup> It is important to keep in mind that race was equated with nationality during this period and would certainly have been used to describe what are now called ethnic groups.



that He enjoys Himself. *This proves that we are a peculiar race.*”<sup>97</sup> The Saints understood themselves to be of white, Anglo-Saxon ancestry, but they also knew themselves to be the chosen people, special in their Israelite lineage and in their responsibility to spread the knowledge of the one true Church. In the minds of the Saints, the fact that God had selected them proved their superiority, but also explained non-Mormons’ need to debase them. By the end of the Civil War, both non-Mormons and the Saints were actively constructing “Mormonism” as peculiar, yet they disagreed on the source and nature of that peculiarity.

### ***The Struggle to Control (Economic) Civilization***

The intensely anti-Mormon atmosphere of the 1850s and 1860s revived Brigham Young’s desire to isolate his church from outside intervention. He pushed hard to revitalize the Church’s efforts to build a completely independent, self-sustaining community in Utah. Persisting in their own religiously guided settler-colonial project, the Saints took on an invigorated program of segregation that diverged from the economic ideology that was becoming increasingly associated with a sense of US exceptionalism. Previous efforts at isolation were encouraged by the Church hierarchy’s close management of Utah’s political, legal, and economic realms, but the reality of slow overland travel made that control less important than it became in the 1860s. Unfortunately for the Saints the stationing of federal troops at Camp Floyd, one result of

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<sup>97</sup> Emphasis added to Brigham Young, “The Saints Are a Strange People Because They Practice What They Profess,” *JD*, 13 (February 20, 1870): 233 and 236.

the deal brokered to end the Utah War, brought a significant change to an extremely isolated and tightly managed territorial economy.

Like polygamy, LDS economic practices deeply disturbed anti-Mormons. Since their time in Nauvoo, the Saints had been subject to a policy of tithing. Members donated ten percent of their total income, with the majority of Saints tithing in kind, giving of their time and goods due to the scarcity of cash. Individual (male) members were expected to work on group enterprises, for example, providing labor for a community building, every tenth day, while families gave livestock, dry goods and other homemade products. In contrast to the prevailing individualistic attitude of free market capitalism of most anti-Mormons, the Saints believed that all property belonged to God; individuals only held property in His stead and its use was subject to the direction of God's prophet on Earth, the president of the Church. The Saint's views about property and work as well as their precarious situation upon arrival in the Salt Lake valley encouraged the development of a cooperative economic system, focused on even and fair distribution of resources among all Church members. As a result, most major natural resources and certain essential industries were publically owned and directed by Church administration helping to ensure group survival and cohesion.

Following several years of bad harvests, in 1854 Young attempted to restore Joseph Smith's policy of consecration and stewardship, a religiously regulated form of communal property ownership. Members were asked and expected to give *all* their property to the Church; this meant individual Saints were expected to deed everything they owned, receiving an "inheritance" according to their needs in return. Not completely

successful, partial participation in the consecration movement still allowed the Church to control spending on community works and religious programs, helping to facilitate the distribution of resources to the needy (many of whom were converts arriving from Europe), and ensured Church regulation of the local economy. The Church focused on developing foodstuff and textile industries in an effort to remain self-sufficient and discourage outside interest in Utah's resources.

To outsiders, the Saints' communal economics "extended the private sphere into the public, creating a family and a marketplace that encompassed the whole community of Zion."<sup>98</sup> As such, their practices were additional fodder for the anti-Mormon charges of the Saints' "uncivilized" status. As Matthew Frye Jacobsen has argued in his study of the economic and political dimensions of US imperialism, "civilization" was at its core an economic concept; individual property rights, among other characteristics, represented the very essence of a civilized nation in the nineteenth-century US.<sup>99</sup> In the eyes of anti-Mormons the LDS leadership's ability to control, even annul, an individual's property rights amounted to the same type of barbarity that American Indians were charged with as a result of their own non-capitalistic views of land and ownership.

A growing non-Mormon presence in Utah presented valuable sources of trade and other forms of economic exchange that ran against the official policy of economic consecration and isolation. The Gold Rush of 1849 made Utah the only major waylay point for travelers between the Rocky Mountains and California. The presence of US troops and the slowly but steadily rising Gentile population meant that the Saints found it

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<sup>98</sup> Talbot, *A Foreign Kingdom*, 51-52.

<sup>99</sup> Jacobson, *Barbarian Virtues*, 50-51.

harder and harder to maintain economic independence.<sup>100</sup> The year 1861 brought not only the beginning of the Civil War, but also the completion of the transcontinental telegraph. Despite the fact that President Lincoln and Brigham Young had agreed on a policy of mutual disregard between the federal government and the Saints, in 1862 Congress passed the Morrill Act which outlawed bigamy in the territories, annulled the legal incorporation of the Church, and prohibited any religious organization from owning real estate worth more than \$50,000.

It is significant that this first federal anti-Mormon legislation passed just as the US economy was beginning to shift into the era of “big business.” As industry became corporatized bureaucracy came to define the process of production; this new rendition of laissez-faire capitalism was cementing itself as an essential part of US exceptionalism. Glen Porter explains that, “although individualism has always been a powerful force in the United States, there were also strong long-standing notions of the importance of community ... That older America, largely republican and dominated by the ideal individual as producer, was swept away during the years that brought big business.”<sup>101</sup> As consumer culture – individual consumption rather than individual production – came to replace this older form of economic communalism, the Saints’ commitment to home industry, a publically organized economy, and resistance to the development of Utah’s natural resources only reinforced non-Mormon perceptions of them as “peculiar.” Now not only was polygamy seen as producing racial inferiority, but their adherence to

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<sup>100</sup> The Saints have always referred to all non-Mormons, including Jews, as Gentiles.

<sup>101</sup> Porter, *The Rise of Big Business*, 2-3.

communal and cooperative economic practices served as evidence of their “uncivilized” and racially “inferior” status.

The ties between perceptions of a new Mormon race and the LDS Church’s economic practices are evident in Representative Justin Morrill’s famous February 1857 speech, “Utah Territory and its Laws – Polygamy and its License.” While Morrill appeared to rail solely against the institution of polygamy, he in fact attacked the Saints on multiple fronts. His comparison of the Mormons with “Turks” – “it is natural that the Mormons should sympathize more with Turks than with Christians . . . they do rank them higher in the scale of civilization, repeat their slanders, and assimilate their domestic institutions” – evoked already prevalent notions of Mormon racial peculiarity vis-à-vis non-normative sexual practice as a justification for federal oversight of the Territory.<sup>102</sup> But Morrill also identified the Saints’ political and economic non-normativity as signs of their racial similarity with “Turks.”

His position was not only against polygamy as “a Mohammedan barbarism revolting to the civilized world,” but also against LDS policies of tithing, church control of property and resources, as well as the theocratic nature of politics in Utah.<sup>103</sup> As an important contribution to the intensifying din of Mormon peculiarity discourse, his speech argued that *multiple* LDS beliefs and practices were strange and, therefore, un-American. With the passage of the Morrill Act, Congress took direct action to diminish the financial resources of the Church, striking at its power to control the economic conditions of the Territory at the same time that Young was instituting new measures to

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<sup>102</sup> Justin Morrill, “Utah Territory and its Laws – Polygamy and its License,” in *Appendix to the Congressional Globe* (House of Representatives 34<sup>th</sup> Congress 3<sup>rd</sup> Session, 1857): 285.

<sup>103</sup> *Ibid.*, 288.

do just that. On the surface, the Church appeared to comply with the economic directives of the new law by transferring significant properties and various Church enterprises into the hands of individual members. However, this transfer did little more than result in a change of paperwork; individual LDS leaders simply held the Church's financial assets in trust.

As economic and political pressures increased with the Morrill Act, Young's new economic policies sought to insulate against non-Mormon business interests that threatened the LDS project:

We do not intend to have any trade or commerce with the gentile [sic] world, for so long as we buy of them we are in a degree dependent upon them. The Kingdom of God cannot rise independent of the gentile [sic] nations until we produce, manufacture, and make every article of use, convenience, or necessity among our own people .... I am determined to cut every thread of this kind and live free and independent, untrammelled by any of their detestable customs and practices.<sup>104</sup>

In particular, Young promoted independence from Eastern manufacturers, discouraging consumption of both superfluous goods and necessities. While the Saints understood their prophet's economic policies to be in direct accordance with God's wishes, anti-Mormons characterized these new policies as another example of the Church president's despotic control of the Utah Territory. As the Saints continued to colonize, founding 150 new towns across the southwest between 1857 and 1867, they also introduced and dutifully pursued a boycott of non-Mormon businesses. The Church hierarchy also instituted two major organizations in 1868, the School of the Prophets and the Relief Society to direct economic planning across the LDS cultural region. As described by Leonard J. Arrington, the School of the Prophets was an "economic planning conference" that worked to meet the challenges posed by the coming completion of the transcontinental railroad. The

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<sup>104</sup> Brigham Young quoted in Arrington, *Great Basin Kingdom*, 47.

group was also the main coordinator of cooperative enterprises intended to “make the community less dependent on imports from the East.”<sup>105</sup> The cooperative movement was one of the main economic strategies deployed to meet the peril of the non-Mormon incursion, with enterprises producing everything from wool to agricultural machinery popping up in almost every city and town.

Lasting from 1868 until 1884, the LDS cooperative movement included the establishment of cooperative retail stores and factories in almost every LDS settlement between Utah and California. While these cooperatives were simply “joint-stock corporations, organized under the sponsorship of the Church, with a broad basis of public ownership,” they were designed and implemented to ensure community welfare and were not primarily motivated by profit.<sup>106</sup> Cooperatives made it easy for Saints to patronize only Church-owned or directed businesses and to avoid dependence on the national, “Gentile” economy. Just as large industries like the railroads and manufacturing were being bureaucratized, and ownership was becoming separated from management, the LDS Church was bringing production, consumption, and ownership closer together.

The Relief Society was a women’s organization headed by Eliza R. Snow, a plural wife of Joseph Smith and Brigham Young and leading LDS feminist, and like the School of the Prophets was implemented to ensure the local manufacture and consumption of goods. While the stated objective of the society was to help the poor, the key motivation in forming the organization was to encourage “retrenchment” among women Saints. It was Young’s belief – one that he articulated often and loudly in his

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<sup>105</sup> Arrington, *Great Basin Kingdom*, 247.

<sup>106</sup> *Ibid.*, 293.

preaching – that LDS women needed to suppress their worldly desires for fashions and other unnecessary consumer goods to help insulate the Saints from outside economic forces. Sermons on such subjects as “home manufacture,” “domestic economy,” and the Word of Wisdom (a religious health code which prescribed abstinence from tea, coffee, tobacco, and alcohol among other products) were plentiful just before and after the completion of the transcontinental railroad in Utah.<sup>107</sup> These homilies instructed Saints to produce all goods at home, only purchase manufactured products from LDS cooperatives, and completely refrain from, or at least reduce, one’s consumption of tea and coffee. The Relief Society was in effect organized to emphasize the messages of these lectures, specifically encouraging women to dress modestly and plainly in home-styled garments, to refrain from consuming hot drinks, and to teach their children to work hard in the effort to build Zion.

While not intended, the establishment of the Relief Society resulted in a ready-made feminist organization, one that advocated for women’s suffrage over the next two years. The Relief Society provided a forum through which LDS women could organize around religious, economic, and explicitly political issues. Stirred by the printing of the anti-Mormon Cullom Bill two years after the society’s founding, members used their platform to publically protest the anti-Mormon bill and its sentiments.<sup>108</sup> Their surprisingly effective political organizing morphed into a push for female enfranchisement in Utah, achieved in 1870, a mere two months after Wyoming became

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<sup>107</sup> See sermons in *JD* especially between the years of 1856 and 1875. Frequent titles include: “Cooperation,” “Home Manufacture,” “Word of Wisdom,” “Women and Fashions,” and “Retrenchment.”

<sup>108</sup> The Cullom Bill was a federal anti-Mormon bill debated in 1870 that would have rescinded the right to vote and serve on a jury for anyone who believed in polygamy.



the first state to give women the franchise.<sup>109</sup> Women's suffrage came as a surprise to anti-Mormons who had contemplated enfranchising women to help eradicate polygamy; to their utter amazement LDS women did not vote away the practice. Shifting tactics, anti-Mormons used the logic of patronizing paternalism to argue that LDS women had failed to use the vote in a way that properly "exercised the purposes that should be accomplished by Government."<sup>110</sup> In failing to criminalize polygamy LDS women were thought to have proven incapable of properly governing themselves; a situation that affected popular opinion about the merits of women's suffrage nationally.

While the Saints had been given a brief respite from congressional assaults during the Civil War, an anti-Mormon legislative campaign began in earnest after 1865. The Wade Bill (1866), Cragin Bill (1867/1869), Ashley Bill (1869), Cullom Bill (1870), Voorhees Bill (1872), Logan Bill (1872), and the finally successful Poland Act (1874) were all vigorously debated and each sought to break, in differing ways and degrees, the Church's economic and political control in Utah. Politicians' vehement disapproval of the Church's influence in all matters public and private has been well established by other scholars, but the extreme level of anti-Mormon abhorrence can only be fully understood in the context of the Saints' self-righteous insistence on the exceptionalism of their own religious project.

When the House debated the Poland Act in June of 1874, Representative Ward from Illinois declared, "I belong to no particular faith; I espouse no particular form of religion [and] I would not in any way-impose unnecessary or improper burdens on that

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<sup>109</sup> See Van Wagenen, "In Their Own Behalf."

<sup>110</sup> Representative Daniel W. Gooch, "Polygamy in Utah. Speech of Hon. Daniel W. Gooch, of Mass" in *Congressional Globe* (House of Representatives 36<sup>th</sup> Congress, April 4, 1860): 3.

people or any other; but” he continued, “when they stand up in the light of this age and tell me that their religion is better than mine, that their faith is better than mine, that their civilization is better than mine, that their institutions are entitled to protection beyond what our institutions are entitled to, I say ‘Hands off; I will not oppress you, but there must be fair play.’”<sup>111</sup> His comments illuminate just how much anti-Mormons resented the Saints’ claim that theirs was a religion whose exceptional status transcended that of the US itself. This was a claim that could not be tolerated, especially at a time when the nation was beginning to deploy US exceptionalism to justify intervention abroad.

Another representative’s resolve that consumer capitalism was sure to end the Saints’ resistance demonstrates the extent to which political elites were beginning to frame free market capitalism as an inevitable aspect of the civilizing process and the ideology of US exceptionalism. Representative Potter from New York insisted that, “it could not be long in any event before these people would have to move on; that the railways coming into the country would introduce into it not only new people but new Ideas [sic].” According to this popular line of thinking, the railroad, like the settlers before it, would rightfully change the “old” and “backwards” ways of an “uncivilized” people because with “the railroad came new ideas and new wants.” “Think, sir,” he jested to his colleagues, “of a man with twenty wives going out of a morning to buy back-hair and crinoline and silk dresses. Nothing could meet the cost of supporting their families in such style, and it therefore seems to me as if these changes will have a certain and growing effect in breaking up this system, *so at variance with our race and time*. Indeed

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<sup>111</sup> Representative Jasper D. Ward, “Courts in Utah,” in *Congressional Record* (House of Representatives 43<sup>rd</sup> Congress 1<sup>st</sup> Session, June 2, 1874): 4474.

it seems to me these influences will have more effect in destroying and rooting out polygamy than any legislation we can adopt.”<sup>112</sup> In other words, consumer capitalism would inexorably and rightly break up the theocratic, communal system of religion which was seen to be so at odds with (white) Americanism that it had produced another race altogether.

While Representative Potter’s imagery of twenty wives buying silk dresses was a tactic of comic exaggeration, it also subtly expressed an assumption about the proper relationship between the (gendered) family and the economy. In the nineteenth-century mind, polygamy and capitalism could not exist in tandem. Just “as middle-class Americans increasingly relied on heads of household for economic support and attempted to isolate the home from the competitive capitalist market,” polygamous families “necessitated precisely the opposite, a kind of consecrated economic cooperation involving all family members.”<sup>113</sup> Monogamy, not polygamy, was therefore assumed to be the only way to ensure free market capitalist principles were put into effect at both the micro and macro levels. Thus, it was not just that polygamy was thought to be a relic of past, distant, or racially suspect cultures, but that it was uncivilized *because* it challenged free market capitalism’s unhampered march across the continent. More specifically, because LDS plural marriage contested the gendered separation of public and private, it was thought to also challenge the foundation of the nation’s developing economic system.

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<sup>112</sup> Emphasis added to Representative Clarkson N. Potter, “Courts in Utah,” in *Congressional Record* (House of Representatives 43<sup>rd</sup> Congress 1<sup>st</sup> Session, June 2, 1874): 4470.

<sup>113</sup> Talbot, *A Foreign Kingdom*, 50.

Potter's prediction that the railroad would spell the end of the LDS system was only partially correct. The railroad did bring more than manufactured goods from the East, introducing "an emerging national bourgeois sensibility" upon which the Saints began to draw in order to make sense of their world and themselves.<sup>114</sup> Although the Saints had worked to gain immunity from the developments of the national and global economies, they were nonetheless subject to the cultural forces that accompanied those developments, especially given that their own culture was a product of early nineteenth-century national ethos. The introduction of consumer culture was a much more complex invasion than simply the tempting availability of fashions from the East. Advocating "home manufacture" encouraged individuals to refrain from entangling themselves in the "evils" of an individualistic, free-market capitalism, but it did not stop the more insidious infiltration of national culture and new processes of meaning making that came with it.

Despite their attempts at isolation the Panic of 1873 severely impacted Utah's economy. Recognizing the need for more extreme measures, Young called for the creation of United Orders (UO) throughout LDS settlements across the southwest during the winter of 1873-1874. Drawing on Joseph Smith's early articulations of a more perfect economic order Young preached that the current system of consecration was "only a stepping stone to ... [] the Order of Enoch, which is in reality the order of Heaven."<sup>115</sup> Pointing to the Brigham City Cooperative as an example, a northern settlement that remained virtually untouched by the national crisis, he claimed that the United Order was the only way to successfully separate LDS interests from the sinister grip of free-market

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<sup>114</sup> Umbach, "Learning to Shop in Zion," 33.

<sup>115</sup> Brigham Young quoted in Arrington, *Great Basin Kingdom*, 323.

capitalism. The United Order, as it was conceptualized and practiced, was a kind of self-supporting, insulated, cooperative community with varying degrees of socialistic components. Four different types of orders emerged, reflecting varying levels of communal commitment.

The first type of order was an extension of the Brigham City model in which community ownership and operation of cooperative enterprises was increased. Under this model, individuals were not required to consecrate their property or labor to the UO, but benefitted from the prosperity of the cooperative network already in place. The second type of UO was also an extension of the Brigham City model, but was modified to function at the level of wards in larger cities where high proportions of Gentile residents made it impossible to attempt complete economic reorganization.<sup>116</sup> These orders were focused on one cooperative enterprise; for example, the Eighth Ward in Salt Lake City operated a hat factory, while the Eleventh Ward ran a tailor's shop. The third type of UO was an expansion, rather than an extension, of the cooperative movement. In St. George, Utah community members gave all of their property to the Order and in return received wages and dividends that reflected their contributed labor and property. Finally, the fourth kind of UO was the most communal in nature. Members contributed all their property and labor to the system following the "Gospel Plan." There was no private property, everyone shared equally in the common product(s), and all lived and ate together as a large family.

The majority of United Order enterprises failed to drastically change the fabric of local economies; however, those orders that followed a more socialist model were much

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<sup>116</sup> Wards in the LDS Church are akin to parishes in the Catholic Church.

more successful in becoming self-sufficient and lasted several years. Orderville, Utah for example, was founded for the specific purpose of forming a United Order community and followed the Gospel Plan. Members ate, prayed, and worked together while a Board of Management regulated the labor and production of the order. Like other Gospel Plan UOs, including those in Price City, Springdale, and Kingston, Utah as well as Bunkerville, Nevada and several Arizona orders, Orderville lasted for many years, until the federal government's legislative incursion made it impossible for them to maintain operation. The United Order system represented the most extreme divergence from the norms of the national economy and was resultantly described as a dangerous threat by anti-Mormons. A compelling economic alternative, the United Orders are one historical example that challenges the narrative of capitalism's inevitability as is still preached under the auspices of US exceptionalism.

In 1871, when federal appointee Judge James B. McKean's described the LDS Church as an "*imperium in imperio*," – an empire within an empire – he precisely described the power struggle between the LDS Church and the US government.<sup>117</sup> Both sides were engaged in imperial endeavors with divine sanction and both were convinced that one would eventually succumb to the other. Unfortunately for the Saints, the federal government's recourse to a state of exception legislation, explored in the next chapter, easily out-weighed the Saints attempts at isolation. After several bills were debated and

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<sup>117</sup> Orson F. Whitney, *History of Utah*, (Salt Lake City: George Q. Cannon & sons, Co. Publishers, 1893): 601.  
<https://books.google.com/books?id=Gi5IAQAAMAAJ&pg=PA601&lpg=PA601&dq=james+b+mckean+imperium+in+imperio&source=bl&ots=LuftJa-wx7&sig=46vtUvgquBSCsECIPE5huPYkv6E&hl=en&sa=X&ved=0ahUKewj96ZCdudzKAhVMxGMKHRdaAjoQ6AEIHDA#v=onepage&q=james%20b%20mckean%20imperium%20in%20imperio&f=false>

rejected by Congress, the Poland Act emerged as the triumphant legal remedy to the ineffective Morrill Act. The Act facilitated prosecutions of polygamy by transferring power from the LDS-controlled probate courts to the non-Mormon federal courts. The ecclesiastical probate courts in Utah had served as the primary court system taking on civil and criminal matters since the Saints arrival in 1847. This meant that federal officials had been left without any practical recourse for prosecuting polygamy. Among other measures, the Act also drastically altered the jury selection processes in the favor of the non-Mormon minority, virtually excluding all LDS jurors.

The Poland Act represented a very real danger to the stability of the LDS way of life. By redrawing the lines of legislative and judicial control in Utah Territory, the federal government wrested enough control away from both local politicians and the LDS hierarchy, virtually one in the same, to begin the prosecution of polygamists. No longer able to retain full control of the political and legal structure of the Territory, the Church's strategies for resistance were substantially undermined. The final quarter of the nineteenth century witnessed an increasingly explicit and hostile discourse of Mormon peculiarity that was used to justify and mold new modes of US imperialism.

## Chapter Two

### **The Mormon Problem in a New “Imperial Epoch”: US Gender and Sexual Exceptionalism, 1862-1896**

... [P]olygamy leads to the patriarchal principle, and which, when applied to large communities, fetters the people in stationary despotism, while that principle cannot long exist in connection with monogamy.<sup>1</sup>

*I pursue these connections between the broad-scale dynamics of colonial rule and the intimate sites of implementation ... because domains of the intimate figured so prominently in the perceptions and policies of those who ruled. These are the locations that allow us to identify what Foucault might have called the microphysics of colonial rule.<sup>2</sup>*

In his book *Barbarian Virtues*, Matthew Frye Jacobson identifies the years between 1876 and 1917 as a turning point in the geography, style, and execution of US imperialism. According to Jacobson, two major developments defined the epoch: first the closure of the frontier, and second, a new phase of industrialization which rapidly pushed the nation-state onto the global stage. Up through the end of the nineteenth century, US empire had been characterized by genocidal settler colonialism in North America. As the nation-state pushed its way west, producers exploited the land's natural resources in order to fuel the exponential growth of the capitalist economy. But as the close of the nineteenth century approached, “politicians and manufacturers feared that the engines of industry could not be slowed without undermining the nation's stability, but also that, at its accustomed pace of production, the nation risked outstripping its own capacities to absorb its goods.”<sup>3</sup> An expanded imperial focus overseas at the turn of the century addressed the problem of overproduction by providing new markets, augmenting the nation's workforce, and appropriating new terrain for producers to exploit.

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<sup>1</sup> *Reynolds v. United States*, 9.

<sup>2</sup> Stoler, *Carnal Knowledge*, 7.

<sup>3</sup> Jacobsen, *Barbarian Virtues*, 13.



Not coincidentally, it was also at the beginning of this period that Mormon peculiarity discourse became characterized by the rhetoric of “national problems” or “questions.” As the first chapter details, by the dawn of this new imperialist epoch Mormonism had already been engrained as religiously, racially, culturally, politically, and economically un-American. But this new rhetoric about Mormonism as a problem needing to be solved by and for the nation was used to *reinvest* in a national culture of white supremacy after the Civil War and the passage of the Thirteenth, Fourteenth, and Fifteenth Amendments. As northern Protestants began to abandon projects of racial justice in the postbellum period, national problems emerged as a key way to reassert white supremacy through the re-demonization of marginalized populations.<sup>4</sup>

The national “question” of Mormonism, like other racialized assemblages of the era, was a vehicle through which white culture could justifiably wield its racist investments as scientifically and divinely sanctioned. But the Saints and their purported practices were also used to erect imperial, as well as racial, boundaries of belonging in the US. The discursive construction of Mormonism as racially other, and therefore foreign, provided a unique opportunity for the federal government to test new, more explicit, forms of colonialism that it had thus far disavowed. Departing significantly from previous histories of nineteenth-century anti-Mormonism, this chapter argues that federal intervention in the Utah Territory, justified by the racialization of the Saints as “Mormons,” was a form of colonialism; one which departed drastically from previous styles of US hegemony. Thus, Utah served as a training ground for more modern policies

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<sup>4</sup> Blum uses “ethnic nationalism,” a term also employed by Gary Gerstle, to describe the national commitment to white supremacy in the postbellum era. See Blum, *Reforging the White Republic* and Gerstle, *American Crucible*.

and practices of imperialism that the US nation-state would later use to subjugate overseas colonies including Hawai‘i, the Philippines, Puerto Rico, Cuba, and Guam.<sup>5</sup>

Both the discursive construction of “Mormonism” as sexually deviant and therefore racially treasonous *and* the Saints’ own religiously systematized, colonial occupation of the Great Basin helped to shape new methods for expanding US empire. Yet only two scholars have suggested a connection between the federal government’s treatment of the Saints and the “imperial consolidation of the [US] nation-state.”<sup>6</sup> Literary historians Nancy Bentley and Bruce Burgett have argued that during the 1850s the Mormon question helped to foment, but was not necessarily central to, the maturation of US imperialism, pointing to the ways cultural discourses of gender and race were maneuvered in the construction of (white, heterosexual) monogamy as a national norm. Bentley’s argument contends that anti-polygamy fiction was “a marginal but nevertheless structurally important” piece of nineteenth-century sentimental fiction that helped to reimagine the limits of the nation-state.<sup>7</sup> Specifically, anti-polygamy literature was central to the contemporary (re)formation of national identity in which monogamy, heterosexuality, and a paradoxical notion of women’s consent to patriarchal marriage were woven together as essential strands of national belonging.

The cultural struggle over Mormon polygamy, in Bentley’s estimation, helped to suture domesticity to state power since, “the unity of the nation was perceived to be

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<sup>5</sup> See Aikau, *A Chosen People, A Promised Land* on the role of the LDS Church in the colonization of Hawai‘i.

<sup>6</sup> Burgett, “On the Mormon Question,” 77.

<sup>7</sup> Bentley, “Marriage as Treason” in *The Futures of American Studies*, 341.

rooted in a moral and emotional unity of monogamous marriage.”<sup>8</sup> Moreover, she contends that this connection between domestic feeling and “imperial force” was laid bare in the denial of the full privileges of whiteness to the Saints, giving them “an ambiguous relation to [other] imperial subjects.”<sup>9</sup> Dismissing nineteenth-century racial discourses of Mormonism as less than serious in their claims to scientific legitimacy, Bentley’s argument maintains that Mormonism’s relationship to US imperialism was almost entirely metaphorical. Downplaying the racialization of the Saints by asserting that racial knowledge about Mormonism “had less to do with convictions about genetic inheritance [] than [] with an unwillingness to recognize the Mormon-controlled Utah Territory as belonging to ‘their family of white nations,’” Bentley drastically underestimates both the extent of the conflict produced by the Mormon question and the power of racializing assemblages in the nineteenth-century US.<sup>10</sup> Fundamentally, her argument severs the discursive formation of race from its material effects: “Mormons” were not simply “white Americans whose alien marriages and homes made them unassimilable to the national body politic,” a formulation that paradoxically assumes not only an essential quality of race that can be visually discerned, but also monogamy as a natural norm; rather, the Saints were a group whose treatment at the hands of anti-Mormons exemplifies how “race” functioned as a signifier that blurred the boundaries between nation, religion, culture, and phenotype in order to justify federal management of Utah.

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<sup>8</sup> Bentley, 362.

<sup>9</sup> Ibid, 358.

<sup>10</sup> Ibid.

Like Bentley, Burgett also argues that nineteenth-century domestic fiction was a site where gender and domesticity were articulated in relation to imperialism, but he also emphasizes that these constructions were essentially and inextricably tied to articulations of race. Consequently, his analysis scrutinizes both antipolygamy and antislavery fiction, highlighting sexualization as a tool of racialization. Burgett rightly concludes that polygamy came to be a defining limit of national belonging in which one's racial status, and by extension one's citizenship, was partly determined by sexual and marital practice(s). Thus, Burgett locates the imperial implications of the Mormon question in the need to distinguish between “the civilizing modernity of the Caucasian race” and “the barbarisms of the past” vis-à-vis the normalization of white women's right to consent to marriage on the one hand and heterosexual monogamy on the other.<sup>11</sup>

Expanding on Burgett's conclusions, this chapter provides an in-depth examination of Mormonism as *vital* rather than peripheral to the transformation of US imperial policies and practices at the end of the nineteenth century. An analysis of graphic images, legislative debates, sermons, newspaper articles, political pamphlets, and Supreme Court decisions, *in addition* to anti-polygamy fiction connects the mediated articulations of Mormonism that Bentley and Burgett analyze to the material practices of colonial governance enacted against the LDS Church, which became standard modes of imperial control during and after the Spanish-American War. This argument departs dramatically from scholars such as Christine Talbot who caution against “misconstruing anti-Mormonism as a colonialist discourse and the [Saints] as colonized subjects.”<sup>12</sup>

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<sup>11</sup> Burgett, “On the Mormon Question,” 86.

<sup>12</sup> Talbot, *A Foreign Kingdom*, 135.

Talbot's reluctance to label anti-Mormonism a colonial discourse, like Bentley's to take seriously the racialization of the Saints, ignores the very real evidence of the federal government's subjugation of the Saints. Not only did the government institute increasingly harsh legislation that purposefully inhibited the Saints' religious, cultural, and economic practices, but it also implemented legal measures that revoked the Saints' constitutionally mandated rights to vote, serve on juries, and to run for and hold political office, among others.

Like Ann Stoler's work on the intimate dimensions of European colonial rule, this chapter problematizes the discreet divisions between colonizer and the colonized by looking at the intersection of racial formation and the normalization of particular gendered and sexual practices as a key part of US imperial policy.<sup>13</sup> Rather than assuming that the Saints could only have been either "agents of the colonization of the American West" or subject to that oppressive colonial force, a comprehensive examination of the discursive construction of Mormonism, the federal government's increasingly invasive intervention in Utah, and the Saint's own beliefs and practices demonstrates that they were actually both.<sup>14</sup> In particular, the chapter focuses on the "connections between the broad-scale dynamics of colonial rule and the intimate sites of implementation," to argue for the Saints' dual status as both colonized and colonizers.<sup>15</sup> The struggle to control polygamy's meaning – as either a relic of barbarism or as the

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<sup>13</sup> Stoler, *Carnal Knowledge*, 23.

<sup>14</sup> To be clear, I do not mean to suggest that the Saints were not agents of US empire; that they engaged in a religiously motivated program of settler colonialism and reproduced a national culture of white supremacy is beyond dispute. Rather, I want to unsettle prevailing assumptions that pinpoint the emergence of US imperial activity in 1898 and which assume distinct and stable roles between the colonizer and the colonized; Talbot, 135.

<sup>15</sup> Stoler, *Carnal Knowledge*, 7.

ultimate expression of civilization – was one that pinpoints the indispensability of gender and sexuality to imperial management, but it was also one that exposes the porous and indistinct racial boundaries that separated those who managed and those who were managed.

More specifically, Mormon peculiarity discourse, whether leveraged by anti-Mormons or the Saints themselves, was an early expression of gender and sexual exceptionalism: these discourses proffered American (or Mormon) superiority by virtue of advanced gendered and sexual practices or knowledge. Gender and sexual exceptionalism have historically been deployed to strengthen claims of racial difference and white superiority in order to justify colonial rule and imperial intervention. In the case of Utah, these discourses were used to bolster claims of US exceptionalism that justified explicit colonial management of the Territory. However, gender and sexual exceptionalism were also used by the Saints to maintain their own sense of sexual, religious, and racial supremacy and therefore their own program of settler colonialism and racial exclusion in the LDS Church. Reinforcing the circular logic of racialized assemblages that contrasted “civilization” with “barbarity,” democracy with “patriarchal despotism,” and, “American” with Other – binaries that ultimately distilled down to a racial base of white versus non-white – gender and sexual exceptionalism, like US or Mormon exceptionalism, depended upon the assumed existence of a linear, progressive development of civilization in which the most developed guided the least. Of course, what gender and sexual norms are considered “advanced” or “backward” have shifted across time and space, as have the knowledges that are used to substantiate them. For the

purposes of this chapter gender exceptionalism is defined as a discourse that asserts a nation or group's advanced status based on superior knowledge about gender and the subsequent maintenance of ostensibly natural gender relations. Similarly, sexual exceptionalism describes a parallel, but distinct, discourse that asserts a nation or group's civilized status through claims to advanced sexual knowledge and/or practice.

As such, this chapter examines nineteenth-century articulations of gender and sexual exceptionalism in relation to the "Mormon problem." These articulations helped to foment new modes of colonial intervention and quickly became staple justifications for modern US imperialism. Thus, like their counterparts in Europe, US colonialists deployed gender and sexual exceptionalism as a mode of racialization that hastened federal management of Utah. At the same time, however, the Saints countered anti-Mormon representations of licentiousness and racial degeneracy by employing gender and sexual exceptionalist logic to argue that plural marriage was proof of Mormon exceptionalism's transcendence over and above US exceptionalism. Ultimately, however, the overwhelming power behind anti-Mormon activism defeated LDS resistance and the federal government enforced regulations that forced the Saints' capitulation to the nation-state.

### ***National Problems***

Between 1874 and 1877 the federal government passed race-based immigration laws, formally ended Reconstruction, amplified its violent suppression of American Indians, and officially announced its entrance onto the global stage at the Centennial

Exposition in Philadelphia, the first World's Fair to be held in the US. Reflecting these important moves, by the 1870s "national questions" began to saturate the popular press, exemplified in widespread graphic images that fueled anxiety about the changing dynamics of US society. Like Chinese immigration, freed slaves, and Native resistance, the Saints were represented as a national problem. Specifically, they were constructed as a non-white racial group whose sexual, political, and economic non-normativity made them foreign and, therefore, subject to federal oversight.

The words and images that shaped this version of Mormon peculiarity discourse reflected a contradictory attitude toward Mormonism as a simultaneously foreign, yet domestic, problem. A product of the Jacksonian era northeast, it was difficult for anti-Mormons to deny the North American, specifically Anglo-European, origins of the religion. In order to preserve the predominate logic of racial hierarchy, anti-Mormons attributed the Saints' racial otherness to their willful insistence on practicing polygamy. Despite this fact, scholarship has tended to exceptionalize the Mormon problem as "peculiarly American" because the Saints' shared phenotypical similarities with other whites.<sup>16</sup> Exceptionalizing the Mormon problem in this way not only reinforces visibly determinable notions of race, but it also ignores the nineteenth-century media's own elaboration of *multiple* "national problems," all of which were used to reinforce "Americanness" in opposition to non-whiteness. The "Mormon question," like the "Indian question" or the "Chinese question" were all leveraged alongside and against one

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<sup>16</sup> See for example Martha Ertman's contention that "casting overwhelmingly White Mormons as non-White required rhetorical slights of hand" in her article "Race Treason." Also see Given's *The Viper on the Hearth* and Talbot, *A Foreign Kingdom*.



another in order to equate whiteness with Americanness and Americanness with civilization.

Two years after the Centennial Exposition in Philadelphia, an illustration in *Puck* magazine parodied many of the nation's so-called "problems." Satirizing the country's contributions to the 1878 World's Fair, the Exposition Universelle in Paris, J. Keppler illustrated a mock "American Exhibit" which symbolized these problems as agricultural products (Fig. 2.1). The assembled goods represented everything from



Figure 2.1 J. Keppler, "A Truly Representative American Exhibit Arranged by Puck for this Paris Exhibition," *Puck*, May 15, 1878.

questions of labor to issues of race and class. The "Dead 'Beets'" in the central foreground of the cartoon as well as "the 'Boss' Squash" and "'Champion' Cabbage" on the left and right, alluded to various political scandals that were captivating the national press, while to the left and right, packaged products symbolized various class, racial, and religious issues.<sup>17</sup> Small Sambo heads, complete with wide eyes and large white lips, fill

<sup>17</sup> The "'Boss' Squash" refers to William M. "Boss" Tweed, a Democrat from New York, whose political corruption caused a scandal in the 1870s. The "'Champion' Cabbage" is meant to represent Montgomery

a jar labelled “Black-Berry Jam,” which sits next to a “Best Blacking” tin and a package of “Stove Polish;” resting above these lies a box of “Pickled Tramps,” on its front an image of a drunken, lazy, and unkempt man; on the left-hand side is another jar carrying an old and ugly “Spiritualist” woman divining a skull; and above her is a container of “Dried Hoodlums,” with the image of a hanged man on the label. On the right are similar products, including a can of “White Trash” showing a lanky, down-trodden figure and “Mick’s Irish Whiskey,” rendered as a drunk, dancing Irish-man with a knife between his teeth. Each of these stuffs evoked contemporary stereotypes used to disparage various minority groups and movements including African Americans, poor whites, Spiritualism, and Irish immigrants. Keppler’s choice to represent national issues with agricultural products such as jams, jellies, and vegetables, played on multifaceted concerns about rapid changes to the US economy and the effects of those changes; each product linking uneasiness over labor and consumption to growing tensions over the nation’s racial standing. Because “immigration and expansion constituted two sides of the same coin ... public discussion of problematic aliens at home ... [and] debate[s] over the ‘fitness for self-government’ of problematic peoples abroad,” became inevitable results of industrialization.<sup>18</sup> The products in the cartoon were depicted as the worrisome side-effects of industrialization, yet these “problems” were also necessary for defining the nation-state as a global leader whose job it was to foster democracy among the less civilized.

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Blair a southern politician who sided with Lincoln during the Civil War and was involved in the Trader post scandal of 1876.

<sup>18</sup> Jacobsen, *Barbarian Virtues*, 4.

Perhaps most tellingly, the *Puck* cartoon expressed an underlying, if disavowed, anxiety that the nation-state had cultivated its own “problems” from within; problems which simultaneously required national intervention, but also warned of racial degeneration. Although the image was drawn to coincide with the Paris Exposition of 1878, the plant at the center of the image recalled the centennial celebration in Philadelphia two years previous. That World’s Fair had marked the 100<sup>th</sup> anniversary of the signing of the Declaration of Independence in 1776, a date represented by the “Century Plant,” at the center of the image. All the products surround the century plant, which is flanked by two other plants, the rosebush of Mormon polygamy and a clover-like plant representing preacher Henry Ward Beecher’s infamous adulterous affair. Mormonism, whose largest bloom is the head of John Taylor, then president of the LDS Church, is surrounded by eleven tiny blooms, his wives.

Both Mormon polygamy and the Beecher scandal are portrayed as two of the most pressing and dangerous problems of the day. Not only do these plants most closely resemble the Century Plant, but placed on either side they lean in to stifle its further development. Unlike the other packaged and harvested products, “Mormonism” and “Beecherism” were especially concerning because their digressions struck at the heart of claims that the US citizenry represented the pinnacle of civilization by virtue of its sexual and racial development. Beecher’s affair with Elizabeth Tilton enthralled a nation who knew the clergyman for his views on abolition, temperance, women’s suffrage, and sexual morality. LDS plural marriage, like Beecher’s hypocritical affair, challenged contemporary expectations of women’s morality and standards of sexual propriety. In

other words, Beecher's affair and the Saints' plural marriages both undercut assertions of US sexual and gender exceptionalism in the view of non-Mormons because these were born out of Anglo-Saxons heritage.

In another illustration that appeared in *The Wasp*, Mormonism is again depicted as one of several national problems (Fig. 2.2). In a school filled with unruly children,



Figure 2.2 Walter, "Uncle Sam's Troublesome School," *The Wasp*, June 5, 1886.

Uncle Sam presides as a teacher desperately, but unsuccessfully, trying to maintain order. At the front of the image, the Democratic Party, drawn as an ape-like Irish child, fights with another student, the Republican Party. Uncle Sam reaches frantically over his desk to grab the coat of "Mormonism," who already has his clutches around three young girls, while two stereotypically rendered American Indians (one labelled a "Sioux" by the

feather in his hat) covertly attach dynamite to their teacher's coat tails. Another Indian child creeps across the classroom with a knife behind his back. Yet another scuffle between labor and capital ensues, while "California" shuts the door on a sinister looking Chinese student at the back of the classroom. While each problem is represented as serious, Sam first chooses to deal with the problem of Mormonism, represented as a child-sized Brigham Young. Reflecting notions of US nationalism as firmly rooted in the civilized treatment of white women, Uncle Sam's decision to first deal with Mormonism reflected the government's unrelenting campaign against the LDS Church, which reached its peak only a year after this image was published.

While Figures 2.1 and 2.2 highlight Mormonism as one of several national problems, including concerns over class, religion, race, production, consumption, labor, and immigration, they only alluded to its racial significance. Figures 2.3 and 2.4 are

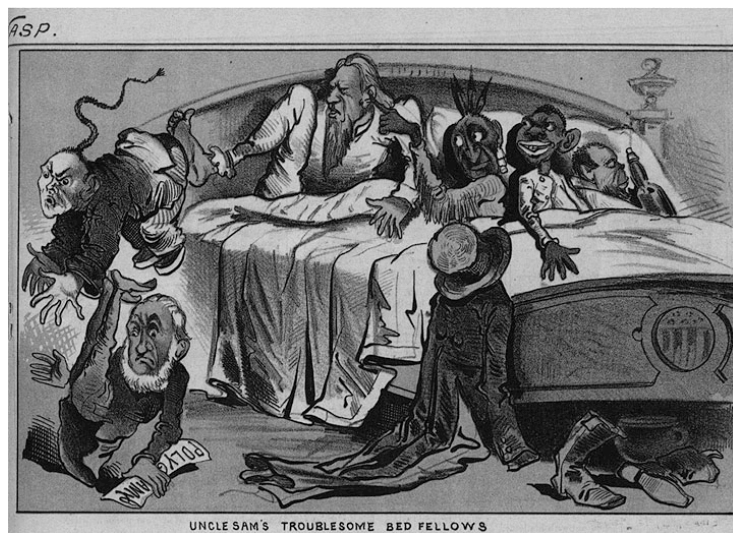


Figure 2.3 "Uncle Sam's Troublesome Bedfellows," *The Wasp*, February 8, 1879.

typical examples of how Mormonism was constructed as a specifically racial problem, a threat on par with immigration, indigenous resistance to settler colonialism, and the

supervision and management of freed populations. In Figure 2.3 an annoyed Uncle Sam contends with five “troublesome bedfellows” – racist caricatures of the LDS, the Chinese, American Indians, African Americans, and the Irish. So aggravated with the Chinese man, Sam kicks him unceremoniously out of bed, having already ejected an unhappy Brigham Young, identifiable by a scroll he carries labeled “Polygamy.” Still laying in the bed are an Indian who is sticking his finger into Sam’s ear; an apparently contented Sambo figure, who seems confident of his “inclusion” in the national bed, that looks on with amusement at the exclusion of the other troublesome bedfellows; and an Irish man who sleeps undisturbed by the commotion, next to a bottle of whiskey. Each child-sized figure represents a “problematic” marginalized group that was thought to require an exclusionary and/or repressive solution. Continued federal suppression of Indigenous resistance, flaring nativist sentiment, and waning commitment to Radical Reconstruction all coincided with and informed anti-Mormon responses to the Saints in Utah.

Similarly, Figure 2.4 depicts the “China question,” “Mormon question,” and “Indian question” as children of mother “Columbia,” while their father, Uncle Sam, is too distracted reading about “Politics,” and “\$\$\$\$” in his newspaper to witness the children tormenting their mother. Sam’s whip, labelled “Law,” with which he is presumably supposed to discipline the children, falls limp at the back of his chair. The “China Question” and the “Mormon Question,” (again represented by Brigham Young) sit comfortably in their mother’s lap, as they harass her, pulling her hair and spitting in her face, while the Indian child sits on the floor destroying toy US soldiers with his tomahawk. In both images, all the “questions” are represented as equally problematic and



Figure 2.4 Keller, “The Three Troublesome Children,” *The Wasp*, December 16, 1881.

all are represented as children in need of a father’s discipline. Depicting national questions as children played on the popular colonial trope of civilized nations as parents who must teach, discipline, and watch over inferior races, one that would continually reappear in discussions and portrayals of Mormonism between 1860 and 1890.

Perhaps more than other national problems, Chinese immigration and Mormon polygamy often appeared together in popular debate (Fig. 2.5 and 2.6). Decades of racialization had produced Mormonism as “Oriental,” mainly through claims that polygamy was inherently an Asian practice. As W. Paul Reeve points out, as early as 1830 the Saints had been compared to Muslims, “and [Mormonism] was labeled the



‘Islam of America.’ The construction was rife with religious comparisons that morphed into racial connotations” that withstood the test of time.<sup>19</sup> Stereotypical depictions of



Figure 2.5 Keller, “Uncle Sam’s Nightmare,” *The Wasp*, March 1882.

Muslims, Muslim Turks in particular, as overly sexual were easily applied to the polygamous Saints, whose marital practices were used as evidence in a chain of circular logic that reinforced the stereotype against all three groups. The very location of the LDS Church in the western desert seemed to back up perceptions of “Mormons” as “Oriental” – the hot, desert landscape was dubbed the “domestic orient” and Salt Lake City was likened to various Middle Eastern locales such as Palestine, Mecca, Jerusalem, Canaan, Tadmor, and Damascus.<sup>20</sup> Racist assumptions that Asian cultures were inherently despotic and theocratic bled into characterizations of the LDS Church, coloring perceptions of the Saints’ sexual, political, and economic practices.

It is no surprise then that racist and racializing responses to the Chinese question mirrored those to the Mormon question, both of which evoked prostitution and slavery as

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<sup>19</sup> Reeve, *Religion of a Different Color*, 220.

<sup>20</sup> Reeve, 222.



animating issues. The 1875 passage of the Page Act responded to the increasingly fervent anti-Chinese sentiment in California by restricting “undesirable” immigrants from emigrating under forced labor contracts and virtually prohibited the entrance of all Chinese women on the basis that they were prostitutes. In the same way that the assumptions about Chinese women immigrants as prostitutes served to represent all Chinese immigrants as “undesirable,” so too did assumptions about polygamy’s “real” purpose signify the “foreignness” of the Saints. One Senate report that declared women “are bought and sold like slaves at the will of their masters,” brought to the US for the purposes of prostitution, could easily have been drawn from either the anti-Chinese or anti-Mormon rhetoric of the period.<sup>21</sup> Denunciations of plural marriage as a religiously sanctioned form of prostitution demeaned LDS women, denied them the privileged status of white womanhood in the national sphere, and indicted LDS men, especially Church leaders, as lecherous patriarchs.<sup>22</sup> Both the anti-Mormon and anti-Chinese movements charged that the prostitution “inherent” to each “problem” was forced; it was assumed that women immigrants in both groups were brought to the US under coercion and were enslaved once they arrived. Moreover, just as Chinese immigration was used to heighten white racial anxiety, so too did the LDS Church’s active encouragement and facilitation of the immigration of thousands of LDS converts to Utah enflame national consternation.

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<sup>21</sup>*Report of the Joint Special Committee to Investigate Chinese Immigration Senate Report No. 689, (44<sup>th</sup> Congress 2<sup>nd</sup> Session): 405.*

<sup>22</sup> Even though the Saints were constructed as non-white in the media, they still retained a privileged racial status in Utah Territory because of their numbers. Racial prejudice against them outside Utah had limited immediate effect locally. However, LDS missionaries were harassed and even lynched elsewhere in the US and racial prejudice resulted in national legislation that drastically limited their legal rights, economic power, and political dominance as discussed below.

