The Mormon Church on Trial: Transcripts of the Reed Smoot Hearings

by

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Contrary to popular folklore, the LDS temple ceremony was not performed or recited in the U.S. Senate chambers during the 1904-06 challenge to Reed Smoot's election from Utah. Nor was it entered into the Congressional Record. The committee investigating Apostle-Senator Smoot's qualifications wanted to know if temple participants promised to avenge the blood of the martyred prophet Joseph Smith and whether that vengeance was sworn upon “this generation” or upon “this nation,” the former being considered a matter of religious dogma and the latter possible treason against the United States. However, Senators did want to know about the LDS Church's controversial practice of polygamy, especially since 1890 when the practice was formally abandoned. Surprisingly, Church President Joseph F. Smith admitted that he had fathered eleven children by five wives since 1890. Asked about his role in receiving revelations for the church, Smith replied that he had received none thus far. Other questions probed the church's involvement in politics, including action taken by the church against Apostle Moses Thatcher for saying that “Satan was the author of the Republican Party.” To a large extent, the Mormon Church, not Senator Smoot, was the real target of the Senate's scrutiny. Some felt uncomfortable about this emphasis. Senator Bailey (D-Tx) “objected to going into the religious opinions of these people. I do not think Congress has anything to do with that unless their religion connects itself in some way with their civil or political affairs.” But Smoot's critics proceeded to show a convoluted tangle of Utah business, political, and religious affairs and what they considered to be un-American religious supremacy in all areas. They argued that a Senator “legislates for 80 million people who hold as their most cherished possession … a respect for law because it is law, as Reed Smoot, unhappily for him, has never felt nor understood from the moment of his first conscious thought down to the present hour.”
Editor's Preface

Despite some very good recent scholarship, much of the daily drama of the Reed Smoot hearings, 1903-1906, remains untold if only because of the volume of official and supporting documentation. The hearings were conducted by a committee of the United States Senate to consider the suitability of newly elected Senator Reed Smoot (1862-1941) to represent the State of Utah. Because Smoot was an LDS apostle, the case attracted national and international attention. Newspapers ran sensational front-page stories as events unfolded. One can only imagine the frenzy a similar hearing would generate today in our information-saturated age—every nook and cranny of Mormonism scrutinized, “shocking” new revelations proclaimed daily.

The Smoot hearings impacted the direction of the Church of Jesus Christ of Latter-day Saints, whose doctrines and practices—not Smoot—emerged as the real focus of the hearings. In many ways, the controversy came to represent what historians today have termed the “transition” period of LDS development, when the church began to shed its rural, insular past and enter the larger mainstream of American religious culture. The present one-volume abridgement of the official record is an attempt to spotlight this important collision between the United States and Mormonism at the dawn of the twentieth century. The historical background for the hearings is treated in Harvard S. Heath’s knowledgeable introduction to this volume.

Although the hearings may have been inevitable and useful in the long term, they were painful in the short term. Smoot’s correspondence during the years of the hearings speaks directly to the anxiety, stress, and pressure he and others lived with. (Unfortunately, Smoot’s diaries for this period have not survived.) At one especially difficult moment, he wrote, “I must admit that it is the hardest thing that I have had to meet in life. I have thought a great deal over the situation, it has worried me until I can hardly sleep, I have prayed over it and have received no answer to my prayers satisfactory to myself …”2 Given the uncertain repercussions of the testimony against him and fragile political alliances he managed to secure, it was easy for Smoot to wax pessimistic: “It is true that at times the clouds look very dark and seem to hang very low, but as the days pass by the sunshine again appears, and I find that the friends that I have made in the past are generally standing by me.”3

My introduction to Senator Smoot and his turbulent first term in office came while I was serving a full-time proselytizing mission for the LDS Church in Florida from 1994 to 1996. My next exposure occurred in mid-1999 while enrolled in a history class taught by Susan Easton Black at Brigham Young University. The class lectures touched gingerly upon the hearings and LDS Church President Joseph F. Smith’s testimony before a sometimes combative committee.