In his September 1880 sermons on Chinese immigration and Mormonism delivered to his Brooklyn congregation, Reverend Dr. Thomas De Witt Talmage argued

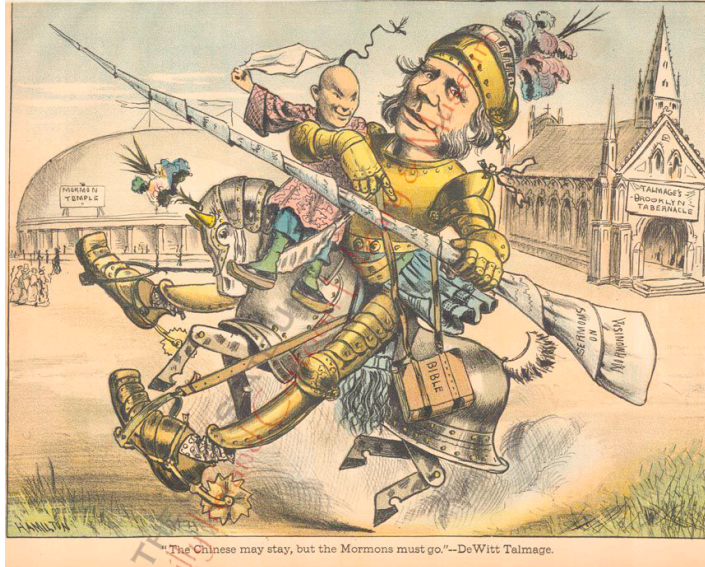


Figure 2.6. Hamilton, “‘The Chinese may stay, but the Mormons must go.’ – DeWitt Talmage [sic],” *Judge*, October 27, 1883.

that the Chinese, but not the Mormons, should be integrated in the nation. In his September 19<sup>th</sup> sermon Talmage praised the industry of Chinese immigrants and promoted tolerance and acceptance on their behalf, while on the very next Sunday, September 26<sup>th</sup>, he described the absolute degeneracy of the Mormons and advocated the religion’s complete destruction “by the guns of the United States Government.”<sup>23</sup> Although he was mocked repeatedly by the press for his unusual position (Fig. 2.6), Talmage’s logic was more similar to, than different from, those who advocated the expulsion of the Chinese and suppression, but not extradition, of the Saints.

His seemingly opposing characterizations of the two groups is instructive for thinking through the ways the late-nineteenth-century US was increasingly taking on an

<sup>23</sup> T. De Witt Talmage, “Mormonism,” *The Brooklyn Tabernacle. A Collection of 104 Sermons*, (New York: Funk & Wagnalls, 1884): 56.

explicitly imperial vision of the country's place in global relations. While Talmage framed Chinese immigrants as a group in need of tolerance and paternalistic oversight he aggressively attacked the Saints as sinners – people who were capable of self-governance, but who unfortunately chose to become the worst kind of malefactors. Talmage characterized the Chinese as “industrious,” “genial,” “harmless,” and “obliging” – descriptive choices that reveal the condescending, racist logic underlying his position.<sup>24</sup> His recognition that the country needed cheap labor for its rapidly developing industrial economy is buttressed by his feminization of Chinese immigrants and his vision of them as an entry point into the Chinese market itself. Talmage's open acknowledgment and repetition of racist tropes about the Chinese helped him to argue that they could easily be controlled and should be tolerated for the sake of economic prosperity and the nation-state's position globally.

Unlike his attitude toward Chinese immigrants, Talmage's concerns about the Saints derived from what he described as their sacrilegious non-normativity. Comparing Salt Lake City to the doomed biblical city of Sodom, he detailed LDS offenses: refusals to aid immigrant wagon trains; the Mountain Meadows massacre; deceptive missionizing that tricked poor, uneducated immigrants into coming to Utah; swindling the poor with the tithing and cooperative systems; religious blasphemy against “true” Christianity; sedition and treason against the US government; and finally, as well as most egregiously, polygamy. Proclaiming Mormonism to be “one great surge of licentiousness ... THE

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<sup>24</sup> T. De Witt Talmage, “Must the Chinese Go?” *The Brooklyn Tabernacle. A Collection of 104 Sermons.* (New York: Funk & Wagnalls, 1884) 374-377.

SERAGLIO OF THE REPUBLIC,”<sup>25</sup> Talmage (re)emphasized Mormonism as racially treasonous by virtue of its sexual deviance and, therefore, in need of destruction like Sodom before it.

Of all the crimes laid at the Saints’ door, to Talmage nothing was worse or required such swift and uncompromising action as the crimes against “WOMANHOOD IN UTAH.” In the hindsight of settler colonialism Talmage’s rhetorical query, “if a gang of thieves should squat on a territory and make thievery a religion, how long would the United States Government stand that?” is only slightly more ironic than his answer: “yet a community founded on theft would not be so bad as a community founded on the grave of desolated, destroyed, and embruited [sic] womanhood.”<sup>26</sup> In his formulation (one which conveniently ignored the “thievery” of indigenous land, rights, and lives) Talmage reframed the Saints as foreigners, squatting on US land who had regressed to, what his contemporaries called, “the patriarchal principle” (i.e. polygamy). The assumed exploitation of women, which was thought to inevitably accompany polygamy, became the ultimate symbol of a civilization’s retrogression. In other words, Talmage’s was a nineteenth-century articulation of gender and sexual exceptionalism in which “the patriarchal principle” was evidence of a culture’s barbarity, while a woman’s ability to consent to heterosexual, monogamous marriage, and by extension her husband’s authority, was proof of a civilization at its height.

Talmage’s assumptions about gendered and sexual relations were shared by his fellow anti-Mormons, who often claimed the degradation of womanhood in Utah was

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<sup>25</sup> Talmage, 55.

<sup>26</sup> Ibid, 56.

more serious than the past crime of “negro slavery.” “Come, now,” Talmage chided federal politicians, “instead of exhuming the wrapped-up and entombed mummy of negro slavery, and tossing it about in these Presidential elections, have *one live question* – Mormonism, the white slavery of to-day.”<sup>27</sup> As Republicans, abolitionists, feminists, and Protestant religious leaders like Talmage shifted their focus away from the situation in the South, their focus came to settle on white women, especially around the issues of suffrage, temperance, and prostitution.<sup>28</sup> The potentially radical project of racial justice was replaced by a conservative reinforcement of white supremacy and patriarchy. Politicians, activists, and religious leaders actively worked to dismantle slavery’s associations with the liberation of African Americans and sutured it to the imagined menace of white women’s exploitation, Mormonism emerging as the perfect culprit on which to blame the situation.<sup>29</sup> While the issue of white slavery would not peak until the 1910s and 20s, social purity crusaders’ ideological foundation was laid in the late-nineteenth century through debates over white slavery in the context of Chinese immigration and Mormon polygamy.

Throughout the 1870s and 1880s, activist concern about prostitution, usually referred to euphemistically as white slavery, was brought to the public’s attention largely through the vehicle of Mormon peculiarity discourse.<sup>30</sup> Readers were flooded with fictional exposés (which often masqueraded as non-fiction accounts) that sensationalized

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<sup>27</sup> Ibid, “Mormonism,” 56.

<sup>28</sup> On the development of the social purity movement see Pivar, *Purity Crusade*. On the role of anti-white slavery campaigns in the construction of racial formation and hierarchy in the US see Donovan, *White Slave Crusades*.

<sup>29</sup> Also see Blum, *Reforging the White Republic*.

<sup>30</sup> See Langum, *Crossing Over the Line*, 156-160, concerning the (re)definition of the term “white slavery.”

the plight of vulnerable white women who had been duped into polygamy by evil Mormon elders beginning in the 1850s and steadily into the 1910s.<sup>31</sup> Novels such as Alfreda Eva Bell's *Boadicea* (1855), Captain Mayne Reid's *The Wild Huntress* (1861), Charles Lewis' *Bessie Baine* (1876), Jennie A. Barlett's *Elder Northfield's Home* (1882), and Rosetta Gilchrist's *Apples of Sodom* (1883) all told stories of young white women who had been both victimized and corrupted by polygamy; lured into Mormonism these women's experiences as plural wives pushed them to engage in jealous, evil, even murderous, behavior.<sup>32</sup> Beyond written accounts, concerns over white slavery were evident in numerous anti-Mormon caricatures, often depicting elderly Mormon patriarchs enticing gullible young women into their licentious clutches. Figures 2.7, 2.9, and 2.10 exemplify the widespread perception of polygamy as a threat to white women's innocence by making them both prostitutes and slaves.

In these images, not only are women depicted as sexual slaves, but as domestic and agricultural workers imported to fulfill the labor needs of their husband/master/owner. For example, in Figure 2.7 women immigrants wear placards which designate the role they will fulfill for the waiting "Mr. Polygamist" in addition to their role as a wife/concubine. Here the caption's sarcasm, "Pure White 'Mormon Immigration,'" plays on multiple national anxieties, alluding to representations of the Saints' degraded racial status, the further racial peril of immigration, and concerns about the consequences of exponentially increasing industrial production. Just as Chinese men

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<sup>31</sup> See Given's analysis of nineteenth-century genre and discursive authority in *The Viper on the Hearth*, especially chapter six.

<sup>32</sup> This extremely brief list is representative of a much larger sample.



Figure 2.7 “Pure White ‘Mormon Immigration’ on the Atlantic Coast. More Cheap ‘Help-mates’ for Mr. Polygamist,” *Harper’s Weekly*, March 25, 1882.

were depicted as sexual threats to white women’s purity, and by extension, the nation’s racial purity, in anti-Chinese images of the period, Mormon men were depicted as tricking white women into prostitution and slavery, conning them into a practice that degraded their womanhood as well as the nation’s racial superiority. All three images reference “cheap labor,” suggesting that the immigration of LDS converts was tied to broader concerns about labor, immigration, and markets.

The racial threat of Mormon immigration is represented in a typical cartoon for *The Wasp* from 1886 (Fig. 2.8). In “Mormon Fishing in Foreign Lands,” the artist played up fears of racial degeneration by depicting a Mormon elder literally fishing for new wives in countries across Europe and Asia. Sitting astride the back of an eagle, the elder’s decision to bring racially inferior wives into the nation-state is represented as poor repayment to the country that has ensured his “freedom” of religion. Tellingly, the elder casts his lines, not only into “France,” “Holland,” and “Sweden,” but also into “Italy,”



Figure 2.8 “Mormon Fishing in Foreign Lands,” *The Wasp*, November 27, 1886.

“Russia,” and “Turkey” – countries whose populations were considered to be at odds with the purity of Anglo-Saxon racial stock. Thus, the image connects the Mormon problem to larger concerns about immigrants from places like Eastern and Southern Europe; concerns that would peak between the 1880s and the 1920s.

Nativist concerns expressed over contract labor and slavery in both the anti-Chinese and anti-Mormon movements were tied to the nation’s recent battle over slavery. For example, Figures 2.7 and 2.9 both allude to that issue through visual suggestions of the early nineteenth-century slave market. In Figure 2.7, as the women file down the gangplank, advertising their function as a “waitress,” “cook,” or “laundress,” a male figure at the top of the platform waves his hand over the heads of the descending women, seemingly offering them up for sale – conjuring images of the early slave trade. In Figure 2.9 the Scandinavian converts have disembarked, looking exhausted and weary from their journey. Several older Mormon elders circulate among them, while one of them leans in and reaches up to the face of a scared young woman, as if to inspect her, again





Figure 2.9 “‘The Twin Relic of Barbarism.’ – The Wolves and the Lambs – Arrival of Scandinavian Converts, in Charge of Mormon Missionaries, at Castle Garden, en route for Salt Lake City,” *Frank Leslie’s Illustrated Newspaper*, December 15, 1883.

reminiscent of Southern slave markets in which buyers could physically inspect those they might purchase.<sup>33</sup>

Figure 2.10 also plays on references to the Atlantic slave trade, but more explicitly indicts the LDS Church for engaging in “white slavery.” In the upper right hand corner of the page, the inset image shows a Mormon man pointing to the “Promise Of A Happy Home Out West,” distracting three women immigrants from the bear-style traps of “Degradation” and “Polygamy” that surround it. In the main image, a patriarch sits idly holding the whip of “Intimidation” under his arm as he counts the money he has made by enslaving the women who toil in the field in front of him. These women are fettered by the chains of “Ignorance” and “Sealed” (a reference to the LDS marriage ritual) as they dig, carry, and plant. The expressions and physical bearing of the women themselves are meant to elicit indignation and concern from a Victorian audience that valued a fragile white femininity. One wife at the center of the frame looks upward, as if

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<sup>33</sup> See Johnson, *Soul by Soul*, especially chapter four “Turning People Into Products” and chapter six “Acts of Sale.”



Figure 2.10 “Woman’s Bondage in Utah. The Mormon Solution of the ‘Cheap Labor Question,’” *Frank Leslie’s Illustrated Newspaper*, March 11, 1882.

contemplating her bondage, while another wife’s muscled arm emphasizes the physical labor she has been forced to undertake.

Of significance is the black man holding a scroll labeled “Emancipation 1862, Lincoln” who stands looking on at the women unconcernedly. Contrasted with these women his presence serves two functions. First, to a white audience his detached observation of the white women toiling in the fields would have represented a troubling lack of empathy for one who had recently experienced slavery *and* a lack of sympathy from a man witnessing the exploitation of women who, to nineteenth-century audiences

should have been protected by men. Not only does this figure reinforce the evil of the Mormon slave driver, but he also reinforces already prevalent notions of black people's inhumanity and, in particular, black men's failure to properly perform their masculinity. Second, his nonchalance references a growing sentiment among whites that blacks did not appreciate their emancipation and that they now presented yet another national problem, tied as ever, to concerns of labor and race.

As both Burgett and Reeve have reasoned, the equation of Mormon polygamy with slavery, both chattel and white, served to reinforce white supremacy throughout the nineteenth century. But the fact that both Northerners and Southerners found common cause in the supposed "enslavement" of women under Mormonism during the second half of the century was a major indication of the failure of Reconstruction and the consequent re-privileging of whiteness far and above blackness after the Civil War. This reconsolidation of white, Anglo-Saxon Protestant racial superiority as the basis for US exceptionalism occurred just as the nation-state sought to extend its empire overseas. The Mormon question, among other national "problems" helped to "conflat[e] whiteness, American nationalism, [and] Protestant Christianity" in the service of new forms of US imperialism.<sup>34</sup> The shift in focus from Radical Reconstruction and the barbarism of chattel slavery to the white slavery of Mormon polygamy was paralleled in a shift in focus from the situation in the South to what Barringer Gordon calls a "second Reconstruction in the West."

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<sup>34</sup> Blum, *Reforging the White Republic*, 17.

## *News Modes of Colonial Management*

When the Republicans announced their platform at the party's introductory convention in 1856 they stressed the hegemony of the federal government over its territorial acquisitions:

the Constitution confers upon Congress *sovereign powers* over the Territories of the United States for their government; and that in the exercise of this power, it is both the right and *the imperative duty* of Congress to prohibit in the Territories those *twin relics of barbarism* – Polygamy, and Slavery.<sup>35</sup>

In this oft-cited selection from the Republican's original manifesto, the absolute power given to Congress is articulated as a power of colonial rule. Condemning both polygamy and slavery as “twin relics of barbarism,” the Republicans defined the nation-state as simultaneously the defender and duty-bound proprietor of civilization whose benevolent, yet firm guidance would end the vestiges of savagery: polygamy and slavery. By invoking Article 4, Section 3 of the Constitution, they figuratively waved the banner of US democracy and simultaneously validated the subjugation of various non-white populations, all while claiming the title of liberator of those oppressed groups.

Although terms like “barbarism” and “civilization” are more commonly associated with European colonialism, this terminology had been used to justify the appropriation of American Indian land, the extermination of its former occupants, and the continuation of slavery since before the founding of the country.<sup>36</sup> Evident in the present-day mythology of US nationalism, this language is still used to claim that European whites were the first to cultivate, tame, and – in a word – *settle* North America's “virgin”

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<sup>35</sup> Emphasis added to Johnson and Porter, *National Party Platforms*, 27.

<sup>36</sup> Significantly this terminology was closely associated with stereotypes of American Indians and African Americans as sexually excessive and animalistic. See D'Emilio and Freedman, *Intimate Matters*, 35-36, 86-87, and 93.

landscape. While numerous scholars of American Indian history have debunked this myth, it remains a stubbornly persistent narrative; this persistence helps to account for the fact that Mormon studies has failed to analyze the federal government's treatment of the LDS Church in terms of the nation's long history of colonialism.

The paternalist language of colonialism is evident in virtually every Congressional debate over anti-Mormon legislation between the mid-1850s and the 1880s. In one early example, Massachusetts representative Daniel W. Gooch proposed a bill that would have harshly criminalized adultery, polygamy, cohabitation, and fornication in Utah. The debate the bill engendered exemplifies the paternalistic attitude the federal government took toward Saints and how that attitude was used to justify federal intervention in Utah's governance between 1860 and 1894. While discussion about Gooch's bill revolved mainly around the reach of the proposed legislation, specifically the implications it would have concerning the issue of slavery in other territories, neither side of the aisle objected to the bill on the grounds of religious freedom, nor colonialism, a practice that US politicians emphatically dismissed as in conflict with the nation's stated commitment to democracy and freedom. As one of the bill's opponents put it, "Congress has power to exclude polygamy in the Territories of the United States. Now, I desire to know if he finds power, under the same clause of the Constitution, to exclude slavery from the Territories?"<sup>37</sup> This Southern Democrat succinctly stated the quandary with which Congress was presented. Clearly, there was no debate as to the immorality of polygamy – it was a practice of less civilized, non-white

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<sup>37</sup> Representative Daniel W. Gooch, "Polygamy in Utah. Speech of Hon. Daniel W. Gooch, of Mass" in *Congressional Globe* (House of Representatives 36<sup>th</sup> Congress, April 4, 1860): 2.

peoples. Nor was there any debate as to the central government's right to legislate for its territories. Slavery, on the other hand, was a more complicated question, in part, because it was a practice that involved the regulation of both "barbaric" and "civilized" peoples.<sup>38</sup>

Determined not to let the slavery issue overshadow the need to legislate against polygamy, Gooch argued that the territories could govern themselves on the condition that,

you shall govern yourselves properly; that you shall exercise the power which we give to you in such a manner as it should be exercised for the accomplishment of the purposes that should be accomplished by Government; and when you fail to do that, we reserve to ourselves the right to take back the power that we have given you.<sup>39</sup>

Evidently Gooch did not feel it was necessary to explicate what fell under the rubric of "proper" governance, nor what a government "should" accomplish, although this was the debate that would precipitate the Civil War. The protracted debate over whether slavery was a proper aim of government makes clear that although civilization and racial progress were thought to be self-evident concepts, they were in fact discursive constructions that Gooch and his contemporaries fought hard to control. Yet even if Congress could not agree on the enslavement of "lesser" races, they could definitively agree that polygamy (paradoxically considered both a practice of those "lesser" races and

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<sup>38</sup> It would be a mistake to assume that because both polygamy and slavery were labeled "barbaric" in the Republican platform that those practices were understood to be morally or racially equal. As the Mormon question makes plain, polygamy's "barbarity" stemmed from its association with inferior, non-white groups, specifically Middle-Eastern, Asian, African, and American Indian cultures. It should not be practiced by white Americans because it inherently, so the logic went, belonged to less developed groups, whose immaturity was evident in their brutal treatment of women. Such a practice could not be tolerated in a progressive society where women were appreciated and revered for their status as wives and mothers. On the other hand, slavery's barbarity derived from its outdated quality; such a practice could not be allowed in a nation whose divinely exceptional nature meant that it should continue to spread democracy, while also taking care of "inferior" peoples. In other words, polygamy was simply a practice *inherent* to lesser races, while slavery was to be practiced and later abandoned as a more advanced civilization progressed. Under this Republican logic slavery was to be discarded for newer and better tactics of management, but ones that still maintained white supremacy.

<sup>39</sup> Gooch, "Polygamy in Utah," 3.

one that would result in the deterioration of whiteness) constituted an egregious breach of acceptable social relations in the mid-nineteenth-century US. Thus, polygamy fell well outside the bounds of tolerability exactly because it posed a threat to Anglo-Saxon Protestant whiteness, while slavery's threat was as a stain on exceptionalist claims that the United States was the purveyor of democracy and the altruistic custodian of racially inferior peoples.

The pitiful condition of the Saints, Gooch maintained, was evident in their choice to practice polygamy. Accordingly, he argued that the federal government was and should act as a parent to Utah because the Saints were understood to be incapable of governing themselves “properly.” This meant that the federal government not only had the right, but was *obligated* to intervene in Utah's governance: “What is the condition of these people? They themselves need the fostering and protecting hand of the General Government.”<sup>40</sup> Clearly, the call for federal jurisdiction in Utah was not simply borrowed from legislative clashes between Southern Democrats and Northern Republicans over slavery, but it actively employed the paternalistic language of US settler colonialism – language that had been levied against American Indians since the seventeenth century.<sup>41</sup> Federal officials pinpointed the Saints' sexual practice as the most compelling evidence of the Saints' “barbarity.” Just as whites had “expressed horror at the practice[] of polygamy ... among Indian tribes,” claiming that the practice “demeaned women,” so too were those claims leveraged to justify intervention in Utah's governance.<sup>42</sup>

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<sup>40</sup> Gooch, 3.

<sup>41</sup> See D'Emilio and Freedman, *Intimate Matters*, 6-7 and 92-93.

<sup>42</sup> D'Emilio and Freedman, 87.

But Gooch was careful to avoid any accusations that the government's "fostering and protection" of the Saints in any way resembled European colonialism. "When they have reached a stage of maturity in which they are capable of instituting certain acts of legislation for themselves" Gooch declared in this argument for the bill, "it is good policy – and experience has taught us so – to authorize them to act for themselves."

Preemptively clarifying his position, Gooch argued that the relationship between the central government and its territories was definitively anti-colonial. Categorically rejecting any characterization of the federal-territorial relationship as such he argued, "we do not propose to hold any region or country as a colony, or to retain it in that position." Instead, "we propose to assist it in its own government until it shall reach the first stage of manhood, when we will admit it as a State upon an equality with all the other States of the Union." Of course, what Gooch's gendered analogy failed to articulate was the racial bedrock upon which any statehood decision during the 1850s and 1860s rested; it belied the real and absolute control that the federal government retained in the management of its territories, decisions about statehood, and its attitude toward non-white peoples.

Despite his insistence that the Saints would eventually be allowed to self-govern, his parent/child analogy betrayed what would become the federal government's typical approach toward territorial acquisitions by the turn of the century. In a logic parallel to that applied to African-Americans after the Civil War, Gooch outlined an eternal parent/child dynamic in which the child never comes of age:

when they fail to govern themselves as they should, I believe we should adopt the same policy that a judicious parent pursues with reference to his child. He permits that child to regulate and govern



his own conduct so long as he applies wholesome and salutary rules to himself; but when he fails to do that, the parent again resumes the exercise of control over his own offspring.<sup>43</sup>

In this formulation – enshrined in the Constitution – the control of populations or territories (children) is ceded to the perpetual care of the federal government (parent) despite the technical bestowal of equality, freedom, or democracy. Moreover, Gooch makes clear that Utah could not and would not advance its status from territory to state until it was ensured the Saints would apply “wholesome and salutary rules” to themselves; in other words, they could not govern themselves until they fully assimilated into white culture and society, accepting the norms and expectations thereof.<sup>44</sup>

By the 1870s, as several of the images above show, American Indian resistance was also considered a persistent national problem that required the judicious hand of a parental governing body (Fig. 2.2, 2.3. and 2.4). During this period, federal officials began to augment established methods for suppressing indigenous populations. As scholars of American Indian history have documented, by this time, the US had expanded its policy toward Native peoples from primarily one of extermination to include displacement and assimilation, alongside war and genocide.<sup>45</sup> This shift in policy from genocide to regulation, and even assimilation, was mirrored in the government’s decision to utilize primarily legal and administrative tactics of management in Utah. Yet, even though popular associations between Indians and Mormons had already merged with representations of Mormonism as Asian and Muslim to cement the Saints’ reputation as racially degraded treasonous patriarchs and uncivilized foreigners, the Latter-day Saints

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<sup>43</sup> Gooch, “Polygamy in Utah,” 5.

<sup>44</sup> Gooch’s proposal of this parent-child dynamic was adopted by the federal government in its treatment of Utah. It proved an incredibly accurate predictor of the conditions required for Utah to achieve statehood.

<sup>45</sup> See Dunbar-Ortiz, *An Indigenous’ Peoples’ History of the United States*.

in no way experienced the brutal treatment other groups had borne at the hands of the US government. Although they were not white Anglo-Saxon Protestants, the Saints were still considered “degraded” whites; a separate race, but one that was closely related to the nation’s elite. This racial logic exempted them from extermination and other violent forms of oppression that had then and were still being used to suppress indigenous peoples. But perhaps even more significantly, this association helped stimulate the adoption and development of administrative, rather than singularly genocidal, methods of colonial management that relied on legal and bureaucratic programs of control.

These programs of control for Utah were inaugurated with the Morrill Act. As with Gooch’s proposed bill, debate over the Morrill Act had been replete with the language and logic of colonialism. The Act itself, passed in 1862, criminalized bigamy in the territories, rescinded the LDS Church’s incorporation by Utah’s territorial legislature, and made it unlawful for any religious organization to hold any real estate valuing more than \$50,000.<sup>46</sup> The law struck at the three main objections anti-Mormons levied against the Saints: polygamy, theocracy, and economic communalism. But in a tacit agreement between Brigham Young and Abraham Lincoln, the President agreed not to enforce the new law, buying the allegiance of the Saints for the duration of the Civil War. Yet the fervent insistence that the Mormons constituted a racial, political, and economic problem was now enshrined in the law.

Immediately after the war, legislators once again picked up the gauntlet against the LDS Church in Utah. All seven of the anti-Mormon bills debated between 1865 and 1874 employed the same colonial logic as had the Gooch Bill and the Morrill Act. The

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<sup>46</sup> Morrill Anti-Bigamy Act, Public Law, 37<sup>th</sup> Congress, 2<sup>nd</sup> Section, Chapter 126, (1862): 501-502.

1874 Poland Act used the federal government's constitutionally mandated powers of control over its territories to manipulate Utah's judicial system to facilitate prosecutions of Latter-day Saints under the Morrill Act. Essentially the Poland Act shifted power from local probate judges to the US district courts, taking authority away from LDS judges and giving it to non-Mormon federal judges. Moreover, the act gave the duty of selecting jury pools to the US marshal, whisking it cleanly out of LDS hands and delivering it into the grasp of federally-appointed officials. By granting itself almost complete power over Utah's legal system the government effectively endowed anti-Mormons (mostly federally-appointed officials and non-Mormon territorial residents) with ruling authority in Utah. The Poland Act's legal implications did not remain unquestioned; they were hotly debated in the US House of Representatives. As with many of the more extreme bills proposed before the passage of the Poland Act, questions arose about the constitutionally protected rights of Utah's LDS inhabitants.

Representative Crouse of Nebraska, for example, was quick to point out the hypocrisy of a government that claimed to be representative when the federal government legislated against the clear wishes of its people: "you are taxing men without representation, you are demanding obedience to laws which they have no voice in making, and you foist upon them officers to execute the laws under no responsibility to the people governed." To Crouse, side-stepping the laws and procedures established by the territorial government amounted to the type of colonial management England had utilized against the North American colonies and from which they had sought independence. He further argued that, "when a people in a Territory [sic] cannot be

accorded the right to enact their own laws ... as long as they do not conflict with the Constitution of the United States, and if they cannot select their own officers to execute those laws, then I say you are striking down the very first principles of American liberty.”<sup>47</sup> Despite his impassioned arguments to the contrary, Congress passed the Poland Act, seeing the bill not as the Saints did, as “an oppression of [a] peculiar people with a peculiar religion, worshipping a peculiar god,” but as a justified application of US imperial power over an inferior race.<sup>48</sup>

Thus, the Poland Act’s significance lay not just in its facilitation of prosecutions under the Morrill Act, but in its instantiation of a colonial administration. Now not only had the federal government taken territorial governance out of the hands of the population’s elected leaders – after the war of 1857-1858, for instance, only non-Mormons were appointed in posts such as territorial governor and other key positions – but it had ensured that the legal system now became an instrument of anti-Mormon dominance. Gordon argues that statutory intervention in Utah constituted “a second reconstruction in the West,” in which anti-Mormon legislation was adapted from Reconstruction legislation imposed on the South between 1863 and 1877.<sup>49</sup> It is apparent not only from the laws themselves, but also from debates over anti-Mormon legislation, that Republicans did impose their will on Utah’s population in ways similar to what had been done in the mutinous Southern states. However, anti-Mormon legislation did not simply recycle Reconstruction law and policy; rather, bolstered by Mormon peculiarity

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<sup>47</sup> Representative Lorenzo Crouse, “Courts in Utah,” in *Congressional Record* (House of Representatives 43<sup>rd</sup> Congress 1<sup>st</sup> Session, June 2, 1874): 4469.

<sup>48</sup> Representative Jasper D. Ward, “Courts in Utah,” in *Congressional Record* (House of Representatives 43<sup>rd</sup> Congress 1<sup>st</sup> Session, June 2, 1874): 4474.

<sup>49</sup> Gordon, *The Mormon Question*, 14.

discourse, it adapted those precedents to the requirements of governing a territorial *possession* – something that radical Reconstructionists had attempted and failed to do in the case of the slave states.

Although “Utah did not become, at least immediately, an economic province whose chief function was to supply raw materials to the industrial East,” after the completion of the transcontinental railroad in 1869 as anti-Mormon legislators had predicted, the erosion of LDS control of the legal and political operations of the Territory took its toll in and beyond the economic realm.<sup>50</sup> As the federal government implemented regulations that limited the Saints’ legal rights and stifled their access to and participation in representative government, Congress instituted other laws that squeezed the life out of LDS religious and cultural practices. Overriding the Saints’ supposedly guaranteed constitutional rights these methods of legal and administrative control were not exceptions, but became the standard exercises of imperial intervention once the nation-state extended its empire overseas to places like Hawai’i, Cuba, Puerto Rico, Guam, and the Philippines. In 1876 for example, the Utah legislature, now under the control of anti-Mormon territorial residents and federal deputies, was compelled by the presidentially-appointed governor, George W. Emery, to adopt California’s penal code. In addition to incorporating laws against bigamy and polygamy, a notable component of the new code was that Utah gained its first law against “the crime against nature,” a sexual practice that had remained outside the purview of the LDS controlled legislature. Non-Mormon officials decried the deplorable state of Utah’s criminal statutes, evident in this type of omission, yet another sign of “Mormon barbarism.”

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<sup>50</sup> Arrington, *Great Basin Kingdom*, 255.

The imposition of an external criminal code in Utah functioned as a colonial governing apparatus that especially sought to regulate sexual practice, kinship formation, and gender relations among the Saints. On the local level, the new penal code criminalized a host of activities in an effort to administer and “civilize” the local population – producing and regulating subjects – while on the macro level, its imposition represented a new regime of population regulation and management that formally linked sexual practice, gender relations, and racial status in US imperial policy. Historians of European colonialism, principally Stoler, have highlighted the constitutive links between “intimate” control, gendered management, and racial formation.<sup>51</sup> Stoler argues that “the very categories of ‘colonizer’ and ‘colonized’ were secured through forms of sexual control that defined the domestic arrangements of Europeans” and were central to establishing what were assumed to be the distinct “boundaries of race.”<sup>52</sup> Federal attempts to control the sexual practice of the Latter-day Saints were meant to halt, and even reverse, what were thought to be the racial effects of polygamy. But paradoxically those attempts further entrenched the separation between Anglo-Saxon Protestant whiteness and Mormon otherness, as the Saints continued to resist those efforts.

Scientific discourses were central to the administrative control of intimate spaces and the continued maintenance of white supremacy in European colonialism, particularly “medical discourse[s]” that regulated “sexual activity, reproduction, and marriage,” an argument that finds support in the work of historians of sexualities who highlight the affinities between racial science and sexology in the US context. Siobhan Somerville’s

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<sup>51</sup> See Stoler, *Carnal Knowledge and Imperial Power*.

<sup>52</sup> Stoler, *Carnal Knowledge*, 42.

work on the constitutive links between “scientific racism” in the nineteenth century and nascent conceptions of (homo)sexuality that characterized the turn of the twentieth century points to the ways that modern notions of sexual normativity were established in and through the racial ideology of white supremacy. As discussed in the first chapter, these same racial sciences were used to cement monogamy as the most civilized form of sexual organization by linking polygamy to racial degeneracy. While forms of sexual and, by extension, gender exceptionalism that criticized polygamy as demeaning for women had been used to help justify the annihilation and displacement of American Indians, in the case of the Saints the US used those discourses to establish legal and administrative apparatuses of control.

More specifically, in the Utah Territory the federal government used claims of sexual and gender exceptionalism to ensure the implementation of laws that formally established monogamy and the gendered separation of public and private spheres as the moral and sexual standards of US civilization.<sup>53</sup> And although they rode the wave of anti-polygamy sweeping the country, the administrative control of intimacy in Utah was not the primary target for politicians. On the contrary, federal officials targeted the intimate spaces of family, sex, marriage, and by extension, religion, because they were understood to undergird the structure of US political dominance and the engines of industrial capitalism. Mormonism, while offering an at times strikingly similar, yet distinct

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<sup>53</sup> The logics that linked race, gender, and sex(uality) in the colonial management of Utah were not unique. They were also deployed in the everyday governance of various marginalized populations whose sexual and gender practices (both purported and actual) were used to construct racialized assemblages that justified their subjugation. For example, prostitution, rape, same-sex sexual practices, as well as polygamy were all practices associated with various ethnic minorities during this period. Such stereotypes were used to cement conceptualizations of biological racial difference both within and beyond the nation.

alternative vision to US exceptionalism, had to be crushed because it represented a real threat to those systems.

Like settler colonialism, the new modes of colonial management described above suppressed resistance to a unified vision of US nationalism and empire. In particular, what the situation in Utah helps to demonstrate is that, in combination with the treatment of American Indians during the last half of the nineteenth century, the federal government began to hone its strategies of colonial management and imperial rule long before scholars generally identify the US as formally entering the race for empire at the fin de siècle; the nation-state's imperial policies were not simply copied from observations of European colonialism, but were tested and carefully molded over the course of the nineteenth century.

***Naming US Empire in and beyond Reynolds v. United States***

Unprecedented cooperation between the LDS Church and federal officials characterized the events that led to George Reynolds' indictment for polygamy under the Morrill Act in October of 1874. Reynolds, Brigham Young's private secretary and the husband of two wives, was called by the Church President to serve as the test case that would determine the constitutionality of the anti-Mormon laws. The Saints' cooperation was essential for the prosecution. Proof of polygamous marriages was all but impossible for prosecutors to acquire because LDS marriage records were privately held by the Church and individual Saints "withdrew behind a wall of silence" when questioned about



plural marriages in their community.<sup>54</sup> Both the Saints and anti-Mormons were sure of their eventual vindication by the Supreme Court. This hubris ensured the Saints' participation in the early prosecutorial process, a choice they soon regretted. Although the Church attempted to revoke its willing participation in the conviction of George Reynolds, the damage was done. By 1876 Reynolds' test case conviction had been appealed all the way to the US Supreme Court. The court's decision, penned by Chief Justice Morrison Waite, formalized the popular conception of the Saints as "Oriental foreigners" who were squatting in US territory and in need of federally dispensed discipline.

Early comparisons between Mormonism and Islam that likened Joseph Smith and Brigham Young to the "false prophet" Muhammed and the Book of Mormon to the Qur'an as a religious record of dubious origin paved the way for the more intensive comparative racialization of the 1860s, 1870s, and 1880s that constructed the Saints as racially degenerate and therefore foreign.<sup>55</sup> The simple extremity of such comparisons suggests that the prevailing portrayals that were circulated in the media produced "Mormonism" as short-hand for a conglomerate racial/sexual Other in need of federal oversight. For example, one anti-Mormon critic wrote in 1854 that polygamy, "belongs now to the indolent and opium-eating Turks and Asiatics, the miserable Africans, the North American savages, and the latter-day saints [sic]" while another maintained that "the teachings of Christianity had been supplanted by an attempt to imitate the barbarism

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<sup>54</sup> Gordon, *The Mormon Question*, 115.

<sup>55</sup> Fluhman, "A Peculiar People," 38.

of Oriental nations in a long past age.”<sup>56</sup> Such descriptions, coincided with and reinforced “scientific” reports like Army Surgeon Robert Bartholow’s and numerous travelogues that maintained Mormon polygamy was producing a new, degenerate race. Prominent physician Dr. George Naphey concluded that if left to their own devices in Salt Lake City, “[the Mormons] would soon sink into a state of Asiatic effeminacy,” while another Congressional official confidently proclaimed, “point me to a nation where polygamy is practiced, and I will point you to heathens and barbarians. It seriously affects the prosperity of the States, it retards civilization, it uproots Christianity.”<sup>57</sup> Well before Supreme Court Chief Justice Waite penned his decision in 1878, anti-Mormons had reached the conclusion that the Saints required the guiding hand of colonial oversight or they would risk the widespread deterioration of the nation.

Much to the delight of anti-Mormons, a few disaffected LDS women published exposés about their experiences in polygamy during the mid-1870s.<sup>58</sup> These sensationalized autobiographies helped fuel fears about white slavery, Mormon theocracy, and racial degeneracy. Doing particular damage to the Church’s reputation was Ann Eliza Young, former wife of Brigham Young, whose autobiography, *Wife No. 19*, and public lecture tour condemned both Mormonism and polygamy. Billed unmistakably as “The Rebel of the Harem,” her descriptions of women’s experiences in polygamy both thrilled and offended audiences already primed to imagine “Scenes from

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<sup>56</sup> Talbot, *A Foreign Kingdom*, 131 and 133.

<sup>57</sup> Naphey quoted in Reeve, *Religion of a Different Culture*, 224.

<sup>58</sup> See for example Fanny Stenhouse’s *Tell It All: The Story of a Life’s Experience in Mormonism* and Ann Eliza Young’s *Wife No. 19, of the Story of a Life in Bondage, Being a Complete Expose of Mormonism, and Revealing the Sorrows, Sacrifices and Sufferings of Women in Polygamy* both published in 1875.

an American Harem.”<sup>59</sup> Popular concern about white slavery generally, and women’s oppression under polygamy specifically, were coalescing at exactly the moment when the federal government was finally able to convict an LDS patriarch for practicing polygamy.

Many scholars have pointed out that “*Reynolds* immediately and irrevocably raised the pitch of antipolygamy activism,” but they fail to link the heightened interest in suppressing LDS non-normativity to the larger racial and political context. This obscures that *Reynolds* was not just a tipping point in LDS history, but that it also signaled the nation-state’s self-acceptance and even promotion of itself as an imperial actor. Nathan Oman has convincingly argued that the Supreme Court’s decisions regarding the LDS Church between 1879 and 1890 provided the legal foundation upon which US imperialism proceeded during and after the Spanish-American War.<sup>60</sup> In these decisions, polygamy was officially labeled a “barbaric” practice, comparing it to the Indian practice of “suttee” and equating (Asian) Indians and Mormons as racially inferior populations in need of civilizing, as well as the British and US governments as the two nations destined to provide such guidance.

While interpretations of *Reynolds* vary, it is unanimously regarded as important because it was the first Supreme Court case to determine the meaning and scope of the Free Exercise Clause of the First Amendment. Barringer Gordon has analyzed the decision for the insights it provides about federalism, arguing that it extended the constitutional debates generated by slavery into the postbellum period. Most important for my argument here however, is Oman’s assertion that *Reynolds* set the stage for the

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<sup>59</sup> A typical title for magazine or newspaper stories about Salt Lake City. This one appeared in *Harper’s Weekly* in 1857.

<sup>60</sup> See Oman, “Natural Law and the Rhetoric of Empire.”

constitutional battles over US imperialism that were fought in the *Insular Cases*. The *Insular Cases*, which refer to a group of Supreme Court decisions from the first years of the twentieth-century dealing with the US' acquisition of territories in the Spanish-American War, held that full constitutional rights did not necessarily extend to the inhabitants of US colonies.<sup>61</sup> Even a cursory review of *Reynolds* demonstrates that Waite's opinion and the court's finding displayed a clear reliance on imperial analogies, which were used to strengthen the case for federal rule in Utah and soon reappeared in the logic of the *Insular* opinions.

The major subject addressed in Waite's decision was the question of George Reynolds' freedom to pursue his religious duty (i.e. his right to engage in plural marriage at the direction of his religious superiors), despite the criminal nature of his activities. In other words, the court had to determine if by banning bigamy in the territories the Morrill Act had violated the Free Exercise Clause of the First Amendment which guarantees "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Waite based his verdict on what has come to be known as the belief-action distinction, a principle that distinguishes between the prohibition of laws that restrict individual's rights to their own religious *opinions*, but leaves free Congress' ability to legislate against *actions*; actions "which [are] in violation of social duties or

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<sup>61</sup> There is debate as to which cases constitute the *Insular* decisions. At the minimum, six cases, *De Lima v. Bidwell* (1901), *Goetze v. United States* (1901), *Dooley v. United States* (1901), *Armstrong v. United States* (1901), *Downes v. Bidwell* (1901), and *Huus v. New York and Porto Rico Steamship Co* (1901), are included. Other scholars argue that the following cases should also be considered part of the *Insular* decision block: *Fourteen Diamond Rings v. United States* (1901), *Hawaii v. Mankichi* (1903), *Gonzales v. Williams* (1904), *Kepner v. United States* (1904), *Dorr v. United States* (1904), *Mendezana v. United States* (1904), *Rasmussen v. United States* (1905), *Trono v. United States* (1905), *Grafton v. United States* (1907), *Kent v. Porto Rico* (1907), *Kopel v. Bingham* (1909), *Dowdell v. United States* (1911), *Ochoa v. Hernández* (1913), and *Ocampo v. United States* (1914).

subversive of good order.”<sup>62</sup> It is perhaps no surprise that nineteenth-century officials designated polygamy an activity that violated social duty and subverted good order given the prevailing assumptions about polygamy’s subjugation of women, its connection to political authoritarianism, and ultimately, its threat to white civilization.

Waite side-stepped the arguments of Reynolds’ attorneys, George Biddle and Benjamin Sheeks, who maintained that only crimes which were *malum in se* (crimes in and of themselves) and not crimes which were *malum prohibitum* (crimes considered wrong because they were legislated against) were subject to congressional restriction under the Free Exercise Clause. Significantly, the defense also put forward a claim that the Morrill Act was unconstitutional because it violated Article 4, Section 3 of the Constitution – the very same clause that had been invoked by the Republicans in their call to prohibit the “twin relics of barbarism” in 1856. While Biddle and Sheeks did not deny that the Constitution gave Congress the authority to regulate its territories, they emphasized that Congress only had the “power to dispose of and make all *needful* rules and regulations respecting the territor[ies]” of the United States.<sup>63</sup> Reynolds’ defense team, and by extension the LDS Church, argued that Congress had no substantive reason for legislating marriage in Utah and that therefore the Morrill Act had not been “needful.” Tellingly, in his brief to the court Biddle maintained that “the power to create a territory did not confer upon the federal government the power to rule the inhabitants as ‘mere colonists, dependent upon the will’ of the center.”<sup>64</sup> Biddle’s statement reveals the extent

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<sup>62</sup> *Reynolds*, 8.

<sup>63</sup> Emphasis added.

<sup>64</sup> Gordon, *The Mormon Question*, 125.

to which the Saints, as well as sympathetic politicians, saw federal intervention as the activities of an empire working to maintain control over its colonial possession.

The decision itself reflects this view of federal-Utah relations. Waite's proclamation, that "polygamy has always been odious among the northern and western nations of Europe, and until the establishment of the Mormon Church, was almost exclusively a feature of the life of Asiatic and of African people," implicitly negated Reynolds' claim that polygamy was merely *malum prohibitum*. Drawing a clear line between the "northern and western nations of Europe" and the people of Asia and Africa, his statement also annulled any argument that Congress' regulation of polygamy was not a "needful" rule or regulation. His distinction between European *nations* and Asian and African *peoples*, reinforced assumptions of linear progression in which European whites had achieved civilization, while Asian and African non-whites merely wallowed in their barbarity. Thus, polygamy emerged in the decision as proof of the Saints racial degeneration and was used to call for, even beseech, the federal government to exercise complete authority in Utah.

Waite's distinction flowed easily from Attorney General Charles Deven's sensational oral argument which had virtually ignored any constitutional questions and claimed that polygamy would open a Pandora's box of religious evils: "Hindu widows [would] hurl themselves on the funeral pyres of their husbands, Easter Islanders ... expose their newborn babes, Thugs ... commit gruesome murders," all in the 'name of religion.'"<sup>65</sup> These types of fantastic comparisons were repeated in the decision as examples of the necessity and logic of the belief-action distinction: "suppose one

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<sup>65</sup> Deven's quoted in Barringer Gordon, *The Mormon Question*, 126.

believed that human sacrifices were a necessary part of religious worship, would it be seriously contended that the civil government under which he lived could not interfere to prevent a sacrifice? Or” Waite continued incredulously, “if a wife religiously believed it was her duty to burn herself upon the funeral pile of her dead husband, would it be beyond the power of the civil government to prevent her carrying her belief into practice?”<sup>66</sup> Comparing sati, the ritual suicide of a Hindu widow, to LDS plural marriage was nothing new. This comparison had been deployed again and again by popular critics, academics, and federal officials during the mid-1800s including vice president Schulyer Colfax who framed the “federal government as an agent of civilization against barbarism, akin to the civilizing British imperialism under Macaulay in India.”<sup>67</sup> Thus, in his decision Waite affirmed decades of anti-Mormon sentiment, formally pronounced Mormons a foreign race analogous “to the inhabitants of the Indian subcontinent,” and encouraged “federal rule in territorial Utah” equating it with “the British Raj in India[] bringing civilization through law to the benighted masses over whom it ruled.”<sup>68</sup>

Justifying this new willingness to identify the US as an imperial actor by virtue of its exceptionally civilized nature, the court drew upon respected political philosopher Francis Lieber to explain why polygamy warranted federal intervention. Lieber wrote academically and popularly about the Mormon question as early as 1855 arguing that,

monogamic marriage, ... is one of the elementary distinctions – historical and actual – between European and Asiatic humanity. ... Strike it out and you destroy our very being; and when we say *our*, we mean our race – a race which has its great and broad destiny, a solemn aim in the great career or civilization, with which no one of us has any right to trifle.”<sup>69</sup>

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<sup>66</sup> *Reynolds*, 9.

<sup>67</sup> Oman, “Natural Law and the Rhetoric of Empire,” 689.

<sup>68</sup> Oman, 681.

<sup>69</sup> Lieber quoted in Talbot, *A Foreign Kingdom*, 133.

Connecting sexual practice to racial status and equating racial status with nationality, Lieber used his respected position to argue that polygamy would lead directly to a civilization's decline. His argument rhetorically linked US exceptionalist ideas of the nation's divine destiny to the latest scientific thinking on race; in particular, the superiority of Anglo-Saxon whiteness, illustrating that the mid-nineteenth-century US had already long been engaged in a civilizing, colonial mission in North America. Waite pinpointed Lieber's argument that "polygamy leads to the patriarchal principle, and which, when applied to large communities, fetters the people in stationary despotism," to expound what were considered the extreme dangers of allowing such a practice in a US-owned territory.

Lieber's logic played heavily on charges of gender and sexual exceptionalism to make the case that Mormonism was a threat to "American civilization." Invoking the "evil consequences that were supposed to flow from plural marriages" the *Reynolds* decision underscored the connections that were assumed to exist between gendered behaviors, practices, and relations to racial status. Specifically, the decision drew on contemporary debates over women's roles and rights to argue that US society was exceptional in its treatment of women, affording them the right to consent to monogamous marriage, a position that would provide them not only with protection, but also with respect. The Saints, on the other hand, were considered retrograde in their treatment of the "weaker sex" because it was assumed women were forced into polygamous relationships, which by virtue of their very plurality, degraded women's



femininity.<sup>70</sup> “In anti-Mormon imaginations” then, “part of what united the backward cultures of the Orient with Mormonism was a shared belief in the inferiority of women.”<sup>71</sup> In other words the regressive attitudes toward women that Mormons were assumed to hold were unimpeachable evidence of their racial inferiority.

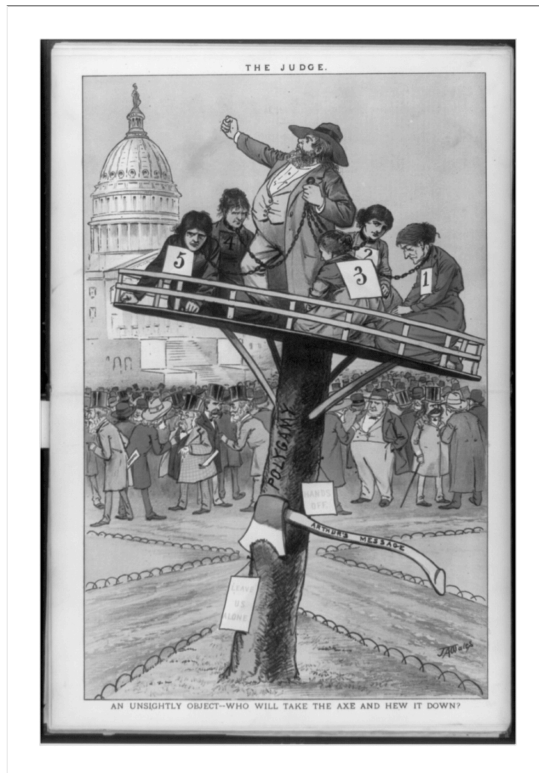


Figure 2.11 “An Unsightly Object – Who Will Take the Axe and Hew It Down?” *Judge*, January 28, 1882.

That LDS gender relations were considered not only backward, but also threatening to US racial purity, is evident in the numerous images depicting women’s oppression under Mormonism during the 1880s. Many of these images rehearsed and mixed the tropes of women’s oppression and white slavery. For example, Figures 2.11 and 2.12 show wives in chains, forced to obey their abusive husbands. Both images also

<sup>70</sup> Reynolds, 10.

<sup>71</sup> Talbot, *A Foreign Kingdom*, 134.

implicitly criticize ineffective governmental efforts to help the oppressed women. Figure 2.13 represents Mormonism as a skull, symbolizing the death of the innocent white, European immigrant women being consumed by the LDS hierarchy in Utah. These



Figure 2.12 “The Mormon Question,” *Daily Graphic*, October 22, 1883.

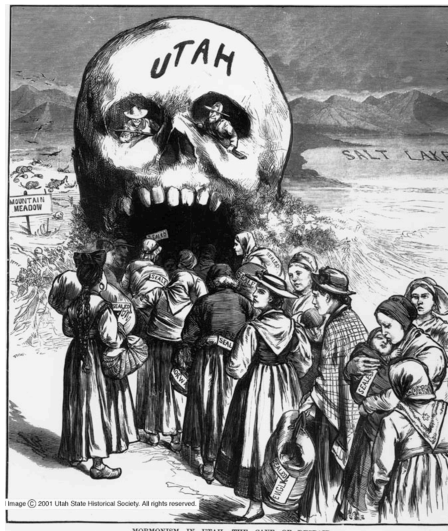


Figure 2.13 “Mormonism in Utah – The Cave of Despair,” *Frank Leslie's Illustrated Newspaper*, February 4, 1882.

images served, as did many images that tackled the issue of white slavery, not simply to condemn the polygamous practices of LDS men as barbaric, but also to reinforce sexist

ideas about women’s weakness and need for protection from both men and the state.

Even as anti-Mormons charged the LDS leadership with “patriarchal despotism,” they used those same assertions to reinforce the patriarchal power of monogamous marriage.

In addition to these sexist tropes, numerous caricatures utilized the figure of the “Mormon Bluebeard,” to cement popular associations between LDS plural marriage, white women’s supposed enslavement, and Asian stereotypes (see Fig. 2.14 and 2.15).



Figure 2.14 D. Mac., “Hit ‘Em Again,” *Judge*, January 9, 1886.

Widespread references to a Mormon “Sultanate” in Salt Lake City were reinforced by images that depicted “a mythic Arab brute who abused captive women.”<sup>72</sup> Although originally a French folktale, by the mid-nineteenth-century Orientalism had transformed the bluebeard story into a legend of “Oriental,” most often Turkish, origin. Accordingly, Mormon bluebeards were frequently depicted by the press as non-white, Asian figures. Graphic images played on Orientalist stereotypes of Middle Eastern and/or Asian men as barbaric in their treatment of women. For example, in *The Judge*’s “Hit ‘Em Again” (Fig.

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<sup>72</sup> Reeve, *Religion of a Different Color*, 231.



2.14) D. Mac drew a Mormon bluebeard with dark skin, a large nose and ears, and dressed him in a turban, vest, and stripped, billowy pants. The link between his racial

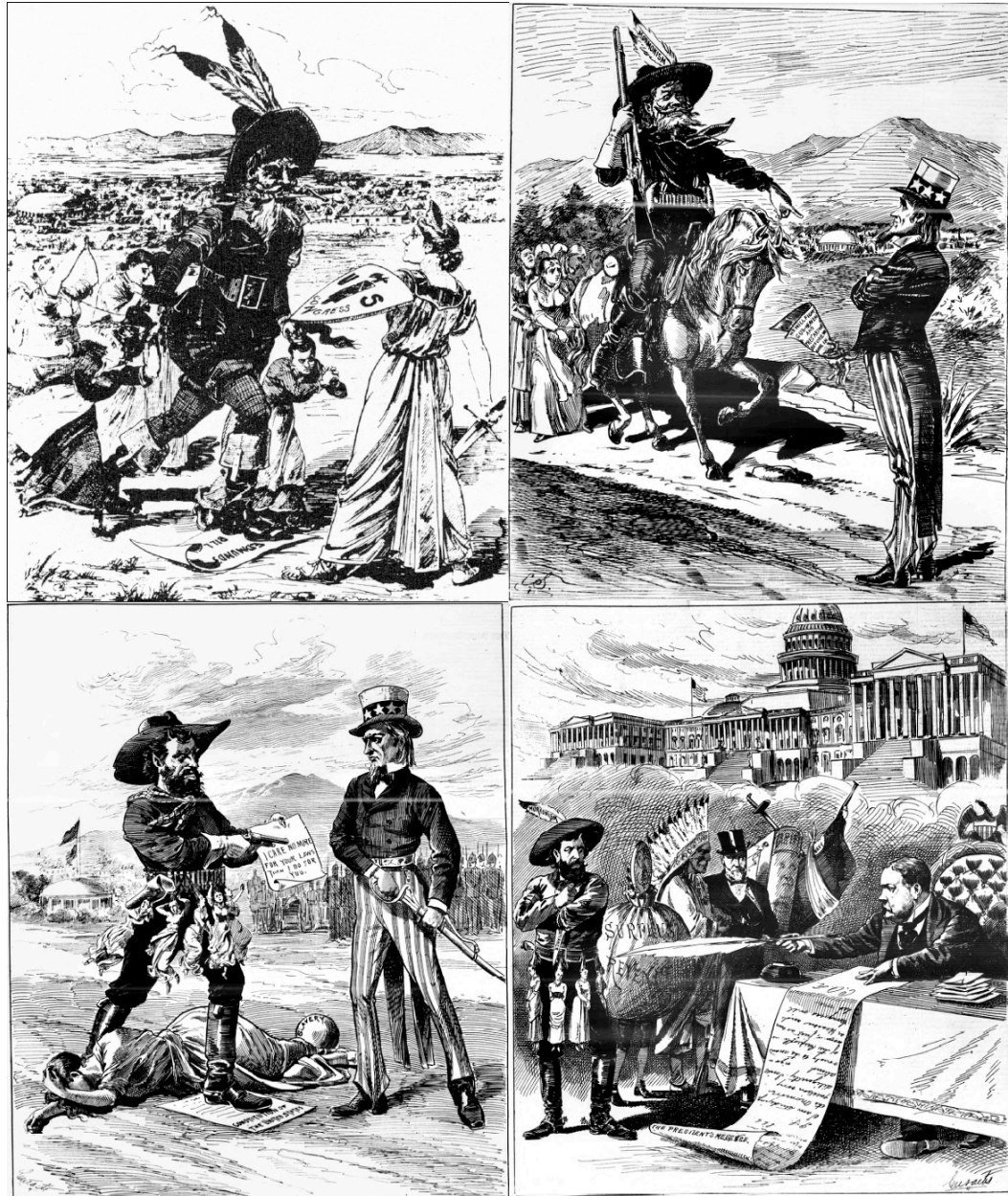


Figure 2.15 Clockwise from the upper left: “The Modern Bluebeard,” *Daily Graphic*, August 21, 1883; “The Remaining Twin,” *Daily Graphic*, October 15, 1883; “Shall Not That Sword Be Drawn?” *Daily Graphic*, October 25, 1883; and “The Questions of the Hour,” *Daily Graphic*, December 4<sup>th</sup>, 1883.

status and his treatment of women is confirmed in the dangerous looking spiked club he holds labelled, “Polygamy.” Even more frequently, illustrators gave Mormon bluebeards

features associated with other non-white or non-Christian groups, such as American Indians or Jews, including pointy ears, horns, and squinty eyes (Fig. 2.15). In these cases, the Mormon bluebeard is often shown dragging women by their hair, or tied by their hair to his belt, images that would have evoked sensational stories in the press about Indian scalping during the 1870s and 80s. The association drawn between stereotypes of scalping Indians and Mormon bluebeards collecting trophy wives hanging from their belts would only have been heightened by the appearance of feathers in the Mormon bluebeard's hat brim.

Finding no contradiction in women's lack of political and economic rights across the nation, and instead identifying a superior organization of gender in US society, commentators argued that LDS women in Utah suffered from extreme exploitation and oppression, far worse than any suffered by black slaves. Claims to superior gender relations were propounded not only by socially conservative politicians, but by feminists and suffragists as well. For example, celebrated suffragist Francis Willard tellingly declared of Utah and Mormonism, "Turkey is in our midst ... Modern [sic] Mohammedanism has its Mecca in Salt Lake City, where Prophet Heber C. Kimball speaks of his wives as 'cows.'" <sup>73</sup> Statements from famous women's rights activists such as Willard helped to lend socially progressive credence to a conservative political project that relied upon the reassertion of a racial hierarchy both within and outside the United States.

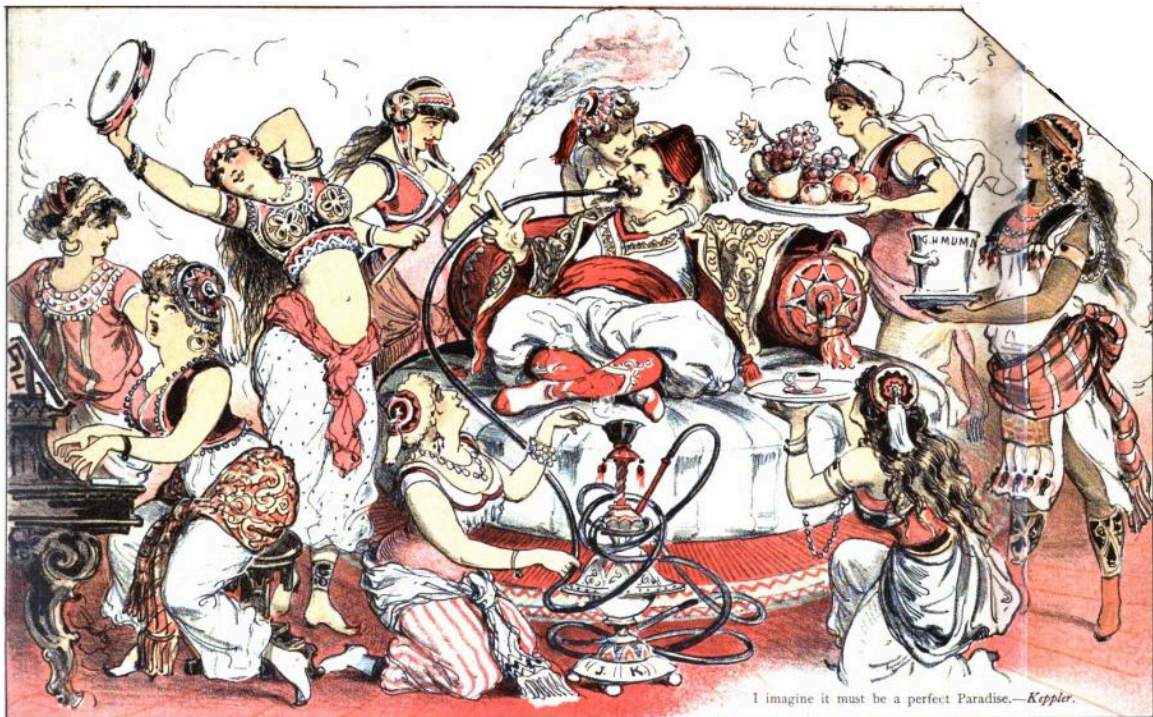
Another image from *Puck* magazine (Fig. 2.16) depicted the apparent "Oriental" nature of white women's slavery under Mormon polygamy as a Turkish harem in which

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<sup>73</sup> Willard quoted in Talbot, *A Foreign Kingdom*, 134.



the hookah-smoking patriarch is catered to by no less than nine women. Some wives present platters of food and wine to their husband, others fan or sing for him. One wife dances provocatively, with an exposed stomach as she plays the tambourine, an image that would have aroused fears of sexual excess and deviance in a nineteenth-century, middle-class audience. This dancing wife embodied anxieties about gender and sexual exceptionalism conjured up by dramatic media coverage of LDS plural marriage as white slavery. The presumed exploitation of white women under Mormonism which concerned



A DESPERATE ATTEMPT TO SOLVE THE MORMON QUESTION.

Figure 2.16 J. Keppler, "A Desperate Attempt to Solve the Mormon Question," *Puck*, February 13, 1884.

both the media and the government was inextricably connected to concerns over the sexual peculiarity of the Saints. Anxieties about Mormon sexual peculiarity were perhaps best exemplified by yet another wife standing on the right side of the image whose brown skin tone would have invoked suspicions of racial mixing and decline, thought to occur

as a result of polygamous unions. Miscegenation was an issue of broader social concern that threatened the purity of Anglo-Saxon Protestant whiteness. The end of slavery, the continued acquisition of territories such as northern Mexico, increased immigration, the continued expansion of the nation overseas, in addition to LDS plural marriage, excited fears about racial mixing. Only four years after *Reynolds* was decided the Supreme Court would uphold the criminalization of interracial sexual relations, marriage, and cohabitation in *Pace v. Alabama* (1883), reflecting those broader concerns about “amalgamation.”

Claims that the Saints had reverted to less developed or racially inferior gender and sexual relations infused typical representations of the “Mormon problem” in the media and subsequently seeped into the juridical logic of *Reynolds*. Gender and sexual exceptionalism discourse continued to escalate after *Reynolds* was decided in 1879, apparent in the reasoning that was used to justify new legislation targeting the LDS Church in the 1880s. Having established Congress’ right to legislate against polygamy as a religious activity that violated good social order, Waite’s decision dealt a severe blow to LDS hopes of freedom of religious practice. The decision legally affirmed the racial distinctions between Protestant Anglo-Saxon Americans (whites) and Mormon Others (non-whites), thereby revalidating the nation’s imperial ambitions in Utah, but also establishing a significant precedent for colonial expansion that US politicians had, thus far, attempted to deny. Waite’s classification of “the peculiar character of [polygamy]” merely formalized what had already been established as a potent discursive construction.

Mormon peculiarity was consequently lawfully classified as a gender-sexual-racial violation of normative US society – one that still stands as legal precedent to this day.<sup>74</sup>

Before *Reynolds*, politicians had vigorously refuted attempts to name or acknowledge the nation's colonial history. Post-*Reynolds* the nation found itself much more willing to claim that history and even began to tout its imperial nature. Between 1882 and 1887 the rhetoric of national problems produced Congressional responses that reaffirmed the nation's commitment to regulating its "troublesome children," both at home and abroad using tactics of colonial administration. For example, two years after Talmage gave his sermons calling for the inclusion of the Chinese and the exclusion of the Saints, Congress passed the Edmunds and the Chinese Exclusion Acts. Passed only two months before the Chinese Exclusion Act, which prohibited the immigration of all Chinese laborers and virtually excluded all Chinese immigrants from entering the US, the Edmunds Act targeted the Saints far and beyond any previous federal legislation had before. Named after George Edmunds, a senior senator from Vermont, the law sought to strengthen the ability of the government to more effectively prosecute LDS patriarchs for practicing polygamy.

Unlike previous legislation criminalizing bigamy, the Edmunds Act proscribed "cohabitation," making it a misdemeanor punishable by up to six months in prison and a \$300 fine. Outlawing cohabitation, which the law defined as living concurrently with more than one woman and holding them out publicly as one's wives, released the state from having to prove that actual marriage ceremonies had taken place, making it substantially easier for prosecutors to indict and prosecute polygamist patriarchs. But the

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<sup>74</sup> *Reynolds*, 10.



Edmunds Act went much further. It disenfranchised all polygamists, excluding anyone who practiced, or even believed in, polygamy from serving on juries or holding political office. The consequences of these restrictions were vast and ultimately fatal for LDS resistance. George Q. Cannon, a member of the Quorum of the Twelve Apostles who had long served as Utah's Territorial Delegate to Congress, was disqualified from service resulting in the loss of what had been one of the Church's most effective representatives in Washington. All of Utah's political offices were declared vacant and a five-man commission was appointed to supervise future elections to enforce the proscription against polygamists voting or running for office.

Even before the Act was passed several senators had expressed concern over the constitutionality of the bill. During the debate over the Edmunds Bill, Senator George H. Pendleton of Ohio pointed out that withholding the right to vote and to hold office were means of punishing individual Saints before they were even convicted of an offense, a clear violation of constitutional protections against bills of attainder.<sup>75</sup> Similarly, Senator Wilkinson Call of Florida objected that excluding those who believed in polygamy from serving on juries was tantamount to "impos[ing] a religious test upon jurors which is in violation of that cardinal provision of the Constitution of the United States" and also ironically clashed with the belief-action distinction Waite had established in *Reynolds*.<sup>76</sup> But "even those who attacked the Edmunds Bill," Oman points out, "did so using imperial analogies."<sup>77</sup> Even though Senator Brown of Georgia was against federal

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<sup>75</sup> Bills of attainder, or laws that single out an individual or group for punishment without a trial, are prohibited under Article I and Sections 9 and 10 of the US Constitution.

<sup>76</sup> Senator Call quoted in Firmage and Mangrum, *Zion in the Courts*, 165.

<sup>77</sup> Oman, "Natural Law" 695.

regulation of polygamy he supported his position by analogizing federal intervention in Utah to British rule in India, arguing that when England “assumed dominion of India she found polygamy there ... [and] The English people did not attempt to crush it out by law, but the British Parliament and the British courts recognized it in India on assuming control and recognize it to-day.”<sup>78</sup> But because the Supreme Court had already disposed of many (but not all) of the constitutional roadblocks inherent to the Edmunds Act in *Reynolds*, anti-Mormon legislation effectively situated Mormonism “in a global narrative of racial superiority that accommodated the rising force of Jim Crow by exoticizing” the Saints as un-American Others and therefore in need of “suppression as part of the onward march of the ‘northern and western nations of Europe.’”<sup>79</sup> While the style of suppression was debated by Congress, the need for it certainly was not.

The immediate effect of the Edmunds Act on the daily life of the Saints was extremely disruptive. What little national influence they had was immediately checked with the loss of Cannon in Washington. The local political dominance the Church had enjoyed was radically lessened with the evacuation of local political offices and the rapid indictment of polygamists. The Raid, as the Saints referred to the federal assault against them, redirected their efforts away from effective forms of resistance and insulation toward avoiding and undermining the federal government’s attempts to prosecute the prominent heads of polygamous families who were often Church leaders. Realizing that their best possible defense was avoidance and obfuscation, the Church leadership quickly went “Underground” hiding from marshals attempting to arrest, prosecute, and imprison

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<sup>78</sup> Senator Joseph E. Brown, *Congressional Record* (47<sup>th</sup> Congress, 1882): 1202.

<sup>79</sup> Oman, “Natural Law,” 696.

them. Those who remained above ground, wives and children, were targeted by officials in the hunt for polygamous patriarchs. Wives continued to utilize the strategy of “forgetfulness” to prevent prosecution. When questioned about their marriages and husbands’ whereabouts wives would suddenly “forget” the specifics of their marital status and/or their family’s makeup, while those who performed marriage ceremonies would “forget” whether they had done so. Because wives’ obfuscation helped to thwart federal prosecution, federal sympathy for polygamy’s presumed victims began to evaporate and they were increasingly framed as willing and accountable criminals.

While the Underground was an effective way to frustrate anti-Mormon officials, it had several drawbacks; these disadvantages ultimately spelled the doom for the Saints’ other non-normative practices. Perhaps most importantly, the realities of the Underground made it extremely difficult for the faith’s leaders to execute normal management of church affairs. Not only did Church leaders, who were daily shuffled from hiding place to hiding place, find it almost impossible to keep up with their regular administration of the Church, but their success at outrunning the law meant that federal officials decided to go after all polygamist practitioners, not just high-ranking Church members. As Gordon points out, ironically the Underground exposed the less mobile and less financially stable polygamists and their families to the hardships of federal prosecution.

By 1884 the remaining anti-capitalist resistance strategies that had been put in place by presidents Brigham Young and John Taylor were rendered unsustainable under the weight of the Edmunds Act; the majority of the remaining United Order towns failed,

the economic boycott of Gentile enterprises was ended, private enterprise was once again sanctioned by Church leaders, and the Zion's Board of Trade, which had been organized to ensure collective, cooperative economic exchange among the Saints, died when the leadership was forced to go Underground.<sup>80</sup> These failures coincided with the continued penetration of the national economy into Utah's borders through the railroad and, increasingly, non-Mormon business interests. But perhaps most essentially, the disintegration of economic resistance strategies also coincided with the closing of the "frontier" as a site where new markets and cheap labor could be found. Eastern firms, which had been thus far kept at bay, began to buy controlling interests in Utah's industries, especially mining.

The integration of local and regional economies, such as Utah's, into the national economy also coincided with the latter's absorption into the world economic system. Between the 1870s and World War I, capitalists and politicians were forced to look elsewhere for new economic resources, particularly labor and consumption.<sup>81</sup> Yet even as penetration of US producers into foreign markets and the influx of immigrants into the US, which fueled the nation-state's imperial interests, fulfilled the demands of the country's increasingly rapid industrialization, those factors stirred the anxiety of a population that viewed "industry as the highest incarnation of civilization."<sup>82</sup> Paradoxically, the system which was thought to mark the ultimate embodiment of civilization was also believed to be a threat to the very purity of Anglo-Saxon Protestant whiteness that underlay that status. Steadily increasing levels of immigration were

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<sup>80</sup> See chapter twelve, "The Raid," in Arrington, *Great Basin Kingdom*, 353-379.

<sup>81</sup> Jacobsen, *Barbarian Virtues*, 13.

<sup>82</sup> Bender, *American Abyss*, 2.

polluting the nation's racial purity elites argued, while the effects of industrial capitalism promoted the confusion of proper gender roles and were fatally decreasing the birth rates among whites.

Although the nativist and social scientific responses to immigration during this period have been well-documented as a process of racial formation, especially during the twenty years before and after the *fin de siècle*, less attention has been paid to the ways that these racial ideas were deeply rooted in notions of civilization and development as economic concepts. As Jacobsen argues, “the very idea of ‘civilization’ implacably ranked diverse peoples’ ways of life according to a hierarchy of evolutionary economic stages (industrial production over hunting and gathering; capitalist individualism over communal or clan ownership).” Moreover, “these assessments themselves had tremendous economic consequences, as the value judgments embedded within the notion of ‘civilization’ at once suggested and justified any number of interventions into ‘savage’ society on the part of ‘civilized’ nations, ranging from total extermination on one end of the spectrum to paternalistic assimilation on the other.”<sup>83</sup> The economic logic underlying the discourse of civilization is evident upon inspection of the policies of removal and assimilation that were implemented against American Indians during the last quarter of the nineteenth century. For example, federal officials would often cite the “primitive” economic arrangements of Native peoples as proof that they were less developed than their American counterparts. The subsequent civilizing missions often took the form of education campaigns that emphasized notions of private property, wage earning, and

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<sup>83</sup> Jacobsen, *Barbarian Virtues*, 50-51.

heteronormative family units.<sup>84</sup> Like the Chinese Exclusion and Edmunds Acts, the Dawes Act of 1887, officially known as the General Allotment Act, was passed as a solution to the “national problem” posed by indigenous peoples. The Act utilized legal strategies of colonial management that enabled the survey and allotment of Indian lands, disrupting tribal organization, encouraging investment in private property, and promoting the formation of heteronormative familial units.<sup>85</sup>

The Saints held the same views of American Indians as did anti-Mormons. Painting themselves as more enlightened than other peoples, the Saints saw it as their obligation to help Indians by “civilizing” them. For example, Brigham Young exhorted the Saints to “feed and clothe ... [and to] teach [Indians] the arts of husbandry” arguing that “independent of the question of exercising humanity towards so degraded and ignorant a people, it was manifestly more economical and less expensive, to feed and clothe, than to fight them.”<sup>86</sup> Putting aside the rather callous and practical attitude of Young, his comments reveal the extent to which the Saints viewed themselves as superior – religiously, racially, and economically – just as non-Mormon whites did. The difference was that the Saints believed Mormon exceptionalism, and not US exceptionalism, endowed them with a divinely sanctioned obligation to civilize indigenous people. Thus, although they too engaged in significantly dissimilar cultural, economic, and political practices from anti-Mormons, the Saints did not see Indian practices as viably different, but as in need of significant change. Even as the Saints themselves were subjected to the colonizing assessments which ranked their social, political, and economic practices as

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<sup>84</sup> See Hixson, *American Settler Colonialism*, 140-142.

<sup>85</sup> General Allotment Act, Public Law, 49<sup>th</sup> Congress, 2<sup>nd</sup> Session, Chapter 119 (1887).

<sup>86</sup> Brigham Young quoted in Arrington and Bitton, *The Mormon Experience*, 148.

“savage,” they too advanced “civilizing” missions that sought to bring indigenous peoples into more “developed” ways of life.

### **Entrenching US Exceptionalism**

After the passage of the Edmunds Act Congress began to look for ways to more explicitly target the Saint’s commitment to economic communalism, not just plural marriage or the Church’s political strength. In debates over another anti-Mormon bill in 1886 Representative John Randolph Tucker, a Democrat from Virginia, contended,

the Mormon system is directly antagonistic to all ideas of European and American civilization. A family springing from the marital relation of one man to many wives seems to make a home of unity, harmony, and hearty co-operation impossible. Its elements are heterogeneous, alien, and must in most cases be hostile. If the Biblical origin of our race be admitted, one man and one woman – the dual unity – constituted the Divine appointment for the family. Affection concentrated not divided; care and protection by the man for the woman, and natural assistance and sympathy, which are found in a wedded pair rearing a common offspring in a home from which none stray but to return with deeper devotion than ever – in which no jealousy from rival claims intrudes – and the twin become one and indivisible in life, labor, and interest.<sup>87</sup>

In his impassioned speech, Tucker deftly outlined a divinely ordained progressive trajectory for civilization in which the success of capitalism, whiteness, and Americanness depend upon the (fragile) stability of the monogamous heteronormative family. More specifically, Tucker’s argument maintained that the “one man and one woman” pairing, sustained by patriarchal obligation, fostered the racially responsible procreation of a self-contained economic unit that sustained capitalist growth. On the flip side Tucker cast the “Mormon system” as “alien” as well as “antagonistic” and “hostile”

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<sup>87</sup> Representative John Tucker, “Suppression of Polygamy in Utah,” *Congressional Report* (House of Representatives, 49<sup>th</sup> Congress, 1<sup>st</sup> Session, June 10, 1886): 3.

to the “natural” progression of white, Protestant, capitalist – in a word – *American* civilization.<sup>88</sup>

But even as free-market capitalism was achieving dominance as the mainstream ideology that represented the final stage of civilization and justified US imperial intervention, the growing disparities that arose out of nineteenth-century industrialism were fueling a politicized resistance to that economic system. For example, by the 1880s labor had developed a strong response to the exploitative and dangerous working conditions in factories. While industrialists were amassing enormous fortunes and big business became a defining feature of US capital, numerous depressions during the last quarter of the century were also producing low wages, unemployment, and starvation. Strikes and protests, as well as the violent responses to them, became common fodder for a sensationalizing press.<sup>89</sup> While politicians concerned themselves with legislating against monopolies, trusts, and corruption in an effort to promote “true free market capitalism,” popular animus was directed at those who challenged the very morality of a capitalist economy. Labor unions, socialists, and anarchists were commonly criticized by popular religious and political figures as un-American.

In perhaps the most well-known example, clergyman and author Josiah Strong argued in his influential tome *Our Country* that “the despotism of the few and the wretchedness of the many” were two equally dangerous perils to the future of the US nation-state, one helping to promote the other.<sup>90</sup> Published in 1885 Strong’s book diagnosed what he saw as the most pressing threats to the white nation including

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<sup>88</sup> Ibid.

<sup>89</sup> See Foner, *The History of the Labor Movement in the United States*, 15.

<sup>90</sup> Strong, *Our Country*, 86.



immigration, Catholicism, intemperance, wealth, the evils of urban living spurred by industrialization, and of course, Mormonism. In diagnosing these threats Strong's text advocated white supremacy as reason and imperative for imperialist, missionary intervention both at home and abroad. Other scholars have pointed to Strong's wildly popular text (his book was out sold only by the Bible in the postbellum period) as an example of the ways white Protestantism came to disregard the problems facing freed people after the failure of Reconstruction and instead sacrificed racial justice "at the altar of white reunion."<sup>91</sup> In other words, Strong's manifesto exchanged the Reconstruction-era project of racial justice for a religiously authorized capitalist-imperialist agenda firmly rooted in white supremacy.

Like Representative Tucker, Reverend Strong saw Mormonism as a threat to intertwined agendas of industrial capitalism, US empire, and white supremacy. Also like Tucker, he argued that Mormonism's danger did not lie in polygamy per se, but in the anti-capitalist immigrants he claimed the religion was importing: "Immigration furnishes most of the victims of Mormonism; and there is a Mormon vote. Immigration is the strength of the Catholic church [sic]; and there is a Catholic vote. Immigration is the mother and nurse of American socialism; and there is to be a socialist vote." Rolling the national problems of Mormonism, Catholicism, socialism and immigration into one, Strong's argument focused on the threat that so-called "despotic" religions posed to the economic and racial well-being of the nation. Only a year after his book was published, the Haymarket Affair rocked the country, fueling the fears Strong articulated about immigration, labor activism, and racial degeneracy. One of the most famous events in US

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<sup>91</sup> Blum, *Reforging the White Republic*, 16.

labor history, the bombing of a May 4<sup>th</sup>, 1886 labor demonstration calling for an eight-hour work day and the subsequent trials of eight anarchists for the bombing intensified nativist sentiment and linked racial inferiority to labor and anti-capitalist activism. Strong's statement that "Mormonism is doing a [] preparatory work. It is gathering together great numbers of ill-balanced men, who are duped for a time by Mormon mummery; but many of them, becoming disgusted, leave the church [sic] .... Skeptical, soured, cranky, they are excellent socialistic material ...," would have been inflammatory for readers already primed by Mormon peculiarity discourse.<sup>92</sup>

Strong's concern was not wholly unsupported, but not in the way he or his readers would have thought. For example, prominent anarchist, labor activist, and left-wing intellectual Dyer Daniel Lum, who had written extensively about the trials of the accused Haymarket bombers, published a pamphlet on "The Mormon Question in its Economic Aspects: A Study of Co-operation and Arbitration in Mormondom, from the Standpoint of a Wage-Worker." In his pamphlet, Lum reasoned that "we need not waste words on polygamy, though the Utah system is well worth study. *That is not the issue!* That is but the gaudily-colored bait to catch the inexperienced denizens of economic waters."<sup>93</sup> Instead he argued that the Edmunds Act, as part of a wider federal campaign to regulate Utah, was an attempt to suppress the principles of cooperation and arbitration that were at the heart of the LDS economic system; "necessarily" he concluded, "in the eyes of

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<sup>92</sup> Emphasis in original. Strong was probably incorrectly referencing the Godbeite schism in which several prominent LDS men broke with the LDS Church leadership over disagreements about economic policy. But the Godbeites did not renounce religion nor did they embrace socialism. In fact, they formed their own church (which also practiced polygamy) that embraced free market capitalism, arguing that a church should not have a say in the economic policy or practice among of its members; Strong, *Our Country*, 106.

<sup>93</sup> Lum, "The Mormon Question," 7.

monopoly-restricted competition, this is a foe.”<sup>94</sup> Lum even went so far as to declare, incorrectly, that the abolishment of the wage system was “a problem the Mormon has alone solved,” pointing to their “passive resistance to oppression” as a model for “the American workingman.”<sup>95</sup>

His position on the resemblances between the struggle of workers and the Saints was not nearly as widely circulated as Strong’s *Our Country*, yet the Saints economic practices were still cause for concern among politicians and businessmen. Instead of representing the Saints as socialists as both Strong and Lum had done (albeit in support of opposite agendas), most anti-Mormons successfully represented Mormonism as a monopolistic enterprise and thus the enemy of the workingman. Gordon has argued that anti-Mormon politicians borrowed popular concerns about corporate power, trusts, and corruption to paint the Church and its leaders as a large corporation with amoral executives.<sup>96</sup> While the Church leadership did exercise great control over economic activity in Utah, anti-Mormons had to actively construct the LDS Church as an evil corporation and its leadership as amoral fortune hunters. Deftly manipulating the image of Church leaders, anti-Mormons transformed fears about Mormon economic difference into fears of monopoly rather than socialism.

Circumventing any sympathy that could be afforded to a religious institution that might have similarities with the working class, anti-Mormons equated the exploitation of factory workers with the Church’s requirement that all Saints tithe ten percent of their income for example. With this rhetorical sleight of hand the Church’s economic program

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<sup>94</sup> Lum, 6.

<sup>95</sup> Ibid, 89.

<sup>96</sup> See Barringer Gordon, *The Mormon Question*, especially chapter six, “The Marital Economy.”

was transformed from one of economic cooperation and socialism to one of abusive monopoly and exploitation. An 1886 House Report on the proposed Edmunds-Tucker bill, for example, declared “the enormous power of the [LDS] *corporation* to increase its means and influence in the infant State” was evidence of the Church leadership’s corrupt agenda.<sup>97</sup> Another official argued that “the man with four wives must have the means of supporting them; he must *monopolize* power, property, and privilege” while “the man not permitted to marry one wife is deprived of other rights and reduced to an inferior position.”<sup>98</sup> In these statements the LDS Church is transformed into a monopoly that completely dominates both production and consumption in the interest of a religious elite (rather than entire community), while the monogamist (“the man not permitted to marry one wife”) and not the polygamist becomes subject to the oppression of the government.

Lum’s diagnosis of the government’s pro-capitalist motivations for legislating against the Church’s financial stability was reflected most effectively in one of the final pieces of anti-Mormon legislation. Debated throughout 1886 and passed in early 1887, the breadth and depth of the Edmunds-Tucker Act demonstrates the extent to which gender roles and marital structure were thought to inform the operation of economic systems. In the eyes of anti-Mormons, “polygamy created a host of economic consequences, all of them irretrievably at odds with liberty, democracy, competition – in short with capitalism. The habits of home life, the argument went, determined the

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<sup>97</sup> Emphasis added to “Suppression of Polygamy in Utah,” *Congressional Report*, (House of Representatives, 49<sup>th</sup> Congress, 1<sup>st</sup> Session, June 10, 1886): 7.

<sup>98</sup> Emphasis added to “Suppression of Polygamy in Utah,” *Congressional Report*, (House of Representatives, 49<sup>th</sup> Congress, 1<sup>st</sup> Session, June 10, 1886): 7 and John Marchmont, *An Appeal to the American Congress: The Bible Law of Marriage against Mormonism* (Philadelphia, 1873): 7.

political economy of the territory.”<sup>99</sup> Anti-Mormon politicians used these assumptions about the inherent connections between gender, marriage, and economy to produce imperial policies that enforced a normative vision of the “proper” relationship between all three.<sup>100</sup> To do this the 1887 Act, signed into law only a month after the Dawes Act, supplemented the earlier Edmunds Act in several ways. Although the earlier law had disenfranchised all practicing polygamists, the Saints still dominated the electorate. Taking a dual tack, the act further eroded the Saints civil rights *and* worked to dismantle the Church itself. It revoked women’s suffrage in Utah and further regularized marriage law easing the burdens of prosecutors in proving polygamous marriages. But most significantly, the Act disincorporated the LDS Church, confiscated its property in excess of \$50,000, and dissolved the Perpetual Emigration Fund Company which had brought thousands of LDS converts to Utah.

Rescinding women’s suffrage in Utah was a direct response to LDS women’s unwillingness to criminalize polygamy with the vote. Often overlooked in historical scholarship, suffrage in Utah was considered a test case for national women’s suffrage – its success or failure was gauged by the fate of polygamy.<sup>101</sup> Federal politicians used the failure of Utah’s women to use their newfound voting power to eradicate the practice as evidence that women could not be trusted to govern themselves “properly” and therefore should not be granted the right to vote nationally. This logic paralleled narratives of white slavery that insisted women need to be protected and shielded rather than engaged and

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<sup>99</sup> Gordon, *The Mormon Question*, 188.

<sup>100</sup> Gordon, 202.

<sup>101</sup> Madsen ed., *Battle for the Ballot*, especially chapter seven Beverly Beeton, “Woman Suffrage in Territorial Utah.”

independent citizens. Unsurprisingly, the popular press continued to portray federal legislators as saviors in their efforts to crush the Church's power. One cover of *Puck* magazine, for example, memorialized Senator Edmunds, a sponsor of

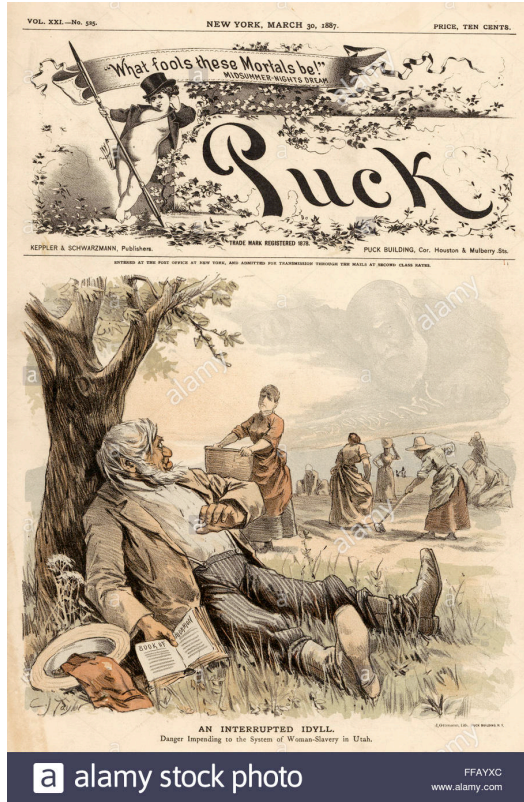


Figure 2.17 “An Interrupted Idyll. Danger Impending to the System of Woman-Slavery in Utah,” *Puck*, March 30, 1887.

both the Edmunds and the Edmunds-Tucker Act, as the savior of LDS women (also see Fig. 2.14). The image promotes the idea of white slavery by depicting a lazy, polygamous patriarch, leaning against a shade tree, who is suddenly shaken from reading the Book of Mormon by Senator Edmunds' towering apparition. Edmunds' figure floats in the clouds above a field where the husband's eight wives are laboring in the hot sun, ready to be freed from their bondage. While this image is a racial one, as I argued in my discussion of anti-Mormon images above, it is also an image that shows the links that were assumed

to exist between gender relations, marital structure, and economic practice that the Edmunds-Tucker Act attacked (also see Fig. 2.7, 2.9, and 2.10). Put another way, the gender exceptionalism of this image is tightly linked to the notion that gender relations must and always do exist in relationship to economic structure. For anti-Mormon politicians, monogamy was thought to promote competition, with a husband and wife supporting one another in their own independent economic unit, while polygamy was blamed for the growth of monopolistic and anti-competitive behavior.

After 1887 federal officials were in complete control of Utah's governance and were close to achieving the complete capitulation of the Saints. Each successive piece of anti-Mormon legislation had implemented new and more effective measures, which struck at the intersection of LDS social, cultural, economic, and political life. But these laws had also been crucial for solidifying a national ideology of US exceptionalism, cementing Protestantism, monogamy, patriarchy, capitalism, imperialism, and whiteness as the defining features of that ideology. The constitutionality of many of these anti-Mormon laws was, and continues to be, challenged. Legal studies scholars Edwin Firmage and Richard Mangrum, for example, argue that "under even the most generous standards of legislative latitude, the Edmunds-Tucker Act skirted the boundaries of constitutionality" by blatantly "attacking a religious institution and impos[ing] civil punishments on an entire group of people solely for their religious beliefs."<sup>102</sup>

But disputes over the constitutionality of these laws, and the Supreme Court decisions that upheld them, ignore a more inherent aspect of their nature. Nineteenth-century anti-Mormon legislation, like the federal policies and regulations instituted

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<sup>102</sup> Firmage and Mangrum, *The Courts in Zion*, 202.

against indigenous peoples, was colonial. These statutes sought to wrestle political control from the hands of the LDS Church and enforce federal jurisdiction, citing the Saints' "barbarism" as sufficient justification for doing so. By proclaiming Mormons and their practices "backward" – plural marriage, economic communalism, and theocracy – and their effects dangerous – white slavery, anti-competitive monopolies, and an uneducated population under the thumb of dictatorial leadership – the central government was able to induce a cultural and economic control which enabled the exploitation of Utah's natural landscape and forced the eventual assimilation of the Saints. Between 1887 and 1890 the weight of federal pressure and a series of unlucky events coincided to ensure that the Saints would no longer be able to sustain the kind of open resistance they once had. Only five days before the US District attorney began escheatment proceedings to confiscate the Church's property required by the Edmunds-Tucker Act in 1887, Church President John Taylor died while in exile. With the Church's highest office vacant, the entire LDS hierarchy on the run, and prosecutors indicting and convicting every polygamous man they could arrest, the Saints last major strategy of defense was to challenge the Edmunds-Tucker Act's disincorporation of the Church in court.

The Supreme Court's decision in *Late Corporation of the Church of Jesus Christ of Latter-day Saints vs. United States* was announced in May of 1890, not incidentally the same year the Sherman Antitrust Act was passed by Congress. Like the Sherman Act, which banned trusts and regulated business activities that were considered anti-competitive, the Edmunds-Tucker Act sought to end the Church's economic dominance in Utah by redistributing its funds to what were considered more "civilized" enterprises



than polygamy, public education for example. The Church's attorney, James Overton Broadhead, argued against the federal government's right to disestablish the Church's incorporation on the grounds that Congress did not have the power to negate an executed contract (the Church's charter). More persuasive to the court – if not actually factual – was US Attorney General Augustus Garland's argument that the early territorial legislation creating the church corporation was void because it had endowed a religious organization with the right to make laws.<sup>103</sup>

The Supreme Court's main concern was the Church's ability to dictate political and economic activity in Utah and the Court reaffirmed Congress' constitutionally-mandated capacity to govern absolutely in its territories, although the decision was less than unanimous. One dissenter asserted that it was not within the authority of Congress to “seize and confiscate the property of persons, individuals, or corporations ... because they may have been guilty of criminal practices.”<sup>104</sup> However, the logic of *Reynolds* remained strong enough to ensure an opinion in favor of the federal government in *Late Corp.* In the decision Justice Joseph Bradley reiterated polygamy's “uncivilized” nature, calling it a “barbarous practice” and rehearsed, almost exactly, the comparison Justice Waite had made between British imperialism over India and federal control over Utah, once again equating polygamy to “the right of assassination [in] religious belief,” “suttee,” and “human sacrifice.”<sup>105</sup>

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<sup>103</sup> As Gordon points out, “by any reading of the charter itself, this was an exaggeration,” *The Mormon Question*, 210.

<sup>104</sup> *Late Corporation of the Church of Jesus Christ of Latter-day Saints vs. United States*, 18.

<sup>105</sup> *Late Corp.*, 12.

Key to Bradley's decision was his contention that the United States was an essentially Christian nation.<sup>106</sup> Citing the religious basis of US exceptionalism, Bradley disavowed the Saints' own understanding of theirs as a Christian faith and, according to late nineteenth-century sensibility reasonably argued that as a non-Christian faith the LDS Church could not undertake a charitable cause under the banner of a corporate charter: "the principles of the law of charities are not confined to a particular people or nation, but prevail in all civilized countries pervaded by the spirit of Christianity."<sup>107</sup> This reasoning reflected the increased importance of Protestant missionizing to US imperialism between the 1880s and the 1890s and firmly differentiated between US and Mormon colonization.<sup>108</sup> The charitable and philanthropic activities of white Protestant religious groups promoted what was understood to be the divinely ordained white supremacist, capitalist, domination of foreign peoples by the US. But while the Saints were engaging in their own version of colonial dominance, the teachings of the LDS Church clashed too fundamentally with mainstream notions of US exceptionalism – as articulated by Senator Tucker ("the Mormon system is directly antagonistic to all ideas of European and American civilization") – to be defined as Christian by the Supreme Court. The fact that the LDS Church's funds were "intended to ... promote[] the inculcation and spread of ... polygamy, - a crime against the laws, and abhorrent to the sentiments and feelings of the civilized world," excluded the LDS Church from official participation in

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<sup>106</sup> *Late Corp.*, 13.

<sup>107</sup> A close reading of Bradley's argument indicates he understood "Christian" to be equivalent to Protestantism.

<sup>108</sup> See Blum, *Reforging the White Republic*, especially chapter seven, "To the Person Sitting in Darkness: Global Missions, Religious Belief, and the Making of the Imperial White Republic."

the US imperial project.<sup>109</sup> Simply put, religious charity was only Christian and American if it promoted monogamy and capitalism.

*Late Corp.* was the last major blow to LDS resistance. It affirmed the financial disassembling of the Church and placed the Saints in an unsustainable position. By September of 1890 Wilford Woodruff, who had succeeded John Taylor as president of the Church, announced the capitulation of the Saints to federal pressure. In a document that has become known as “the Manifesto,” Woodruff pledged obedience to US law as prophet, seer, and revelator of the LDS Church and declared that Church leaders were no longer “teaching polygamy or plural marriage, nor permitting any person to enter into its practice.”<sup>110</sup> History has framed the Manifesto as the ultimate symbol of the Church’s capitulation to US authority, but it was not dissimilar to other public declarations leaders had made in an attempt to appease federal opponents.<sup>111</sup> Anti-Mormons doubted the sincerity of the Manifesto with good reason, charging the Saints with the continued, but now covert, practice of polygamy. Not only were anti-Mormons weary of the leadership’s continued stranglehold over individual Saints, but experience had taught them that the Saints would not give in on issues fundamental to their faith. Several historians have chronicled the confusion that the Manifesto produced among Church leaders and the consequent contradictory policies concerning plural marriage advocated by various leaders between 1890 and 1904.<sup>112</sup> The continued, albeit inconsistent, practice of plural

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<sup>109</sup> *Late Corp.* 13.

<sup>110</sup> The Manifesto is included as a revelation in *The Doctrine and Covenants*.

<sup>111</sup> In fact, at the time the Manifesto was regarded as a necessary measure to appease federal authorities, but in no way considered an absolute surrender. See Hardy, *Solemn Covenant*, especially chapter four, “Tactical Retreat: The Manifesto of 1890.”

<sup>112</sup> See Flake, *Politics of American Religious Identity* and Quinn, “LDS Church Authority and New Plural Marriages, 1890-1904.”

marriage ensured that anti-Mormonism remained an animating, but declining, feature of US popular and political culture until the nation's entry into World War I.

Thus, the racial constructions of Mormonism that widespread anti-Mormon sentiment had manufactured did not disappear overnight. Rather, the Saints continued to be relationally racialized with and against other minority groups well into the beginning of the twentieth century. For example, in December of 1890 when, only a few months after the Manifesto was released, the massacre at Wounded Knee took place both the popular press and federal agents partially blamed the massacre on the Saints. Long-standing irritation on the part of US Indian agents about LDS "interference" with American Indians and public anxiety about the Saints' missionizing among indigenous tribes fueled speculation that LDS teachings had inspired the so-called "Messiah craze" among various tribes, most commonly known as the Ghost Dance religious movement. This movement motivated US military action against Great Basin and Plains tribes whose religious dances were interpreted as violent threats to white settlers.<sup>113</sup> Implicitly blaming the Saints for the atrocities committed at Wounded Knee, popular perception of Mormons as racial traitors reiterated prevalent anxieties about what were wrongly assumed to be the completely opposite goals of Mormon and US exceptionalism.

A *Harper's Weekly* image from February 1882 showcased these underlying assumptions about Mormon sedition (Fig. 2.18). Not only did the *Harper's* illustration play on fears of senseless Indian savagery, represented by the discarded sabers and a gun lying at the feet of a dead US soldier just visible on the lower left-hand side of the image,

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<sup>113</sup> Arrington and Bitton, *The Mormon Experience*, 158.

but it reasserted the racial links between the Native figure and the “polygamous barbarian,” who sought to incite even more violence for his own gain. Presumably his



Figure 2.18 Thomas Nast, “When Spring-time Comes, Gentle-Indian! *Polygamous Barbarian*. ‘Much Guns, Much Ammunition, Much Whiskey, and Much Kill Pale-Face,’” *Harper’s Weekly*, February 18, 1882.

“barbarism” was a result of his marital status and his racial treason – not only did his sexual practices threaten racial purity, but his self-made alliance with “wild Indians” was a direct attack against the nation.