Beginning in the summer of 2004, I tried to spend almost
every available moment working on this abridgement even though it was a challenge to fend off other distractions. My reading of the documents helped to stimulate an interest in public policy and informed my evolving political and religious views. Gradually, I began to see connections between Smoot's day and my own—an illuminating experience, to say the least. The full title of the official published record is Proceedings before the Committee on Privileges and Elections of the United States Senate in the Matter of the Protests against the Right of Hon. Reed Smoot, a Senator from the State of Utah. It is abbreviated in the present abridgement as Smoot Hearings, followed by volume and page numbers. The hearings, including initial protests to Smoot's election, spanned three and a half years from January 26, 1903, to June 11, 1906, and covered in detail topics ranging from LDS involvement in politics and business to the church's temple endowment ceremony, plural marriage, the 1890 Wilford Woodruff Manifesto, and other public and private beliefs and practices. Most witnesses traveled to Washington, D.C., from Utah or Idaho, and each person's testimony was colored by his or her standing in the LDS Church—very few straddling the fence. Witnesses included high-level church officials, so-called "apostates," and non-Mormons. As I combed through the hearings, I was most struck by the testimony of LDS Church President Joseph F. Smith and of Reed Smoot himself. I found their interrogations interesting and revealing; in fact, many of the topics they tackled continue to figure in contemporary LDS Church debates and controversies. Where I included testimony from other witnesses, their statements usually appeared within the context of the topics raised in the examination of the other two witnesses. I have tried, where appropriate, to balance testimony favorable to the LDS Church with testimony that was not. In the footnotes I have added information from primary sources such as letters, newspaper articles, and diary entries that explain and contextualize the testimony or provide a glimpse into the interpretation the national and Utah media gave to the proceedings. In Salt Lake City, especially, the newspaper commentaries, both pro and con, were vociferous. My decisions about what additional material readers might find helpful reflect my own interests as well as a sense of what others might find obscure. In the reader's interest, I also silently corrected obvious typographical errors in the transcripts and supplemental material. I was otherwise guided in my choices about what testimony to include and what further information to place in the notes by the following: 1. At Brigham Young University, the Harold B. Lee library contains J. Reuben Clark's marked-up copy of the hearings. Clark, who would come to serve in the church's First Presidency from 1933 to 1961, highlighted sections of Joseph F. Smith's testimony in the first volume. I note where such overlapping occurs between my abridgement and Clark's markings. Ironically, Clark joined the First Presidency the same year as Smoot lost his Senate seat. 2. Upon completion of the hearings, separate reports were issued by committee members both for and against Smoot. The majority report ran thirty-two pages, the minority report forty-three pages. These two documents included analysis, relevant testimony, and supporting documentation bolstering each side. My abridgement sometimes follows the excerpts the committee members found relevant or otherwise includes text from their reports, in which case I note the sources. 3. Closing arguments
before the committee occurred on January 26-27, 1905, but the case was reopened a year later on February 6, 1906. An additional fifteen witnesses testified, followed by a second round of closing arguments. This additional material seemed significant, including again portions of the record the attorneys chose to cite in their closings. Where the abridgement includes such material, I include a note to that effect.

4. Smoot's case was eventually decided by the Senate on February 20, 1907. This was a full eight months after an adverse recommendation by the investigating committee. The measure to disqualify Smoot, which required a two-thirds majority to pass, failed by a vote of 42-28. Between when the committee issued its report and the full Senate voted, eight senators, including Smoot himself, delivered speeches for or against him. Where they cited testimony from the hearings, I have noted this in my abridgement.