Misinformation of this kind ensured that the LDS Church remained a target of both the federal government and the popular press. On a lesser scale Mormonism continued to be portrayed as a national problem after 1890. It retained its status as an embarrassing, but controllable reality. After nearly fifty years of petitioning the federal government for inclusion, Congress at last admitted Utah to the Union as a state in 1896, giving the its residents the more stable political rights they had so long sought. But those rights were only granted on the condition that Utah’s constitution would include a ban against the practice of polygamy. The Enabling Act, which guaranteed statehood to Utah and was passed by Congress in 1894, reads: “that perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or

property on account of his or her mode of religious worship; *provided*, that polygamous or plural marriages are forever prohibited.”<sup>114</sup> In other words, Utah’s ability to acquire political independence was predicated on its exclusion of a sexual practice that was deemed racially degrading and therefore at odds with the nation’s commitment to white supremacy.

At long last the Saints had learned to accept and advance US exceptionalism without boasting Mormon exceptionalism above and beyond its loyalty to the nation. During the debates over Utah’s constitution the question of women’s suffrage would evidence that acceptance. In *Utah Magazine* editor E. L. T. Harrison and his associate Edward W. Tullidge advocated for including women’s suffrage in Utah’s new constitution, arguing that ““the nation which does not assign to women a very high part to play not only in the home circle but also in all the vital concerns of humanity, is barbaric in its notions and estate. True civilization had not yet reached that nation.””<sup>115</sup> Using the logic of gender exceptionalism that had so often been deployed against them, some Saints advocated for women’s rights on the basis that it proved that the United States – and by extension Utah – was civilized. The debate that ensued over women’s suffrage was not like the past polarizations of LDS insistence on the morality of polygamy and anti-Mormon assertions of the practice’s brutality. Instead, the debate mirrored larger national

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<sup>114</sup> Emphasis added.

<sup>115</sup> Harrison and Tullidge were Godbeites. Alexander, “An Experiment in Progressive Legislation,” in *Battle for the Ballot*, 108.

conversations about what women's role should be in what its white citizens considered the most civilized nation in the world.<sup>116</sup>

By 1896, “most of the goals of the pioneer church – the gathering, the Mormon village, unique property institutions, economic independence, the theocratic Kingdom” and plural marriage “– were abandoned, or well on their way toward abandonment.”<sup>117</sup> By exceptionalizing the Mormon question as a singularly peculiar and unprecedented racial problem anti-Mormons had effectively advocated an imperial solution to the Mormon problem. The colonial measures instituted in Utah and against the Saints inaugurated new forms of colonial administration, management, and regulation that proved useful in building US imperial interests overseas at the turn of the century. In this way, federal control of the Saints in Utah mirrored and supplemented the project of settler colonialism that had been waged against indigenous peoples across North America. But of the lasting geographic, political, economic, and cultural effects the anti-Mormon campaign had produced, nothing would follow the Saints more doggedly than “Mormonism” itself. As an enduring, yet flexible, assemblage it would continue to influence the place and significance of the LDS Church in American identity, culture, and nationalism.

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<sup>116</sup> Utah included women's suffrage in its constitution after women's activists, many of them LDS, successfully lobbied constitutional delegates. See essays in Madsen, ed., *Battle for the Ballot*, especially White, “Woman's Place Is in the Constitution.”

<sup>117</sup> Arrington, *Great Basin Kingdom*, 403.

## Chapter Three

### **Mormonism in Transition: Resignifying Peculiarity, 1890-1945**

*'Mormonism' makes for good citizenship, don't you see? ... There is no hyphen with 'Mormonism.' We have in this Church no Scotch-Americans or Danish-Americans, or German-Americans, not one; we are all Americans.*<sup>1</sup>

*In looks, clothes, language, education, business pursuits, and the ordinary social practices, Mormons are like other people. When the term 'peculiar' is applied to us, reference is made to our religious beliefs, and our practices based upon those beliefs – matters which we differ from other Christian creeds and churches. These differences are vital, and cannot be denied. They will make us a peculiar people until the world comes to a unity of faith. We do not flaunt our differences before our friends of other faiths[, but n]either do we try to hide them.*<sup>2</sup>

*[T]he story of the Mormon Pioneers is truly one of the great epics of America and the amazing achievements of Utah's people stand today as a monument to their sturdy Americanism.*<sup>3</sup>

Six years after the LDS Church formally abandoned plural marriage in the Woodruff Manifesto and a year and a half after Utah achieved statehood, *Tip Top Weekly*, a serial magazine popular for its Frank Merriwell series, featured a story in which its title character, an exceptional Yale athlete who solved mysteries and tackled moral dilemmas with the ethical compass of early-twentieth-century Progressivism, saved a young Mormon woman from the clutches of an evil polygamous Mormon patriarch. But the story did not end typically, with a harrowing rescue of the innocent woman; even more significantly, it did not end as most nineteenth-century anti-Mormon tales had, with the woman's enlightenment as to the barbarity of, and deliverance from, Mormonism. Instead the series creator, Gilbert Patten, introduced a new kind of Mormon figure: Tom Whitcomb.<sup>4</sup> Gary L. Bunker and Davis Bitton assert that in contrasting the monogamous

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<sup>1</sup> Emphasis in original, Charles W. Nibley, "'Mormonism' Makes for Good Citizenship," *Improvement Era* 19 (June 1916): 742.

<sup>2</sup> John A. Widstoe, "Evidences and Reconciliations: Iv. Why Are the Latter-day Saints a Peculiar People?" *Improvement Era* 45, no. 9 (September 1, 1942): 577-578.

<sup>3</sup> Carveth Wells, "A Citizen of the World Looks at Utah," *Improvement Era* 39, no. 8 (August 1, 1936): 485.

<sup>4</sup> Patten typically published under the pen name Brut L. Standish.



Whitcomb with the story's polygamous patriarch, Elder Asaph Holdfast, Patten forwarded a new interpretation of Mormonism as a modern, thoroughly American, religion.<sup>5</sup> Holdfast's old-fashioned name, advanced age, antiquated speech, as well as his religious and cultural views (he recoils at the sight of Merriwell's bicycle as an "invention of Satan"), and especially his possessive and disrespectful attitude toward women, all stand in telling juxtaposition to the more modern Whitcomb, the young woman's suitor of choice.

Merriwell is so struck by the difference between Holdfast and Whitcomb that he is at pains to explain it to his companion Jack:

[Whitcomb] seems to be a white man and all right even if he is a Mormon. Do you know, I am getting a different opinion of the Mormons than I once had. . . . the Mormons I have seen seem like other people. I believe some of the wild stories told about their religion, and their ways are a mess of lies. The Mormons are not what they were, Jack. They have changed in recent years, and the younger Mormons are all right. They still hold to their religion, but they have cast aside polygamy, and I believe no man has a right to say how another shall worship God.<sup>6</sup>

Merriwell's representation of Mormons at the turn of the century is significant for two reasons. First, it demonstrates the sea change in how "Mormons" and "Mormonism" were discursively constructed between the nineteenth and twentieth centuries; by the 1920s Mormons would no longer be considered sexually deviant and therefore racially degenerate ("they have cast aside polygamy," "the younger Mormons are all right"), instead they would be, first provisionally, and then fully, accepted as white ("[Whitcomb] seems to be a white man," "Mormons . . . seem like other people"), despite their peculiar ("they still hold to their religion"), but tolerable religious beliefs ("I believe no man has a

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<sup>5</sup> Bunker and Bitton, *The Mormon Graphic Image*, 58-59.

<sup>6</sup> Gilbert Patten, "Frank Merriwell Among the Mormons or The Lost Tribe of Israel," *Tip Top Weekly* 1 (June 19, 1897) quoted in Bunker and Bitton, *The Mormon Graphic Image*, 59.

right to say how another shall worship God”). Second, and most importantly, Merriwell’s description serves to highlight that LDS assimilation into mainstream US society was an essentially racialized process embedded in the logic of heteronormativity and narratives of religious freedom. Sharply contrasting with non-Mormons’ racialization of Mormons over the previous fifty years, Merriwell’s assertions that Whitcomb “seems to be a white man” and that “Mormons . . . seem like other people” were tightly connected to the younger generation’s abandonment of polygamy and their engagement in accepted rituals of romance, courtship, marriage, and by extension, procreation. Like preceding representations, “Frank Merriwell Among the Mormons or The Lost Tribe of Israel,” links racial status to sexual practice, but does so in a way that realigns Mormonism with whiteness through claims to monogamous heterosexuality, often via discourses of gender and sexual exceptionalism. Tellingly, by the end of the story, Merriwell and his friend Jack have not only rescued the young woman from Elder Holdfast, leaving her to freely select Whitcomb as her beau, but they openly declare their friendship for this younger, modern Mormon man, exclaiming, “we have pledged ourselves to Tom Whitcomb, and we’ll stand by him through thick and thin. Through thick and thin!”<sup>7</sup> Why and how did this new portrayal, exemplified by Patten’s story, supplant the ubiquitously deleterious representations of Mormons and Mormonism from the nineteenth century?

The early twentieth-century assimilation of the Saints into US society, and the concurrent resignification of Mormonism as an expression of benign, but often praiseworthy, religious eccentricity, was predicated upon three distinct, but deeply interdependent factors. First, the LDS Church’s desire and efforts to assimilate did not

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<sup>7</sup> Ibid.

materialize overnight after President Wilford Woodruff released the Manifesto announcing the Church's abandonment of plural marriage. Rather, Church leaders had long been engaged in various rhetorical and political efforts to convince non-Mormons of the affinities between white US and LDS culture. These efforts, alongside significant concessions to non-Mormon pressure during the 1870s and 1880s, would prove vital to the Saints' swift racial assimilation in the early twentieth century.

Second, in the post-Manifesto era the LDS Church reformulated its views on sex and gender resulting in the articulation of *new* commitments to heterosexuality and heteronormativity between 1900 and 1920. These distinctly modern commitments were characterized by a divinely pre-ordained system of sexed difference, naturalized gender roles, and opposite-sex desire that could only appropriately be expressed within marriage; moreover, these new commitments were accompanied by an increasingly rigorous surveillance and management of sexual activity outside of those boundaries by Church authorities. Corresponding with the explosion in cultural, medical, scientific, and legal interest in the relationship between race, gender, and sexuality at the fin de siècle the LDS Church's evolving teachings on sex, gender, desire, marriage, and procreation functioned to legitimize their claims to national inclusion by serving as an endorsement and fundamental advancement (at first explicitly, but increasingly tacitly) of white supremacist, ethnic nationalism.

Third, during this same period, the Church fiercely embraced and promoted free-market capitalism in both its own financial dealings and in its teachings and advice to its adherents. Contrasting with nineteenth-century creative, communal, cooperative, and

socialistic economic practices and teachings, Church leaders made a concerted effort to align LDS economic practices (alongside political ones) with the national mainstream. This meant not only the leadership's withdrawal from economic planning in Utah and other heavily dominated LDS areas, but it also included a vast rhetorical campaign from the pulpit and in Church publications. Between the mid-1880s and World War II this campaign was characterized by three key strategies: an open and hostile opposition to reformist and anti-capitalist economic and political ideologies, especially unionism, socialism, and communism; an infusion of capitalistic rhetoric in discussions of LDS theology; and a reinterpretation of LDS economic history as definitively capitalist.

The Church's post-1890 emphasis on responsible individualism – exemplified in its promotion of such virtues as self-control, self-cultivation, and hard work especially in relation to marriage, reproduction, leisure, and work – signaled the LDS Church's investment in and commitment to a rapidly coalescing “master narrative of national whiteness at the core of twentieth-century American modernity.”<sup>8</sup> Because the qualities associated with responsible individualism already had long-standing associations with the widely-held beliefs among whites about civilization, Anglo-Saxonism, and Americanness, and had long been used to rationalize apartheid in the US, their deployment in official LDS discourse on gender, sexuality, and political economy subtly communicated the Saints' racial qualifications for citizenship through the Church's promotion of capitalism and heteronormativity. Thus, examining the ways that Mormons and Mormonism were recoded as white is helpful *both* for explaining how race continued to remain central to definitions of Americanness in the twentieth-century even as

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<sup>8</sup> Duggan, *Sapphic Slashers*, 2.

explicitly racial discourse began to be eschewed *and* for demonstrating the centrality of Mormon peculiarity discourse in establishing and retaining capitalism and heteronormativity as requirements for full and unfettered participation in the nation-state.

Accordingly, this chapter examines the shift from explicit discussions of racial dominance in the nineteenth century to the deployment of racially coded language during the first half of the twentieth century, arguing that the Church's promotion of and commitment to heteronormativity and free enterprise were central to the process of assimilation as a path to whiteness and that Mormon peculiarity discourse was integral to the establishment of those ideologies as fundamental characteristics of modern US white supremacist nationalism. It was no accident that by the mid-1930s non-Mormons were praising the Saints for two specific aspects of their religion – their commitment to family values (with all the attendant connotations about gender roles, sexual relationships, and parenting) and the Church Welfare Program, a program developed by Church leadership in response to the Great Depression – as evidence of their whiteness and Americanness. By the end of World War II, Mormonism was no longer represented as a threat to claims of US exceptionalism, but had become an unconventional, sometimes comical, but ultimately tolerable, even estimable, form of religious difference whose peculiarity was now derived from its exceptional normality.

### ***Prerequisites to Assimilation***

Many scholars have marveled at the speed with which the LDS Church was able to achieve acceptance in US society as well as the remarkably anemic effects of anti-Mormonism in the post-1890 period given its previous vehemence. However, the pace of

assimilation and the fading impact of anti-Mormonism can only be characterized as extraordinary or unexplainable if these events are examined in a historical and contextual vacuum. Moreover, scholarship that identifies LDS adaptation as unexplainable or exceptional, often pinpoints the period of assimilation to the post-1890 period, beginning either with the Manifesto itself, the realization of Utah's statehood in 1896, or with the debates over whether to seat Brigham H. Roberts and Reed Smoot in Congress, both of whom had been elected in Utah, in 1898 and between 1903 and 1907 respectively. But such periodization ignores not only the long-standing similarities between LDS and (white) non-Mormon US society and culture, but it also problematically overlooks major adaptations which the Church undertook in the pre-Manifesto era.

As set forth in the first chapter, the Saints shared, and the Church promoted, values that were far more alike than they were different from other white Protestants, reflected in shared views about white racial superiority; settler colonialism justified by Manifest Destiny and, later, imperial intervention abroad; gender roles, relationships, and regulations; reserved sexual expression for procreation within marriage; as well as the unique nature of the government and the divinity of the Constitution. Despite the fervor of the conflict that raged between the Saints and anti-Mormons during the nineteenth century, these similarities continued to underwrite the relationship between the two groups.<sup>9</sup> The Saints did not ignore these similarities, but, emphasized them – interpreting

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<sup>9</sup> To be clear, I am referring here to the white majority within the Church as well as the Church's official views, which directed policy and practice among individual Saints. While the Church was by no means racially or nationally homogenous at the turn of the century, the vast majority of Saints resided within the western US and identified as white Americans. More work needs to be done on the ways that converts who were considered or identified as non-white were situated in the Church and how they negotiated both their relationship to the faith's white majority as well as its openly white supremacist views.

their affinities with white Protestants in such a way that set the stage for their assimilation in the twentieth century.

For example, while Church leaders argued for polygamy's superiority as a familial, marital, and sexual practice before 1890 – a position that clashed mightily with non-Mormon elites – their use of popular advice literature, research on physiology and race, and fashionable medical theories on gender and sexuality signaled their fundamental agreement with those same elites about the scientifically established superiority of the Anglo-Saxon race (of which they considered themselves a part), the fundamental inferiority of non-whites, as well as the gendered ideas upon which those racial claims to civilizational ascendancy were based.<sup>10</sup> These agreements were evident not just in LDS leaders' use of mainstream theories and ideas to support their own theological positions, but also in the Church's stated attitudes and active policies concerning specific racial groups.

The LDS Church, and the vast majority of its membership, participated in a culture of white supremacy which gained momentum and power in the postbellum period as the project of racial justice was abandoned by both liberal and radical whites in the aftermath of the Civil War and the failures of Reconstruction. As did Protestant leaders across the country, LDS leaders encouraged their followers “to view peoples of color – both within the United States and in other parts of the world [] as unsuited for full inclusion in the nation” and incapable of self-government, helping to reestablish “a multitiered [sic] understanding of American nationalism, one that positioned peoples of

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<sup>10</sup> See Hardy and Erickson, “Regeneration Now and Evermore!” for an example of how LDS leaders used contemporary scientific and cultural literatures to support their view that polygamy was the most advanced, “civilized” form of human organization.

color as subordinate citizens.”<sup>11</sup> Most notably, throughout the 1870s and 1880s, LDS Church leaders solidified the Church’s racist attitude about black people especially, but also toward other non-whites, as fundamentally inferior. In the mid-1870s Church President John Taylor instituted a policy which banned black members from receiving temple endowments or marrying in temples, building on the policy Brigham Young had instituted in 1852 which disallowed black men from being ordained in the priesthood.<sup>12</sup> During the same legislative session in which Young announced the black priesthood ban, territorial representatives had also legalized black “servitude,” (what was considered a more humane form of slavery) after Southern slave-holding converts approached Young about legalizing slavery in Utah; this law also included a provision banning interracial sex between whites and blacks.<sup>13</sup>

The leadership’s attempts to shore up the Church’s racist prohibitions against black members were motivated by the same incentive that had turned the federal government’s attention westward and drove its attempts to ban polygamy and other LDS

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<sup>11</sup> Blum, *Reforging the White Republic*, 6.

<sup>12</sup> The ban on black men in the priesthood lasted until 1978. The endowment is a sacred ceremony in which worthy members prepare for their roles in the afterlife. LDS adherents must marry and be sealed, another sacred ceremony which binds couples together for eternity (beyond mortal life), to be considered in good standing in the Church and to be able to ascend to the highest level of heaven in the afterlife. Young’s ban reversed Joseph Smith’s policy of allowing black men to be ordained to the priesthood, several of whom were, in the pre-Utah period.

<sup>13</sup> Young, as governor of Utah, presided over a territorial legislature that was populated entirely by LDS members. Practically, the Utah legislature was a LDS body, and an extension of the Church’s hierarchy. The law banning interracial sex did not ban interracial marriage. See Brigham Young, speeches before the Utah Territorial Legislature, January 23<sup>rd</sup> and February 5<sup>th</sup>, 1852, George D. Watt Papers, Church History Library, Salt Lake City, transcribed from Pitman shorthand by LaJean Purcell Carruth; “To the Saints,” *Deseret News*, April 3, 1852, 42; and Christopher B. Rich Jr., “The True Policy for Utah: Servitude, Slavery, and ‘An Act in Relation to Service,’” *Utah Historical Quarterly* 80, no.1 (Winter 2012): 54–74. In 1879, the ban against black people receiving temple endowments was solidified when a black priesthood holder, Elijah Abel, who had been ordained before the creation of Young’s 1852 policy, was barred from entering the temple.



non-normative practices.<sup>14</sup> Patrick Mason rightly points out that in bringing increased attention to the Saints during the late-nineteenth century, “the federal government – and northern public opinion more generally – was at least tacitly acknowledging that its primary interest no longer lay in chastising a defeated South” but in reconstructing a racial hierarchy with whites at the top.<sup>15</sup> Ironically, the Saints were equally committed to this national project of white supremacy, despite themselves being racialized as non-white and used as a foil against which non-Mormons could reconstruct this hierarchy, defining full national belonging in terms of race. Sharing predominant ideas about white racial purity and aggressive black male sexuality with non-Mormon whites, the Saints engaged in violent practices meant to maintain white supremacy, including lynching.<sup>16</sup> And while interracial marriage, or miscegenation, was not formally outlawed in Utah until 1888 when a federally controlled legislature was installed under the Edmunds-Tucker Act of 1887, comments by Church leaders made it clear that the Saints shared non-Mormons’ abhorrence of even the prospect of interracial unions.<sup>17</sup> In decrying the Edmunds Act of 1882 and non-Mormon claims that polygamy led to racial deterioration, John Taylor argued that “the sexual infelicities ‘in Washington, where miscegenation has prevailed to so great an extent’” was far and away more disturbing than the religiously motivated polygamous marriages of some Saints.<sup>18</sup> Respected LDS theologian B. H.

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<sup>14</sup> Black people continued to be baptized into the LDS Church, but they were not fully able to participate in the ceremonies and rites that were considered necessary to be a good Saint.

<sup>15</sup> Mason, “The Prohibition of Interracial Marriage in Utah,” 111.

<sup>16</sup> In December 1866 a black man, Thomas Colbourn, was lynched in Utah and a message pinned to his body read “‘Notice To All Niggers! Warning!! Leave White Women Alone!!!’” See Mason, “The Prohibition of Interracial Marriage in Utah,” 115.

<sup>17</sup> The 1888 law banned marriages not just between a “negro” and a “white person,” but also between “a white person” and a “Mongolian,” reflecting anti-Asian campaigns on the west coast.

<sup>18</sup> Mason, “The Prohibition of Interracial Marriage in Utah,” 115.

Roberts went so far as to claim that “‘no other conceivable disaster,’ including ‘flood and fire, fever and famine and the sword,’ could ‘compare with [] miscegenation’” indicating the extent to which the Saints opposed interracial marriage as a practice that threatened white superiority.<sup>19</sup>

Religious explanations of, and justifications for, black inferiority and slavery that were prevalent nationally were equally common among the Saints. Both the curse of Cain and the curse of Canaan<sup>20</sup> were cited by Church leaders as explanations for black people’s “inherent inferiority” and were therefore used as justifiable limitations on blacks’ membership in the LDS Church.<sup>21</sup> Additionally, a uniquely LDS explanation for black people’s skin color and their exclusion from religious ordinances developed around the turn of the twentieth century. Based on LDS doctrine about events which preceded the earth’s creation, this rationalization for anti-blackness maintained that black people were individuals whose premortal spirit had remained neutral, or refused to take a side, in a grand battle between God and Lucifer; consequently, they were marked with black skin as a sign of their disloyalty to God. While this explanation was never formally endorsed by the Church, in 1907 Joseph Fielding Smith, then Assistant Church Historian and the future president of the Church, acknowledged that this belief was held “quite generally” among the Saints.<sup>22</sup> It is telling that there was no formal denial of this explanation by the

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<sup>19</sup> B. H. Roberts *Seventy’s Course in Theology* (Salt Lake City: Deseret News, 1907- 1912), 1: 165-66 quoted in Mason, “The Prohibition of Interracial Marriage in Utah,” 125.

<sup>20</sup> The curse of Canaan is often mislabeled the curse of Ham. See footnote twenty-one.

<sup>21</sup> The curse or mark of Cain refers to the Biblical story in which Cain was cursed by God with black skin for killing his brother Abel. The curse of Canaan is the Biblical story of Canaan, the son of Ham and grandson of Noah who was cursed to be a servant to his fellows, by his grandfather (Noah) for punishment for his father’s (Ham’s) transgression against Noah.

<sup>22</sup> Joseph Fielding Smith to Alfred M. Nelson, January 31<sup>st</sup>, 1907, Church History Library, Salt Lake City. Joseph Fielding Smith was Church President between 1970 and 1972.

hierarchy – the leadership simply did not feel it warranted a formal renunciation, tacitly affirming its truthfulness to members.<sup>23</sup> By the early-twentieth century, these attitudes culminated in the “deliberate[] curtail[ment] o[f] ... missionary activity among blacks” in the US.<sup>24</sup>

The Saints acceptance of, and contribution to, anti-black religious theories was grounded in other long-standing and prosaic forms of racism. One article printed in *The Contributor*, the unofficial magazine of the Church’s Young Men’s and Young Ladies’ Mutual Improvement Associations (YMMIA and YLMIA) between 1879 and 1896, offered a typically racist account of freed people, calling them “highly emotional in their natures,” irresponsible, childlike, and “notwithstanding their seemingly unalloyed happiness, the more ignorant, especially, are harassed with superstition and fears.” Indicting the abolition of slavery, as “a curse to the country,” and “to the colored race” itself, the LDS author argued that freed people were “much better cared for in slavery than they can care for themselves,” and that their imprudent behavior, “foolishly spend[ing] all their earnings for whiskey, or at ‘gay and festive frolics,’ failing to lay in store anything for ‘a wet day[,]’” was evidence of their racial incapacity for self-government. Statements like these show that, like non-Mormon whites, white Saints were

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<sup>23</sup> In 1931 Apostle Joseph Fielding Smith published his influential text, *The Way to Perfection* which argued that priesthood restriction was a result of the curse of Cain. See Reeve, *Religion of a Different Color*, 255.

<sup>24</sup> This change in missionary policy helps to explain the extraordinary success of LDS missionaries in the South during the early-twentieth century, who had previously been demonized (some were even lynched) by Southern whites in the nineteenth century. See Reeve, *Religion of a Different Color*, 253. By 1908, the Church had decisively cemented its formal policies disallowing black adherents from participating in the basic rites and privileges of Church membership by denying Jane Manning James, a black Saint who had joined the faith in Nauvoo and lived with Joseph Smith’s family, entrance to the Salt Lake Temple.

invested in reestablishing a racial pecking order with whites on top and blacks at the bottom, justified by a narrative of “benevolent” apartheid.

This *Contributor* author was so confident in such a plan that he went so far as to argue that chattel slavery had bestowed upon blacks the unique “gifts” of civilization. “The black men of the South know how to build houses, to raise corn and sweet potatoes” and they should use these gifts in the service of Africa’s colonization, he explained, because “a population larger than that of the United States, composed of men and women of their own flesh and blood sunk in ignorance, barbarism, and idolatry, are groping for the light. ... He who teaches his benighted countrymen to raise two stalks of corn where but one now grows will be a benefactor to his race. Africa abounds in natural resources ... states and governments [need] to be founded there; cities and railroads to be built, and education, science, and religion to be disseminated among the people.” Dismissing post-war violence and discrimination against freedmen, this author insisted that African colonization, rather, than “complaining and whining because they do not get a full share of the offices under the government,” was a much preferable activity for former slaves.<sup>25</sup>

Predating US colonial interventions in Cuba, Puerto Rico, and the Philippines by almost fifteen years, this author’s suggested dual programs of black relocation and African colonization in the service of US empire, revealed a thoroughly racist, but utterly typical, agenda that most whites shared after the failure of Reconstruction. These sorts of attitudes about freed people’s “ungratefulness” and “immaturity” functioned to explain what whites classified as black people’s “natural” subordination under them, while also justifying US imperial desire. Long before the 1890 Manifesto announced the

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<sup>25</sup> “Our Colored Brethren,” *The Contributor* 7, no. 1 (October 1, 1885): 33.

renunciation of polygamy, both the Church and its followers articulated and acted upon these kinds of racist rationales, placing the Saints in alignment with the white Protestant majority and helping to position them for full assimilation as Anglo-Saxon whites in the post-1890 period. Articles like the one that appeared in the October 1885 edition of *The Contributor* would only increase in frequency and intensity as the nineteenth century gave way to the twentieth.<sup>26</sup>

While the solidification of the church's anti-black policies was not paralleled by similar official rules regulating other racial minorities' membership, racist attitudes about other non-white groups among the Saints were common. The most obvious example was the patronizing treatment of American Indians and various Pacific Islander groups, among whom the Saints had achieved proselytizing success, but still treated as racially underdeveloped.<sup>27</sup> Articles discussing the history and status of American Indians in the US appeared frequently in LDS publications, contributing to existing attitudes about native people's "barbarity" among the Saints. A typical article, printed in the February 1881 edition of *The Contributor* asked, "whether the red man has the capacity for attaining unto a better life than that of a roaming savage."<sup>28</sup> Several articles on Hawai'i,

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<sup>26</sup> See, for example, Dr. Joseph M. Tanner's contentions that "negroes ... were grossly incompetent, they were unsuited for self-government, and above all, they had proven no capacity for rule in a government such as ours. That was no fault of theirs, unless it may be said that it was a race incapacity" and that "all practices of intermarriage have brought the offspring of the two races completely on the side of the colored man, and even when this intermarriage is carried on for a number of generations, eliminating almost entirely the color of the skin, the so-called 'taint of the blood' is there. The gulf between them is impassable" in "Problems of the Age: Dealing with Religious, Social and Economic Questions and their Solution. A Study for the Quorums and Classes of the Melchizedek Priesthood: XXXV-The Negro Question," *Improvement Era* 22, no. 1 (November 1, 1918): 36.

<sup>27</sup> As discussed in the first two chapters, the LDS attitude toward American Indians was different from non-Mormons in that they viewed native peoples as their biblical relatives who must be converted *back* to the true Church. However, this did not erase LDS racism toward Indians, but rather influenced the way that racism was expressed.

<sup>28</sup> "Washakie and Friday," *The Contributor* 2, no. 5 (February 1, 1881): 157.

Samoa, and Polynesia – locations where the church had achieved marked missionary success – appeared in LDS publications during the 1890s, arguing for US imperial intervention as both justified by racial hierarchy and necessary for completing the mission of white civilization. J. M. Tanner touted a typical view of US imperialism as inevitable and desirable in his article for the *Improvement Era*, the official magazine of the LDS Church between 1897 and 1970, arguing that “‘Westward the course of empire takes its way,’ was a perfect expression of the great historical truth when the immense territorial expanse of this western country lay before the vision of the statesmen of a generation ago” and that “that expression may now ... include an imperial empire whose domains extend beyond ... the sea.”<sup>29</sup>

Other articles explicitly identified certain sites for US imperial intervention. In April 1898, for example, the editors of the *Improvement Era* argued that Hawai‘i was ripe for annexation by the US.<sup>30</sup> LDS missionaries, who often authored these articles, explained their success in proselytizing in the Pacific by identifying the new converts as relatives of the American Indian peoples of North America whom the Saints believed were descended from Israelite lineage, but had apostatized over time. Hokulani Aikau argues that LDS “notions of whiteness were not disrupted by [the] redrawing of racial lines” which recognized Pacific Islanders as having Israelite lineage, but “instead reiterate[d]” those lines,”<sup>31</sup> by maintaining that despite “their depraved, barbarous, and treacherous actions, they could be saved” and that it was the job of white LDS

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<sup>29</sup> J. M. Tanner, “Territorial Expansion,” *Improvement Era* 2, no. 6 (April 1, 1899): 425

<sup>30</sup> The LDS Church had established several successful missions throughout the Pacific Islands, including on the Hawai‘ian Islands, during the nineteenth century. Also see Benjamin Cluff Jr., “The Hawaiian Islands and Annexation,” *Improvement Era* 1, no. 6 (April 1, 1898).

<sup>31</sup> Aikau, *A Chosen People, A Promised Land*, 10.

“missionaries to return the gospel to these lost people.”<sup>32</sup> For example, W. O. Lee of the Samoan Mission wrote a piece for the *Improvement Era* appearing in March of 1899 which detailed evolving LDS views of Pacific Islanders, explicitly identifying them as racially inferior and in need of white oversight. Lee’s differentiation between “the brown Polynesians” and the “Papuan,” the latter who he described as a “negro race” that were “nick-named ‘Black Boys,’” was clearly based in LDS notions of race and lineage, but also reflected the more commonly accepted philosophies of “scientific” racial distinction and white racial superiority among non-Mormon whites.<sup>33</sup>

LDS publications also printed racist pieces on “Mohammedanism,” “Mexicans,” “Hindoos,” “Turks,” “Indians,” “Arabs,” “Kalmucks,” “Filipinos,” and “the Chinese,” among many others.<sup>34</sup> These articles often juxtaposed gendered relations among other racial-religious-national groups with those of the LDS Church to verify the Saints’ whiteness, specifically their Anglo-Saxon heritage, and therefore their Americanness. Gender exceptionalism discourse was often deployed to racially differentiate the Saints from these groups, contrasting the Saints with, for example, a “negro” in “Central Africa ... [where] children are regarded as merchandise, women as slaves” or from “savages” for whom “marriage ... consists in carrying off the bride by force, real or simulated.”<sup>35</sup> At the same time that anti-Mormons were decrying the gendered “barbarity” of Mormon

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<sup>32</sup> Aikau, 38.

<sup>33</sup> W. O. Lee, “Samoa and Her Neighbors,” *Improvement Era* 2, no. 5 (March 1, 1899): 335.

<sup>34</sup> R. W. Young, “External Strength of Mormonism,” *The Contributor* 1, no. 7 (April 1, 1880); R. W. Young, “Mahomet and his Religion,” *The Contributor* 1, no. 5 (February 1, 1880); “Mexico and the Mexicans,” in *The Contributor* 2, nos. 1, 2, 3, 5, and 6 (October-December 1880 and February-March 1881); “Peculiarities of the Mexicans,” *The Contributor* 4, no. 1 (October 1, 1882); “Chronology of the Hindoos,” *The Contributor* 3, no. 1-3 (October-December 1881); “The Hindoos,” *The Contributor* 10, no. 5 (March 1, 1889); and “Some Savage Fancies,” *The Contributor* 3, no. 3 (December 1, 1881).

<sup>35</sup> “Some Savage Fancies,” *The Contributor* 3, no. 3 (December 1, 1881): 95.

polygamy, the Saints were distinguishing themselves from those whose skin color would never allow them to claim or attain the status and privileges of whiteness.

The notion that US whites were more civilized because they treated women with respect (by, for instance, requiring their consent to marry) was a standard trope of civilization discourse, and one that the Saints utilized for their own cause. Not only did the Saints vehemently deny claims that LDS women were kidnapped, duped, taken advantage of, or abused, but they countered these charges by juxtaposing the freedom of LDS women with the purported subjugation of women in other cultures, religions, and nations across the globe. Articles in the *Woman's Exponent*, an unofficial church magazine published between 1872 and 1914, regularly printed claims that women's oppression in "Jew[ish]," "Oriental," "non-Christian," and especially "Mohammedan" cultures was a result of the fact that "all nations over whom the principles of Christianity have either no influence at all or only a partial influence, [] assign ... women a place of unwarranted inferiority."<sup>36</sup> This rhetorical move equated Mormonism with Christianity and Christianity with civilization.

Long before 1890 then, the Saints shared and participated in the dominant culture of white supremacy in the US even though many non-Mormons did not accept them as white. Equally significant, however, was that the Saints' gradual, but complete renunciation of polygamy overlapped with the closing of the frontier, the attendant extension of US imperial interests overseas, an increasingly vehement anti-miscegenation movement in the West, an equally vehement lynching campaign against African-Americans concentrated in the South, the escalation of white slavery panic in the US, and

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<sup>36</sup> "The Women in the Orient," *Woman's Exponent* 19, no. 10 (November 1, 1890).



an exponentially intense nativist movement mounting in response to the major wave of immigration that occurred between 1880 and 1920.<sup>37</sup> In other words, the combination of the Saints own racial attitudes and the timing of their capitulation ensured they were able to ride a tidal wave of white supremacist agitation, at least thirty years before Jewish, Irish, Italian, Polish, Russian and other European immigrant groups would be able to effectively claim whiteness.<sup>38</sup>

While the LDS Church had long articulated a commitment to white nationalism, it embarked on a campaign of economic integration as early as 1877, the year of Brigham Young's death, that would help transform its racial image even more thoroughly. While Young had vigorously advocated economic independence from the national economy, his successor John Taylor was much less invested in such independence. With his succession to the presidency, Taylor dismantled, or simply let evaporate, the majority of Young's cooperative economic policies and programs. In a startling transformation, between the 1880s and the 1890s LDS leaders began to issue warnings against economic radicalism, in sermons, church publications, and counsel to individual members. As the century moved toward its close, these warnings became increasingly vehement.<sup>39</sup> The economic dimensions of civilization discourse that deemed private property a mark of racial development, ensured that the church's capitulation to capitalist values would help to change non-Mormons' views of their racial development.

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<sup>37</sup> While polygamy was formally renounced by the Church in 1890, the full cessation of plural marriages was not achieved until the first five years of the 1900s.

<sup>38</sup> See Jacobsen, *Whiteness of a Different Color* and Roediger, *Working Toward Whiteness*.

<sup>39</sup> I discuss the Church's opposition to these ideologies in the third section of this chapter.

By 1890 Mormonism was beginning to be discursively defined as a merely religious eccentricity that was safely abstract: belief in the Book of Mormon and other nineteenth-century texts as divine articles; pre-existence; God's material form; and man's potential to achieve divinity. Particularly, the LDS notion that faith by itself is not enough – that deeds must supplement and verify belief – was reinterpreted as a pro-monogamous, pro-two party, and pro-capitalist doctrine, which contrasted markedly with the church's former promotion of plural marriage, economic isolation and resistance, and political fiat as divine mandates necessary for building the Kingdom of God on Earth. As the LDS Church adjusted its theological tenants to align with mainstream values and practices, Mormon peculiarity discourse was simultaneously transformed into a positive buoy for the institutions, ideologies, and norms that underlay notions of "Americanness" which had become dominant by the turn of the century. Thus, by the end of the fourteen-year period that it took the Church to fully forsake plural marriage, bookended by the original 1890 Manifesto and the Second Manifesto of 1904 in which President Joseph F. Smith guaranteed that those entering polygamous unions would be excommunicated, the Saints could accurately identify themselves as in full in alignment with the hegemonic ideologies and practices of the nation-state. And as Thomas Alexander points out, because there was "some abatement in the feeling of the immediacy of the millennium" among the Saints during this period, "participation in national politics" began to reflect a more intense, "loyalty to the government rather than simply tolerance of its existence."<sup>40</sup>

A reinvigorated patriotism flourished among the Saints after the federal government withdrew its energies from Utah in the early 1890s, reflected in the

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<sup>40</sup> Alexander, *Mormonism in Transition*, 14.

realignment of LDS articulations of Mormon and US exceptionalism. While most nineteenth-century expressions of Mormon exceptionalism affirmed the Saints own sense of superiority, over and above the nation, their twentieth-century expressions were decidedly more tempered. In an article for the *Improvement Era*, in which he answered the question “Are We ‘Mormons’ Americans?” Nephi Anderson characterized the LDS Church not as transcending the nation, but as the ultimate example of US exceptionalism in action:

‘[T]he American nation is the embodiment and vehicle of a divine purpose to emancipate and enlighten the human race.’ . . . If there be an American religion, ‘Mormonism’ must be that one. No other religious system makes such claims for America as does ‘Mormonism.’ No other religion has made America such holy ground by its teachings and history. The ‘Mormons’ have placed America along with Palestine and made the Holy Land to share its honors with the Zion of the West.

While in the past the Saints had portrayed the creation of the United States as a precondition for the Church’s emergence and eventual supremacy, Anderson’s article instead represented Mormonism as having served to *enhance* the nation’s exceptional status, not surpass it: “here in the desert valleys of the Rocky Mountains, we have built a great *American* commonwealth. Converts to ‘Mormonism’ who come to America from abroad soon lose their national characteristics and blend into the one American life. . . . We are inseparably connected with America.”<sup>41</sup> Staking a claim to Americanness in this new way, the Saints linked what they saw as their religion’s distinctly American nature to its ability to dissolve the racial and national identifications of immigrants arriving in the US. “‘Mormonism’ makes for good citizenship, don’t you see?” Charles W. Nibley, a high-ranking LDS official, queried in another *Improvement Era* article. “There is no

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<sup>41</sup> Emphasis added to Nephi Anderson, “Are We Americans?” *Improvement Era* 3, no. 12 (October 1, 1900): 935-936.

hyphen with ‘Mormonism.’ We have in this Church no Scotch-Americans or Danish-Americans, or German-Americans, not one; we are all *Americans*.”<sup>42</sup> Nibley’s contention not only subtly communicated the Saints’ Anglo-Saxon heritage, but also hinted at the then significant distinction between Northern and Western European immigrants who were considered white and Southern and Eastern immigrants who were not. Increasingly, the leadership of the Church could cast “Mormonism” not as a treasonous racial peculiarity, but instead as a uniquely American influence which could help to combat the sexual, economic, and racial threats to the nation.

The Saints’ significant accommodations to mainstream non-Mormon culture were reflected not just in their own attitudes, policies, and publications, but in the national response to the Saints after 1890. Bunker and Bitton note, for example, that between 1890 and “1898 the Mormons seemed to be melting into the national landscape” because they “were less interesting as” subjects of concern, causing “the number of” anti-Mormon representations to “dwindle[.]”<sup>43</sup> Even with a resurgence in anti-Mormon activity between 1898-1899 and 1903-1907, following the debates over B. H. Robert’s and Reed Smoot’s seating, representations of Mormonism took on a distinctly lighter tone in the early twentieth century. The sharp drop off in overt hostility toward the Saints, which had most frequently been couched in charges of racial treason, is less surprising given the foregoing work the Saints had done to pledge their commitment to whiteness and, consequently, prevailing notions of US modernity. No longer geographically or technologically separated from the rest of the country as they had been before the

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<sup>42</sup> Emphasis in original, Charles W. Nibley, “‘Mormonism’ Makes for Good Citizenship,” *Improvement Era* 19, no. 8 (June 1, 1916): 742-743.

<sup>43</sup> Bunker and Bitton, *The Mormon Graphic Image*, 59.

completion of the railroad in 1869 and no longer consumed by the hardships imposed by the federal government's intervention in Utah, the Saints were better able to interact with and represent themselves to non-Mormons as fellow, patriotic whites.

### ***Achieving Civilization through Gender Differentiation***

One of the most significant opportunities for the Saints to challenge prevailing perceptions of themselves and their church came with the 1893 Chicago World's Fair. The First Presidency of the Church was determined to alter popular opinion through the participation of the Church's choir in the exposition's choir competition. George Q. Cannon was convinced that,

‘to see and hear this famous choir will surprise many. They will hear music *beautifully and harmoniously rendered by a body of interesting, good-looking young people of both sexes*, whose skill as singers would *do credit to the most cultured community on the continent, a body of singers whom New York or Boston need not be ashamed*. ... Their respect for the Latter-day saints would be increased, and they would feel that a people who had encouraged and sustained the formation of such a choir, could not be the ignorant, inferior people they had been described. ... *The healthy appearance and good looks of the young ladies and gentlemen of the choir make a very favorable impression*. The onlookers see *they are bright, intelligent and superior-looking* ...’<sup>44</sup>

Deftly deploying the gendered, racialized, and cultural terms of civilization discourse, Cannon was confident that the combination of the singers' phenotype, talent, and artistic accomplishments would serve as proof of their whiteness. The fact that these “young people” had a “healthy appearance” and were “bright, intelligent, and superior-looking” would counter widespread perceptions that polygamy had produced a racially degenerate race; evident in their Church's, and their own, decision to participate in such a cultivated

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<sup>44</sup> Emphasis added to George Q. Cannon, “Tabernacle Choir at the World's Fair,” *Juvenile Instructor* 28 (September 5, 1893): 566-567 quoted in Neilson, *Exhibiting Mormonism*, 120.

pastime, “these young ladies and gentlemen,” Cannon was sure, would represent the Saints as civilized, white Americans.

The overwhelmingly positive response to these young singers, and other LDS representatives at the fair, indicate that Cannon’s confidence was justified. Even those who had previously participated in anti-Mormon agitation, found themselves open to embracing the Saints. For example, after hearing the LDS women speak at the fair’s National Woman’s Relief Society Congress, Rosetta Gilchrist, author of the popular anti-polygamy novel *Apples of Sodom* (1883) and previously an avid anti-Mormon who was working as a journalist for the *Ashtabula, Ohio News Journal*, reported that the LDS women’s “forbearance and kindness” was “saint-like.” In one speech at the Congress, Dr. Martha Hughes Cannon subtly touted the Saints’ racial qualifications by pointing out that “the delegation from Utah represents two classes, the pioneer women of the Territory and the native born [sic] daughters of that region” and that “the pioneer women and leaders of the National Woman’s Relief Society of Utah are of distinct New England type of character.”<sup>45</sup> Stressing the hereditary connections between the Latter-day Saint women and white New Englanders was an indirect but clear bid for, and assertion of, white racial privilege at the same time these women’s very presence and achievements were attesting to the “civilized” gendered relations among the Saints.

Prominent women’s rights leaders’ praise of the Saints at the fair verifies that not only were LDS claims to whiteness made through the gendered dimensions of civilization discourse, but that their claims were increasingly successful. As Gail Bederman and Julian Carter have shown, the discourse of civilization rested heavily upon the notion of

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<sup>45</sup> Dr. Martha Hughes Cannon’s speech quoted in Nielson, *Exhibiting Mormonism*, 96.

gender binarism – the more differentiated a society’s gender relations, roles, and expectations were, the more racially superior and civilized that society was thought to be. In other words, societies that “had not yet evolved pronounced sexual differences” were considered racially underdeveloped, “and, to some extent, this was precisely what made them [‘]savage[’]” and unsuitable for self-government.<sup>46</sup> But, while “polarized gender difference was very widely represented as one of the evolved achievements of civilized modern whiteness,” equally important was the notion of respectful gendered relations.<sup>47</sup>

Especially significant was the idea that white cultures’ and nations’ more evolved approach to gender relations was demonstrated in white men’s treatment of white women. Instead of callously asserting their natural dominance over women, civilized (white) men treated women with respect, by, for example, not hitting them or forcing them to have sex, out of reverence for their natural and important contributions to society as homemakers, wives, and mothers. But this respect was also thought to be a regard for women’s “natural” weakness; showing respect in this sense meant men were responsible for caring for women mentally, physically, and financially. Much of anti-Mormonism rested upon the assumption that women’s (mis)treatment under Mormonism was a sign of Mormon men’s barbarity – not only were Mormon men’s plural marriages thought to be evidence of their fundamental disrespect for women, but they were often portrayed as abusers, rapists, and slavers. The Church had long countered these representations, using civilization discourse to make its own claims of gender exceptionalism, but it was not

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<sup>46</sup> Bederman, *Manliness and Civilization*, 28.

<sup>47</sup> Carter, *The Heart of Whiteness*, 83.

until the 1890s that non-Mormons began to accept LDS claims that “the Latter-day Saints show the refinement of their nature through the treatment of their women.”<sup>48</sup>

The attainment of women’s suffrage in Utah in 1870 (only the second territory or state to do so) and the meanings attributed to it were therefore couched in the terms of civilization discourse. These terms not only helped ensure the passage of women’s suffrage in Utah in the first place, but they also helped to guarantee a more open field of debate about women’s rights among the Saints between 1870 and 1900.<sup>49</sup> It was harder (but clearly not impossible) for anti-Mormons to preserve the logic that Mormon men’s mistreatment of women was a sign of their racial inferiority when LDS women had been given the right to vote. Thus, the progression of LDS assimilation in the early-twentieth century was shaped by the continuing debate over women’s suffrage, both locally and nationally, as well as, by extension, the debate over women’s “proper” place in US society. In the late-nineteenth century, given the changes capitalism wrought on the make-up and dynamics of the US family, the gendered terms of civilization discourse allowed women across the country to make increasingly extensive claims for participation in the public sphere.

In the LDS context, although the Saints accepted and perpetuated mainstream nineteenth-century ideas about women as naturally submissive, domestic, pure, and pious, the realities of settler colonialism and the conditions of practicing polygamy in a hostile environment had meant that, even earlier than other women in the US, LDS

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<sup>48</sup> 7<sup>th</sup> Ward, S. L. C., “The Latter-day Saint Opinion of Woman,” *Young Woman’s Journal* 2, no. 12 (September 1891): 573.

<sup>49</sup> See the essays in Madsen, ed., *Battle for the Ballot* for a discussion of the circumstances leading up to the passage of women’s suffrage in Utah in 1870.



women often functioned outside the strict boundaries of mid-nineteenth-century domesticity. Women were frequently encouraged by Church leaders to become educated, whenever possible, as well as to pursue careers traditionally only open to men.<sup>50</sup> Moreover, for women in plural marriages, getting an education and establishing a career could be made possible with the help of sister wives who could care for children, run the house, and participate in the strict program of home manufacture encouraged by the leadership, while they attended school or ran their practices.<sup>51</sup> It should not be surprising then that by 1890 women were openly advocating for equality in the pages of Church publications and that after women's suffrage was reintroduced in Utah in 1896, they also began to run for and serve in office.<sup>52</sup>

Throughout the 1870s, 1880s, and 1890s articles in the *Woman's Exponent* and *The Young Woman's Journal*, the official Church magazine for the YLMIA between 1897 and 1929, reliably featured stories on local and national women's suffrage campaigns, women's achievements worldwide, as well as pieces advocating women's higher education and career advancement.<sup>53</sup> These articles encouraged a more liberal

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<sup>50</sup> Young was especially open to women pursuing careers in medicine to support the young colony's need for doctors, nurses, and midwives. See Derr, "Eliza R. Snow and the Woman Question" and Beecher, Madsen, and Derr, "The Latter-day Saints and Women's Rights," both in Madsen, ed. *Battle for the Ballot*, 75-90 and 91-104.

<sup>51</sup> See O'Donovan, "'The Abominable and Detestable Crime Against Nature,'" in Corcoran, ed., *Multiply and Replenish*, 123-170, for a description of how such arrangements could work in polygamous families.

<sup>52</sup> Women's suffrage was rescinded by the Edmunds Act in 1882, but was reenacted with the attainment of Utah's statehood in 1896.

<sup>53</sup> See the following issues for examples from the 1890s: *Woman's Exponent* 19, no. 7-10 (September 15, October 1, October 15, and November 1, 1890); *The Young Woman's Journal* 1, no. 6 (March 1890); *The Young Woman's Journal* 1, no. 10 (July 1890); *The Young Woman's Journal* 1, no. 12 (September 1890); *The Young Woman's Journal* 2, no. 1-3 (October-December 1890); *The Young Woman's Journal* 2, no. 4-5 (January-February 1891); *The Young Woman's Journal* 2, no. 7 (April 1891); *The Young Woman's Journal* 3, no. 1-3 (October-December 1891); *The Young Woman's Journal* 3, no. 6 (March 1892); *The Young Woman's Journal* 3, no. 7-12 (April-September 1892); *The Young Woman's Journal* 4, no. 6 (March 1893); *The Young Woman's Journal* 6, no. 5 (February 1895); *The Young Woman's Journal* 6, no. 6 (March

view of women's place in society, pushing the boundaries of nineteenth-century gender expectations, but without ever challenging the fundamentally sexist or racist assumptions of gender exceptionalism in civilization discourse. One such article from the March 1890 edition of *The Young Woman's Journal* argued that "woman, without having lost anything of her gentleness and grace, no longer accepts that once famous axiom, 'man should support woman'" and that "to see woman from the homestead alone is to view her from a contracted standpoint." "I believe we thus hinder her progress" the author continued, "for there are social questions that will never be understood until woman shall stand by the side of man to discuss them."<sup>54</sup> The idea that a woman's full capacity could lie outside the home and that she should actively contribute to the solution of major social issues was a drastic departure from mid-nineteenth-century views of women as singularly domestic; yet, the author still emphasized that a woman's focus should be on home-making, child-bearing, and motherhood. As was typical for articles published during this period, authors often argued that civic participation and education would enhance woman's ability to better meet those "natural" responsibilities. As such, the article's arguments for expanding women's rights were tempered by the notion that women must "be honored and respected" because "the fate of humanity depends...on woman, since she has [an] all-powerful influence on the fruit she bears."<sup>55</sup> By connecting questions of

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1895); *The Young Woman's Journal* 6, no. 9 (June 1895); *The Young Woman's Journal* 7, no. 1 (October 1895); *The Young Woman's Journal* 7, no. 5 (February 1896); *The Young Woman's Journal* 7, no. 12 (September 1896); *The Young Woman's Journal* 8, no. 6 (March 1897); *The Young Woman's Journal* 9, no. 8-10 (August-October 1898); *The Young Woman's Journal* 10, no. 1 (January 1899); *The Young Woman's Journal* 10, no. 3 (March 1899); *The Young Woman's Journal* 10, no. 10 (October 1899); and *The Young Women's Journal* 10, no. 11 (November 1899).

<sup>54</sup> Lizzie Smith, "Our Girls: The Equality of the Sexes," *The Young Woman's Journal* 1, no. 6 (March 1890): 176.

<sup>55</sup> *Ibid.*

women's suffrage, education, and work to the apparently natural and distinct responsibilities of womanhood, women's rights advocates effectively argued not just for their acceptability, but their necessity in a truly *civilized* society, keeping intact underlying assumptions about the relationship between gender, race, and politics.

However, as the women's rights movement gained a broader base of support and started to make substantive political achievements, a cultural reaction to (white) women's increasing independence – both nationally and in the LDS Church – sought to reassert the essential sexism of gender exceptionalism within civilization discourse. LDS publications aimed at women continued to publish articles that pushed social expectations of gender, sometimes clearly contradicting Church authorities' conservative views on the subject, through the first few years of the twentieth century. But after the abandonment of polygamy, two changes narrowed the field of debate over women's rights in LDS culture. Most evidently, after 1890 the Church had to contend with fewer accusations of Mormon men's mistreatment of women, which meant that there was less need for the hierarchy to "prove" women were respected in the faith. Put another way, there was no longer a need to expand women's access to the public sphere in an effort to improve the Church's image. Less obviously, but certainly more significantly, however, there was a shift in the way gender was emphasized in civilization discourse as the nation graduated from settler colonialism to overseas imperialism. This shift was mirrored by a change in an emphasis on respecting women's unique qualities as evidence of racial development, to a focus on men's virility and dominance as a sign of white racial supremacy.

Largely a response to the expansion of (white) women's power and rights that had developed over the course of the last century, but also to the increasingly bureaucratic and segmented conditions of (middle-class) white collar labor, a new obsession with "the connection between manhood and racial dominance," expressed through the rhetoric of civilization, permeated the cultural and political spheres between 1890 and 1920.<sup>56</sup> Although the 1920s are commonly identified as the decade in which women gained "real" independence, James McGovern has demonstrated that "the great leap forward in women's participation in economic life came between 1900 and 1910" and that their "individualization resulted mainly because, whether single or married, gainfully employed or not, [they] spent more time outside [their] home[s]."<sup>57</sup> The significant changes resulting in women's extended participation in the public sphere were met by a rhetorical backlash that "protested the dangers of 'overcivilization' to American manhood and thus to American culture, in a not very oblique reference to the dangers of women's civilizing influence and the effeminization of men."<sup>58</sup>

What was perceived to be women's incursion into the "natural" domain of men – their increasingly extensive influence on political issues such as suffrage, temperance and Prohibition, child labor, and prostitution and white slavery, coupled with the growth of professional specialties for women in social work, teaching, and nursing – was represented as the feminization, and therefore weakening, of US national culture and politics. Moreover, concerns about the effeminization of men were paralleled by concerns over the effects of corporate and consumer capitalism on manhood. By 1910 the

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<sup>56</sup> Bederman, *Manliness and Civilization*, 4.

<sup>57</sup> McGovern, "The American Woman's Pre-World War I Freedom in Manners and Morals," 320.

<sup>58</sup> Chauncey, *Gay New York*, 113.

opportunities for substantial wealth accumulation that had once been available to middle-class men had all but disappeared, while working-class agitation increasingly threatened middle- and upper-class dominance in electoral politics.<sup>59</sup> Concerns over the decadent effects of capitalism-as-civilization were expressed as fears over middle- and upper-class men's loss of vitality, virility, and strength – attributes more “primitive” men were thought to display in abundance.

Cultural responses to the perceived threats of women's usurpation of men's “natural” authority and modern capitalism's disruption to the “natural” familial order reasserted assumptions about the connection between gender and race, but with a new twist.<sup>60</sup> A sharp increase in participation and emphasis on sports, especially combative sports such as football and prizefighting, fraternal organizations such as the Free Masons, and youth training organizations like the Boy Scouts, were all motivated by the idea that men needed to become reacquainted with their “primitive natures.” The racial terms of this new take on gendered civilization emphasized certain characteristics thought to be inherent to all men, but that were especially obvious in racially “inferior” ones, whose natures had not been distorted by the displacements and pressures of modern life.<sup>61</sup> “With our Indians,” LDS Apostle Francis M. Lyman explained, “the brave who was the most skillful in hunting, and the fiercest in war, [and] who could endure hardship and even

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<sup>59</sup> Bederman, *Manliness and Civilization*, 12-14.

<sup>60</sup> See Carter, *The Heart of Whiteness* for examples of how capitalism was understood to be negatively affecting gendered and sexual relations between 1890 and 1940, especially chapter two, “The Marriage Crisis.”

<sup>61</sup> For a discussion of the racial basis of this discourse see Bederman, *Manliness and Civilization*, especially chapter one, “Remaking Manhood through Race and Civilization,” chapter three, “‘Teaching Our Sons to Do What We Have Been Teaching the Savages to Avoid’: G. Stanley Hall, Racial Recapitulation, and the Neurasthenic Paradox,” and chapter five, “Theodore Roosevelt: Manhood, Nation, and ‘Civilization’” as well as chapter four, “Natural Indians and Identities of Modernity,” in Deloria's *Playing Indian*; and Kaplan, “Black and Blue on San Juan Hill,” in *Cultures of United States Imperialism*.

torture ... was looked upon as the best type of manhood.” However, “in civilized communities, higher qualities” were also required “and the Saints have the opportunity to form[] the best standard,” he argued.<sup>62</sup> In other words, in the first two decades of the twentieth century, white manhood was thought to necessitate a new balance between “primitive virility” and “modern sensibility.” Apprehension about men’s effeminization and overcivilization was, therefore, as much about a reassertion of white supremacy as about a reassertion of patriarchal power under the expansion of twentieth-century capitalism.

While scholars have pointed to the religious dimensions of the early twentieth-century obsession with (racial) manhood, exemplified by the Men and Religion Forward Movement of 1911-1912 for instance, there has been no examination of the role the discursive construction of “Mormonism” played in advancing these ideas or in the LDS Church’s broad influence on the reactive response to the shifting landscape of gender and sexuality between 1890 and 1920.<sup>63</sup> Like their non-Mormon counterparts the Saints participated in trends that were meant to “remasculinize” the nation’s men and to teach its boys an “appropriate” balance between responsibility and ruggedness. But unlike their non-Mormon counterparts, the Saints’ investment in these trends was a necessary strategy for their assimilation into the white imaginary of American ethnic nationalism. Even though “millions joined fraternal orders like the Red Men, the Freemasons, and the Oddfellows[ and] concentrated on making boys into men through organizations like the Boy Scouts and the YMCA,” LDS participation in these kinds of activities far outstripped

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<sup>62</sup> Francis M. Lyman, “Manhood,” *Improvement Era* 7, no. 3 (1904): 175-176.

<sup>63</sup> See Bederman, “The Women Have Had Charge of the Church Long Enough.”

the national average.<sup>64</sup> The Boy Scouts were founded in 1910 and by 1916, “largely because of LDS sponsorship, Utah had the highest per-capita membership in the Boy Scouts of any state in the Union.” LDS commitment to programs like the Boy Scouts would only strengthen over the next fifteen years. By 1926 one in three boys in Utah belonged to a Scout organization compared with a national average of one in five. By February 1930 the Church’s investment in scouting and its attendant commitment to the racial-gendered patriotic values promoted by the organization warranted national recognition in the form of a White House invitation extended to then Church President Heber J. Grant.<sup>65</sup>

Fraternal and youth organizations provided an especially efficient vehicle for achieving assimilation because of the correlation that was understood to exist between gender, civilization, and race. Joining the Boy Scouts, for instance, allowed the Saints to recuperate their tarnished image by taking advantage of the idea that the rapid, urbanized progression of modern civilization was resulting in an unintended, but nonetheless dangerous degeneracy that Mormonism already knew how to combat. In an article from the October 1911 edition of the *Improvement Era* Eugene L. Roberts warned that “civilization has of late progressed all too rapidly. Man has created for himself an artificial environment which is making of him an artificial and decidedly superficial creature. ... As a result ... a perceptible degeneracy has occurred.” Characteristic of

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<sup>64</sup> Bederman, *Manliness and Civilization*, 16.

<sup>65</sup> In May 2017 the LDS Church announced that it was cutting ties with two Boy Scouts of American programs for older boys between the ages of fourteen and eighteen. The Church’s announcement came after the Boy Scouts’ decisions to allow gay membership, openly gay troop leaders, and transgender membership, although the Church denied these changes had any influence on Church’s decision. Alexander, *Mormonism in Transition*, 144-145.

progressive era literature that warned against the dangers of “overcivilization,” the problems with modernization, and the need for responsive social reform, Robert’s article touted, “the ‘Mormon’ pioneer farmer of fifty years ago” as “a type of verile [sic] physical manhood and healthy mentality which is too rare at present,” but that could be reinvigorated through the Boy Scout program.<sup>66</sup> Repackaging LDS settler colonial history as an exemplar of man’s essential characteristics and emphasizing the Saints’ enthusiastic participation in programs like the Boy Scouts simultaneously framed Mormonism as actively adapting itself to the gendered and racial requirements of national inclusion *and* represented Mormons as more naturally manly than other US citizens.

It is a testament to the Church’s participation and promotion of the Boy Scouts as a strategy of assimilation that by 1939 then FBI director J. Edgar Hoover was enlisting young LDS men who participated in “the great army of the Boy Scouts of America” to help in building “a greater nation, a better nation, a cleaner-thinking nation through the constant recruiting of new soldiers in the army of good citizenship.” With characteristic alarm, Hoover proclaimed “*it is your job to clean up America*” to fight in the “war of decency – for the safety of our homes, for the sanctity of our ballots, and for the cleansing of the moral fabric of our fellow man.” Only fifty years since the LDS Church itself had been branded indecent – a threat to the home, democracy, and morality of the nation – Hoover charged the latest generation of LDS men with protecting that same nation. Although the explicit language of civilization and race had disappeared, Hoover’s speech still evoked notions of white nationalism through gender. “Your achievements

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<sup>66</sup> Eugene L. Roberts, “The Boy Pioneers of Utah,” *Improvement Era* 14, no. 12 (October 1, 1911): 1084 and 1089.



will be heartened by a never-ending alliance with the things that are good and noble” he promised, guided by “the traditional virtues that never change” including “character” and “[self-]conquest.” He implored LDS Boy Scouts to “love [] your home and your church” and to “keep yourselves physically strong, mentally pure, and morally straight.”<sup>67</sup> While civilized manliness at the turn of the century was explicitly tied to race by identifying sensibility, control, and responsibility as white characteristics, mid-twentieth century masculinity was *implicitly* understood to be white through association with these same qualities.

At the same time that the Church was “out-boy-scouting its Protestant contemporaries” and “caught the wave of ‘making men,’” it also began a new campaign to reverse LDS women’s hard fought gains for independence in the public sphere.<sup>68</sup> Klaus J. Hansen’s observation that “it was not until the twentieth century that Mormon women were raised onto the same pedestal from which their nineteenth-century antagonists had barely escaped,” reflects the vehemence with which the Church reinstated religious and cultural expectations for women that significantly halted social and political progress toward gender equality in LDS culture.<sup>69</sup> Even as LDS women were articulating more forceful arguments for women’s activity outside the home in publications like *The Young Woman’s Journal*, LDS authorities began to refute those arguments in the very same periodicals. At first these contradicting viewpoints made for a lively, if unintended,

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<sup>67</sup> Emphasis in original, J. Edgar Hoover, “Men of Tomorrow: The Chief of the ‘G’ Men Talks to Boys,” *Improvement Era* 42, no. 11 (November 1, 1939): 690-693.

<sup>68</sup> Hoyt and Patterson, “Mormon Masculinity,” 84.

<sup>69</sup> Hansen, “Changing Perspectives on Sexuality and Marriage,” in *Multiply and Replenish*, 37.

debate, but by the first few years of the 1900s Church authorities began to exercise tighter control over the message the Saints received about acceptable roles for women.

Because LDS women, like women's activists nationwide, had relied upon notions of gender exceptionalism and civilization discourse to make their case for a woman's right to participate in the public sphere, those trying to steer women back into the home had no trouble modifying late nineteenth-century and early-twentieth-century arguments for women's suffrage, equality, and education to suit their own ends. Careful not to overextend their advantage, many LDS feminists had reasoned that increased independence to engage in the public sphere, higher education, and careers outside the home would help women become better daughters, wives, and mothers by helping to prepare them for roles they were predisposed to perform. This argument was a slippery slope that allowed Church authorities to restrict women's roles and opportunities after 1900 on the basis that such restriction reflected "true" equality and mirrored the "natural order" of gender created by God.

Playing on older versions of gender exceptionalism that asserted women must be respected in order for a society to attain the highest level of civilization, Apostle Dr. John A. Widstoe argued that "woman must be dignified by intelligence and made equal to that of man, else the foundations of society will crumble." But while he accepted that "the intellectual awakening of the world demonstrated . . . the equality in natural endowments of man and woman," he was also sure to emphasize that men and women "temperamentally and physiologically [] differ in large degree." For Church leaders, the equality of men and women did not mean both genders possessed the same abilities,

characteristics, or talents, but rather that each gender possessed distinct, but equally important and complimentary traits. Thus, Widstoe concluded that in “their power of thinking the great thoughts and doing the needed work of the world – that is, in *the sum of their powers* – they are undoubtedly equal.”<sup>70</sup>

Keeping with the theme of giving women “true” equality, LDS publications presented women’s “proper” place as standing beside and supporting man: “God created the woman as a helpmeet [sic] for [man]. . . . ‘she was not made out of his head to surpass him; nor from his feet, to be trampled on; but from his side, that she might be equal to him.’” Widstoe put it another way, “the place of woman in the Church is to walk beside the man, not in front of him nor behind him.” To support his contention that “there is full equality between men and woman” in the Church, even as the leadership pushed women out of the public sphere and back into the home, Widstoe drew on the history of women’s suffrage in both the Church and Utah. He cited Brigham Young’s approval of “woman holding public office” but only “*if compatible with her other duties*” and “the right of woman *to develop her native gifts* through education” as evidence of that equality, but maintained that work and education for women were only appropriate if “the natural differences between men and women” were acknowledged and that those differences were allowed to “determine in a rational society the major duties of man and woman.”<sup>71</sup>

In this way, Church authorities deftly manipulated the rhetoric of equality to construct gender parity as God’s intention for woman “to be equal with man *in her own*

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<sup>70</sup> Emphasis added to Dr. John A. Widstoe, “Education for Women in Utah,” *The Young Women’s Journal* 20, no. 8 (August 1909): 385-386.

<sup>71</sup> Emphasis added to John A. Widstoe, “Evidences and Reconciliations xlvii. What is the Place of Woman in the Church?” *Improvement Era* 45, no. 3 (March 1, 1942): 161-162.

*sphere*, not to take the place of the man, but to be a helpmate unto him.”<sup>72</sup> According to the priestly authority of the Church, this meant women would reach their “greatest achievement and happiness” by acknowledging “the man as head of the family.”<sup>73</sup> The hierarchy went to far as to argue that the Church’s urging “that man and woman accept their respective responsibilities as man and woman, husband and wife, father and mother” was evidence of equality between men and women because such a policy “conform[ed] to natural law” and ensured that “greater freedom and power are won by both.”<sup>74</sup> This different-but-equal style logic was used to further argue that “the Church has always favored an education to fit man and woman for their respective spheres of activity – that is, a practical education.” Despite claims that women were free to get an education in “business, science, mining, medicine, civil government and law,” the hierarchy heavily emphasized an education for “home-making,” which was now considered “a well-established applied science and art” as most appropriate for those Saints destined to become wives and mothers.<sup>75</sup>

The implications of this line of thinking for women’s place in LDS culture became quickly apparent. “God never intended woman to be a competitor of man” one lesson printed in the January 1912 edition of *The Young Woman’s Journal* declared, “as such woman will fall by the wayside, for she cannot escape the truth of her own nature, by willing or acting in violation of it.”<sup>76</sup> Statements such as this actively discouraged

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<sup>72</sup> Emphasis added to Laurretta Nielson, “The Measure and Destiny of Woman,” *Improvement Era* 19, no. 10 (August 1, 1916): 880.

<sup>73</sup> Ibid.

<sup>74</sup> John A. Widstoe, “Evidences and Reconciliations xlvii. What is the Place of Woman in the Church?” *Improvement Era* 45, no. 3 (March 1, 1942): 161.

<sup>75</sup> Ibid.

<sup>76</sup> “Optional Studies. IV. The Woman,” *The Young Women’s Journal* 23, no. 1 (January 1912): 61.

women from participating in the public arena for fear that they might violate nature, God's will, and thus sabotage his plan for salvation. Yet, LDS women had been actively engaged in the public sphere for some time and had even comfortably competed with LDS men without public comment from Church leadership. For example, plural wife of Angus M. Cannon, Dr. Martha Hughes Cannon, ran against and beat her husband for a seat in Utah's senate, serving from 1897 to 1901. But by the mid-1910s such competition was spurned as dangerous to the divinely ordained gendered order.

This danger was, however, couched in the rhetoric of women's equality, even superiority. "Woman is naturally stronger in endurance than man; and yet today untold numbers of them are physical wrecks, because women do not know themselves, because they fail to understand their needs," one author professed. By this logic, even if women were more gifted in certain areas than men, they were unable to take advantage of their superior qualities because they spurned the most basic aspects of their nature: "they reject the greatest gift to woman – children" and instead "they endeavor to compete with man in business."<sup>77</sup> More and more women were encouraged to develop those qualities that were thought to differentiate them from men, and thus make them women. "To reach the highest perfection of an ideal womanhood is not (as is sometimes understood with the 'New woman movement,' of today) to imitate man in his character, his habits, and pursuits, whereby she loses all that is essential and best in womanhood" an author for the *Improvement Era* maintained, "but, on the contrary, to reach the highest ideal of

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<sup>77</sup> "Optional Studies. IV. The Woman," *The Young Women's Journal* 23, no. 1 (January 1912): 61.

womanhood, she must learn her *true* nature, duties and privileges, and develop within the place and sphere that God and nature have pointed out for her.”<sup>78</sup>

In a throwback to the cult of true womanhood “President [Joseph F.] Smith [] declared [] that ‘spiritually, morally, religiously, and in faith’ woman is as strong as a man.” In fact he argued that “the mother in the family far more than the father is the one who instills in the hearts of the children, a testimony, and love of the gospel,” bringing mid-nineteenth-century beliefs about the natural piety of women and their greater influence on children, to bear on early twentieth-century struggles over gender and power.<sup>79</sup> And even as Church leaders claimed in one breath that the evolution of society had proven women’s equal ability and right to deal with major social issues of the age, in another they maintained that “man, as a rule, is superior to woman in the power of the intellect.” This difference was balanced, they claimed, by “woman[’s] superior[ity] to man, in the warmth, the purity, and the constancy of the affections.”<sup>80</sup>

Beginning in the 1910s, articles began to warn against the dangers of gender fluidity, threatening women with spinsterhood – a particularly cruel fate for a woman in a religion where her salvation was predicated on marriage – for daring to even dabble in behavior that was considered masculine. Reflecting dominant notions of gender one author argued that “man recognizes in women as a class a superior refinement of thought and feeling – a peculiar sensitiveness in the most tender relations of life,” which are best

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<sup>78</sup> Emphasis added to Laretta Nielson, “The Measure and Destiny of Woman,” *Improvement Era* 19, no. 10 (August 1, 1916): 880.

<sup>79</sup> John A. Widstoe, “Evidences and Reconciliations xlvii. What is the Place of Woman in the Church?” *Improvement Era* 45, no. 3 (March 1, 1942): 161.

<sup>80</sup> Laretta Nielson, “The Measure and Destiny of Woman,” *Improvement Era* 19, no. 10 (August 1, 1916): 881.

allowed to flourish in the roles of “mother, daughter, and sister.” “Men are no more pleased with masculine women than are women with feminine men,” the author advised.<sup>81</sup> Well into the 1930s LDS publications cautioned against the dangers of masculine women. One writer chastised readers heavily for the trend of women “acting like” men, reasoning that “I belong to the superior sex. In fact, there seems to be no doubt about it. The women themselves admit it – by imitating us.” Accompanied by a sketch of a woman dressed in a blazer, tie, and slacks (Fig. 3.1), the article rebuked women for



Figure 3.1 Illustration accompanying the article “Girls Will Be Boys – But Why?” *Improvement Era* 40, no. 6 (June 1, 1937): 366.

“imitating [men’s] vices,” rather than their virtues. Once again exploiting ideas about women’s equality, the author argued that women must be feminine to exercise their “true” power: “The secret of a woman’s power has always been in her womanliness, not her masculinity.” Following this reasoning the author was able to side-step challenges to restrictions on women’s activity by arguing there were no “conventions that interfere with a girl’s becoming more womanly” – what the author maintained was her real source

<sup>81</sup> Milton Bennion, “Observations Concerning Women,” *The Young Women’s Journal* 24, no. 6 (June 1913): 330-331.

of power – but only those that were for the “purpose of safe-guarding her modesty, protecting her from insults, and making her fight for chastity easier.”<sup>82</sup>

To counter the threat of gender fluidity, LDS authors made their own adaptations to civilization discourse in order to argue that like white men, white women must also embrace aspects of their nature which had been foregone in the haste of modern social, political, and economic development. Just as figures like Teddy Roosevelt encouraged white men to rehabilitate the essential qualities of manliness they had lost, LDS authors explained that white women could recuperate their true natures, and therefore true equality, by observing women from “primitive” cultures. One LDS author encouraged “white women [who] hold motherhood as a side issue of their womanhood” to witness “the red man’s sacred reverence for . . . [m]otherhood [a]s a gift from the Great Spirit” as evidence that it was an essential quality of their gender, which they could not effectively discard. In a contradictory twist on standard civilization discourse, this author argued that because American Indians were more primitive, the essential qualities of their gendered natures were more, not less, apparent. In other words, because “womanhood typifies motherhood in [the American Indian’s] breast, a thing to be revered, a thing to be protected,” the “red man” provided an excellent example of the respect white women should have for their natural roles as mothers.<sup>83</sup>

The division between women and men, their talents, proclivities, and roles, LDS leaders were always sure to point out, was evidence of racial, civilizational, and therefore, national development. Although “for long ages woman was the drudge or

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<sup>82</sup> Rey L. Smith, “Girls Will Be Boys – But Why?” *Improvement Era* 40, no. 6 (June 1, 1937): 366.

<sup>83</sup> Lizzie S. Welker, “Some Legends, Characteristics and Customs of the Indians,” *The Young Women’s Journal* 33, no. 6 (June 1922): 339.



ornament of a man's home," even "his slave," the nineteenth century in the US had marked "a culmination of an era of human triumphs and brilliant victories over ignorance and prejudice" and "its crown of imperishable glory is the recognition that woman was created to be man's companion and co-laborer."<sup>84</sup> Indeed, the logic used by the LDS Church to reinforce gendered differences in the post-Manifesto era was largely a rehearsal of the reasoning behind Manifest Destiny.<sup>85</sup> At a time when non-Mormon society was concerned with reestablishing male dominance in response to the changes brought about by corporate capitalism and imperial intervention abroad, the Saints were successfully employing an earlier version of civilization discourse – particularly one that reinforced naturalized, binarized gender roles – as a tool of assimilation that not only brought them into line with mainstream US society, but actually marked them as the epitome of ideal gender relations.

### ***Saving the Race by Leading the Race for (Heteronormative) Reproduction***

To be certain, the particular tenets of LDS religion meant that the Church's campaign for gender differentiation was much more effective in reversing the gains toward gender parity than similar national efforts. In part, this was because authorities could rely on doctrine to support the idea that sexed difference and naturalized gender roles were elemental and necessary. But only after 1890 did they begin to regularly and fervently articulate the view that men and women were fundamentally distinct – reflecting the dictates of divine design established even before the moment of conception

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<sup>84</sup> Lauretta Nielson, "The Measure and Destiny of Woman," *Improvement Era* 19, no. 10 (August 1, 1916): 882.

<sup>85</sup> See Kaplan, "Manifest Domesticity," in *The Futures of American Studies*.

– and that this distinction was unavoidable. “Man was created, ‘male and female,’ and only in the union of male and female as one is man found to be in the likeness of his Maker .... The union of the two is a necessity, and only by virtue of that union is the divine attainable,” one *Woman’s Exponent* piece explained.<sup>86</sup> LDS theologian and Apostle James E. Talmage underscored what early twentieth-century leaders had started to regard as the divine and eternal nature of sex and gender in another article for *The Young Women’s Journal*:

the Church of Jesus Christ of Latter-day Saints affirms as reasonable, scriptural, and true, the doctrine of the eternity of sex among the children of God. The distinction between male and female is no condition peculiar to the relatively brief period of mortal life; it was an essential characteristic of our pre-existent state, even as it shall continue after death, in both the disembodied and resurrected states. ... There is no accident or chance, due to purely physical conditions, by which the sex of the unborn is determined; the body takes form as male or female according to the sex of the spirit whose appointment it is to tenant that body ... through which means alone the individual may enter upon the indispensable course of human experience, probation, and training.

Sex and gender were considered natural to the extent that they were divinely determined even *before* mortal life and remain an essential part of an individual’s self *after* death in the post-mortal realm(s). This emphasis on sex/gender as a single, inherent, and enduring characteristic transcended even the modern hegemony of science, ensuring “that the vital distinction of sex characterizes life on earth [and] cannot be questioned.”<sup>87</sup>

Equally important however, was the idea that man and woman were thought to be necessarily complementary entities. This idea was intimately tied to, and accompanied by a vehement emphasis on, the concept of opposite-sex desire – or heterosexuality – expressed appropriately only within the confines of monogamous marriage. “Every really successful marriage” is necessarily “founded in love – the love of man for woman [and]

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<sup>86</sup> “Woman’s Rights,” *Woman’s Exponent* 19, no. 9 (October 15, 1890): 71.

<sup>87</sup> James E. Talmage, “The Eternity of Sex,” *The Young Women’s Journal* 25, no. 10 (October 1914): 600.

of woman for man,” John A. Widstoe explained to readers. Equating “physical attraction and spiritual harmony” with (heterosexual) love, Church authorities in the early-twentieth century deemed opposite-sex desire an integral part of the divine plan that would inevitably “lead[] to mating and parenthood” in accordance with God’s “command ‘to multiply and replenish the earth.’” Thus, early-twentieth-century LDS theology newly articulated that “the union of the sexes is ordained of the lord, eternal, so that life may ever be multiplied.”<sup>88</sup>

Rocky O’Donovan has argued that Joseph Smith “deified heterosexuality” in the 1840s; however, it is more accurate to say that, only after the 1890 Manifesto did LDS authorities begin to articulate *heteronormativity* as a predestined and essential triad of sexed difference, naturalized gender roles, and opposite-sex desire that was crucial to LDS theology.<sup>89</sup> While the Church had always been fundamentally patriarchal, its emphatic insistence on a complementary scheme of sex, gender, and desire, expressed exclusively within the bounds of monogamous marriage, only emerged in the last ten years of the nineteenth century, coinciding with the emergence of sexuality as a popular concept in US society between 1880 and 1920.<sup>90</sup> More specifically, the advent of the Church’s interest in sexuality, and its relationship to the sex/gender binary, mirrored larger societal patterns that recognized (hetero)sexuality as a concept of personal identification. Sexuality became an increasingly potent factor for expressing or determining a person’s gender during this period, especially for middle- and upper-class

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<sup>88</sup> Emphasis added to John A. Widstoe, “Woman’s Greatest Career: A Consideration of home, marriage, love, and some perversions of love,” *Improvement Era* 43, no. 10 (October 1, 1940): 635.

<sup>89</sup> O’Donovan, “The Abominable and Detestable Crime Against Nature,” in *Multiply and Replenish*, 124.

<sup>90</sup> See D’Emilio and Freedman, *Intimate Matters*; D’Emilio, “Capitalism and Gay Identity” in *The Gay and Lesbian Studies Reader*; and Chauncey, *Gay New York*.

men. While “sexual style had long been a crucial aspect of gender style; both sexual aggressiveness and sexual self-control – as well as the ability to propagate and support children – had served as markers of manliness among different groups of men,” the notion of personal sexuality, specifically *heterosexuality* emerged as a new expression of “real” manliness.<sup>91</sup> Consequently, expressions of non-heterosexual desire – in men especially but increasingly for women as well – were newly understood to be “prominent and volatile signs of the fragility of the gender order.”<sup>92</sup>

Just as women’s increasing independence and activity in the public sphere triggered a concern about the stability of the prevailing gender order, so too did the notion of sexuality elicit a need to shore up the hegemony of certain gendered, marital, and familial ideals. As numerous scholars have argued, anxieties about gender and sexuality at the turn of the century were closely tied to the project of white supremacist nationalism.<sup>93</sup> The twentieth-century parameters of this project and its ties to the politics of gender and sexuality are reflected in the debates over, and campaigns for, eugenics and birth control, immigration reform, Jim Crow apartheid, miscegenation statutes, anti-white slavery activism, Alien Land Laws, and imperial intervention abroad. Nayan Shah

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<sup>91</sup> Chauncey, *Gay New York*, 117. Also see Bederman, *Manliness and Civilization* and Carter, *The Heart of Whiteness* for discussions of this new relationship between gender and sexuality.

<sup>92</sup> Chauncey, *Gay New York*, 115. Also see Quinn, *Same-Sex Dynamics Among Nineteenth-Century Americans*, 57: “Mildred Berryman blamed the publication of Radclyffe Hall’s 1928 lesbian novel *The Well of Loneliness* for creating ‘a storm of talk’ and a climate of homophobia in Salt Lake City. ... According to Berryman, this resulted in an ‘effort being made to classify’ as homosexuals ‘every woman who wore a suit and was seen in the company of a girl companion more than once, and every man who had curly hair and might have a little more than feminine walk or a flair for bright colored ties.’”

<sup>93</sup> For an incomplete, but representative list of examples see Bederman, *Manliness and Civilization*; Bender, *American Abyss*; Blum, *Reforging the White Republic*; Carter, *The Heart of Whiteness*; Duggan, *Sapphic Slashers*; Jacobson, *Whiteness of a Different Color*; Pascoe, *What Comes Naturally*; Pérez, *A Taste for Brown Bodies*; Roediger, *Working Toward Whiteness*; Shah, *Stranger Intimacy*; Somerville, *Queering the Color Line*; and Welke, *Law and the Borders of Belonging in the Long Nineteenth-Century United States*.

argues, for instance, that together, “miscegenation laws and Alien Land Laws produced state-sponsored family forms and circumscribed participation in the economy” by non-whites, further entrenching marriage as “central to the production of citizenship and peculiarly entangl[ing it] in the formation of racialized property-owning citizenship.”<sup>94</sup>

Concern about the declining marriage and birth rates of Anglo-Saxon whites, famously coined “race suicide” by Teddy Roosevelt, is perhaps the most recognizable example of the intersection between the project of white ethnic nationalism and efforts to regulate gender and sexuality in the US. Like non-Mormons, the Saints expressed fears about the new woman (the “flimsy garb of girls spells peril to the race. The sturdy type of American womanhood is becoming extinct and a frail scrawny species is in the process of evolution”);<sup>95</sup> career bachelors (“it is not legitimate for men ... [to] delay in marriage”);<sup>96</sup> racially suspect immigrants (our “country is being overrun with foreigners. The patriots of a hundred years ago are being supplanted by Polish Jews, and Italians, and Irish peasants, who are flocking to America in droves .... If this process goes on at the present rate ... the blood of America will be largely eliminated and foreigners will possess the land which was the birth right of the citizens of America”);<sup>97</sup> and sexual “perverts” (“there is an increasing number of men who delay marriage until they become celibates, which often means moral degenerates”);<sup>98</sup> as both causes and symptoms of race

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<sup>94</sup> Shah, *Stranger Intimacy*, 10 and 186.

<sup>95</sup> “In the Realm of Women: Peril of Present Day Dress,” *The Young Women’s Journal* 33, no. 7 (July 1922): 414.

<sup>96</sup> Joseph F. Smith, “Editor’s Table: A Vital Question,” *Improvement Era* 11, no. 12 (October 1, 1908): 959-961.

<sup>97</sup> “The Real Eugenics Problem of America,” By Dr. George W. Middleton, *The Young Woman’s Journal* 24, no. 7 (July 1913): 408-409.

<sup>98</sup> Joseph F. Smith, “Editor’s Table: A Vital Question,” *Improvement Era* 11, no. 12 (October 1, 1908): 959-961.

suicide among Anglo-Saxon whites. In an editorial for the October 1908 issue of the *Improvement Era* President Joseph F. Smith warned that there was a problematic and “growing tendency to delay marriage” among whites, a tendency that was “growing to be one of the greatest social evils of our country,” which had “not escaped [the LDS] people.” The Church’s new articulation of a heteronormative worldview, which prescribed monogamous marriage and copious procreation as virtual requirements of both Church membership and US citizenship, was largely a response to this sense of racial crisis. “There are multitudes of married people who through selfishness and prevention either have no children, or at most one or two” Smith fretted.

In response to these concerns, LDS publications and orations increasingly addressed the necessities and challenges of marriage and parenthood, discussing everything from how to select an appropriate partner, preparation and expectations for marriage and parenthood, sex education, the protocol for courtship, engagement, and weddings, the importance of marriage and procreation for spiritual attainment, to progressive solutions for divorce, adolescent crime, and sexual (in)compatibility (see Fig. 3.2).<sup>99</sup> Virtually every post-1890 issue of *The Contributor*, *The Young Woman’s*

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<sup>99</sup> A brief, but illustrative sample of titles includes, “Husband, Home, Motherhood,” *The Contributor* 11, no. 7 (May 1, 1890); “The Duty of Marriage,” *The Contributor* 13, no. 2 (December 1, 1891) and 13, no. 4 (February 1, 1892); “Courtship and Marriage,” *The Young Women’s Journal* 6, no. 1 (October 1894); “An Ideal Home,” *The Young Women’s Journal* 6, no. 2 (November 1894); “Courtship Conduct,” *The Contributor* 16, no. 10 (August 1, 1895); “Marriage and Divorce,” *The Contributor* 17, no. 11 and 12 (September and October 1896); Dr. J. M. Tanner, “Some Leading Events in the Current Story of the World: Marriage Statistics,” *Improvement Era* 5, no. 11 (September 1, 1902); “Don’t for Wives” and “Don’t For Husbands,” *The Young Women’s Journal* 15, no. 5 (May 1904); “Editor’s Table: Waywardness and Its Remedy,” *Improvement Era* 9, no. 11 (September 1, 1906); Dr. E. G. Gowans, “The Boy Problem,” *Improvement Era* 11, no. 3 (1908); Susa Young Gates, “Timely Topics: Concerning the Girl Who Marries,” *The Young Women’s Journal* 19, no. 2 (February 1908); Lella Marler Hoggan, “Preparation for Marriage,” *The Young Women’s Journal* 19, no. 11 (November 1908); Amey B. Eaton, “Eugenics and Parenthood,” *The Young Women’s Journal* 24, no. 1 (January 1913); John Henry Evans, “How to Get Married,” *The Young Women’s Journal* 26, no. 6 (June 1915); Dr. A Lee Brown “Education for Parenthood: The Right of

*Journal*, and the *Improvement Era* included numerous articles on courtship, marriage, and parenthood. Even more vehemently than other early twentieth-century moralizers the

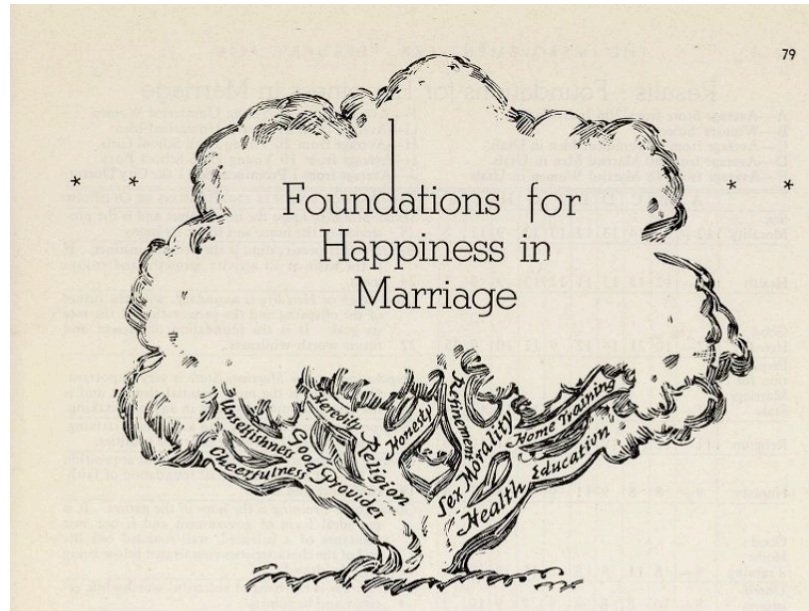


Figure 3.2 “Foundations for Happiness in Marriage,” *Improvement Era* 37, no. 2 (February 1, 1934): 79.

LDS Church encouraged (successfully so) young people to marry early and parent numerous children. This vehemence was such that widely accepted “celebrations of manly self-restraint [which] encouraged young men to postpone marriage until they could support a family in proper middle-class style” were rejected as selfish and dangerous by LDS leaders.<sup>100</sup>

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Child to Be Well Born,” *The Young Women’s Journal* 27, no. 3 (March 1916); Levi Edgar Young, “Parenthood and the Family,” *The Young Women’s Journal* 27, no. 5 (May 1916); Newel K. Young, “Moral Education of the Adolescent,” *Improvement Era* 20, no. 5 and 7 (March and May 1917); Rudger Clawson, “Marriage an Investment,” *The Young Women’s Journal* 31, no. 6 (June 1920); “Our June Conference: D. The Wife in the Home-building Partnership,” *The Young Women’s Journal* 31, no. 8 (August 1920); “Lesson XII. Conjugal Love,” *The Young Women’s Journal* 32, no. 12 (December 1921); “An Everlasting Covenant: Lessons on Marriage and Family Life: Senior Course of Study: Lesson XIV: The Destiny of the Unmarried,” *The Young Women’s Journal* 33, no. 1 (January 1922); Dr. Adam S. Bennion, “Graces That Make for a Happy Married Life,” *The Young Women’s Journal* 38, no. 8 (August 1927); *The Young Women’s Journal* 39, no. 1 (January 1928); B. Roberts, “Complete Marriage – Righteousness: Mutilated Marriage – Sin,” *Improvement Era* 31, no. 3 (1928); E. Cecil McGavin, “The Mutual and the Adolescent,” *Improvement Era* 32, no. 10 (August 1, 1929); and Dr. Adam S. Bennion, “Companionship,” *Improvement Era* 40, no. 9 (September 1, 1937).

<sup>100</sup> Bederman, *Manliness and Civilization*, 12.

As early as 1899, Church authorities pointed to the Saints' commitment to, and high rate of, procreation to argue that in "those points which are acknowledged to be the weakest in American civilization, the 'Mormon' people have achieved their greatest triumphs."<sup>101</sup> By the early years of the twentieth century, LDS publications were touting Church efforts to maintain white racial dominance and avoid race suicide through the promotion of heteronormativity. In one article, from May 1903, the *Salt Lake Herald*, a pro-LDS newspaper, "tapped into Roosevelt's 'race suicide' rhetoric [and] ... trumpet[ed] Mormon fertility."<sup>102</sup> The article was accompanied by an anticipatory image (Fig. 3.3) of President Roosevelt's upcoming visit to Salt Lake City and depicted the US



Figure 3.3 "When Roosevelt Reaches Utah: 'Glad to Meet Ye, Brother Roosevelt. We're All Goin' to Vote for Ye 'Round Here. We Like What You Said 'Bout Race Suicide,'" *Salt Lake Herald*, May 3, 1903.

President greeting Mormon men and their plentiful families. A large welcome sign in the background proclaims, "NO RACE SUICIDE HERE." At first the Saints' high birth rate was fodder for a national press seeking to elicit cheap laughs at the expense of a Church still rumored to be sanctioning polygamous marriages. One caricature (Fig. 3.4) pictured

<sup>101</sup> J. H. Ward, "The Tide of Life. A Plea for 'Mormon' Civilization. III.," *Improvement Era* 2, no. 12 (October 1, 1899): 925-926.

<sup>102</sup> Reeve, *Religion of a Different Color*, 249.



a delighted Roosevelt, holding a newspaper reporting on Joseph F. Smith’s testimony for the Smoot hearings, with various headlines reading, “President Smith Admits Being The

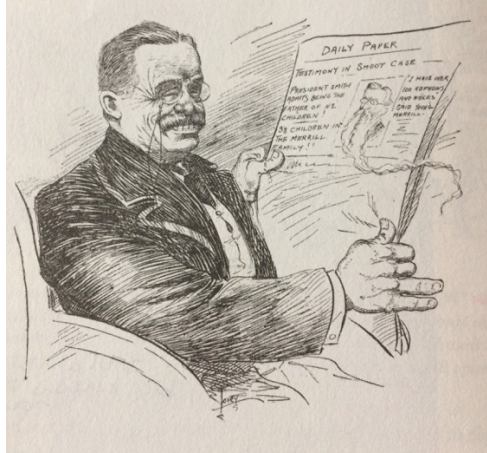


Figure 3.4 “Roosevelt – That’s Bully! No Race Suicide There!” *Salt Lake Herald*, March 10, 1904.

Father of 42 Children,” and “38 Children in the Merrill Family!!” But with the abatement of anti-Mormon sentiment after the conclusion of the Smoot hearings, journalists and social pundits began to admire “Mormon fertility [ ] as a constructive aspect of the religion” with one 1913 pamphlet calling babies “Utah’s best crop” and noting that they had “the highest birth rate, the lowest death rate, the lowest percentage of divorce and the unmarried of either sex.”<sup>103</sup>

By 1911 Roosevelt himself praised the Saints for their commitment to marriage, family, and procreation in *Collier’s*, a prominent national magazine. “Among these [monogamous] ‘Mormons’” the former president proclaimed, “the standard of sexual morality was unusually high.” Not only are “their children [ ] numerous, healthy, and well brought up;” but “their young men were less apt than their neighbors to indulge in that course of vicious sexual dissipation so degrading to manhood and so brutal in the

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<sup>103</sup> Reeve, *Religion of a Different Color*, 249 and Oscar Franklyn Davis, “Latest Word on Mormonism: A Survey of ‘The Mormon Kingdom,’” (Pittsburgh, PA: National Reform Association, 1913): 6.

degradation it inflicts on women.” Because “they were free from that vice, more destructive to civilization than any other can possibly be, [as well as] the artificial restriction of families, [and] the practice of sterile marriage; [] which ultimately means destruction of the nation,” Roosevelt held the Saints up as setting “a good example of citizenship.”<sup>104</sup> The Saints could not have sought a clearer endorsement of their whiteness than Roosevelt’s praise of their gender and sexual mores.

Hence forth, Mormon peculiarity discourse shifted to construct the Saints’ not as sexually deviant and racially inferior, but, paradoxically, as *exceptionally normal* in their gender relations, sexual practices, familial organization, and therefore, their racial status. “Everyone desires to live happily in married life,” David O. McKay, future Church President declared, “it is the natural, it is the *normal* life.” Carter has demonstrated that the norm, or the biopolitical discourse of normality, which grew out of and drew upon the more established discourses of civilization and eugenics, tacitly communicated whiteness as an ideal aspect of “Americanness” through what he calls the “race- and power-evasive” language of sexual morality, physical fitness, and gender differentiation. Therefore, by invoking the concept of “normal” life, McKay was able to argue that “the stability of government, and the perpetuation of the [white] race” were “depend[ent] upon” on “congenial marriage.”<sup>105</sup> Because white supremacy was directly linked to the regulation of sexual reproduction in the early twentieth-century discourses of civilization, eugenics, and increasingly normality, Apostle, J. Reuben Clark, Undersecretary of State

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<sup>104</sup> Teddy Roosevelt, “Mr. Roosevelt to the ‘Mormons,’” *Improvement Era* 14, no. 8 (June 1, 1911): 712-718 reprinted from *Collier’s*, April 15, 1911.

<sup>105</sup> David O. McKay, “As Youth Contemplates An Eternal Partnership,” *Improvement Era* 41, no. 3 (March 1, 1938): 138.

under US President Calvin Coolidge, stressed chastity as ““fundamental to our life and to our civilization”” in an *Improvement* Era piece cautioning that ““if the race becomes unchaste, it will perish’ ... [destroy] chastity, the sanctity of marriage and the holiness of the home” and the “Christian man becomes a brute.”<sup>106</sup> While failure to procreate would result in race suicide, so too would sexual impropriety lead to racial, national, and spiritual deterioration.

It is no coincidence that the resignification of Mormon peculiarity discourse coincided with the shift from an explicit discussion of the relationship between sexual practice and racial identity to a “representational collapse of heterosexual love into citizenship” between 1890 and 1940.<sup>107</sup> In fact, Mormon peculiarity discourse, whether articulated by the Saints themselves or by various non-Mormon commentators, was integral to realizing this representational collapse, in which heteronormativity came to stand in for the explicitly racial language of white supremacy. The abandonment of polygamy with all its attendant racial implications, coupled with the Saints’ new commitments to sexed difference, heterosexual desire expressed only with monogamous marriage, and abundant procreation, transformed the meanings and uses of Mormon peculiarity discourse such that the Saints’ assimilation into US society was touted as evidence of the (racial) power of “sexual fitness.”

Self-government, which had unequivocally been styled a white racial trait under civilization discourse, was transplanted into modern discussions of sex, gender, and sexuality between 1900 and 1920, solidifying the associations between heteronormativity

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<sup>106</sup> J. Reuben Clark, Jr., “Chastity,” *Improvement Era* 41, no. 12 (December 1, 1938): 714.

<sup>107</sup> Carter, *The Heart of Whiteness*, 77-78.

and whiteness without always invoking the explicit language of race. An individual's (especially a man's) capacity for self-government (and therefore his racial status) had long been tied to the possession of qualities such as self-discipline, self-control, self-cultivation, sensitivity, self-sacrifice, and hard work. Like self-government, these virtues had been racialized as definitively white features, but were now being transformed into ostensibly race-neutral characteristics in cultural discussions of "sexual fitness," "modern marriage," and "normal adjustment." To ensure individual Saints complied with the emergent ideal of "normal" life, and to avoid any further suggestion of Mormon racial depreciation, Church authorities forcefully emphasized these characteristics as implicitly racial virtues expressed through the gendered obligations of marriage and parenthood.