A project like this is possible only with help and encouragement from friends and associates. My wife, Kim, spent many hours proofing the text as well as humoring my obsession. My sons, Addison and Brandon, were patient, and I'm sure they find it a little strange to discover their father now at home on Saturdays. Tom Kimball deserves all the credit, as well as blame, for introducing me to this project; Kathleen Flake improved its focus and structure. Brothers Alex, Pete, Matty, Andy, and Tim helped out, on demand, with a variety of miscellaneous tasks. Parents Harold and Tina became involved, if only in the interest of their quirky son. Other supporters were Bruce Quick, Stephen Wood, Robert Holland, Heath and Colleen Briggs, and Kelly Ball. I must also acknowledge members of both the Reed Smoot and Carl Badger families (Badger was Smoot’s personal secretary during the hearings), including great-grandson and namesake Reed Smoot, Kathryn Egan, Ethan Kawasaki, and Alice Quinn. Others deserving of thanks are Scott Kenney, Will Bagley, Jim Harris, John Murphy, and Russ Taylor.

My encounter with the Smoot Hearings changed me forever. The day I turned this project over to others was bittersweet.


2. Smoot to Joseph F. Smith, Mar. 23, 1904, Reed Smoot Papers, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah. Unless otherwise noted, all correspondence cited throughout this book may be found in the Smoot Papers at BYU.

3. Smoot to Joseph F. Smith, Apr. 9, 1904.

4. The proceedings were published by the Government Printing Office in four volumes, 1904-06, as Senate Report No. 486, 59th Congress, 1st Session. The total page count is 3,432.
and Democrat—two things Smoot was not. LDS leaders expected opposition from Democrats, a few disgruntled Republicans, and assorted non-Mormons but did not sense the simmering groundswell of indignation over the appointment to national public office of a high-ranking LDS Church general authority. Before proceeding further, it may be helpful to understand the place and significance of the Smoot debacle in the context of previous hearings. A systematic study of the years 1791 to 1903 indicates that 107 such hearings occurred which questioned or contested the right of an elected Senator to be seated. To appreciate the magnitude of petitions sent to Washington, D. C., opposing Smoot, it is helpful to know that a petition could come from a single individual or from literally thousands of people. With this qualification in mind, the 3,482 petitions regarding the seating of Smoot represented a significant number of outraged citizens whose moral indignation had been aroused. The initial salvo against Smoot was unleashed by the Salt Lake Ministerial Association, led by Edward B. Critchlow, a Salt Lake City attorney, and an array of critics of the LDS Church. Although Critchlow authored, and William M. Paden, pastor of the First Presbyterian Church of Salt Lake City, provided research for the original petition opposing Smoot, it was John L. Leilich, Superintendent of Missions for the Methodist Church, who fanned the early flames by accusing Smoot of being a polygamist—which he wasn't. This erroneous allegation haunted the prosecution throughout the hearings. Smoot learned of the association's petition while visiting an LDS stake (diocese) conference in Fillmore, Utah, on November 25, 1902. Smoot was a visiting church dignitary at the conference, having been ordained an apostle in 1900. Incensed at what he learned, and in the heat of the moment, he composed a draft telegram stating that his duty was to his country, first and foremost, and he was as capable of serving as any member of the ministerial association. Some associates, realizing the public relations mine field he was about to detonate, assisted him to tone down the substance of the telegram before sending it. Prior to traveling to Washington, Smoot was already deluged with letters from across the country inquiring about what his victory would mean for the LDS Church and the country. In response, Smoot typically expressed appreciation for the writer's interest and briefly argued that Mormons had always been misunderstood and misrepresented. However, such replies belied the fact that Smoot was physically spent and emotionally upset over the prospect of facing the inevitable controversy. He met with the LDS First Presidency in February 1903 to consider how he should deal with the opposition to his election. Smoot asked for and received a blessing before embarking on what would become the most ambitious, tumultuous undertaking of his career. After arriving in Washington, he was pleased to learn he would be formally presented and seated prior to his status being contested. Whether Smoot or LDS leaders felt more secure at this point is difficult to determine, although it appears many supporters believed this was going to be a brief tempest in a teapot and would soon blow over. Smoot shared with colleagues a cautious optimism over his prospects. Nevertheless, as the hearings progressed, his attitude became punctuated by wild emotional swings, and he was subject to alternating bouts of jubilant optimism and dire depression. The Senate Committee on Privileges and Elections was charged with investigating the ministerial
association’s allegations. It appointed nine Republicans and five Democrats to conduct the initial hearings. Their findings and recommendations would be reported to the full body of the Senate. Although the committee’s composition changed from beginning to end, the original membership comprised nine northern Republicans, including chair Julius C. Burrows from Michigan, four southern Democrats, and one western Democrat, Fred T. Dubois of Idaho. (See brief biographies of committee members below.)