During the first twenty years of the new century in particular, LDS theologians placed "a new emphasis on personal character, self-discipline, and morality as the primary pathway to salvation" for both men and women.<sup>108</sup> The Church's increasingly strict attitude about individual members' adherence to the Word of Wisdom (a new policy instituted under Church President Heber J. Grant which denied Saints entrance to the temple unless they complied with the Word of Wisdom) is frequently cited as the most apposite evidence of this new theological emphasis. However, an equal, if not more forceful weight was given to heteronormative compliance suggesting that "sexual morality may well have become an even more profound symbol of [LDS] identity" than the Word of Wisdom during the early twentieth century.<sup>109</sup> Although the Church had

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<sup>108</sup> Bowman, *The Mormon People*, 166.

<sup>109</sup> The Word of Wisdom is a religious health code which requires abstinence from tea, coffee, tobacco, and alcohol among other products. For a discussion of the increasing importance of the Word of Wisdom see Alexander, *Mormonism in Transition*, 265-267.

always had stringent regulations restricting sexual activity to the confines of the marital union, it was only during the early-twentieth century that the Church took unprecedented steps to surveil and manage sexual activity outside of marriage resulting in an increase in “excommunications due to sexual transgression.”<sup>110</sup>

Evidence of the LDS Church’s regulation of same-sex sexuality during this period suggests that the leadership was becoming increasingly concerned about deviations from the married, monogamous, heterosexual norm even as they were attempting to establish that norm in LDS theology and culture.<sup>111</sup> As early as 1904 Apostle Francis M. Lyman advised young men in the *Improvement Era* that “if a man has evil tendencies in any particular direction, he can conquer them by self-control, prayer, and striving to help others who are similarly tempted,”<sup>112</sup> while Apostle Anthony W. Ivins warned that the “great[est] evil[s] that menace[] this nation today, the great[est] evil[s] which menace[] the Church” are “intemperance and sexual sin.”<sup>113</sup> Indulgence in “intemperance” and “sexual sin” were cast as the absolute opposite of the highly prized characteristics of self-discipline, self-sacrifice, and self-cultivation and were thought to lead to the loss of an individual’s sensitivity and work ethic.<sup>114</sup> Apostle Charles A. Callis, who in 1933 had been assigned by the First Presidency to “deal with the “flow of interviews with Church members involved in fornication or adultery or homosexuality,” penned an article for the November 1939 issue of the *Improvement Era* pushing the spiritual and moral importance

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<sup>110</sup> Hansen, “Changing Perspectives on Sexuality and Marriage,” in *Multiply and Replenish*, 40.

<sup>111</sup> See Quinn, *Same-Sex Dynamics Among Nineteenth-Century Americans* for discussion of the Church’s early twentieth-century interest in regulating same-sex sexuality.

<sup>112</sup> Francis M. Lyman, “Manhood,” *Improvement Era* 7, no. 3 (1904): 175-176.

<sup>113</sup> Anthony W. Ivins, “The Greatest Menace to the Church – the Remedy,” *Improvement Era* 13, no. 8 (June 1, 1910): 677-678.

<sup>114</sup> Newel K. Young, “Moral Education of the Adolescent: IX – Love and the Sex-Nature,” *Improvement Era* 20, no. 7 (May 1, 1917): 630-633.

of “self-conquest” (Fig. 3.4).<sup>115</sup> While the article never explicitly mentions non-normative sexual desire or practice, Callis’ advice directly encourages young men,



Figure 3.5 “Self-Conquest,” *Improvement Era* 42, no. 11 (November 1, 1939): 658.

through the evocation of virtues which had already been heavily associated with sexual self-control in the pages of the *Improvement Era*, to exclusively practice heterosexual sex within the confines of a monogamous marriage. Since “the Gospel teaches self-denial and forbearance from gratifying one’s own wrong desires” Callis pronounced, it is “better [] to go to heaven through much self-denial than to wreck a human life in a course of self-indulgence.” Although the language of self-government is delivered under the auspices of religious improvement – “in order for a man successfully to overcome a bad habit he must have in mind an objective ... in this manner he will work harder in the spirit of self-restraint and self-mastery to secure the soul-satisfying benefits that will surely come to him as he gets sovereign power over himself” – the article deploys the racially coded

<sup>115</sup> Kimball and Kimball, *Spencer W. Kimball*, 271.

language of sexual fitness and modern marriage.<sup>116</sup> Even the image accompanying the article, a knight in shining armor, evokes conventional notions of twentieth-century heterosexual romance and normative masculinity.

The racial import of virtues such as self-conquest were carefully emphasized by Church authorities as fundamentally connected to the foundation of the nation through sexual (im)morality well into the twentieth century, but increasingly through racially-coded language. For example, on the eve of World War I, John A. Widstoe counselled that “the effect of moral [sexual] sin does not end with the sinner” but that “it is carried down to the third and fourth generation” and that “the horrible scourge [of] moral looseness now plaguing the country would result in the downfall of the nation” just as other “nations and individuals on the road to greatness have fallen because they failed to observe sexual purity.”<sup>117</sup> But even as the potential for sexual (and therefore racial) transgression haunted authorities’ active promotion of heteronormative family life, the Church simultaneously encouraged active participation in the capitalist economy as an avenue for the Saints to enact good (racial) citizenship.

### ***A (Capitalist) Church of “Honorable and Industrious Men and Women”***<sup>118</sup>

Most scholarly accounts of LDS assimilation regard it as an inevitable process of economic and political integration into the national mainstream.<sup>119</sup> The Church

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<sup>116</sup> Charles A. Callis, “Self-Conquest,” *Improvement Era* 42, no. 11 (November 1, 1939): 658.

<sup>117</sup> Dr. John A. Widstoe, “Woman’s Greatest Career: A Consideration of home, marriage, love, and some perversions of love,” *Improvement Era* 43, no. 10 (October 1, 1940): 636.

<sup>118</sup> Orval Ellsworth, Ph.D., “What Others Think of the Mormons,” *Improvement Era* 45, no. 10 (October 1, 1942): 625, and 666.

<sup>119</sup> Alexander, *Mormonism in Transition*; Allen and Leonard, *The Story of the Latter-day Saints*; Arrington and Bitton, *The Mormon Experience*; Blumell and Mangum, *The Mormons’ War on Poverty*; Bowman, *The*

presidency's efforts to encourage members to participate in both the free market and party politics are typically framed as good faith efforts to get the LDS Church out of government, divest its interests in economic planning, and bring it into alignment with democracy and free enterprise. These accounts have left intact the assumption that the Saints were entering a free and open political system, yet the recent history of federal suppression of the Church definitively belies such an easy assumption. Non-Mormons' objections to Church authorities' control of individual members' political and economic activities in the nineteenth century were not so much a true concern for national principles of democracy and individual freedom, as many Mormon studies scholars had claimed, as about controlling the types of ideologies the Church endorsed.<sup>120</sup> The problem was not the Church's extensive influence over its members, but its promotion of economic and political alternatives to industrial capitalism.

The significant challenges the Church posed to the rising hegemony of corporate and consumer capitalism during the mid-nineteenth century were abated when federal anti-Mormonism began to quash the Saints' ability to effectively practice economic isolationism or resistance. With the creeping financial and cultural effects of Utah's integration into the national economy (precipitated by the completion of the railroad in the state in 1869), the death of Brigham Young in 1877, and the burdens imposed by anti-Mormon legislation in 1882 and 1888, a significant transformation of LDS attitudes toward the free-market had already begun. By the end of the nineteenth century, for

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*Mormon People*; Hansen, *Mormonism and the American Experience*; Larson, *The "Americanization" of Utah for Statehood*; Lyman, *Political Deliverance*; Mauss, *The Angel and the Beehive*; Neilson, *Exhibiting Mormonism*; and Ostling and Ostling, *Mormon America*.

<sup>120</sup> See previous footnote.



example, agriculture in LDS-dominated areas began to follow “the national trend and became increasingly commercialized” resulting in the discontinuation of church-run store houses and the once-common practice of tithing-in-kind by the end of 1908, signaling the collapse of a once thriving barter economy and the communal operation of important common resources.<sup>121</sup>

But as Leonard J. Arrington has explained, even though the Church had begun to abandon its commitment to alternative economic policies and practices at least a decade before 1890, “the church was still an active force in the economic life of the community, as a promoter and proprietor,” a reality “that was deemed inconsistent with the laissez-faire and free enterprising concepts of national policy” and resulted in anti-Mormon attacks against the Church “as a gigantic holding company controlling the strategic industries of the region. This appeared to be demonstrated by the activities of the church in stimulating the development of the sugar, salt, and hydroelectric power industries and in promoting grandiose railroad and mining projects.”<sup>122</sup> Just as flare-ups over whether polygamy was still being practiced within the Church continued through the first decade of the new century, so too did concerns about its influence in economic and political matters.

But “that the church was accused of proprietary monopoly rather than of radical progressivism, as had been true through much of its earlier history, was a sign of” how significantly LDS economic policy and practice had changed between the 1880s and the

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<sup>121</sup> Blumell and Mangum, *The Mormons' War on Poverty*, 78.

<sup>122</sup> Arrington, *Great Basin Kingdom*, 404.

first years of the new century.<sup>123</sup> No longer committed to an insulated communal economy driven by religious ideals of equality and fairness, authorities had become thoroughly invested in promoting and supporting capitalist enterprises for the benefit of the Church. These activities, however hyperbolically characterized by anti-Mormons, provoked the ire of the national business community who engaged in muckraking attacks with “accusations that Church leaders cooperated with monopolistic enterprises and made enormous profits.”<sup>124</sup> While President Joseph F. Smith moved to “get the church out of business” and denied these attacks – clarifying in one *Improvement Era* piece that “our enemies have been publishing to the world that the Presidency of the Church and the leading officers are consuming the tithes of the people” but that there was “not one of the general authorities in the Church that draws one dollar from the tithes of the people for his own use” – the accusations in no way dampened the leadership’s newfound commitment to capitalism as a fundamental ideology underpinning the greatness of the US nation-state and white civilization.<sup>125</sup>

In their study of economic radicalism in nineteenth and early-twentieth century Utah, John McCormick and John Sillito argue that an important strategy used to convince non-Mormons that the Saints were “neither dangerous nor subversive, but loyal, law-abiding Americans” was “to oppose Socialism and embrace capitalism;” however, this constituted much more than a single strategy of assimilation. The Church hierarchy’s open and hostile opposition to not just socialism but all anti-capitalist and reformist

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<sup>123</sup> “Editor’s Table: President Joseph F. Smith’s Opening Address at the Annual Conference,” *Improvement Era* 10, no. 7 (May 1, 1907): 547-548 and Arrington, *Great Basin Kingdom*, 405.

<sup>124</sup> Alexander, *Mormonism in Transition*, 75.

<sup>125</sup> Arrington, *Great Basin Kingdom*, 406.

political economic philosophies and ideologies, was part of a much larger rhetorical campaign aimed at demonstrating the Saints' racial and patriotic qualifications for American citizenship. Because capitalism was widely considered to be the most civilized economic system, the Church's open embrace of capitalism had decidedly racial implications, implications which the Church intentionally foregrounded in their own representations of Mormonism in the new century. This campaign was comprised of three key strategies: 1) the leadership's open opposition to ideologies like socialism, 2) an infusion of capitalist rhetoric in LDS theology, 3) and a capitalist reinterpretation of LDS history. The success of this campaign would culminate in the development of the Church Security Program (later renamed the Church Welfare Program) during the Great Depression.

The first strategy recycled the Church's earlier disapproval of socialism, which had rejected the ideology primarily to legitimize its own utopian and anti-capitalist goals, into a much wider and vehement condemnation of a whole host of anti-capitalist ideologies and reformist activities. Church authorities expressed strong disapprobation of organized labor, unionism, strikes, socialism, communism, and Bolshevism, in sermons, articles, and private counsel to individual members. This increasingly hostile opposition was the earliest indication of what would become the Church's commitment to capitalism as US system that the Saints patriotically, and fully supported. An admonition given by George Q. Cannon in his March 1894 address at the Salt Lake Tabernacle was typical: "let socialism severely alone," he warned, instructing the Saints to "reject all radical economic and political philosophies."

Identifying “radical political groups as among the ‘secret combinations’ God had warned his people against in the Book of Mormon” he claimed they sought ““to destroy government, to overturn existing institutions, and to array class against class, community against community,”” echoing non-Mormon objections to socialist and communist organizing that dismissed anti-capitalist critiques as mere troublemaking, not legitimate analyses of existing economic conditions.<sup>126</sup> As early as August 1883, official Church publications cautioned adherents from joining unions or participating in walkouts. An editorial in *The Contributor* discouraged Saints from joining in strikes, arguing that they “sometimes seem to be necessary, but they are always wasteful.”<sup>127</sup> David O. McKay clarified the Church’s stance against unions in another editorial for the *Improvement Era* calling them “undemocratic” and “un-American,” contending that they stifled “individual liberty.”<sup>128</sup> The seriousness of the Church’s efforts to dissuade Saints’ sympathy for economic justice activism, whether radical or revisionist, is reflected in President Joseph F. Smith’s instructions in the spring of 1911 to the *Deseret News*, the Church-owned newspaper in Salt Lake City, to initiate an editorial campaign against socialism. In the unambiguous words of one church leader, ““our constant effort is to keep our people from joining these organizations.””<sup>129</sup>

The acceptance of free enterprise as a national ideology was by no means certain during the nineteenth century. Political efforts that sought to expose and combat the deleterious effects of industrial and corporate capitalism became increasingly attractive to

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<sup>126</sup> George Q. Cannon quoted in McCormick and Sillito, *A History of Utah Radicalism*, 383-384.

<sup>127</sup> “Editorial: Strikes,” *The Contributor* 4, no. 11 (August 1, 1883): 439-440.

<sup>128</sup> R. L. E, “Editorial: On Unionism,” *Improvement Era* 40, no. 8 (August 1, 1937): 496.

<sup>129</sup> George Q. Cannon quoted in McCormick and Sillito, *A History of Utah Radicalism*, 383-384.

many workers across the country. “Between 1881 and 1905” alone “there were nearly thirty-seven thousand strikes, often violent, involving seven million workers – an impressive number in a nation whose total work force in 1900 numbered only twenty-nine million.”<sup>130</sup> But, in the late-nineteenth century labor and anti-capitalist activity became increasingly associated with Southern and Eastern European immigrants whose racial status was under intense scrutiny from white Protestant elites. As capitalist ideology became further entangled with the already heavily racialized notion of Americanness, it was progressively viewed not just as an indication of racial development, but as an important aspect of good citizenship.<sup>131</sup> Thus, in rejecting and even attacking labor activism, socialism, and communism the LDS Church did not simply demonstrate its willing assimilation into the national mainstream after decades of resistance, but it tacitly communicated the Saints’ racial allegiance to white nationalism through its promotion of capitalism.

Church leaders had demonized socialism through racial associations as early as 1884. One *Deseret News* piece argued that socialism would precipitate ““chaos and a return to barbarism”” playing on associations between civilization, race, and economics.<sup>132</sup> Other LDS authors disparaged socialism for its supposed immorality, specifically citing its association with “free love” as an indication of its threat to the stability of white racial dominance.<sup>133</sup> But as the twentieth century progressed the explicit links authors drew between economic ideology and racial status were replaced with

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<sup>130</sup> Bederman, *Manliness and Civilization*, 13-14.

<sup>131</sup> See Bender, *American Abyss*.

<sup>132</sup> “The Roots of Reform,” *Deseret News* (July 31, 1884).

<sup>133</sup> “Socialism” (March 24, 1900), “A Strange Wedding,” (May 31, 1901), and (April 16, 1914) *Deseret News*.

oblique and indirect references to race. For example, in an article for the April 1913 issue of the *Improvement Era*, Pocatello stake president William A. Hyde argued that “Mormonism ‘teaches us *the highest type* of patriotism and love for our country,’” subtly drawing on hierarchal notions of white nationalism.<sup>134</sup>

By the mid-1930s, Church leaders were being commended for their fierce opposition to anti-capitalist ideologies. In the *Improvement Era*, one editorial noted with satisfaction that the First Presidency’s anti-communist stance had been met “with fervent approval, both within and without the Church, by Americans who love America,” even by the anti-Mormon *Salt Lake Tribune* which announced in a July 8<sup>th</sup> article that ““there is both reason and logic in the recent pronouncement of the Mormon Church against communism. . . . it warns of a menace that drives at the very foundations of American life. Communism has nothing in common with the Mormon Church or any other, this government or any other, this people or any other. It is an enemy to religion, to freedom, and to civilization.” In aligning Mormonism with the nation, its government, and people, the *Tribune* reversed almost seventy years of anti-Mormon writing. Approval of the Church’s anti-communist stance, particularly its insistence that “communism is not a political party nor a political plan under the Constitution; it is a system of government that is the opposite of our Constitutional government, and it would be necessary to destroy our Constitution before communism could be set up in the United States” making “support [for] communism [] treasonable,” is perhaps the best confirmation that non-Mormons’ concerns about the Church hierarchy’s power over members was not actually

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<sup>134</sup> William A. Hyde, “Why I am a Mormon,” *Improvement Era* 16, no. 6 (April 1913): 538, quoted in McCormick and Sillito, *A History of Utah Radicalism*, 419.

a concern for freedom of choice or speech, but a concern about the economic and political ideologies the church backed.<sup>135</sup>

Concomitant with the rise of the church's opposition to unionism, socialism, and communism, was an infusion of capitalist rhetoric in LDS culture and theology. As fervently as Church leaders lambasted radical economic and political philosophies, they were equally avid in their praise and support for the capitalist system, encouraging members to become loyal and hardworking employees, broker civil solutions between labor and capital, and engage in the two-party system on which the hegemony of the free market system was based. In the late 1880s LDS publications began to regularly feature articles in Church publications advising young men on the importance of vocational training and career selection as essential to personal happiness and development: "work, with an inclination to do it, is the key to success and contentment," one author advised.<sup>136</sup> "No matter what occupation a young man may choose" another claimed, "it will be impossible for him to succeed without unremitting toil."<sup>137</sup> Authors often linked an individual's gender and racial identity to their work ethic under the capitalist system. "If you would have your work count for something, put yourself into it" one writer insisted, "determine that whatever you do in life shall be a part of yourself, and that it shall be stamped with *superiority*."

As a highly-prized, "civilized" quality, superiority implicitly denoted not just manliness and whiteness, but economic productivity and innovation: "superiority of

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<sup>135</sup> "Comment on Communism," *Improvement Era* 39, no. 8 (August 1, 1936): 489.

<sup>136</sup> "Editor's Table: Talks to the Young Men.-Learn a Trade," *Improvement Era* 2, no. 11 (September 1, 1899): 867.

<sup>137</sup> Lewis A. Merrill, "Choosing An Occupation," *Improvement Era* 5, no. 3 (1902): 216.

method, progressiveness, and up-to-dateness,” were essential characteristics of any modern man/worker/citizen.<sup>138</sup> Concerns about the effects of industrial capitalism and corporate organization clearly affected the advice young LDS men received about the modern workplace: “be not content to” work hard and “know only a part” of a trade an *Improvement Era* piece suggested “for you thus become a machine which must always be governed or controlled by some one [sic] else.”<sup>139</sup> In order to truly embody the most highly prized qualities of manhood, and therefore American civilization, young LDS men were encouraged to develop a balance between productivity and individuality.

“Something to do! That is the cry and desire of the young and active,” an *Improvement Era* editorial declared, “if useful and good employment is not found or given them there is grave danger that they will choose to do that which will perhaps lead them to evil.” While “useful employment” was the solution to the temptations of intemperance and sexual sin and resulted in the “development of life and character,”<sup>140</sup> young men were also counselled to “leaven[]” their efficiency “with [their] own individuality.”<sup>141</sup>

Anticipating the Men and Religion Forward Movement’s “insist[ence] that church work should be understood as part of the modern, twentieth-century world of corporate business,” the LDS Church not only connected manliness, whiteness, and citizenship to working identity, but authorities adopted the language and logic of business, finance, and entrepreneurship in their theological discussions of morality,

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<sup>138</sup> Emphasis added to “Put Yourself Into Your Work,” *Improvement Era* 6, no. 5 (March 1, 1903): 361.

<sup>139</sup> “Editor’s Table: Talks to the Young Men.—Learn a Trade,” *Improvement Era* 2, no. 11 (September 1, 1899): 867.

<sup>140</sup> “Editor’s Table: Vocations and Industries,” *Improvement Era* 16, no. 6 (April 1, 1913): 635.

<sup>141</sup> “Put Yourself Into Your Work,” *Improvement Era* 6, no. 5 (March 1, 1903): 361.



man's relationship to God, and salvation.<sup>142</sup> George H. Brimhall, president of Brigham Young University (BYU), explained, "through obedience to the law of tithing, we become the financial elect of God or business partners with the Lord." Describing the relationship between man and God as a "business contract" he expounded on the Saints' spiritual obligation to tithe ten percent of their income to the Church as an investment: "if it is true that giving to the poor is lending to the Lord, then paying one's tithing is investing with the Lord." This was a marked departure from past theological accounts which explained that the Saints, did not own, but were merely holding the Lord's wealth and property in trust as they worked to build up the Kingdom of God. Failure to tithe in the nineteenth century had been represented as stealing from God, whereas twentieth-century theologians were now describing tithing as "a law of perfect financial liberty" and "a debt of honor."<sup>143</sup> Tithe paying, as a shrewd and morally correct financial investment, was therefore evidence of a Saint's racial-religious fitness, whereas "the neglect thereof" he explained "cannot fail to affect the greatest of all social units, the family. Under the law of heredity, what will be the tendency in offspring where the parents are conscious of not dealing honestly with the Lord?" Brimhall suggestively queried.

If Mormons were good businessmen, then being a Mormon meant being a good citizen in the Saints' own estimation, and increasingly in non-Mormons' as well. "This is pre-eminently the age of industry, and good citizenship requires that each one shall be industrially efficient" Dr. Ephraim G. Gowans remarked. "The industrial development of

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<sup>142</sup> Bederman, "The Women Have Had Charge of the Church Long Enough," 441.

<sup>143</sup> George H. Brimhall, "Tithing: Temporal Blessings," *Improvement Era* 12, no. 4 (February 1, 1909): 251-256.

the past two decades is unparalleled in the history of forty centuries, and surely there is no disposition to minimize the value of America's great industrial contribution to civilization and the progress of the race."<sup>144</sup> To be labeled industrially efficient was therefore also to be interpellated as white. As with heteronormativity the language of capitalism came to stand in for explicitly racial designators, disguising the extent to which whiteness was still regarded as an essential quality of belonging and full citizenship in the US. Just as the qualities of self-discipline, self-control, self-cultivation, sensitivity, self-sacrifice, and hard work were used to tacitly affirm the Saints' commitment to heteronormativity as a commitment to white dominance, so too were these kinds of characteristics deployed to relay the Saints' investment in capitalism as sign of their whiteness. Waste, idleness, and laziness were decried by Church authorities as evil, while "independence, industry, thrift, and self-respect" were "[ ]enthroned as a ruling principle of the lives of our Church membership."<sup>145</sup>

While the Church's economic about face was widely applauded by political and Protestant white elites, it was not easily understood or accepted by its own members. Decades of teachings that had emphasized equality, fairness, and cooperation could not be erased, nor could they easily be reconfigured to reflect the Church's new investments. Moreover, as a result of the Church's history of economic isolation, resistance, and socialistic practice many Saints were interested in the growing movements for economic

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<sup>144</sup> Dr. Ephraim G. Gowans, "Some Obligations of Citizenship," *Improvement Era* 16, no. 10 (August 1, 1913): 982-987.)

<sup>145</sup> "The Editor's Page: The President on Church Security," *Improvement Era* 40, no. 3 (March 1, 1937): 131.

justice, particularly socialism.<sup>146</sup> In addition to the zealous rhetorical campaign against those movements, Church leaders also began to introduce reinterpretations of LDS history, often directly contradicting early statements by Church authorities, in order to dissuade such interest. In 1901 one article in the *Improvement Era* went so far as to apply a capitalist lens to the Bible arguing that “Jacob’s covenant was a business contract with God” and it was therefore an important “element[] of his business success.”<sup>147</sup>

But it was not until the dawn of the Great Depression that authorities felt the need to provide an extensive reinterpretation of the Church’s economic history. In October of 1932 in the depth of the depression, one *Improvement Era* article was unafraid to ask the question, “has capitalism failed?” In an apparent response to lay interest in the United Order as a more equitable alternative to the current economic structure, the article’s author, Dr. Joseph A. Geddes, compared the two systems, concluding that “the United Order carries the great principle of social justice and group righteousness into the dark corners of capitalism in a surprisingly simple and thoroughgoing manner.” Showing no discomfort labeling the United Order “communistic” Geddes pointedly argued, “ownership of private property ... brings about undue inequality,” just as “granting of full freedom of initiative to the individual brings confusion,” and “conflicts between owners and workers interfere with cooperation and entail large wastes,” whereas “the United Order plan could not help but stir the spirit and lift the hope, courage, and ambition of

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<sup>146</sup> See McCormick and Sillito’s discussion of socialism in Utah in *A History of Utah Radicalism*, 108.

<sup>147</sup> George H. Brimhall, “Tithing: Temporal Blessings,” *Improvement Era* 12, no. 4 (February 1, 1909): 251-256.

that large number of people to whom the doors of opportunity have been opened but a very little way and have been closed again all too quickly under the present system.”<sup>148</sup>

Clearly, Geddes remarks were a dramatic departure from the Church’s recent teachings on capitalism and socialism, however unsurprising they were given the catastrophic effects of the Great Depression. But as the Church, like other institutions, struggled to find the best way to support their congregants, authorities found it necessary to disabuse their followers of any thoughts of abandoning or even critiquing the present system. To do this they offered up a reinterpretation of the Church’s economic history, particularly its experiments with the communal and cooperative efforts of the United Order which dangerously resembled socialism in many fundamental aspects. “Basic to the United Order was the private ownership of property,” J. Reuben Clark alleged in a speech during one general conference.<sup>149</sup> Fearing the growing “sentiment that communism and the United Order are virtually the same thing” Clark was emphatic in his denials. Repeatedly contending that “PRIVATE OWNERSHIP [WAS] FUNDAMENTAL” to the United Order and that “each man owned his portion, or inheritance, or stewardship, with an absolute title,” Clark sought to convince the Saints that “the United Order is an individualistic system, not a communal” one.

Not content to argue that the history of the United Order demonstrated its basically capitalist essence, Clark went further to offer a theological reevaluation of the revelation which first announced the United Order in the 1831. Section 51 “affirms that

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<sup>148</sup> Joseph A. Geddes, Ph.D., “The United Order Answers,” *Improvement Era* 35, no. 12 (October 1, 1932): 725-726 and 757.

<sup>149</sup> General conference is a bi-annual church gathering held in October and April of each year at which Church leaders give sermons and lessons on a variety of relevant issues.

every man is to be ‘equal according to his family, according to his circumstances and his wants and needs,’” but, “obviously, this is not a case of ‘dead level’ equality” Clark opined. Rather, “it is ‘equality’ that will vary as much as the man’s circumstances, his family, his wants and needs, may vary.”<sup>150</sup> Another article published a few months later maintained that the United Order was “erroneously refer[ed] to ... as ‘socialistic’ or ‘communistic’” and that “the principles of the United Order are much more capitalistic.” “How these fallacies gained currency is difficult to understand” the author said, but admitted that he “too, [once] had the idea that socialism and United Order were first cousins, if not identical twins.” Nonetheless, he insisted that the “operation” of the order “was carried on in the capitalistic fashion. ... It was the very opposite of public ownership and control of all the sources of wealth – labor included. Property was privately owned, labor was not regimented, and even the surpluses turned over to the Church were free-will offerings.”<sup>151</sup>

Church authorities’ unequivocal insistence that the faith’s history was capitalist was at the very least willful misrepresentation, but such a distortion fit nicely with the faith’s twentieth-century commitment to free enterprise. The transformation from one materialist theology to another was punctuated by the devaluation of equality, fairness, and cooperation and the elevation of individuality, self-reliance, and hard work. As Mangum and Blumell, point out self-reliance, as an economic concept, no longer referred to the economic independence of the entire LDS community, but “became primarily

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<sup>150</sup> J. Reuben Clark, Jr., “Private Ownership ... under the United Order and the Guarantees of the Constitution,” *Improvement Era* 45, no. 11 (November 1, 1942): 688-752.

<sup>151</sup> Section 51 is from The Doctrine and Covenants. William R. Palmer, “United Orders,” *Improvement Era* 45, no. 12 (December 1, 1942): 788-820.

individual, while the law of consecration and the United Order gradually became esoteric concepts.”<sup>152</sup> Nothing embodied these new values more clearly than the creation of the Church Security Program in 1936.

Developed in response to the Great Depression the program was instituted, in the words of then President Heber J. Grant, to

set up a system under which the curse of idleness would be done away with, the evils of a dole abolished, and independence, industry, thrift, and self-respect be once more established amongst our people. The aim of the Church is to help the people to help themselves. Work is to be re-enthroned as the ruling principle of the lives of our Church membership.<sup>153</sup>

The by now familiar references to virtues such as independence, industry, thrift, and self-respect would have been instantly recognizable to the Saints who regularly heard and read statements promoting them in connection with the racial, sexual, and economic fitness thought to be necessary for both spiritual salvation and good citizenship. The logic of the new program was based on the idea that “the idle person ... must be provided with the opportunity of rendering some service of which he is capable so that if and when he needs assistance it may be given not as a dole to sustain him in idleness but as a partial compensation for the work he has done or the services he has rendered.” The dole and not the instability and inequality of capitalism was represented as the true problem: “the fruits of idleness [are] ripening on every hand into indolence, infidelity, and rebellion,” Apostle Harold B. Lee warned, and would become ingrained if the unemployed were not put to work.<sup>154</sup>

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<sup>152</sup> Mangum and Blumell, *The Mormons' War on Poverty*, 75.

<sup>153</sup> Harold B. Lee, “Church Security: Retrospect, Introspect, Prospect,” *Improvement Era* 40, no. 4 (April 1, 1937): 205-209.

<sup>154</sup> Harold B. Lee, “Church Security: Retrospect, Introspect, Prospect,” *Improvement Era* 40, no. 4 (April 1, 1937): 205-209.

Just as non-Mormons praised the Saints for their promotion and practice of heteronormativity, the national reaction to the Church Security Program, as a symbol of the Church's commitment to free market capitalism, was overwhelmingly positive. Both the press and the federal government tripped over themselves to commend the Church's leaders for instituting a program that did not rely on government funds, promoted the values of hard work and personal responsibility, and seemed to "show the way out" of the depression, according to one *New York Times* piece.<sup>155</sup> After announcing the program's initiation at general conference in April of 1936, Church officials met with President Franklin Roosevelt in May to discuss the plan while other general authorities promoted the program in the national press. J. Reuben Clark's statements at a press conference in New York City, in which he claimed "the LDS Church will remove its 88,000 needy members for public relief rolls and launch cooperative work projects tending to make them self-supporting," were picked up and reported by several news outlets and nationally circulated magazines. The press regularly "published articles as if [Clark's] stated intention[s] were an accomplished fact, apparently anxious to praise this alternative to the 'liberal' New Deal."<sup>156</sup>

A two-page spread in the May 22, 1937 edition of *Newsweek* featured "the work of the men and women in their effort to care for themselves and the worthy poor through the Church Security Program" the *Improvement Era* happily reported.<sup>157</sup> Even *The Catholic Worker*, a periodical put out by the Catholic Church printed in New York,

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<sup>155</sup> See Harold B. Lee's reference to *New York Times* article, "The Mormons Show The Way Out," in "Church Security: Retrospect, Introspect, Prospect," *Improvement Era* 40, no. 4 (April 1, 1937): 205-209.

<sup>156</sup> Mangum and Blumell, *The Mormons' War on Poverty*, 137.

<sup>157</sup> "A Challenge to the Church in the News," *Improvement Era* 41, no. 4 (April 1, 1938): 216.

applauded the LDS Church for its new program making the surprising declaration that “Mormons have taken the lead from Catholics in caring for their needy,” setting “an example worthy of imitation by their Catholic fellow countrymen.” The *Worker* was particularly impressed that the LDS Church “called upon every man, woman, and child to be *personally responsible* for the amelioration” of the economic crisis.<sup>158</sup> The common thread in the overwhelmingly positive national coverage of the Church’s new program was its apparent emphasis on self-reliance, self-support, and personal responsibility. These characteristics, which had already been well-established as racialized traits during the first thirty years of the twentieth century, were extolled as definitive evidence of the Saints absorption into US society and culture.

Church officials immediately recognized the significance of the nation’s response to their new program, using it to continue to refurbish the faith’s reputation and to reaffirm the Church’s racial/national commitments. Former US Senator Reed Smoot and George Albert Smith, both members of the Quorum of the Twelve Apostles, wrote a letter in response to the *Newsweek* piece, which although it had highly praised the Church Security Program had also included some anti-Mormon prejudice. A testament to the significant shift in non-Mormon attitudes toward the LDS Church, the magazine responded positively to Smoot and Smith’s letter – especially notable given the intense campaign to keep Smoot out of national office thirty years earlier – and printed a retraction stating, “*News-Week* regrets that it relied upon accounts of Joseph Smith

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<sup>158</sup> Emphasis in original, “Front Page News for America: The Catholic Worker, IV. No. 7 November 1936,” *Improvement Era* 40, no. 1 (1937): 28.



which were written by historians whose bias is open to question.”<sup>159</sup> “[T]he past year has been marked by a warm and generous reception in the world’s leading periodicals” the *Improvement Era* was proud to announce, the “slander, historical falsehood, and the willful misconceptions of” decades past had been replaced with the message that “the Church has be[come] wholesome front page news for America – and beyond.”

Mangum and Blumell contend that “perhaps the greatest contribution of the [Church] Welfare Plan was that it permanently shifted the church’s [sic] image from that of a polygamous sect ... to a solidly middle-class American church that exemplified hard work, family-centered values, and the frontier virtues of neighborliness and self-reliance.”<sup>160</sup> In fact, the program assisted Church authorities’ efforts to limit and even scale-back on women’s participation in the public sphere. Arrington and Bitton explain that “church [sic] leaders insisted that prevention was more effective than cure and that the best antidote to social problems was a strong home.” Continued emphasis on the heteronormative family unit was therefore advertised by the Church, not just as a divinely organized body, but as a preventative prescription against modern social evils. The previously “widespread involvement of Latter-day Saint women in social work became a thing of the past” and “monthly lessons which had earlier focused on social work and psychology now dealt with social relations within the Latter-day Saint family.”<sup>161</sup> By the 1930s the Church’s economic agenda had become thoroughly intertwined with its social one, just as it had been in the nineteenth century, but now monogamous heterosexual marriage based upon the “naturalness” of differentiated gender roles was posed as both

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<sup>159</sup> “A Challenge to the Church in the News,” *Improvement Era* 41, no. 4 (April 1, 1938): 216.

<sup>160</sup> Mangum and Blumell, *The Mormons’ War on Poverty*, 155.

<sup>161</sup> Arrington and Bitton, *The Mormon Experience*, 235.

the solution and perfect complement to the modernization of life in the US under the free market system.

Thus, Mormon peculiarity no longer signaled sexual and economic deviance which resulted in racial inferiority that threatened the nation-state, instead it had transformed 180 degrees to communicate a “higher state of morality,” higher in fact than “the general run of people in this country” one non-Mormon commentator opined. Even though non-Mormons now considered Mormons to be a “morally and physically [] fine people” – a clear indication that the Saints were accepted as white by the 1930s – Mormon peculiarity discourse was still used as a foil against which “Americanness” could be defined in terms of whiteness; only now Mormon’s “high state of morality” was what made them peculiar. They are “a *high grade* of people, higher, I think, *on average* than the general run of people in this country” an observer noted, while yet another insisted that “they surpass the people in any other part of the country in their high standards of personal conduct” and value “the best thing in family life ... *to a greater extent* than among people *generally* in this country.” Mormon peculiarity discourse now denoted a peculiar *hyper*-normativity on the part of the Saints. The Mormons as “a high grade of people,” “with high standards of personal conduct,” who were above average in their efforts to “bring up their boys and girls to be honorable and industrious men and women,” communicated “industry,” “sobriety,” “self-reliance,” “thrift,” “hard work,” and “clean living” as valuable and necessary attributes for US exceptionalism as a project of white supremacy.<sup>162</sup>

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<sup>162</sup> Emphasis added to Orval Ellsworth, Ph.D., “What Others Think of the Mormons,” *Improvement Era* 45, no. 10 (October 1, 1942): 625, and 665-668.

## Chapter Four

### Legalizing Mormon Peculiarity?

On December 20, 2013 a federal court judge ruled that Utah's ban on gay marriage was unconstitutional.<sup>1</sup> Making Utah the eighteenth state to allow same-sex marriage, *Kitchen v. Herbert* was one of dozens of cases that followed in the wake of the Supreme Court's rulings earlier that June, *United States v. Windsor* and *Hollingsworth v. Perry* – each dealing with the constitutionality of the federal Defense of Marriage Act (DOMA) and Proposition 8 in California respectively. Taken as only part of the larger push to legalize gay marriage in the United States, *Kitchen* is unremarkable;<sup>2</sup> however, the reactions to the reversal of Utah's law reveal that for many the meaning of the decision was somehow different, and drastically so, from those in other states. Take, for example, popular MSNBC news anchor Rachel Maddow's reporting on the decision:

... I don't know why this one feels different, but this one feels different. Today a *federal* judge in Utah, *yes that Utah*, struck down the state's ban on same-sex marriage ... And so the ruling came down, surprising everyone, at two o'clock local time in Utah and by three o'clock local time in Utah *people were getting married in that state*. People who probably thought they would never, ever, ever in their entire lives, ever, be able to get married in Utah, let alone today ... Does this Utah decision today just feel like it's a bigger deal than all the others because, forgive me, *its freaking Utah?* ... Am I just having an emotional reaction to the word Utah?<sup>3</sup>

Maddow's comments invoke – through the inability to express what exactly is different,

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<sup>1</sup> Utah has three bans against same-sex marriage, two statutes and one amendment to the state's constitution. The first ban is a statute that prohibits marriage between persons of the same sex and was enacted in 1977. The second statute and the amendment, both enacted in 2004, were products of a national debate over gay marriage that was then sweeping the country.

<sup>2</sup> Legally speaking, *Kitchen* is unique because the District Court's ruling was not only the first federal level decision to legalize gay marriage, but it was also the first decision that was based on the precedent set in *Windsor*. Followed by several parallel circuit court decisions, *Kitchen* stood as precedent until the Sixth Circuit Court issued a contradictory ruling upholding the ban on gay marriage in Ohio, Michigan, Kentucky, and Tennessee. Appealed to the Supreme Court, that case, *Obergefell v. Hodges*, was decided in June 2015, and established that there is a fundamental right to same-sex marriage guaranteed in the Due Process and Equal Protection clauses of the Fourteenth Amendment.

<sup>3</sup> Emphasis in original, *The Rachel Maddow Show*, December 20<sup>th</sup>, 2013, [http://www.nbcnews.com/id/53994311/ns/msnbc-rachel\\_maddow\\_show/](http://www.nbcnews.com/id/53994311/ns/msnbc-rachel_maddow_show/).

but the certain knowledge that something *is* different – a long history of exceptionalist rhetoric that identifies Utah, via Mormonism, as peculiar. Her reaction is typical of late-twentieth and early-twenty-first century articulations of Mormon peculiarity discourse that equate Utah with the influence of the LDS Church. In this account, an apparently unprecedented conservatism – even a backwardness – characterizes the religious and political atmosphere of the state, rendering any and all forms of queer life and activism therein totally inconceivable. Consequently, even though the *Kitchen* decision was legally probable, if not predictable, it remained notable exactly because Mormon peculiarity discourse deemed it (im)possible.

Just seven days later, on December 27 another federal court judge struck down the central component of Utah’s anti-polygamy law in *Brown v. Buhman*. Brought to court by the polygamous Brown family featured on TLC’s popular reality TV series *Sister Wives*, the decision altered 150 years of marriage law in Utah by declaring the state’s criminalization of “cohabitation” unconstitutional.<sup>4</sup> Although media coverage of *Brown* was extensive in Utah, its reverberations were not as widespread as those made by *Kitchen*. Given the historical context of Utah’s anti-polygamy law, the centrality of anti-

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<sup>4</sup> “Cohabitation” was first criminalized by federal legislation in the nineteenth century as a strategy to more easily prosecute polygamists in Utah. Because LDS marriages were common law, federal prosecutors needed the marriage certificate (records which were kept hidden by the Church) or they needed wives to testify they were married (wives would “forget” if they were married) making it incredibly difficult to get an indictment, let alone a conviction. Proving cohabitation, that a man lived with more than one woman as his wife, facilitated prosecution by side-stepping the need to prove a legal marriage had taken place. Cohabitation is still illegal in Utah and used to prosecute Mormon polygamy, but not other types of cohabitation or adultery.

*Brown* was appealed to the Tenth Circuit Court of Appeals in September of 2014. In April 2016 the Tenth Circuit ordered dismissal of the case (and by extension the findings of the previous court), leaving the criminalization of cohabitation intact, on the grounds that the Utah County Attorney’s Office policy of limiting polygamy prosecutions to those involving child abuse, bigamy, fraud, and/or violence meant that the Browns had no credible fear of prosecution, despite the lower court’s observation that such a policy rendered the law redundant and suggested it was a biased statute.

polygamy activism to federal marriage law, and widespread concern that the legalization of gay marriage would lead to the legalization of polygamy, it is ironic that its decriminalization garnered such limited attention from the general public.<sup>5</sup>

The concurrent timing of these decisions and the respective reactions to them are revealing, but *not* as examples of a newfound acceptance of sexual non-normativities in the US; paradoxically these decisions mark an insidious recentering of heteronormative whiteness in US culture and politics. As courts across the country have affirmed the rights of same-sex couples to marry, culminating in the Supreme Court's *Obergefell v. Hodges* (2015) decision, narratives of US (sexual) exceptionalism have applauded the nation for the formal acceptance and supposed cultural integration of yet another marginalized group.<sup>6</sup> However, a close analysis of the *Kitchen* and *Brown* decisions reveals that despite the legalization of gay marriage and the possibility of the legalization of polygamy in the US, these decisions are not watershed victories for "sexual freedom," but actually help to recenter heterosexuality, monogamy, marriage, and whiteness as

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<sup>5</sup> Both before and after *Obergefell v. Hodges* legalized gay marriage nation-wide, the media, pundits, politicians, and even courts warned that such a decision would lead to the legalization of polygamy. See, for example, Supreme Court Justice Antonin Scalia's dissent in *Lawrence*: "State laws against bigamy, same-sex marriage, adult incest, prostitution, masturbation, adultery, fornication, bestiality, and obscenity are likewise sustainable only in light of *Bowers*' validation of laws based on moral choices. Every single one of these laws is called into question by today's decision;" James Oliphant, "Rick Santorum jeered after comparing gay to polygamy," *Los Angeles Times*, January 6<sup>th</sup>, 2012, <http://articles.latimes.com/2012/jan/06/news/la-pn-santorum-jeered-after-comparing-gay-marriage-to-polygamy-20120106>; *The O'Reilly Factor*, originally aired April 4<sup>th</sup>, 2013; *The O'Reilly Factor*, originally aired December 16, 2013, <https://www.youtube.com/watch?v=ajNybaF2-40>; Michael Brendan Dougherty, "How gay marriage paves the way for legal polygamy," *The Week*, July 6, 2015, <http://theweek.com/articles/564178/how-gay-marriage-paves-way-legal-polygamy>; Jane C. Timm, "Ben Carson: Gay marriage leads to polygamy and 'on from there,'" *MSNBC*, October 13, 2015, <http://www.msnbc.com/msnbc/carson-gay-marriage-leads-polygamy>; as well as and Supreme Court Justice Roberts' dissent in *Obergefell*: "If '[t]here is dignity in the bond between two men or two women who seek to marry and in their autonomy to make such profound choices, ... why would there be any less dignity in the bond between three people who, in exercising their autonomy, seek to make the profound choice to marry?" (20).

<sup>6</sup> See Bailey and Zahren, "Post-homophobia comes out," for an analysis of this trend in representations of Mormon polygamy on television.

vested interests of the state.<sup>7</sup>

Analyzing these decisions in relation to one another and within the historical context of their development helps to demonstrate how the ostensible inclusion granted to sexual and religious minorities through legal recourse is at best selective and at worst (and most usually) cursory. Moreover, when read together, these decisions symbolically bookend the development of Mormon peculiarity discourse from its nineteenth century beginnings to its twenty-first century iterations. Both decisions, and their proximity to one another, underscore the continued elaboration of Mormon peculiarity in relationship to sexual non-normativity: in each instance Mormonism is framed as abnormal either because of its promotion of polygamy *or* in its abhorrence of same-sex sexuality and kinship. The persistent lure of Mormon peculiarity discourse ensured that *Kitchen*, more than any other state-based gay marriage decision, functioned as proof of the apparently substantial progress that the US has achieved in protecting, including, and even embracing sexual minorities. “If Utah,” – so the thinking goes – “whose politics is dominated by the ultra-conservative LDS Church, legalized gay marriage, then the US has certainly achieved a completely progressive and inclusive state.” And while it may be tempting to read *Kitchen* as progressive and *Brown* as evidence that the decriminalization of sodomy and the legalization of gay marriage have paved the way for greater sexual and religious freedom in the US, a closer look at *Brown*’s reasoning reveals a troublingly limited view of sexual freedom as well as a willful disavowal of the nation’s persecution and exclusion of sexual, religious, and racial minorities, past and present.

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<sup>7</sup> More accurately, if *Brown* is taken all the way to the Supreme Court, it is possible “cohabitation” would be decriminalized, but not that polygamy would be legalized.

Thus, this final chapter analyzes *Kitchen* alongside *Brown* as contemporary examples of the intersection between US sexual exceptionalism and Mormon peculiarity discourse. Both cases exemplify how Mormon peculiarity discourse is still used to reinforce claims of US ethical/sexual superiority, and ultimately serves as justification for US imperialism through the negation of racism in the contemporary moment. My analysis of these decisions focuses on two points: 1) that legal claims to sexual and religious freedom in the US inevitably require a willful erasure of the nation's racial legacy and/or any acknowledgement of its racial present and 2) that Mormon peculiarity remains a vital discursive construction in justifying US imperialist aims.

To make this argument, I draw on a body of queer, legal scholarship about *Loving v. Virginia* (1967) and *Lawrence v. Texas* (2003), two Supreme Court cases that decriminalized interracial marriage and same-sex sodomy respectively. I engage this work because both *Loving* and *Lawrence* were precedent setting cases that were crucial to the findings in both *Kitchen* and *Brown* and, even more importantly, because this scholarship helps to illuminate the complex ways that discourses of sexual exceptionalism and racial equality have become intertwined and perpetuated within the law. In addition to providing a more complete contextualization for the development of marriage case law in the US, particularly the haunting, but often underemphasized importance of the Supreme Court's *Reynolds v. United States* (1879) decision, I explore how the (re)appearance of Mormon peculiarity discourse in recent marriage case law reinforces an implicit investment in whiteness, couched in the apparent extension of rights to "private sexual conduct."

### ***“Background”: Racializing Religion***

Current articulations of US sexual exceptionalism contrast the successful legalization of same-sex marriage with the failure of conservative religious bigotry to prevent it, ostensibly proving that the US has, or will very soon, achieve a complete inclusion of sexual minorities. *Kitchen* was merely one example in a larger pattern of rulings legalizing gay marriage nationwide. However, one significant fact separated this judgment from others like it: both in the decision itself as well as in the media coverage of the decision, a furtively *racialized* conception of religion was deployed as the boogeyman to blame for the proscription of same-sex marriage. *Kitchen* particularly embodied this concept, contrasting, “one of the hearts of conservative religion in America,” a state that “just *hates* homosexuals in every form and certainly doesn’t want them getting married” with the inevitability of the US legal system’s triumph over discrimination.<sup>8</sup>

*Kitchen*, a case like hundreds of others, began when three same-sex couples – Derek Kitchen and Moudi Sbeity, Karen Archer and Kate Call, and Kody Partridge and Laurie Wood – petitioned to find the state’s ban on gay marriage unconstitutional. The six plaintiffs argued that Utah’s prohibition of same-sex marriage denied them access to rights that were protected under the Due Process and Equal Protection clauses of the Fourteenth Amendment of the US Constitution. Judge Shelby of the US District Court of Utah agreeing with the plaintiff’s reasoning, found resoundingly in their favor. In and of itself, Shelby’s reasoning is not necessarily noteworthy, however, unlike the multitude of

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<sup>8</sup> John Iadarola, “Judge DESTROYS Utah Same-Sex Marriage Opponents in Epic Ruling!,” December 23, 2013, <https://www.youtube.com/watch?v=DSqgh9a0f88>.



other same-sex marriage cases, the religious backgrounds of the plaintiffs – Sbeity’s, and Call’s in particular, – play a critical role in how the judgment is framed and understood.

Located in the requisite “Background” section at the very beginning of the decision, Shelby’s selected personal history of the plaintiffs is easily overlooked, but appreciably revealing. These brief personal histories highlighted the plaintiffs’ coming out experiences as well as the discrimination they had faced as a result of their sexuality. Shelby reiterated the particularly religious nature of the discrimination that most of the plaintiffs experienced, but this carefully worded section avoided any specific indictment of a single religion as the cause of the plaintiffs’ suffering. For example, Sbeity’s religious background is conspicuously omitted, yet Shelby mentions that he “grew up in Lebanon” and came to the US “during the war between Lebanon and Israel.” In reaction to his coming out, Sbeity’s “mother took him to a psychiatrist.” But even after his mother accepted his sexuality, “he was careful about whom he told because he was concerned that he might expose his mother to ridicule.”<sup>9</sup> It is unclear from this brief account why and by whom Sbeity’s mother (as opposed to Sbeity himself) would be ridiculed, however, the inclusion of Sbeity’s nationality invokes the specter of a stereotypically homophobic and sexist Islam, without explicitly identifying Sbeity’s religious history.

Sbeity stands out as the sole plaintiff of color whose history drastically differs from the other petitioners. The allusions to Sbeity’s religious background via his nationality and coming out experience subtly reference stereotypes of Islam as not just homophobic, but as “backwards” in its approach to gender, marriage, and kinship more generally. These stereotypes were confirmed by various media reports, such as the

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<sup>9</sup> *Kitchen*, 3.

*Huffington Post*'s narration of Sbeity's history. The *Post* confirms that Sbeity's Lebanon-based family is in fact Muslim and reiterated a formulaic depiction of Islamic nations as inherently more homophobic than any Christian nation, especially the US:

Sbeity was raised in Lebanon, where until this year, being caught having sex with someone of the same gender was punishable by up to one year in jail. So as a gay teen, Sbeity was careful to hide his orientation to avoid being thrown in jail and because he feared his mother's Muslim family would turn against her.<sup>10</sup>

While the facts of his history may or may not be presented accurately, they perpetuate a narrative of regressive Muslim morality contrasted with an implicit acceptance and inclusion of same-sex sexuality in the US, embodied in the *Kitchen* decision itself. The article clarifies Judge Shelby's vague reference to Sbeity's fear that his mother would be "ridiculed" by echoing criticisms that Islam is inherently and irretrievably patriarchal – situating Sbeity's mother as a target of cultural and religious intolerance, perhaps even more so than her gay son.<sup>11</sup>

Shelby's judgement is subtly framed by the establishment of the discursive formulation of the US as a tolerant and progressive nation-state, in contrast to the fanatical and backwards space of Lebanon, and Islamic nations more generally. Yet, in the decision, US sexual exceptionalism is not solely articulated through references to Sbeity's religious and ethnic background; it is also paradoxically reinforced by parallel narratives of LDS intolerance of same-sex sexuality. In fact, it is clear that the majority of the plaintiffs came from conservative religious backgrounds, most of them from LDS

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<sup>10</sup> Brady McCombs, "Derek Kitchen And Moudi Sbeity, Utah Gay Couple, On The State's Same-Sex Marriage Fight," *Huffington Post*, June 7<sup>th</sup>, 2014, <http://christianreport.com/religion-blog-from-huffington-post/20098-derek-kitchen-and-moudi-sbeity-utah-gay-couple-on-the-states-same-sex-marriage-fight.html>.

<sup>11</sup> This gendered narrative of exceptionalism is one that gender studies scholars have analyzed as an imperialist discourse that frames Muslim women as "helpless" and in need of rescuing. See the work of Lila Abu-Lughod, Inderpal Grewal, Caren Kaplan, Valentine Moghadam, Chandra Mohanty, Saba Mahmood and Gayatri Spivak.

families. Call grew up LDS, her parents even serving as mission presidents in Wisconsin and Mexico, and her father eventually working as a professor at the LDS operated Brigham Young University (BYU). Call herself attended BYU, graduating in 1974 and serving a mission in Argentina. Shelby notes that Call was outed, without her permission, to LDS authorities and her parents by her mission president in South America.<sup>12</sup>

Although these facts might be dismissed as mere details of Call's personal history, they reference a long history of specifically LDS homophobia. The particulars Shelby cites signal to readers familiar with LDS religion and culture that Call's history is one example of many gay LDS individuals who had to struggle with their sexuality as a result of their church's attitudes and policies toward same-sex sexuality. Shelby assumes that (local) readers will be familiar with the LDS Church's notorious history of violently regulating its LGBT members, especially during the 1970s – the time when Shelby reports that Call came to acknowledge her lesbian identity.<sup>13</sup>

At first glance, references to LDS repression of same-sex sexuality might seem to allay the claim that *Kitchen* perpetuates an image of US tolerance and Muslim backwardness; however, this assertion must be read in light of the historical racialization of Mormons as un-American and non-white, often as analogous to Asians and/or Muslims, a history I described in previous chapters. Shelby's recurrent allusions to LDS intolerance in the decision, as well as continual references to Mormon bigotry in media coverage of the battle over gay marriage, reinforce a lasting stereotype of Mormonism as

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<sup>12</sup> *Kitchen*, 4.

<sup>13</sup> Examples of LDS LGBT repression during the 1960s and 1970s included encouraging gay people to marry someone of the opposite sex, LDS leaders promoting violence against gay people, BYU administrators working with Utah police departments to identify and track gay students, and the use of shock therapy for students identified as gay at BYU.

perpetually regressive when it comes to social issues like (same-sex) marriage – a state of affairs that is often traced back to Mormonism’s history of polygamy. This history has recently been regurgitated through a “neo-Orientalist framework” evident in news coverage of Mormon fundamentalist polygamy that “relies on racialized and sexualized codes to ... Muslimize” various Mormon religious traditions.<sup>14</sup> The racial implications of this framework are made clear when news coverage continually refers to the Fundamentalist Church of Jesus Christ of Latter-Day Saints (FLDS) as “North America’s Taliban” or Warren Jeffs’ (the leader of the FLDS) “harem.”<sup>15</sup> Despite the fact that the LDS Church banned polygamy in 1890, the general public still confuses the FLDS, one of the most notorious splinter groups that broke away as a result of the 1890 manifesto, with the mainstream LDS Church – a mistake that the LDS Church has worked hard, but perhaps in vain, to correct.

Courtney Bailey and Adam Zahren point out that contemporary media coverage of FLDS polygamy recalls the nineteenth-century conceptualizations of “Mormons” as a separate race by highlighting the “peculiar, quasi-foreign look” of FLDS members, a look that is used to justify state surveillance and intervention.<sup>16</sup> Media coverage and cultural representations of the LDS Church and its members follow a similar pattern by consistently repeating stereotypes about their family size, clothing, tastes, and whiteness (despite the national and racial diversity of the Church). This trend is evident in much of the coverage of Mitt Romney during his presidential campaigns in 2008 and 2012,

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<sup>14</sup> Bailey and Zahren, “Post-homophobia comes out,” 161-162.

<sup>15</sup> Daphne Bramham, “The Taliban among us,” *The National Post*, March 22, 2008 and Dorothy Allred Solomon, “American Taliban?,” *Marie Claire*, <http://www.marieclaire.com/politics/a1788/american-taliban>.

<sup>16</sup> Bailey and Zahren, “Post-homophobia comes out,” 172.

coverage that often featured photographs of himself with his wife and five sons next to images of his great grandfather's much larger polygamous household.<sup>17</sup> Efforts to frame Mormonism as racially akin to Islam do more than simply conflate religion, ethnicity, and race; they also reinforce stereotypes of both religious traditions as fundamentally opposed to the progressive achievements of twenty-first-century US jurisprudence.

The simultaneous likeness and distinction between the plaintiff with a Muslim background and those with LDS backgrounds echoes a familiar refrain about domestic tolerance, contrasted with foreign persecution of gay and lesbian individuals. All in all, the telling personal details Shelby highlights are central to *Kitchen*'s significance, both locally and nationally. For these plaintiffs, homophobia – and by extension their restricted access to gay marriage – is understood to be a direct result of these two repressive, racially suspect religious traditions; traditions that are represented as antithetical to the US tradition of acceptance and inclusion that supposedly characterizes the nation-state as exceptional. Explicitly in the media, and more subtly in *Kitchen*, Muslims and Mormons are presented as outside of proper belonging and citizenship, despite narratives of religious liberty, racial equality, and sexual freedom. What is significant about *Kitchen* in particular then, especially in its proximity to the *Brown* decision, is that Mormonism continues to be constructed as an Orientalist religious tradition that promotes outdated approaches to gender and sexuality, whether that be in its commitment to polygamy as a religiously necessary practice or in attitudes that regard same-sex sexuality as an abomination.

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<sup>17</sup> See for example *Time* magazine's profile of Mitt Romney, "The Mormon in Mitt," by Jon Meacham, October 8<sup>th</sup>, 2012.

This is especially ironic given Shelby’s assertion that expanding the fundamental right of marriage to include same-sex couples would actually expand, not limit, religious freedom. According to Shelby, *Kitchen* “does not mandate any change for religious institutions, which may continue to express their own moral viewpoints and define their own traditions about marriage.”<sup>18</sup> A clear attempt to placate religious institutions, including the LDS Church, that (incorrectly) claim that legalizing same-sex marriage will infringe on their right to religious freedom, Shelby’s statement is haunted by the fact that *Reynolds v. United States* (1879), a case first discussed in chapter two, still ensures that both the state and federal government can legally criminalize polygamous marriages, even if those unions are a matter of religious belief.

As the first Supreme Court case to interpret the First Amendment guarantee of religious freedom, *Reynolds*’ differentiation between religious belief and practice set the standard in the realm of religious freedom for the next two centuries, upholding the federal government’s right to criminalize polygamy. As Gordon observes, “subsequent decisions sustained and amplified the essential premise of *Reynolds*, which remains a frequently cited precedent.” However, the “staying power of anti-polygamy jurisprudence is remarkable, for many nineteenth-century cases were buried under the weight of twentieth-century rights doctrines that consciously eschew the nineteenth-century Court’s restrictive interpretation of civil rights.”<sup>19</sup> Since it was decided in December 2013, *Brown* has incorrectly been interpreted as a decision that legalized polygamy, implying that *Reynolds* is no longer valid. On the contrary, *Brown* did not legalize polygamy, instead it

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<sup>18</sup> *Kitchen*, 49.

<sup>19</sup> Gordon, *The Mormon Question*, 130.

invalidated a major component of the state’s anti-polygamy law – excising any criminalization of “cohabitation” – which had been a part of Utah’s legal code since the nineteenth-century federal campaign against the LDS Church outlawed the practice.

Previously, the term “marry” in Utah’s anti-polygamy statute had been interpreted to mean both legally recognized marriages and those that are not state sanctioned. In other words, an individual need not have two (or more) marriage certificates to run afoul of the law, but merely cohabitating with a second partner, when legally married to a first, constituted a violation of Utah’s anti-polygamy statute. The Browns claimed that this interpretation of the statute violated their constitutional rights, first and foremost, their right to due process under the Fourteen Amendment. They did *not* assert a constitutional right to practice polygamy (i.e. a constitutional right to engage in legally sanctioned bigamy), but instead asserted a right to a “‘carefully described’ liberty interest in religious cohabitation” which Judge Waddoups agreed was constitutionally protected.<sup>20</sup> *Reynolds* remains binding precedent, allowing the government to regulate bigamous marriages, but not necessarily “religious cohabitation.”

Premiering in 2011, the reality TV series *Sister Wives* follows the marriage of polygamist Kody Brown and his four wives Meri, Janelle, Christine, and Robyn Brown.<sup>21</sup> Garnering significant media coverage after its premiere, the show followed the family’s everyday lives in Lehi, Utah and documented Kody’s proposal to Robyn (his fourth wife) as well as their subsequent marriage in its first season. As a result of the show’s massive popularity and the extensive media coverage that it received, the Brown family came

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<sup>20</sup> *Brown*, 31.

<sup>21</sup> The Brown family are members of the Apostolic United Brethren Church, a fundamentalist, polygamist faith that is part of the Latter-day Saint tradition, but is not affiliated with the LDS Church.

under investigation by Utah County for engaging in polygamy. Despite the fact that the state was aware that the Brown family was polygamous before the show aired, “state officials acknowledged that ‘The Sister Wives’ program triggered their investigation.”<sup>22</sup> Season Two recounted the shock and terror of the family as the state investigated the family, leading Kody to make the decision to move himself and all four of his wives and seventeen children to Las Vegas. The over-dramatization of reality television notwithstanding, audiences witnessed firsthand the family’s fear and misery as they frantically packed their belongings and desperately drove toward the Nevada border. In one telling scene, Robyn, Kody’s fourth wife, tearily realizes, “this is not the America I learned about when I was in school.”<sup>23</sup> This realization drove the Mormon patriarch and his wives to file the lawsuit in July of 2011 that contended Utah’s anti-polygamy statute was unconstitutional.

While every US state bans bigamy, as a result of the protracted social, cultural, and political battle of the nineteenth century, Utah’s statute banning bigamy contains an extra prohibition forbidding “cohabitation.”<sup>24</sup> As discussed in chapter two, this supplementary ban was specially designed by the federal government to assist in successfully prosecuting polygamist patriarchs without having to prove that an actual legal marriage had taken place.<sup>25</sup> The *Brown* decision was based on three premises: 1) that Utah’s anti-polygamy statute was facially unconstitutional (meaning it was obviously

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<sup>22</sup> *Brown*, 6.

<sup>23</sup> *Sister Wives*, “Gambling on the Future,” episode 19, originally aired May 22<sup>nd</sup>, 2011.

<sup>24</sup> *Brown*, 82. Moreover, Utah was granted statehood on the condition that “polygamist or plural marriages are forever prohibited” in the Enabling Act and the Irrevocable Ordinance, which was included in Utah’s Constitution.

<sup>25</sup> Edmunds Act of 1882.



discriminatory because it only applied to certain group of people) and as a result the court struck the phrase “or cohabits with another person” from the statute as a violation of the Free Exercise Clause of the First Amendment;<sup>26</sup> 2) that the statute was without a rational basis under the Due Process Clause of the Fourteenth Amendment; 3) and finally, Judge Waddoups determined that the terms ‘marry’ and ‘purports to marry’ in the statute must be interpreted to mean only those marriages that are legally recognized and do not include relationships that are defined by cohabitation, religion, or other non-legal criteria.<sup>27</sup> Key to the decision was Waddoups’ determination that there is a crucial difference between polygamy and what he labelled “religious cohabitation.” According to the court, the former is simply another name for bigamy – the knowing acquisition of multiple marriages licenses – while the latter refers to a relationship defined by “private ‘spiritual’ marriages not licensed or otherwise sanctioned by the state.”<sup>28</sup> With this distinction at its heart, Waddoups’ decision dealt an apparent deathblow to the historic regulation of polygamy in Utah, functionally determining that a statute banning bigamy already prohibits polygamy and that Utah cannot legally ban religious cohabitation.

I do not highlight the significance of this sea change in Utah’s polygamy policy in order to praise the state’s recognition of individuals’ liberty interest in “religious cohabitation.” Because the decision did not expand the right of legal marriage to polygamists and self-consciously demands the recognition of individuals’ right to make private, personal decisions about their lives, it might be easily mistaken for, or read as, a

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<sup>26</sup> The full statute reads as follows: “A person is guilty of bigamy when, knowing he has a husband or wife or knowing the other person has a husband or wife, the person purports to marry another person or cohabits with another person” Utah Code Ann. § 76-7-101(1).

<sup>27</sup> *Brown*, 2.

<sup>28</sup> *Brown*, 10.

queer template for individuals' relationship to the state. Instead, this decision's significance must be understood as an extension of, rather than a break from, the state's investment in both heteronormativity and white supremacy. Discourses of (sexual) exceptionalism, particularly, Mormon peculiarity, are deployed in *Brown* to camouflage and ultimately downplay the racial implications of both the remaining ban and the state's interest in regulating marriage.

This is evident in the fifteen-page historical preamble to the actual analysis of the decision. Because *Reynolds* is still binding precedent and “it would [have been] an easy enough matter for the court to do as the Defendant urge[d] and find against the Plaintiffs on the question of religious cohabitation under the Statute,”<sup>29</sup> Waddoups takes the time to contextualize both the constitutional developments since *Reynolds* and some of the racial dynamics of the nineteenth-century polygamy debate. In this section, Waddoups, like Barringer Gordon, noted that *Reynolds* had a remarkable staying power in the context of constitutional law, leading him to contend that it “would not be the legally or morally responsible approach [to ignore] the current contours of the constitutional protections at issue” in which “the Supreme Court has over the [intervening] decades assumed a general posture that is less inclined to allow majoritarian coercion of unpopular or disliked minority groups, especially when blatant racism (as expressed through Orientalism/imperialism), religious prejudice, or some other constitutionally suspect motivation, can be discovered behind such legislation.”<sup>30</sup> Thus, Waddoups understood the jurisprudence of the post-*Reynolds* era to have necessitated a reexamination of the

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<sup>29</sup> *Brown*, 10.

<sup>30</sup> *Brown*, 10-11.

polygamy question in light of modern constitutional standards that protect individuals' rights, especially when proposed restrictions on those rights are based in suspect motivations, such as racism.

Relying heavily on academic treatments of the history of the Latter-day Saint tradition, the battle over polygamy, and the concept of Orientalism, Waddoups launches into a detailed outline of the ideological framework that yielded *Reynolds*. Narrating the context that produced the 1879 verdict as “an orientalist mindset among ruling elites”<sup>31</sup> that would be “unthinkable as part of the legal analysis in a modern Supreme Court decision” Waddoups correctly characterizes the *Reynolds* court as both subject to and advancing the prevailing racial and imperial logic of its day.<sup>32</sup> Nineteenth-century citizens saw, and the Waite court articulated, “a social treason against the nation of White citizens when Mormons adopted a supposedly barbaric marital form, one that was natural for ‘Asiatic and African’ people, but so unnatural for Whites as to produce a new, degenerate species.”<sup>33</sup> This transgression was doubly threatening, since nineteenth-century logic held that engaging in the patriarchal practice of polygamy would ipso facto lead to despotism; a logic that is still repeated in modern discourses of gender exceptionalism.<sup>34</sup> Implicitly rejecting nineteenth-century articulations of Mormon peculiarity as based in “Orientalism,” Waddoups’s mini-history provides crucial context for any consideration of the ways sexual exceptionalism is deployed in modern legal

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<sup>31</sup> *Brown*, 11.

<sup>32</sup> *Brown*, 20.

<sup>33</sup> *Ertman*, “Race Treason,” 287.

<sup>34</sup> Refer to footnote five. As did nineteenth-century anti-Mormons, modern commentators claim that polygamy inevitably leads to a power imbalance, in which a small group of wealthy and powerful men control that society’s governance.

decisions. Despite his attentive coverage of Orientalism, his analysis frames racism as an unfortunate mistake that must be expunged from the legal record given more recent developments in civil rights and constitutional law. His account of the ideological basis for *Reynolds* retains a problematic approach to race that uses sexual exceptionalism to justify contemporary US imperial power.

First and foremost, his approach frames “Orientalism/imperialism” as firmly located in the past, legacies that have been expunged by more recent civil rights jurisprudence. This framing reaffirms a linear, progressive narrative of US history and tacitly disavows any modern imperial motivations, policies, or actions on the part of the nation-state. But as Siobhan Somerville reminds us, Orientalist thinking directed at the practice of polygamy was not left behind in the nineteenth century. In *Boutilier v. INS* (1967), the Supreme Court confirmed the federal governments’ right to restrict immigration on the basis of homosexuality. The 1952 Immigration and Nationality Act (INA), at issue in the decision, was the first time overt references to and restrictions against immigration and naturalization based on race were removed, replacing them with limitations based on national origin. The removal of explicitly racial language was not evidence of the irrelevance of race to immigration policy; rather, as Somerville argues, exclusions based nationality and sexual deviance came to stand-in for race, allowing the state to continue to exclude certain racialized populations without having to explicitly endorse a policy of white supremacy. It is no coincidence then that sexual deviance came

to stand in for race, excluding people, for example, based on their (purported) practices of same-sex sex, adultery, and most significantly here, polygamy.<sup>35</sup>

Second, identifying Orientalism as *the* defining ideology for the *Reynolds* court, restricts a broader understanding of the racial context that fueled the decision. Put another way, Waddoups' failure to position Orientalism as a piece and not the whole project of white supremacy problematically ignores key components of nineteenth- and twentieth-century racism. In fact, the US had been engaged in (settler) colonial and imperial projects long before 1879, and the uses and applications of Orientalist thinking deployed against the Saints were also regularly used against Chinese and Irish immigrants, African Americans, and American Indians among other groups. Gordon's argument that the battle over LDS polygamy was an extension of Reconstruction policies demonstrates how labeling the Saints as racial others was intimately tied to the anti-black logic of the post-bellum US and the need to reassert white supremacy after the passage of the Thirteenth, Fourteenth, and Fifteenth Amendments. The same court that decided *Reynolds* also decided *Pace v. Alabama* (1883), which upheld miscegenation statutes as constitutional, and the more famous *Plessy v. Ferguson* (1896) case, which sustained the legality of "separate but equal" policies. Nathan Oman argues that the Reconstruction-era racial thinking that was used against the Saints, and was employed to reaffirm white racial dominance in the US more generally, was an outline and justification for new forms of US imperialism.<sup>36</sup>

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<sup>35</sup> Somerville, "Queer *Loving*."

<sup>36</sup> See Oman, "Natural Law and the Rhetoric of Empire."

As articulated in *Late Corp. of the Church of Jesus Christ of Latter-day Saints v. United States* (1890), a Supreme Court decision that solidified the criminalization of polygamy by upholding the disincorporation of the LDS Church, polygamy was dubbed “a return to barbarism” and was understood to be “contrary to the spirit of Christianity and of the civilization” reflecting the racist logic of the period.<sup>37</sup> According to

Waddoups’ idealistic view, this Supreme Court

assessment arising from derisive societal views about race and ethnic origin prevalent in the United States at that time has no place in discourse about religious freedom, due process, equal protection or any other constitutional guarantee or right in the genuinely and intentionally racially and religiously pluralistic society that has been strengthened by the Supreme Court’s twentieth-century rights jurisprudence.<sup>38</sup>

But the move to declare this logic outdated and long retired is overly simplistic.

Waddoups’ bold, if well-worn, sentiment negates the central role of racial formation in regulating citizenship, labor, and power throughout US history.

As a lower court decision, Waddoups’ ruling cannot and does not overrule *Reynolds*. Despite his good-faith declaration that it “is not, [and] should not be considered, good law” *Reynolds* retains a privileged position in constitutional jurisprudence, especially given its status as the first case to address a provision of the First Amendment’s guarantee of religious freedom.<sup>39</sup> As Waddoups himself admits, the case is still regularly cited by the Supreme Court. He claims that references to *Reynolds* “can mistakenly give the impression of endorsing the morally repugnant reasoning [there]in” – but can 111 years of precedent really be dismissed as a mistake?<sup>40</sup> Given the legacy of racial oppression in the US, enabled by multiple Supreme Court decisions, this

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<sup>37</sup> *Late Corp. of the Church of Jesus Christ of Latter-day Saints v. United States* cited in *Brown*, 18.

<sup>38</sup> *Brown*, 20-21.

<sup>39</sup> *Brown*, 22.

<sup>40</sup> *Brown*, 21.

claim is less than convincing, yet the necessity of such an assertion is clearly tied to the logic of US exceptionalism. Any nation that claims to be post-racial, religiously pluralistic, and sexually tolerant must excise and renounce any *explicitly* institutional racism or bigoted ideologies. This need is particularly acute in the *Brown* decision with a claim brought by white plaintiffs seeking the redress of the state in the post-civil rights era.

Bailey and Zahren argue that white Christians, like the Browns are problematically portrayed as the logical beneficiaries of the civil rights “successes” of the LGBT movement. Even as the Browns push to receive the type of legal acceptance extended to other sexual minorities, their sexual non-normativity is reconciled through their dedication to a “neutral” brand of conservative Christianity. The family adheres to strict dietary and modesty standards, attending church weekly and touting a strong patriotic commitment to the US (despite their own experiences of discrimination at the hands of the state); at least two of the oldest Brown children are attending military schools. Kody maintains sexually monogamous relationships with each of his wives, Meri, Janelle, Christine, and Robyn, all five of whom emphatically claim that they don’t “go weird.”<sup>41</sup> Robyn Brown’s explanation that “plural marriage is like monogamy on steroids,” conveys the sense that white, Christian-based polygamy might even be superior to monogamy in its reaffirmation of patriarchal authority that allows women “the right to choose polygamy, but also the right to assert their ‘authentic’ heterosexual desires in an increasingly queer world.”<sup>42</sup> Placed center stage, both on television and in the justice

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<sup>41</sup> *Sister Wives*, “Meet Kody and the Wives,” episode 1, originally aired September 26, 2010.

<sup>42</sup> Bailey and Zahren, 169.

system, the Browns' attempts to gain the rights afforded to gay and lesbian couples recenter "white heterosexuality as the normal and natural default" of US citizenship.<sup>43</sup>

Yet Waddoups' disavowal of the "morally repugnant reasoning" in *Reynolds* ignores any lingering Orientalist or racist understandings of Middle Eastern or Islamic cultures in contemporary US foreign policy. Instead, Orientalism is viewed as an extension of nineteenth-century European colonial thinking. Despite his own statement that the historical background suggests Utah's ban against polygamy is no longer acceptable, Waddoups still attempts to justify the ban in purely historical terms. Citing regulations as far back as 673 A.D., Waddoups claims that the "prohibition against polygamy has [] ancient roots in Anglo-American law." However, he was unable to avoid pointing out that injunctions against polygamy were grounded in attempts to punish those who would defraud both the state and an innocent spouse, and not in the nature or morality of polygamy. He even acknowledges in a footnote that "as early as the 1760s[] an orientalist understanding of polygamy" motivated laws against the practice. It is telling that his desire to conclusively determine that polygamy is not a fundamental right, overrides his weak logic and his own in-depth consideration of the racist history of Utah's laws against plural marriage. Despite his consideration of the historical racialization of polygamy, Waddoups is unable to acknowledge that the practice might still be racialized as a specifically non-white custom. And in this way, the continued criminalization and/or regulation of polygamy becomes a key way for the state to discriminate and police against non-white populations.<sup>44</sup>

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<sup>43</sup> Ibid.

<sup>44</sup> See Denike's "What's queer about polygamy?"



***(Re)investing in Heteronormativity: The Paradox of Inclusion as Regulation***

Waddoups' assertion that the emergence of civil rights jurisprudence post-*Reynolds* relegates Orientalist, and I would add other racist reasoning, to the nineteenth century, is at best wishful thinking and at worst willful erasure. The very act of consigning the racist history of *Reynolds* and its bearing on *Brown* to a preliminary section of the decision titled, "Historical Background," reflects the prevalence of "post-racist" thinking and demonstrates the damaging effects that such thinking has on constitutional interpretation. But once again, as Somerville points out, the condemnation and resulting removal of explicit racial language in the law does not necessarily, or even likely, translate to a state that is blind to race. In fact, the opposite is often true: the erasure of racial language from the law has led to a more insidious application of racism, one that is conducted in and through the regulation of sexuality. And even though Waddoups' decision decriminalized "cohabitation," it did so by reasserting that the institutions and logics of heteronormativity can and should be favored by the state:

At a time of much discussion in society about problems arising from the decline in rates of people marrying or the increased age at which people decided to marry, the Statute penalizes people for making a firm marriage-like commitment to each other, even though they know that their religious cohabitation does not result in state-sanctioned or recognized marriages ... Encouraging adulterous cohabitation over religious cohabitation that resembles marriage in all but State recognition seems counterproductive to the goal of strengthening or protecting the institution of marriage.<sup>45</sup>

In other words, by decriminalizing "cohabitation," Waddoups sought to *more* effectively promote the state's avowed interest in regulating sexuality by strengthening the institution of marriage.

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<sup>45</sup> *Brown*, 67-68.

Waddoups' reasoning directly parallels Judge Shelby's declaration in *Kitchen* that Utah's prohibition of same-sex marriage was not rationally related to its objectives. According to Shelby, denying marriage licenses to same-sex couples encouraged sex outside of marriage, inhibited the formation of "traditional" families, and stifled religious freedom.<sup>46</sup> The reasoning of both *Brown* and *Kitchen*, reinforces the legitimacy of the fundamental objectives of both Utah and the federal government – promoting "traditional" families in which raising children is the ultimate objective – by accepting those objectives without question. Thus, these decisions do not encourage the liberty to make sexual and familial choices, but rather perpetuate heteronormativity, and occasionally homonormativity, as an agenda of the state.

Jasbir Puar argues that cases like *Kitchen* and *Brown* are so insidious because they purport to include sexual others, particularly gays, lesbians, queers – and in this case polygamists too – when in actuality the inclusion is fleeting and conditional, reliant upon the exclusion of sexual *and* racial others who do not fit the narrow requirements of heteronormative ideals. Puar points out that those seeking to assimilate into "U.S. heteronormative citizenship" are consistently required to disavow bodies or figures that represent a "perverse queerness" that more often than not involves a process of racial Othering.<sup>47</sup> Accordingly, Waddoups and Shelby's reasoning demonstrates how extending rights to privacy and marriage to same-sex and polygamous relationships is not so much about individuals' access to rights and freedoms guaranteed to all US citizens, but is

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<sup>46</sup> The purported objectives of the state were "responsible procreation" and "optimal child rearing," what is referred to as the "gold standard" in the decision. I discuss the gold standard more thoroughly below.

<sup>47</sup> For example, see Puar's discussion of Sikh masculinity and South Asian diasporic subjects in chapter four of *Terrorist Assemblages*, "'The Turban is Not a Hat': Queer Diaspora and Practices of Profiling."

about *preserving* social norms that encourage prescribed sexual expression and normative conceptions of family and belonging. The historical context of these cases reveal that while they purport to expand privileges and rights to all people, they merely extend conditional acceptance of a small number of privileged sexual minorities. This provisional inclusion has troubling implications for racial justice in the US, especially considering that marriage is one of the key ways that the state maintains an investment in whiteness while avoiding an explicit commitment to white supremacy.

Because the Constitution guarantees the law will be applied equally to all citizens but that individual statutes must also inevitably distinguish between classes of persons, the court is charged with determining if the law in question permissibly discriminates against those inhibited by the law. Judge Shelby’s verdict in *Kitchen* that Utah’s ban unfairly and illegally discriminated against a class of persons based on their sexual orientation (gay men and lesbians), was made based on the application of rational basis review. This level of review is used “when a law creates a classification but does not target a suspect class or burden a fundamental right, [leading] the court [to] presume[] the law is valid and [] uphold it so long as it rationally relates to some legitimate governmental purpose.”<sup>48</sup> Despite this low level of review, the state must still articulate a legitimate reason for discriminating between citizens. The State of Utah claimed that it had an interest in prohibiting same-sex marriage in order to promote “responsible procreation” and “optimal child-rearing.” Shelby summarily rejected that reasoning, pointing out there is no clear relationship between denying same-sex marriage and promoting those interests.

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<sup>48</sup> *Kitchen*, 41.

In fact, Shelby concluded that the ban results in the opposite – inhibiting the promotion of “responsible procreation” and “optimal child-rearing.” As in *Brown* the court’s reasoning reveals how the legalization of same-sex marriage actually promotes, rather than challenges the state’s underlying commitment to heteronormativity, through its implicit endorsement of the state’s interest in how children are raised. Taking this logic even further Shelby asserted that,

both opposite-sex and same-sex couples model the formation of committed, exclusive relationships, and both establish families based on mutual love and support. If there is any connection between same-sex marriage and responsible procreation, the relationship is likely to be the opposite of what the State suggests. Because Amendment 3 does not currently permit same-sex couples to engage in sexual activity within a marriage, the State reinforces a norm that sexual activity may take place outside the marriage relationship.<sup>49</sup>

The extraordinary linkage Shelby weaves between couples, marriage, procreation, and sexual activity – regardless of sexuality – is astonishing, especially given the history of LGBTQ activism that has sought to disentangle such cultural logic that assumes commitment as a prerequisite for sex. Rather than question the state’s right or investment in encouraging certain sexual activities, relationships, families, or kinship formations, Shelby’s reasoning explicitly ties same-sex marriage to the state as a vehicle to achieve heteronormative families. Considering that federal and state agendas list “responsible procreation” and “optimal child rearing” as justifications for sanctioning and/or withdrawing support from nontraditional families – particularly to female headed households – the court’s easy incorporation of same-sex marriage into the folds of

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<sup>49</sup> *Kitchen*, 44.

heterosexual matrimony requires a reexamination of the LGBTQ community's investment in the institution.<sup>50</sup>

Although Shelby does not explicitly engage in a discussion of Utah's "gold standard," what the state defines as children who are raised in a state-sanctioned marriage with a mother and a father in a stable family unit, he argues that prohibiting same-sex marriage does not forward the goal of having children raised in such an environment. Not only did Shelby's reasoning implicitly endorse the state's so called gold standard – including the idea that children should be raised by a heterosexual couple – but he goes so far as to say that the state could have legitimately prohibited gays and lesbians from adopting or raising children in more effective ways: if "the State wishes to see more children in opposite-sex families, its goals are tied to laws concerning adoptions and surrogacy, not marriage."<sup>51</sup> The apparent problem of whether or not to accept homosexuality as a benign variation or as a less than desirable handicap is not solved, but is in fact reasserted and even heightened in decisions such as *Lawrence* and *Kitchen*. As Nan Hunter argues, the legalization of sodomy and gay marriage increases the scrutiny paid to "the question of whether homosexuality actually causes harm in any given situation" and "will require more, not less, judicial scrutiny."<sup>52</sup> Allowing same-sex couples to marry, in other words, will ensure that the state maintains an investment in

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<sup>50</sup> On the state's racialized investment in heteronormativity and the unequal application of state support see Cohen, "Punks, Bulldaggers, and Welfare Queens; Ferguson, *Abberations in Black*; Josephson, *Rethinking Sexual Citizenship*; Moller "Supporting Single Mothers;" Moynihan, *The Negro Family: The Case for National Action* (Washington D.C.: Office of Policy and Planning Research, U.S. Department of Labor, 1965); and Rose, "Gender, Race, and the Welfare State."

<sup>51</sup> *Kitchen*, 46.

<sup>52</sup> Hunter, "Sexual Orientation and the Paradox of Heightened Scrutiny," 1533-1534.

assessing, defining, and regulating same-sex sexuality when it comes to the issue of child care and custody.

While the state of Utah did not question the plaintiffs' fundamental right to marry, the state did assert that the plaintiffs' rights had not been abridged because they were at liberty to marry a person of the opposite sex. Lambasting the state's argument, Shelby denounced this choice as an "illusion" because it infringed upon their right to dignity, intimate association, and privacy. But what is interesting about his critique of the state, is that Shelby takes the time to point out the plaintiff's choice is a choice grounded in biologist notions of sexuality:

the State fails to dispute any of the facts that demonstrate why the Plaintiffs' asserted right to marry someone of the opposite sex is meaningless. The State accepts without contest the Plaintiffs' testimony that they cannot develop the type of intimate bond necessary to sustain a marriage with a person of the opposite sex ... The Plaintiffs' testimony supports their assertions that their sexual orientation is an *inherent characteristic of their identities* ... and the State presents no argument or evidence to suggest that the Plaintiffs could *change their identity* if they desired to do so.<sup>53</sup>

Under this logic, if the plaintiffs were able or willing to develop such a heterosexual bond, it would be preferable, and would apparently negate their right to dignity, choice, and privacy. One hesitates to ask what rights are afforded to bisexuals. Ironically, given the focus on choice, the court's inability to see beyond medical, "scientific" discourses of gender and sexuality evidences its continued inability to take the intersectional and fluid nature of identity into account. Following the law's approach to other questions of identity, most notably race, this court was only able to find the plaintiffs' rights grounded in their inherent, i.e. biological, and "unchangeable" characteristics. By declaring biology infallible and enshrining it in the law, the court was able to confer rights and

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<sup>53</sup> Emphasis added to *Kitchen*, 24-25.

responsibilities by determining the exact terms of existence for the identities in question. Following and fortifying the chain of associational rights established by the Supreme Court in *Lawrence* – dignity, choice, and privacy – Shelby’s refutation of the state’s arguments reinforces a limited, or “privatized conception of liberty” tied to the ideal of heteronormative marriage.

Shelby’s conclusion that the state of Utah did not have a rational basis on which to discriminate against gays and lesbians in denying them the right to marry should not be read as a watershed victory for gay Utahans. Not only does the decision provide a contingent acceptance only of those willing and able to engage in homonormativity, but it provides for the extended surveillance and regulation of those who fall outside those norms. In this way *Kitchen* reinforces a conservative state agenda that paradoxically limits rights rather than expanding or diversifying them. *Kitchen*, like *Loving* and *Lawrence* before it, serves to further cement privacy, liberty, and association as attendant rights of marriage, rather than say, individual choice, reinforcing a privatized conception of liberty, one that I argue is implicitly racialized.

It is not a mistake that Shelby closes his historic judgment by invoking *Loving*: “The contentions [in *Loving*] are almost identical to the assertions made by the State of Utah in support of Utah’s law prohibiting same-sex marriage.” Glossing over important contextual and historical facts (which I explore in the next section), this parallel reinforces the false notion that state sanctioned racism is a thing of the past and that gays and lesbians now deserve those same rights and privileges that people of color have

already gained. Such a narrative ignores the subtle ways that contemporary marriage law “reinstate[s] white privileges and rights.”<sup>54</sup>

***(Re)investing in Whiteness: Analogizing Race and Sexuality in Kitchen and Brown***

In the aftermath of the Supreme Court’s *Lawrence v. Texas* decision that decriminalized sodomy, many queer studies scholars critiqued the decisions’ use of analogizing logic which compared race to sexuality. Scholars such as David Eng, Katherine Franke, Somerville, and Puar argue that portraying race and sexuality as parallel forms of difference in which “gays and lesbians are the last recipients of civil rights that have already been bestowed on racial minorities” is problematic for many reasons, not least of which because it forwards a selective and overly optimistic reading of the history of racial justice in the US.<sup>55</sup> Moreover, analogizing race and sexuality ignores the inextricable ways in which those identities are experienced and produced in society.

Analogy is as an essential tool in legal argumentation, especially for those cases that invoke the Fourteenth Amendment. Somerville notes,

it is important to recognize that ‘like race’ comparisons are more appealing because of the distinctive argumentative power of race in federal constitutional reasoning ... because the Fourteenth Amendment was created in 1868 on behalf of a specific racialized group, previously enslaved African Americans, ‘like race’ arguments *implicitly refer* to this constitutional apparatus for challenging identity-based discrimination.<sup>56</sup>

This suggests that the law requires a simultaneous and paradoxical uplifting *and* forgetting of race. In other words, legal analogy makes race an essential (the highest level

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<sup>54</sup> Puar, 29-30.

<sup>55</sup> Eng, *The Feeling of Kinship*; Franke, “The Domesticated Liberty of *Lawrence vs. Texas*,” Franke, *Wedlocked*; Somerville, “Queer Loving,” and Puar, *Territorial Assemblages*, 118.

<sup>56</sup> Emphasis added to Somerville, “Queer Loving,” 343-344.



of scrutiny is reserved for assessing race based laws), yet a paradoxically virtually empty point of reference (the state's determination to be colorblind allows it to ignore race in many contexts). In his critique of the analogizing logic used in *Lawrence* Eng asks, "as race disappears, how will the law ever come to see [it]?"<sup>57</sup> Eng's question highlights how the law can only attain colorblindness through an explicitly sanitized narration of the history of race and racism in the US. In order to understand the importance of analogy in law "even though specific cases about homosexuality may seem to have nothing to do with race," as in *Lawrence*, *Kitchen*, or *Brown*, it is imperative to uncover the tacit ways that race is invoked through juridical discourses concerning homosexuality and other non-normative sexual practices, particularly polygamy.<sup>58</sup>

Somerville examines the appeal and effects of what she calls the miscegenation analogy, a popular rhetorical and legal tactic used in cases dealing with the rights of sexual minorities, that equates the repeal of anti-miscegenation laws with anti-sodomy and anti-gay marriage laws. By situating the *Loving* decision in relation to other legal and political developments of the period she draws attention to the ways that the legal discourses have produced sexuality and race in relation to one another. For example, she notes that *Loving* was not just a case about race in its legalization of interracial marriage, but "it also effectively consolidated heterosexuality as a privileged prerequisite for recognition by the state as a national subject and citizen."<sup>59</sup> The analogizing logic that invokes *Loving* as a decision in need of replication for the rights of gays and lesbians demonstrates that the racialization of intimacy – a process Eng describes as the ways that

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<sup>57</sup> Eng, *The Feeling of Kinship*, 41.

<sup>58</sup> Somerville, "Queer *Loving*," 347.

<sup>59</sup> Somerville, 357.

“race becomes occluded within the private domain of private family and kinship today” – is a significant and problematic effect of such analogizing.<sup>60</sup>

In *Lawrence*, this occlusion is evident in the very circumstances that brought the case to the attention of the authorities. Several scholars have pointed to the probable racist motives of the call that brought police to the house of John Lawrence, a white man. Lawrence and Tyron Garner, a black man, were together in the former’s house when the police were informed of a weapons disturbance and a “black man ‘going crazy.’”<sup>61</sup> The precipitation of a police investigation and the ultimate indictment of the two for engaging in sodomy is an example of the continued criminalization of blackness which often brings African Americans under state management.<sup>62</sup> Relatedly, Puar argues that the parallel drawn between *Loving* and *Lawrence* must be examined in light of a post-9/11 Orientalist mindset that links sodomy, perversion, and Islam. Contending that “the politics of racism, empire, and warmongering” cannot be disconnected from the legalization of same-sex sodomy, Puar argues that analogizing in the law glosses over continued racial injustices and justifies the nation-state’s imperial ambitions by exceptionalizing the US as inherently progressive – a progressiveness that must be spread to “less developed” nations.<sup>63</sup> Of course analogizing race and sexuality in contemporary case law also relies upon the forgetting of historical precedents of (sexual) exceptionalism; in particular, the criminalization of Mormon polygamy as a racial threat that was used to help justify

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<sup>60</sup> Eng, *The Feeling of Kinship*, 10.

<sup>61</sup> Somerville, “Queer *Loving*,” 346.

<sup>62</sup> See Cacho, *Racialized Rightlessness and the Criminalization of the Unprotected*.

<sup>63</sup> Puar, *Terrorist Assemblages*, 117.

nineteenth-century imperialism in the *Reynolds* and *Insular* decisions as discussed in chapter two.

While I certainly agree with scholarship that examines how analogies between interracial and same-sex marriage disguise the complicated ways race and sexuality are produced through one another, and that we must work to contextualize what is lost in the historical forgetting of these decisions, we must also pay attention to the specific *ways* that the law relies on analogy. This is critical for undoing the logic of comparison that permeates popular understandings of race and sexuality in the contemporary world. It is also necessary for understanding the law as a vehicle of exceptionalist narratives, not one for the resolution of social justice concerns. In the *Kitchen* decision, for example, the plaintiffs' equal protection claim required Judge Shelby to determine if the state of Utah had unreasonably restricted their rights by denying them access to marry a person of the same sex. As with all equal protection arguments, the court had to determine which of three levels of scrutiny was appropriate when assessing the reasonableness of the state's restriction of the rights in question: rational basis review, intermediate scrutiny, or strict scrutiny. Jurisprudence in the US requires that different classifications used to restrict citizens' rights (for example, classifications based upon nationality or class) be subject to different levels of examination by courts. As a result of the Fourteenth Amendment, race is a classification that is subject to the highest level of scrutiny, strict scrutiny, while over time it has been determined that other classifications such as sex are subject to a lower level of review, intermediate scrutiny. In the case of sexual orientation, the law only

requires the application of the lowest level, rational basis review, to determine if a law restricting gay and lesbians' constitutionally protected rights is permissible.

This system of analysis, which has developed as a process for determining if a law or state has unduly infringed upon a particular group's rights, reveals the hierarchal nature of the law's understanding of and approach to issues of identity and oppression. This tiered method of legal reasoning is one that has been critiqued by legal and critical race scholars for its inability to comprehend the intersection of multiple identity categories.<sup>64</sup> Although the law's purported objective is equality in its application, its inability to register identity as nuanced and intersectional betrays its inevitably unequal application. The unequal, and in fact disproportional, attention that the law produces is evident in both *Kitchen* and *Brown*'s limited protection of only certain sexual minorities.

Like *Lawrence*, *Brown* and *Kitchen* both reference *Loving* as an analogy that validates the legalization of same-sex marriage and the decriminalization of "cohabitation" in Utah. In *Kitchen*, because the Supreme Court has definitively determined marriage to be a fundamental, but unenumerated right, Shelby's reasoning sought to link marriage to a series of other recognized rights.<sup>65</sup> The Supreme Court has repeatedly articulated liberty, privacy, and association as rights intertwined with marriage.<sup>66</sup> Both Puar and Franke describe these rights as deceptively conservative because they display "a narrow version of liberty that is both geographzied and domesticated – not a robust conception of sexual freedom or liberty, as is commonly

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<sup>64</sup> Crenshaw, "Demarginalizing the Intersection of Race and Sex."

<sup>65</sup> Unenumerated rights refer to unspecified rights that are inferred, but not explicitly articulated in law.

<sup>66</sup> See the following Supreme Court decisions: *Griswold v. Connecticut* (1965), *Loving v. Virginia*, *Eisenhardt v. Baird* (1972), *Goodridge v. Department of Public Health* (2003), and *Obergefell v. Hodges*.

assumed.”<sup>67</sup> Such a conservative version of liberty helped Shelby to hold out monogamous marriage as the ideal form for both heterosexual *and* same-sex couples, in which the very dignity of gays and lesbians became fundamentally linked to their ability to access the institution.

By formulating a chain that links dignity with choice and choice with privacy, *Kitchen* reinforces the occlusion of race within the domain of the privatized family.<sup>68</sup> The decision conveniently ignores the history of institutional racism in the US – from immigration restrictions to criminalization practices – that have made it extremely difficult for non-white populations to maintain “traditional” families at the same time that the choice to marry and have a family is upheld as the best possible choice.<sup>69</sup> Puar argues however, that “a taken for granted access to privacy raises many questions about the unacknowledged forms of privilege necessary” to make particular choices. And as Franke points out, “put most bluntly” the choice to marry means that “the state acquires a legal interest in your relationship,” an interest that is especially consequential for those who are already heavily managed by the state.<sup>70</sup> Given the well-documented history of the state’s intervention into the lives and (the purportedly protected right to) privacy of non-white populations, the court’s reliance on such a chain of related rights must be taken with more than a grain of salt. Even more telling is the fact that the state’s intervention is often motivated by a desire to force compliance with (hetero)normative ideals of sex, sexuality,

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<sup>67</sup> Franke, “The Domesticated Liberty of *Lawrence vs. Texas*,” 1400.

<sup>68</sup> See, for example, Shah’s discussion of the state’s regulation of marriage among and between non-white people in the US in chapter five of *Stranger Intimacy*. Also see Franke’s discussion of former slaves’ experiences gaining marital rights during and after the Civil War in *Wedlocked*.

<sup>69</sup> Eng, *The Feeling of Kinship*, 10.

<sup>70</sup> Puar, *Terrorist Assemblages*, 124 and Franke, *Wedlocked*, 9.

marriage, family planning, and kinship. Thus, the formulation of ‘liberty’ in these decisions is not a positive or substantive right, but a negative one; one that encompasses the “right to be left alone from state interference, surveillance, and criminalization” only as long as one is able and willing to engage in heteronormative ideals of sexuality, family, kinship, and support.<sup>71</sup> And as numerous scholars have demonstrated, populations that are unable or unwilling to comply with state sanctioned (white, heterosexual) norms of family and kinship, consistently come under the purview of state management.<sup>72</sup>

Hunter’s point that, “decriminalization is not deregulation[,] it is one stage in a regulatory process” gestures toward the ways that the regulation of sexual activity and family formation is an important way that the state can still legally manage non-white, poor, and queer populations without resorting to explicitly racial justifications.<sup>73</sup> In other words, the regulatory process is not necessarily only, or even primarily, about those individuals who gain inclusion or rights in cases like *Kitchen* and *Brown*. In *Kitchen* for example, same-sex couples will come under the purview of the state and its regulatory apparatuses – e.g. family law (including divorce, custody, and adoption) tax law, inheritance law – but those most likely to suffer under the duress of the state’s supervision are those who have traditionally been subject to its regulatory and disciplinary gaze: non-white, poor, immigrant, and queer populations. Opening access to marriage to same-sex couples, and possibly to polygamous people in the future, reaffirms the importance and centrality of marriage, providing the state with continued justification

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<sup>71</sup> Eng, *The Feeling of Kinship* 35.