Newspapers found the controversy not only newsworthy but titillating for their readership, especially among the Eastern press which would consistently track the proceedings. The Salt Lake City newspapers ran daily stories. The non-LDS Salt Lake Tribune provided a service, which Smoot found annoying, of sending the newspaper to all members of the committee and all government department heads. Known to be antagonistic toward the LDS Church, the Tribune took pleasure in adding to Smoot’s woes with investigative stories containing as much sensational and salacious material as could be found.

At the outset of the hearings, it was unclear just who was on trial—Smoot or the LDS Church. A reading of the proceedings reveals that the focus fluctuated. However, it is apparent that the church’s practices and policies were to receive substantially more attention than Smoot’s personal life or qualifications, although it is hard to separate the two as discrete issues. From March through September 1903, optimism still reigned in Smoot’s camp. Charges had been leveled, but to this point no serious damage had yet been done to the junior Senator’s cause. Then as Congress reconvened in the fall of 1903, the case took a turn for the worse, and for the next two months Smoot’s prior optimism turned to deep concern for the future. The first major problem occurred on November 4 when Apostle Heber J. Grant said he would take more than two wives if the government allowed it. Smoot struggled to explain this remark to his fellow Senators. The second problem was the anti-Mormon proclivity of Senator Dubois, who traveled to Salt Lake City on a fact-finding mission. Dubois was intent on proving the allegations against Smoot and documenting vigilantism and treason against the U.S. government. The Senator initiated the impetus that led to the disfranchisement of all of Idaho’s Mormons in the 1880s and it was reported that Dubois also wanted to organize anti-Mormon newspapers in Idaho and Montana.