<sup>72</sup> See Alexander, *The New Jim Crow*; Cacho, *Social Death*; Davis, *Are Prisons Obsolete?*; Franke, *Wedlocked*; Shah, *Stranger Intimacy*; and Spade, *Normal Life*.

<sup>73</sup> Hunter, “Sexual Orientation and the Paradox of Heightened Scrutiny,” 1528.

for the evacuation of privacy and rights of those who do not chose to engage in normative, state-sponsored relationships.<sup>74</sup>

As Franke and others have noted, same-sex couples who chose not to marry in states that attain gay marriage often *lose* privileges, economic and intimate, that they had previously gained. For example, many employers that have previously provided health insurance coverage to same-sex partners will no longer provide coverage unless the couple marries forthwith. As Shelby confidently claims in his conclusion to *Kitchen*, “the Plaintiffs’ desire to publicly declare their vows of commitment and support to each other is a testament to the strength of marriage in society, not a sign that, by opening its doors to all individuals, it is in danger of collapse.”<sup>75</sup> By opening the doors of marriage to gays and lesbians, the loss of viable alternative kinship models is justified and reinforced.

Similarly, the Browns argued that they had a “fundamental liberty interest in choosing to cohabit and maintain romantic and spiritual relationships, even if those relationships are termed ‘plural marriage,’” based on the establishment of “a fundamental liberty interest in intimate sexual conduct” in *Lawrence*. Despite finding this argument compelling (he spent six pages positively reviewing the *Lawrence* court’s decision) Waddoups was bound by the Tenth Circuit Court’s interpretation of *Lawrence* in *Seegmiller v. Laverkin City* (2008), which determined that no fundamental right to sexual privacy exists. The *Seegmiller* court determined that “the [Supreme] Court has never endorsed an all-encompassing right to sexual privacy under the rubric of

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<sup>74</sup> Recently, the Brown’s case has made its way to the Supreme Court and they are waiting to hear if the highest court in the land will consider their case. While the case does *not* ask for the legalization of polygamy, a verdict in favor of the Browns could open the door to a decision, similar to *Lawrence v. Texas*, that would create a pathway to the legalization of polygamous (bigamous) marriages.

<sup>75</sup> *Kitchen*, 52.

substantive due process” reflecting Franke’s assertion that the *Lawrence* decision was not the vigorous protection of sexual privacy rooted in choice as many claimed.<sup>76</sup>

But in a similar line of argumentation, the Browns also asserted that Utah’s statute violated the guarantee to the free exercise of religion. Despite this constitutional guarantee, the Supreme Court has held that individuals are required to adhere to laws that are “generally applicable” or “neutral” which prohibit conduct that his or her religion prescribes. More simply put, if a law prohibits conduct equally for all individuals and does not target one religious group, then it may outlaw a practice even if it is prescribed by a particular religion. Although “it would be ludicrous to suggest that the federal legislation at issue in [*Reynolds*] and [*Late Corp.*] did not specifically target the LDS Church and its practice of polygamy” Utah repealed all of its criminal statutes and entirely replaced its penal code in 1973.<sup>77</sup> This meant that the pre-1973 statute directly targeted religious polygamy, but the rewritten post-1973 statute did not. In other words, while the pre-1973 anti-polygamy statute would have been unconstitutional because it explicitly targeted Mormon polygamists, the post-1973 one was not because it was, at least facially, neutral, targeting anyone who practiced polygamy or cohabited.

The distinction between Utah’s two anti-polygamy statutes (pre- and post-1973) is especially important because common law marriage was recognized in Utah until 1898. This meant that, ““after 1852, when the [LDS] Church publicly recognized the doctrine of plural marriage, ceremonies of plural union performed according to Church practice were

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<sup>76</sup> *Brown*, 42.

<sup>77</sup> *Brown*, 45.



*legally valid marriages* under territorial law until the Morrill Act declared otherwise.”<sup>78</sup>

These historical circumstances explain why attempts to criminalize polygamy required the simultaneous criminalization of cohabitation. But because Utah no longer recognizes common law marriages, Waddoups found that the cohabitation portion of the 1973 statute violated individuals’ right to the free exercise of religion under the First Amendment. While Utah’s anti-polygamy statute did not explicitly refer to any one religion, its application unduly targeted a specific religious group, practitioners of the Latter-day Saint tradition. This is clear in the state’s practice of only utilizing the statute against *religious* cohabitation. In fact, the last prosecution for non-religious cohabitation in Utah (also known as adultery) was in 1928. The State deviated from its own policy of only prosecuting cohabitation cases that involve underage girls in order to pursue those individuals that “openly discuss[] their religious cohabitation in the media.”<sup>79</sup> This deviation reflects both the state’s and the LDS Church’s investment in perpetuating discourses of Mormon peculiarity that continue to emphasize polygamy as a “backwards” practice that reflects the (racially) suspect nature of fundamentalist Saints.

Like Shelby in *Kitchen*, Waddoups identifies the apparent “absurdity” in the state’s position of prosecuting religious cohabitation when it is trying to “protect” the institution of marriage: “[If] the Statute penalizes people for making a firm marriage-like commitment” then the state is “encouraging adulterous cohabitation over religious cohabitation that resembles marriage.”<sup>80</sup> Just as Judge Shelby’s reasoning in *Kitchen* outlines a clear investment in a conservative agenda that promotes “marriage-like

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<sup>78</sup> Emphasis in original, *Brown*, 48.

<sup>79</sup> *Brown*, 63.

<sup>80</sup> *Brown*, 67-68.

commitments” – long term relationships and family forms that include procreation and/or care of children as the primary objective – so too does Judge Waddoups’ castigation of the state articulate a preference not only for marital commitment, but a specifically religious one at that. The selective inclusion of certain sexual minorities that both Judges advocate, is contingent upon the obfuscation of the racial politics of the state’s regulation of marriage and kinship.

For example, why do so many opponents of gay marriage cite the legalization of polygamy as the next inevitable, and apparently terrifying, frontier after the legalization of same-sex marriage? What exactly is so frightening about polygamy that it is referenced as one of the primary reasons that gay marriage should have remained prohibited? It is crucial to recall the ways in which the practice has and continues to be racialized in the US.<sup>81</sup> For example, in an interview about the threat of gay marriage in April 2013 Bill O’Reilly asserted that polygamy would induce “chaos in the family” a chaos akin to the “disintegration of the African American family when 71% of babies are born out of wedlock” without a father in the home.<sup>82</sup> O’Reilly’s claims that the legalization of (Mormon) polygamy would mirror the “breakdown” of the black family eerily echoes nineteenth-century claims by anti-Mormon activists that polygamy produced racial deterioration and collapsed proper gender roles to the detriment of society.

Keeping this history in mind, the Brown’s litigation can be read as a call to reinstate the privileges of whiteness that were lost to Christian polygamists. In this light

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<sup>81</sup> Refer to footnote 45.

<sup>82</sup> *The O’Reilly Factor*, originally aired December 16, 2013, <https://www.youtube.com/watch?v=ajNybaF2-40>.

Robyn Brown's comment, "this is not the America I learned about when I was in school" takes on new meaning, as a recognition that the inclusion promised under the law has not been realized. The Browns' access to both informal and formal privileges of whiteness – evident in their legal success after almost 150 years of formal discrimination against Mormon polygamy – reflects the ascendancy of whiteness in the age of neoliberalism. As Eng asserts, "in the era of late capitalism . . . whiteness as property has now evolved to create new queer subjects for representation, demanding a more thorough investigation of the degree to which (homo)sexuality and race constitute and consolidate conventional distinctions between the time and space of civilization and barbarism."<sup>83</sup> While Eng makes his observation in relation to the inclusion of certain gay and lesbian individuals, he could just as easily be describing white polygamists, in particular LDS fundamentalists.

As the Browns are increasingly interpellated as queer subjects in the post-homophobic era, represented in the mainstream media as simply another example of the diversity of the US, their inclusion is contingent upon the Othering and exclusion of non-white and non-Christian populations that practice polygamy and/or fail to adequately adhere to the requirements of heteronormativity. For example, would the Browns' claim have been as successful if they were a black or brown Muslim family? While the rule of law dictates its equal application, numerous scholars have effectively demonstrated that the law, and by extension the state, is not blind to race, nor the racialization of certain sexual practices. Thus, Waddoups' conclusion that the cohabitation prong "actually inhibits the advancement of th[e] compelling" interests of the state, indicates a desire to

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<sup>83</sup> Eng, *The Feeling of Kinship*, 47.

formally allow a practice in order to better regulate certain populations, but also to forward the narrative of diversity and inclusion at the root of US exceptionalism.

In addition to finding that the cohabitation prong of Utah's anti-polygamy statute violated the Free Exercise Clause of the First Amendment, Waddoups also considered and accepted the plaintiffs' claim that the statute violated their right to Due Process under the Fourteenth Amendment. In applying the rational basis level of review (the lowest level of scrutiny) for claims that deal with consensual private sexual activity as dictated in *Lawrence* and *Seegmiller*, the court concluded that the state cannot equate private sexual conduct with marriage as was being done in the anti-polygamy statute. Waddoups concluded that in *Lawrence*, "the individual liberty guarantee essentially draws a line around an individual's home and family and prevents governmental interference with what happens inside, as long as it does not involve injury or coercion or some other form of harm to individuals or society."<sup>84</sup> In the case of the Browns, both sexual activity and personal choices about family and kinship are protected exactly because they have chosen a "marriage-like commitment" that is promoted by the interests of the state. But any activity or relationship that falls outside of those heteronormative boundaries is likely to come under scrutiny by, and intervention from, the government.

In a similar line, perhaps the most suggestive argument that Utah forwarded and Shelby rejected in *Kitchen* was that the plaintiffs were seeking access to a new, rather than an existing right. Because it is very uncommon for a court, especially any court other than the Supreme Court to establish a new right, the state's argument that same-sex marriage was a new right was meant to negate any constitutional claim the plaintiffs

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<sup>84</sup> *Brown*, 76.

could make. Unfortunately for Utah, Shelby determined that “the Plaintiffs here do not seek a new right to same-sex marriage, but instead ask the court to hold that the State cannot prohibit them from exercising their existing right to marry on account of the sex of their chosen partner” just as the *Loving* court held that the plaintiffs in that case could not be stopped from exercising their existing right to marry due to the race of their chosen partner.<sup>85</sup> Once again, the logic of analogy is deployed in order to establish the state’s investment in ensuring a domesticated, geographized liberty which the court describes as “the right to make a public commitment to form an exclusive relationship and create a family with a partner with whom the person shares an intimate and sustaining emotional bond.”<sup>86</sup> The overly romantic description of marriage aside, the court points out that to qualify as a new right same-sex marriage would have to make new (i.e. additional) protections and benefits available to all citizens. Shelby’s rationality, while it did not have a direct bearing on the outcome of the *Brown* case, has interesting implications for the state’s future ability to regulate polygamous marriages. If the right in question is a fundamental one that is guaranteed by the Constitution, and not a new right to same-sex marriage, then that same reasoning could be applied to those seeking the state’s validation of their polygamous unions. A reasonable claim for the legalization of polygamy could be made on the grounds that the prohibition of plural marriage unduly infringes upon an individual’s right to access the existing fundamental right to marry based upon religious persecution (a violation of the First Amendment).

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<sup>85</sup> *Kitchen*, 28.

<sup>86</sup> *Kitchen*, 28.

It is tempting to conclude that *Kitchen* and *Brown* signal a broader and more vigorous defense of private sexual conduct couched in the condemnation of the explicitly racist history of anti-polygamy legislation, but upon closer inspection it is evident that these decisions are essentially conservative in scope. While *Brown* did invalidate a central and historically significant portion of the Utah's anti-polygamy law – an action whose impact cannot be discounted – it did not de-criminalize polygamy, it did not overturn *Reynolds*, and it did not confirm or expand the right of individuals to make choices about personal sexual conduct, family, or kinship free from government interference. What it did do was to recast the historical narrative of the nineteenth-century anti-polygamy movement as long since passed, characterizing its racist foundations as distinctly outmoded and unconnected to modern law and policy. But a careful reading of both Shelby and Waddoups' reasoning reveals a subtle, yet powerful support for regarding the intimacy protected in marriage as a racialized property right, one that is “unequally and unevenly distributed” to gays, lesbians, queers, polygamists, and others that engage in certain non-normative sexual practices and relationships.<sup>87</sup> Ultimately, what *Kitchen* and *Brown* reveal is the extent to which discourses of sexual exceptionalism and Mormon peculiarity promote a continued investment in heteronormativity explicitly and white supremacy tacitly; discourses that have changed course and form since the nineteenth century, but ones that have been a consistent driving force in US nationalism and justifications for US imperialism.

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<sup>87</sup> Eng, 45.

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## Appendix

### Timeline

- 1790 – Second Great Awakening begins.
- 1830 – Joseph Smith establishes the Church of Christ, later renamed the Church of Jesus Christ of Latter-day Saints, in upstate New York. The Book of Mormon is published. First anti-Mormon articles begin to appear.
- 1831 – Church headquarters are moved to Kirtland, Ohio where the communitarian Law of Consecration and Stewardship is first implemented. Number of anti-Mormon articles increases exponentially.
- 1832 – Joseph Smith is tarred and feathered by a mob in Kirtland.
- 1833 – Mob violence plagues Mormon settlements in Missouri.
- 1834 – Eber D. Howe’s anti-Mormon tract, *Mormonism Unveiled* [sic] is published.
- 1835 – The Doctrine and Covenants is published for the first time.
- 1836 – Saints in Missouri are forced out of Clay County and into Caldwell and Daviess Counties.
- 1837 – LDS missionizing begins in England.
- 1838 – Smith escapes Kirtland and heads to Missouri. Thousands of Saints follow. Anti-Mormon violence reaches its peak with the massacre at Haun’s Mill.
- 1839 – The Saints flee Missouri for Illinois. The Society Islands (French Polynesian) mission is established.
- 1840 – Nauvoo, Illinois city charter establishes broad local power, including military independence for the new municipality. Smith becomes mayor and military leader of the city. Population of Nauvoo almost reaches that of Chicago with influx of converts from Europe.
- 1842 – John C. Bennett, assistant President of the Church and close confidant of Smith, is publically accused of adultery, fornication, and buggery causing him to fall out with the prophet. Bennett writes one of the most incendiary anti-Mormon tracts, *The History of the Saints; or, An Expose of Joe Smith and Mormonism*. First known reference to same-sex sexual activity in the history of the LDS Church.

The Relief Society, the Church's women's organization, is first organized with Emma Smith, Joseph Smith's wife, as president.

- 1843 – Smith privately announces revelations regarding baptism of the dead and plural marriage. Rumors begin to circulate about sexual impropriety of the Mormons.
- 1844 – Smith runs for President of the United States. He gives his famous King Follett discourse at the funeral of a fellow Saint, outlining the nature of divinity. Smith orders the destruction of an anti-Mormon newspaper, the *Nauvoo Expositor*, and as a result criminal charges are brought against him. Smith and his brother Hyrum are assassinated by an anti-Mormon mob at the Carthage Jail in Illinois while awaiting trial on the charges.
- 1845 – Manifest Destiny is coined by New York journalist John Louis O'Sullivan and is used to justify the annexation of Texas by the United States.
- 1846 – Splinter groups move to Michigan and back East. Led by Brigham Young as the head of the Quorum of the Twelve Apostles, the majority of Saints move West and are forced to delay their journey due to a harsh winter. They stay in Winter Quarters, a site that straddles the border between Iowa and Nebraska. The Mexican-American War begins. The Mormon Battalion, consisting of about 500 Saints, is sent to fight in the war.
- 1847 – Saints arrive in the valley of the Great Salt Lake (Mexican territory) and immediately begin their colonization efforts, which are self-consciously communitarian and insular. Basic natural resources are subject to public rather than private ownership and are distributed for community well-being. With no legal (federal) distribution system, land is parceled out to individuals by local bishops and is paid for with labor on cooperative enterprises, such as irrigation canals.
- 1848 – The California Gold Rush begins. The Mexican-American War ends with the Treaty of Guadalupe-Hidalgo, which cedes much of Mexico's western territory, including present-day Utah, to the US. Seneca Falls Convention, the first women's rights convention in the US, occurs.
- 1849 – The provisional State of Deseret is organized by the Council of the Fifty, a governing body of the Church, but is rejected by Congress. The Perpetual Emigrating Fund Company is established to provide economic assistance to Saints emigrating to Utah from Europe and the East.
- 1850 – As part of the Compromise of 1850 Deseret is renamed Utah, its size is reduced

and it is made a US territory. Brigham Young is appointed governor. Missions in the Hawai'ian/Sandwich Islands, Scandinavia, France, Italy and Switzerland are all established. The Second Great Awakening has ends. The notion of a distinct Anglo-Saxon race is solidified.

- 1851 – The Australian and East Indian missions are established. Several articles comparing Mormonism with Islam appear.
- 1852 – Instructed by Young, Apostle Orson Pratt publically announces that the Church believes in and practices plural marriage. The German mission is established. Ban against blacks entering the priesthood is instituted, despite the fact several black members have already been given the priesthood. 20,000 now live in the Salt Lake area.
- 1853 – The South African mission is established.
- 1854 – The original Law of Consecration and Stewardship, deeding all property to the Church, is reinstated by Young. The Siam mission is established, but is ended that same year.
- 1855 – Maria Ward's *Female Life Among the Mormons: A Narrative of Many Years' Personal Experience*, Orvilla Belisle's *Mormonism Unveiled; or, A History of Mormonism, from its Rise to the Present Time*, and Alfreda Bell's *Boadicea, the Mormon Wife: Life Scenes in Utah*, popular anti-polygamy novels, are all published. Political philosopher Francis Lieber's influential opinion piece, "The Mormons: Shall Utah Be Admitted to the Union?" is published in the March edition of *Putnam's Monthly*; it will later be cited by Chief Justice Waite in *Reynolds vs. US* (1879).
- 1856 – At the first ever Republican National Convention it is announced that the party's platform includes a promise to end the "twin relics of barbarism:" polygamy and slavery. The Mormon Reformation, a period of renewed emphasis on spirituality and commitment to the Church begins. Another bid for Utah's statehood is sent to Congress. Metta Victor's *Mormon Wives: A Narrative of Facts Stranger Than Fiction*, another popular anti-polygamy, is published.
- 1857 – The year of the Utah War, a result of soured relations between the Saints, federal officials, and the federal government. President James Buchanan sends 2,500 soldiers to Utah, while secondhand news of the President's actions results in an organized and complete exodus of the Saints to southern Utah in preparation for a conflict that would never come. The Mountain Meadows Massacre, in which a group of LDS militia and Paiutes attacked and killed most members of a non-Mormon wagon train traveling through Utah, occurs as a result of war hysteria. Congress begins to seriously debate ways to control the Mormons. A Utah militia



man is pardoned by Young for “the sin of Sodomy or Bestiality[,] one of the most heinous crimes” – this is the first known use of the term sodomy in LDS history. The Supreme Court decides *Dred Scott v. Sanford* finding that Scott is not a citizen and therefore has no standing in federal court.

- 1858 – The so-called “Mormon War” is declared over by President Buchanan after a new, non-Mormon governor, Alfred Cumming, is allowed to take Young’s place and federal troops occupy Fort Floyd outside of Salt Lake City. Saints reenter the valley after the truce is announced. Young begins a serious push for the Saints’ economic self-sufficiency.
- 1859 – Oregon passes an alien land law that prevents Chinese people from owning land.
- 1860 – Dr. Robert Bartholow, a military physician who came to Utah during the Utah War, submits a report on the “physiological aspects of Mormonism” which is included in the Surgeon General’s Statistical Report to Congress. Bartholow’s report, which contended that the Mormons had produced a new and degenerate race by practicing polygamy is republished in the popular press several times over the next two years. At the New Orleans Academy of Sciences meeting that December his report is debated. The Reorganized Church of Jesus Christ of Latter-day Saints (RLDS – whose name was changed to Community of Christ in 2001) is formally established with Joseph Smith III, the eldest child of Joseph Smith, as president.
- 1861 – The transcontinental telegraph line is completed in Utah. The Civil War begins in April.
- 1862 – The Morrill Anti-Bigamy Act, which criminalized bigamy in the territories and annulled the incorporation of the LDS Church, is passed. Under the new law the Church is not allowed to own more than \$50,000 of property, a provision aimed at discouraging the Saints cooperative economic practices. President Abraham Lincoln declines to enforce the act famously stating, “when I was a boy on the farm in Illinois, there was a great deal of timber on the farm which had to be cleared away. Occasionally we would come to a log which had fallen down. It was too hard to split, too wet to burn, and too heavy to move, so we plowed around it. You go back and tell Brigham Young that if he will let me alone I will let him alone.” Another bid for statehood is sent to Congress from Utah.
- 1865 – Part of the effort toward economic isolation, a boycott of non-Mormon sellers is instituted by the Church hierarchy. The Civil War ends and Reconstruction begins.
- 1866 – The LDS Church has almost 60,000 members. A black man is lynched in Utah.

- 1867 – The home industry movement and retrenchment begin in order to promote LDS self-sufficiency. The School of the Prophets, an economic planning committee, is organized by the Church hierarchy to direct Mormon economic practices. After the organization had fallen by the wayside during the trek west, the Relief Society is reinstated at Young's behest. Excessive consumption for personal comfort is discouraged through the revitalization of the Word of Wisdom.
- 1868 – Zions Cooperative Mercantile Institution (ZCMI) is founded, marking the start of the cooperative movement in Utah, which was one of the key economic strategies for self-sufficiency.
- 1869 – The transcontinental railroad is completed at Promontory Summit in Utah, north of Salt Lake City. The boycott of non-Mormon merchants is extended to a general boycott of all non-Mormon businesses and trade. A federal land office is finally established in Utah. After being excommunicated for speaking out against the Church's economic policies and practices William S. Godbe and several other disaffected Mormons form the short lived Godbeite Church.
- 1870 – Women are granted suffrage in Utah and are the first to vote in the nation (even before women in Wyoming who had been granted the vote in late 1869). Vice President Schuyler Colfax gives an anti-Mormon address on the occasion of his visit to Salt Lake City.
- 1871 – Brigham Young is charged with, but not convicted of, polygamy.
- 1872 – Utah sends another bid for statehood.
- 1873 – The Panic of 1873 begins. In response, Young calls for the reestablishment of the United Order.
- 1874 – The passage of the Poland Act makes prosecutions under the Morrill Act possible by wresting control of Utah's justice system from the Saints. Ann Eliza Young's *Wife No. 19; or The Story of a Life in Bondage* and Fanny Stenhouse's '*Tell It All.*' *The Story of a Life's Experience in Mormonism. An Autobiography: By Mrs. T.B.H. Stenhouse of Salt Lake City, for More Than Twenty Years the Wife of a Mormon Missionary and Elder*, popular anti-Mormon exposés are published.
- 1875 – Mormon John D. Lee is put on trial, but is not convicted for participation in the Mountain Meadows Massacre. Orderville, the most successful United Order colony, is founded in Utah.
- 1876 – At the behest of federal politicians, Utah adopts California's penal code, which includes a statute against sodomy (never before criminalized in the Territory). John D. Lee is re-tried for his part in the Mountain Meadows Massacre, is

convicted, and put to death the next year. Battle of Little Bighorn of the Great Sioux War occurs.

1877 – Brigham Young dies and is eventually succeeded by John Taylor as president of the Church. The United Order movement loses its momentum with the death of Young and begins to fail. Reconstruction ends. The Great Railroad Strike of 1877 occurs.

1878 – The LDS Church has 109,894 members. The Zion's Central Board of Trade is organized as an economic planning committee to replace the United Order system. The *In re Ah Yup* decision deems residents of Asian descent non-white and therefore ineligible for citizenship.

1879 – *Reynolds v. United States* is decided by Supreme Court, upholding the Morrill Act. The decision is a turning point in the conflict between the Saints and the federal government. Anti-Mormon Francis Willard becomes president of the Women's Christian Temperance Union (WTCU). California passes its first alien land law limiting property ownership to whites and blacks.

1880 – Reverend Dr. Thomas De Witt Talmage delivers his sermons on Chinese immigration and Mormonism to his Brooklyn congregation in September.

1881 – Cornelia Paddock's *The Fate of Madame La Tour: A Tale of Great Salt Lake* and *Saved at Last from Among the Mormons*, two popular anti-polygamy novels are published.

1882 – The Edmunds Act is passed, instituting much harsher measures against the Saints. The passage and implementation of the law marks the beginning of what Mormons call "the Raid." The Chinese Exclusion Act prohibits the immigration of all Chinese laborers effectively banning all Chinese immigrants from entering the US. Oscar Wilde stops in Salt Lake City on his lecture tour drawing "an array of" enamored "young men." The first conviction for sodomy and the first excommunication for same-sex sexual activity occur. Church leaders call for an end of the non-Mormon boycott and open-up private enterprise to the Saints. Most Church enterprises are sold out to private interests. Jennie A. Barlett's *Elder Northfield's Home; or Sacrificed on the Mormon Altar: A Story of the Blighting Curse of Polygamy*, a popular anti-polygamy novel, is published.

1883 – The Supreme Court upholds the constitutionality of miscegenation laws in *Pace v. Alabama*. Rosetta Gilchrist's *Apples of Sodom: A Story of Mormon Life* is published. The LDS Church begins to emphasize the Word of Wisdom as an important aspect of religious practice.

1884 – The cooperative movement officially ends and the Zion's Board of Trade dies out

as a result of the Edmunds Act. The Church begins to solidify its priesthood ban against blacks, a policy that is firmly in place by 1908. The national anti-monopoly platform appears.

- 1885 – Josiah Strong’s *Our Country*, out sold only by the Bible, is published.
- 1886 – D.D. Lum’s *Social Problems of To-day*, which praises the Saints cooperative economics, is published. The Haymarket affair, the bombing of a labor demonstration, occurs in Chicago. Washington State passes an alien land law which prohibits those ineligible for citizenship from owning property.
- 1887 – The Edmunds-Tucker Act is passed, intensifying the federal government’s campaign against the Saints. Congress passes the Dawes Act also known as the General Allotment Act, divides American Indian land into plots. Minnesota passes an alien land law which limits ownership of real estate to citizens and those who intend to become citizens and prevents companies with more than twenty percent alien ownership from buying land. President John Taylor dies while on the run from federal prosecutors and is eventually succeeded by Wilford Woodruff.
- 1888 – The Labor platform appears. Utah’s first anti-miscegenation law is passed and the Supreme Court upholds state’s right to pass and enforce anti-miscegenation laws in *Maynard v. Hill*.
- 1890 – The federal Sherman Antitrust Act is passed limiting practices of monopolies and trusts. Wounded Knee Massacre occurs in South Dakota and is subsequently linked (inaccurately) to Mormon interference. Supreme Court decides *Late Corporation of the Church of Jesus Christ of Latter-day Saints v. United States* affirming the constitutionality of the government’s disincorporation of the LDS Church as well as *Davis v. Beason* affirming that federal laws against polygamy did not conflict with the Free Exercise Clause of the First Amendment. In September Church President Woodruff releases the Manifesto, announcing the abandonment of polygamy. The Church’s People’s Party is disbanded.
- 1891 – The Immigration Law of 1882 is amended to exclude immigrants based on “moral turpitude.” LDS Church invests in building brothels on Commercial Street in Salt Lake City. Texas passes an alien land law prohibiting alien land ownership for more than six years, but is repealed the same year.
- 1892 – Supreme Court decides *Plessy v. Ferguson*, upholding the constitutionality of racial segregation. Lynchings reach their peak in the US. First use of the terms “heterosexual” and “homosexual” in the US. Alice Mitchell murders her lover Freda Ward in Memphis and the subsequent trial is publicized nationally. The Salt

Lake City Temple is completed – construction began in 1847. The Socialist platform appears.

- 1893 – The Panic of 1893 begins. Formal US colonial occupation of Hawai‘i occurs. Frederick Jackson Turner introduces the frontier thesis in his essay “The Frontier in American History.” The Saints attend Chicago World’s Fair Columbian Exposition receiving favorable reviews from the non-Mormon press. Populist Party branch founded in Utah.
- 1894 – Pullman Railroad Strike occurs. The Enabling Act is passed, which allowed for the formation of Utah as a state. The act included a provision that required a ban against polygamy in the state’s constitution. Remaining LDS polygamists are granted amnesty by President Cleveland. Church represented at the San Francisco World’s Fair California Midwinter Exposition. The LDS Church has 201,047 members.
- 1895 – Utah constitutional convention vigorously debates inclusion of women’s suffrage. A Socialist Labor Party branch is founded in Salt Lake City. Brigham H. Roberts’ first volume of *A New Witness for God* is published. Frederick Taylor begins to advocate “scientific management” also known as Taylorism. Havelock Ellis’ publishes “Sexual Inversion in Women.” Oscar Wilde’s sodomy trial makes international headlines.
- 1896 – Utah achieves statehood. Women’s suffrage is reinstated and the Saints reentered the state judiciary. Supreme Court decides *Plessy vs. Ferguson* upholding “separate, but equal.” The Young Men’s Christian Association is organized.
- 1897 – A Socialist Labor Party branch is founded in Ogden, Utah. Josiah Flynt publishes “Homosexuality among Tramps” based partly on research in Utah. Havelock Ellis and John Addington Symonds’ *Sexual Inversion*, which includes Flynt’s research is published in the US. “Frank Merriwell Among the Mormons or The Lost Tribe of Israel” is published in *Tip Top Weekly* featuring a more positive portrayal of Mormonism.
- 1898 – B. H. Roberts is elected to the US House of Representatives, but the House refuses to seat him because he is a practicing polygamist. The Spanish-American War begins and the US gains Puerto Rico, Cuba, Guam, and the Philippines as formal colonial possessions. US formally annexes Hawai‘i. Church is represented at World’s Fair in Omaha. President Wilford Woodruff dies and is succeeded by Lorenzo Snow.
- 1899 – US acquires Samoa and Wake Island. The Philippine-American War begins. First handbook of instruction is issued to stake presidents and bishops in the LDS Church.

- 1900 – B. H. Roberts refused seat in US House of Representatives. Reed Smoot is made an apostle in the LDS Church. Populist Party branch disbands in Utah. Apostle Moses Thatcher leaves Democrats to become a Socialist. Church authorities begin to emphasize women’s place is in the home – reversing its more liberal view of women’s roles and abilities in the nineteenth-century – in Church periodicals such as *The Young Woman’s Journal*. Alaska placed under US military rule. Hawai‘i officially becomes a US territory. US currency is placed on gold standard.
- 1901 – Lorenzo Snow dies. Joseph F. Smith becomes LDS Church president and begins to get “the church out of business.” The *Insular Cases* reach the Supreme Court which decides that full constitutional rights are only available to those in incorporated territories and not colonial possessions. Platt Amendment is passed which limits Cuba’s autonomy and the island becomes a US protectorate. President McKinley is assassinated and Theodore Roosevelt becomes president. Leon Czolgosz is executed for McKinley’s murder. A Socialist Party of America branch is founded in Utah.
- 1902 – Cuba gains independence from the US. The Philippine-American War ends. the LDS Church opens first information bureau in Temple Square.
- 1903 – On January 20 Apostle Reed Smoot, a member of the Quorum of the Twelve Apostles, is elected to the US Senate. Six days later the Salt Lake Ministerial Association petitioned to have Smoot removed. Cuba leases Guantanamo Bay in perpetuity to US. Panama declares itself independent from Columbia and gives the US complete control of the Panama Canal. The Immigration Act of 1903 is passed, excluding anarchists, epileptics, and those displaying insanity. The LDS Church’s employment bureau is reinstated (previously operating from 1896-1899).
- 1904 – The Senate hearings dealing with the seating of Reed Smoot begin. On March 2 President Joseph F. Smith is called to testify at the hearings. In April Smith announces the Second Manifesto, reiterating the prohibition of polygamy. The Saints are represented at the World’s Fair in St. Louis. The Industrial Workers of the World is founded. The American Party in Utah is formed. The Democratic Party adds anti-polygamy to its platform. New York doctor Prince Morrow publishes *Social Diseases and Marriage* and champions the social hygiene movement. Nebraska enacts Kincaid Act, a homestead law that allows settlers to claim land only if they are citizens.
- 1905 – Apostles Matthias F. Cowley and John W. Taylor resign from their positions in the LDS Church caving to the demands of the US Senate committee to punish leaders that were still practicing polygamy. The 100<sup>th</sup> anniversary of the birth of Joseph Smith. The play *The Mormon Coon* premieres at the New York Theater on

January 29. Thomas Edison's nickelodeon film *A Trip to Salt Lake City* premieres, mocking plural marriage. The LDS Relief Society establishes a Church Employment Bureau for women. The Saints are represented at the World's Fair in Portland.

- 1906 – The San Francisco earthquake occurs. In June, the Senate committee recommends Smoot be excluded.
- 1907 – The Panic of 1907 occurs. The Gentlemen's Agreement between the US and Japan ends Japanese immigration to the US. In February the Senate votes to keep Smoot, despite the committee's recommendation and he serves until 1933. LDS Church begins to formally discourage adherent's immigration to Utah (an informal policy to this effect had been in place since 1890s). The punishment for sodomy in Utah is upped to twenty years. The states begin to pass sterilization laws. The Saints attend the World's Fair in Jamestown, Virginia.
- 1908 – Tithing in kind is ended by the Church. The 1890 Manifesto is added to The Doctrine and Covenants. Henry Ford produces the first model-T. *Race or Mongrel?* Alfred Schultz's popular anti-miscegenation and anti-immigration tract is published.
- 1909 – US troops leave Cuba after their occupation as a result of the Spanish-American War. The NAACP is founded. Freud visits the US. 1909 and 1910 mark the height of white slavery panic. Government begins to crackdown on socialist free speech in Utah. First recorded time immigration officials argue to exclude immigrants based on same-sex sexual activity. The Saints are represented at the World's Fair Alaska-Yukon Exposition in Seattle.
- 1910 – The Boy Scouts of America is founded by William D. Boyce. African-American boxing champion Jack Johnson defeats white boxer James J. Jeffries in a heavyweight match causing race riots across the country. 1909 and 1910 mark the height of white slavery panic. The Mann Act, also known as the White-Slave Traffic Act, is passed. President Joseph F. Smith orders Church officials to excommunicate or disfellowship those who break the 1890 Manifesto.
- 1911 – The Dillingham Commission (also known as the US Congress Joint Immigration Commission) concludes that Southern and Eastern European immigration is a threat and that traffic in men and boys (not just girls and women) should be stemmed. The Men and Religion Forward Movement, seeking to remasculinize Protestantism, begins. Triangle Shirtwaist Factory Fire occurs in New York City. President Joseph F. Smith orders the *Deseret News* to undertake campaign against socialism. B. H. Roberts' final version of *New Witnesses for God* is published. The Mormon Tabernacle Choir tours the country. Brigham Young University

purges intellectuals for the first time. *A Victim of the Mormons* a Danish silent film premiers.

- 1912 – The Girl Scouts are founded. The US Marines interfere in Nicaragua. Bruce Kinney, the former superintendent of Baptist Missions in Utah, publishes *Mormonism, the Islam of America*. Jack Johnson's first wife commits suicide, he marries Lucille Cameron, and he is charged under the Mann Act.
- 1913 – The end of the Philippine-American War. The Panama Canal is completed. Utah Supreme Court reverses the sodomy conviction of Andrew G. Johnson, an African American man, based on the fact that oral sex was not part of Utah's anti-sodomy statute. The Boy Scout program is adopted by LDS Church. Babies touted as Utah's "best crop" by Protestant groups. California passes another alien land law which prevents those ineligible for citizenship from owning property or entering into leases longer than three years.
- 1914 – World War I begins in Europe. US occupies Veracruz, Mexico.
- 1915 – *The Birth of a Nation* premiers. US begins its occupation of Haiti. The Ku Klux Klan is reestablished. Jack Johnson is beat in a fight by white boxer Jess Willard in Havana. The Saints are represented at the World's Fair Panama-Pacific Exposition in San Francisco as well as in San Diego.
- 1916 – The US occupies the Dominican Republic. The Philippine Autonomy Act, also known as the Jones Act, which acts as the Philippine Constitution, is passed. Emma Goldman is arrested. Margaret Sanger opens clinic and publishes birth control pamphlet in New York City. Madison Grant's *The Passing of the Great Race* is published detailing fears of "Nordics" going extinct. Utah has highest per capita membership in the Boy Scouts in the nation thanks to LDS promotion of the organization.
- 1917 – The US enters World War I and the 145<sup>th</sup> Field Artillery regiment nicknamed the "Mormon Regiment" leaves for war. Puerto Ricans are granted US citizenship. The Immigration Act of 1917 (also known as the Literacy Act or the Asiatic Barred Zone Act) imposed literacy tests, created new categories for denying entry (including "idiots," "imbeciles," "feeble-minded persons," "persons with constitutional psychopathic inferiority," "mentally or physically defective persons," "the insane," alcoholics, epileptics, those with tuberculosis or contagious diseases, paupers and vagrants, criminals, prostitutes, anarchists, polygamists, political radicals, and contract laborers) and barred immigration from the Asia-Pacific Zone. The film *A Mormon Maid* premiers.
- 1918 – World War I ends. Spanish flu epidemic occurs. President of the Church, Joseph



F. Smith dies and is succeeded by Heber J. Grant. Mildred Berryman begins study of homosexuals in Salt Lake City while attending Westminster College. In March local draft boards and medical advisory boards are provided with revised 1917 instructions barring 'the homosexual' from service. Dr. Albert Adam's "Homosexuality – A Military Menace" is published. The *Riders of the Purple Sage* film premieres (it is rereleased in 1921).

- 1919 – Anarchists carry out a string of bombings through the US mail. The Prohibition amendment is passed. The first of the Palmer Raids occur. Emma Goldman is deported during the Red Scare. The LDS Relief Society establishes the Social Service Department with Amy Lyman Brown as director. International Conference of Women's Physicians in New York City positively discusses homosexuality and is also positively reviewed in LDS publications. Three prominent LDS members are "outed": Evan Stephens, Louie B. Felt, and May Anderson.
- 1920 – Prohibition begins to be enforced with the passage of the Volstead Act. The Nineteenth Amendment, which legalizes women's suffrage, is passed. California expands its alien land law to make it illegal for a person ineligible for naturalization to enter any lease agreement and barring companies owned by immigrants to own any property. Carlton H. Parker's *The Casual Laborer and Other Essays* is published. LDS sociologist Nels Anderson completes study of hobos' sexual practices. Lothrop Stoddard's *The Rising Tide of Color against White World Supremacy* is published.
- 1921 – Church leaders make adherence to the Word of Wisdom a requirement for entrance to temples. "This Is the Place" monument is dedicated in Utah. Washington passes a more extreme alien land law which makes it impossible for aliens to lease land. Arizona and Louisiana pass alien land laws and New Mexico amends state constitution to make it illegal for aliens to own land.
- 1922 – Under *Ozawa v. United States* Japanese people are defined as non-white and excluded from naturalization. The Relief Society reestablishes female employment bureau in Social Service Department that had been suspended during WWI. *Trapped by the Mormons*, a British film premieres.
- 1923 – The decision *United States v. Bhagat Singh Thind* defines Punjabi Sikhs as non-white and therefore ineligible for citizenship. Oral sex, both homosexual and heterosexual, is added to Utah's statute against sodomy. Washington, once again, extends its alien land law to disallow US-born children of immigrants from holding land in trust for their parents. Idaho and Montana pass alien land laws. Madison Grant's *The Passing of the Great Race* is published in its 4<sup>th</sup> edition.
- 1924 – The Immigration Act (or the Johnson-Reed Act) of 1924, responding to nativist

fears, is passed and limits the percentage of immigrants through a race-based national origins quota. The Indian Citizenship Act giving US citizenship to American Indians is passed. Oregon passes an alien land law. The peak of the Klu Klux Klan's power in Utah.

- 1925 – The Relief Society general board opens a storehouse. Kansas and Arkansas pass alien land laws.
- 1926 – The US intervenes in the Nicaraguan Civil War. The play *The Captive*, about lesbianism, appears on Broadway causing a stir. Mae West opens her play, *Sex*, on Broadway which she wrote and starred in. One in three boys belonging to the Boy Scouts in Utah compared to one in five nationally.
- 1927 – Mae West tries, but fails to bring her play *The Drag* to Broadway, which highlights the homosexual underworld.
- 1928 – Radclyffe Hall's *The Well of Loneliness* is published causing an international sensation. Mrs. W. A. King's *Duncan Davidson; a Story of Polygamy* is published.
- 1929 – The stock market crashes and the Great Depression begins. The Lynds' publish their influential study *Middletown: A Study in American Culture*. Katharine Bement Davis publishes her *Factors in the Sex Lives of Twenty-Two Hundred Women*.
- 1930 – The seminary system is established in the LDS Church. President Heber J. Grant appears on the cover of *Time* and he is invited to the White House to acknowledge the Church's role in promoting the Boy Scouts. The Hays Code takes effect in Hollywood, which includes a proscription against portraying religions negatively and a ban against portraying same-sex sexuality and polygamy.
- 1931 – Apostle Joseph Fielding Smith and future Church President publishes *The Way to Perfection* in which he bases priesthood restriction against blacks on the curse of Cain.
- 1933 – The first New Deal legislation is implemented, establishing the Civilian Conservation Corps (CCC) and the Federal Transient Program (FTP). Franklin Roosevelt does the first of his radio Fireside chat addresses. The gold standard ends. The Dust Bowl occurs. The Twenty-First Amendment goes into effect, ending Prohibition. President Heber J. Grant declares that "celestial marriage" is not synonymous with plural marriage. The LDS Church is represented at the Chicago World's Fair Century of Progress International Exposition.
- 1934 – The Dust Bowl continues. The US occupation of Haiti ends. The Wheeler-

Howard Bill/The Indian Reorganization Act is passed. Thomas Minehan's expose *Boy and Girl Tramps of America* is published.

- 1935 – The Works Progress Administration is formed and the FTP is terminated.
- 1936 – The LDS Church Welfare Program is established and receives extensive press coverage. The LDS Church is represented at the Texas Centennial Exposition in Dallas. “Sex and Personality: Studies in Masculinity and Femininity,” is published by Lewis M. Terman and Catherine Cox Miles.
- 1937 – The Church beautification program is launched to provide employment to unemployed Saints. Samuel Kahn's *Mentality and Homosexuality* is published, which calls “most fags floaters.”
- 1938 – Deseret Industries thrift shops are established by the Church. Mildred J. Berryman's study of homosexuality is completed.
- 1939 – Changes are made to Utah's marriage law which deny “unfit” people (those with STDs and chronic epilepsy) from marrying and non-whites from marrying whites. The LDS Church is represented at the San Francisco World's Fair Golden Gate International Exposition. FBI Director J. Edgar Hoover gives speech asking LDS men to help in making “a greater nation, a better nation, a cleaner-thinking nation.”
- 1940 – The movie *Brigham Young, Frontiersmen* premiers.
- 1941 – The Japanese attack on Pearl Harbor occurs. The US enters World War II. The LDS Church divests of its holdings in houses of prostitution in Salt Lake City.
- 1942 – The Salt Lake Bohemian Club dissolves. Joseph F. Smith is appointed general authority and Patriarch to the Church.
- 1943 – The Zoot Suit Riots occur in East LA. The Great Depression officially ends. Utah and Wyoming pass alien land laws to prevent those incarcerated in Japanese Internment Camps from settling permanently in those states.
- 1944 – The GI Bill is enacted.
- 1945 – Church President Heber J. Grant dies and is succeeded by George Albert Smith. The nuclear bombings of Hiroshima and Nagasaki occur. World War II ends and the Cold War begins. Veterans Association issues policy declaring those discharged because of homosexual acts ineligible for the GI Bill.
- 1946 – Apostle Joseph F. Smith's relationship with twenty-one-year-old Saint exposed by

boy's father to First Presidency of the Church. First Presidency allows Smith to resign due to "illness."

- 1947 – Spencer W. Kimball receives a special assignment to counsel young men who have homosexual desires or experiences.
- 1948 – *Perez v. Sharp* is decided by the Supreme Court of California, finding that laws banning interracial marriage violate the Fourteenth Amendment of the US Constitution. Alfred Kinsey publishes his study, *Sexual Behavior in the Human Male*.
- 1949 – The LDS Church officially issues statement on priesthood ban against black men, claiming it had always been in place.
- 1950 – The Lavender Scare begins and is characterized by congressional investigations into the homosexuality of federal employees. The Mattachine Society is formed.
- 1951 – Church President George Albert Smith dies and is succeeded by David O. McKay.
- 1952 – The Immigration and Nationality Act of 1952 replaces 1790 law that limits naturalization to "free white persons." J. Reuben Clark is the first LDS leader to publically discuss homosexuals at a Relief Society meeting. The *Coronet* magazine publishes story titled, "Those Amazing Mormons."
- 1953 – Apostle Ezra Taft Benson (and future Church president) is appointed US secretary of agriculture. A major raid is carried out against polygamists living in Short Creek, Arizona. *One* magazine is published for the first time. Alfred Kinsey publishes *Sexual Behavior in the Human Female*. Sodomy laws in Utah are amended to decrease sentence and make it easier to convict people for the offense. July 2 is the first time the *Deseret News* uses the word "homosexual" in an article about the US State Department's firing of 531 homosexuals because they are considered security risks.
- 1954 – The Supreme Court decides *Brown v. Board of Education* declaring segregation unconstitutional.
- 1955 – Apostle David O. McKay is consulted, along with other religious leaders, for the Hollywood blockbuster *Ten Commandments*. The "Boys of Boise" homosexual witch hunt in Idaho shocks many Saints and is reported nationally adding to the Lavender Scare. The Daughters of Bilitis is organized.
- 1956 – *The Ladder* a lesbian magazine begins publication.

- 1957 – Apostle Joseph F. Smith’s church privileges are reinstated. The Navy’s Crittenden Report on homosexuality is released.
- 1958 – Apostle Bruce R. McConkie’s *Mormon Doctrine* is published, explicitly condemning sodomy, onanism, and homosexuality. The SLCPD begins surveillance and entrapment of gay men in Salt Lake City bars.
- 1959 – Allen Drury’s *Advise and Consent*, a story featuring a gay Mormon, makes the *New York Times* best-seller list. The LDS Church’s missionary standards are formalized.
- 1960 – The Church’s Correlation Committee is organized with Apostle Harold B. Lee as its head.
- 1962 – The movie *Advise and Consent* premieres, breaking the taboo on the depiction of homosexuality in film. A formal policy of not admitting known homosexuals into BYU begins. The Church is represented at the Seattle World’s Fair Century 21 Exposition.
- 1964 – The Supreme Court invalidates the cohabitation portion of Florida’s anti-miscegenation statute in *McLaughlin v. Florida*. The LDS Church is represented at the New York World’s Fair.
- 1966 – David-Edward Desmond organizes the United Order Family of Christ in Denver, a spiritual group of Mormon gay men who practice communal economics – the group is disbanded within eight years.
- 1968 – The Supreme Court decides *Loving v. Virginia*, declaring anti-miscegenation laws unconstitutional. The LDS *General Handbook of Instructions* for the first time includes “homosexual acts” as one of the sins for which a parishioner could be excommunicated from the Church. Juliet Hume, a baptized Saint, and her girl lover murder Hume’s mother causing a sensation.
- 1969 – The Stonewall Riots occur in NYC. Spencer W. Kimball’s *The Miracle of Forgiveness* is published which includes a chapter on homosexuality where gay men are encouraged to marry women.
- 1970 – Spencer W. Kimball publishes pamphlet called *New Horizons for Homosexuals* which is later retitled *A Letter to a Friend* that also encourages gay men to marry women and have children.
- 1972 – The Equal Rights Amendment passes Congress and goes to the states for ratification. Harold B. Lee becomes the President of the LDS Church.

- 1973 – The American Psychiatric Association drops homosexuality as a disorder. The First Presidency issues a statement against homosexuality in the *Priesthood Bulletin*. Kimball becomes the President of the Church. The LDS Church's *Homosexuality: Welfare Services Packet* is published for the first time.
- 1974 – The Equal Rights Amendment is widely popular, passing thirty-three of the thirty-eight states needed to ratify the amendment. The LDS Social Services is incorporated.
- 1975 – An anonymous editorial in the *Deseret News* argues that the Equal Rights Amendment is too vaguely worded, that it might harm longstanding benefits to women like maternity leave and government aid to single mothers, and that its consequent breadth would harm traditional gender roles. BYU begins a campaign to expel all male homosexual students with the help of the SLPD. Sgt. Leonard Matlovich Jr. a converted Saint appears on the cover of *Time* magazine to promote gay inclusion in both the military and society and as a result is excommunicated from the Church.
- 1976 – Apostle Boyd K. Packer encourages young men to assault men who show sexual interest in them. The First Presidency issues statement against ratification of Equal Rights Amendment pointing to an increase in homosexuality and lesbianism as possible by-products of the legislation. The *General Handbook of Instructions* drops “homosexual acts” and adds “homosexuality” to list of excommunicable sins.
- 1978 – The LDS Church reverses priesthood ban against black men. Harvey Milk is assassinated in San Francisco.