By late 1903, aware of the fight that was brewing, LDS leaders decided to seek competent legal counsel. Previously, the First Presidency had designated Franklin S. Richards to represent church interests as an in-house attorney. Smoot eventually settled on Augustus S. Worthington, a non-Mormon lawyer with experience handling Constitutional cases in the nation’s capital, and Waldemar Van Cott, based in Salt Lake City. Through November and December 1903, while attorneys prepared, witnesses subpoenaed by the prosecution began arriving in Washington and newspapers flocked to them for interviews. Smoot tried to keep church officials apprised of developments through letters and coded telegrams. To prevent the contents from falling into unfriendly hands, he was soon using intermediaries to deliver his correspondence with the First Presidency. Smoot’s attorneys were aware of the tack the prosecution would take. The Senator’s critics intended to argue that (1) he was a polygamist, (2) he had taken an oath against the State of Utah and the U.S. government, (3) he would do whatever church officials
Smoot had hoped to keep the church on the sidelines through his ordeal, but it became painfully apparent that the committee wanted to explore Mormon practices and doctrines and intended to subpoena its leaders. By February 1904, Smoot was contemplating what he had wrought upon his church. He knew some friends at home thought his election was a mistake and that the price to be exacted for his seat was scarcely worth the problems it posed. He was aware that some fellow members of the Quorum of the Twelve Apostles were less than enthusiastic about what was transpiring, leading him to consider resigning from the Senate. On the other hand, he had the unqualified support of sixty-five-year-old church president Joseph F. Smith, which would eventually prove decisive. Following some preliminary negotiations, the committee was ready to proceed on March 2, 1904. The subpoenas had been sent out; the first witness, Joseph F. Smith, was called to testify. What he said startled the committee and gave the press a field day. For instance, he admitted he had cohabited with all of his five wives during the period after the 1890 Wilford Woodruff Manifesto, the ostensible end to plural marriage. President Smith said he felt this was entirely within the law as he understood it. The church no longer contracted plural marriages, he said, but those already involved in the practice were not expected to abandon their wives and children. He stressed that he had no intention of leaving his wives and the eleven children borne to him after 1890. The mental picture of this articulate, bearded gentleman living with five wives caused an uproar in Washington as many observers interpreted his testimony to be confirmation of the allegations against Smoot. Apostle Francis M. Lyman, the next LDS authority to testify, responded similarly, explaining that he too felt obligated to care for and be with his plural wives and children. Other subpoenaed apostles—Marriner Wood Merrill and George Teasdale—were excused because of illness. John Henry Smith was ill but agreed to appear at a later date. However, the witnesses the prosecution most wanted to question were two younger apostles, John W. Taylor and Matthias F. Cowley, both of whom had fled the country or maintained the necessary anonymity to avoid being subpoenaed. Testimonies by Smith and Lyman gave the prosecution hope. By contrast, they dampened Smoot's spirits, especially when he saw the unexpected public reaction. The press emphasized that the church leadership continued in their unlawful cohabitation and made this the central issue for the American public. Senators who were previously friendly to Smoot informed him that they were receiving up to 2,000 letters a day requesting that the Mormon be denied his seat. Given the sensational exposures of recent testimony, they wanted to know what other unsavory details future witnesses might reveal. In the April 1904 general conference in Salt Lake City, President Joseph F. Smith issued what has become known as the Second Manifesto reiterating the church's opposition to polygamy and threatening excommunication to those who entered into new marriages. Smoot felt this declaration was imperative. He had come to learn all too well that if he stood back and compared the theoretical discontinuance of polygamy with the actual facts on the ground, the perception was of duplicity. In Washington, the Second Manifesto was considered to be too little, too late, and there were more calls for Apostles Taylor and Cowley to
make an appearance. Smoot breathed a sigh of relief when the committee decided to recess in May, while feeling demoralized by the fact the case was not yet over. Congress reconvened that fall and Smoot's counsel decided to try to push the matter into January 1905 to give them time to prepare and to let the rage of the previous spring subside as much as possible. It was apparent the chair would have nothing to do with this postponement and pushed for the committee to reconvene some time in December 1904. Smoot was pleased to find he had the continuing support of some Senators. However, once again there were ominous signs on the horizon when a well-known Mormon baiter, Charles Mostyn Owen, agreed to expose to the world the secret rituals of Mormon temples, including the so-called "oath of vengeance" against the United States. The prosecution was going to argue, Smoot learned, that these rites seriously impaired the Senator's ability to function effectively and independently and might be grounds to preclude him from holding office. Smoot continued to be inundated by questions about LDS theology and practice, matters in which he had never been very knowledgeable. Church leaders provided him with documentation to authoritatively establish doctrine and urged him and his counsel not to make any missteps on these points. When the investigation continued in December 1904, it became obvious that Smoot was going to be judged on the church's doctrine, as LDS leaders had predicted. Because the holidays were approaching, the hearings continued only three weeks before recessing. Nevertheless, testimony was presented to show the church had not been sincere or above board in its statements about polygamy. When the hearings re-opened in January 1905, the Washington press and the Senate committee lingered for a time over the church's assumed duplicity regarding polygamy and its involvement in directing political activities in Utah and other states. However, having seen substantial progress by the defense while he was vacationing in Salt Lake City, Smoot arrived feeling sanguine about the upcoming sessions. His counsel tried to anticipate what the witnesses might say and prepare appropriately. Joseph F. Smith let it be known that those in or out of the church who opposed Smoot's right to be seated were traitors and warned against associating with them. Church leaders admonished members to conduct themselves in a way that would not incur suspicion or condemnation from those seeking to attack the church at the hearings. For the next seventeen days, forty-two witnesses appeared for and against Smoot. The majority were defense witnesses intended to offset the prejudicial testimony from the prosecution. The defense wanted to sprinkle in enough prominent non-Mormons, or "gentiles," to dispel the idea that Mormons had a monolithic hold on Utah and surrounding regions. While the witnesses did not offer anything startling, they typically lauded Mormons for their contributions to society and sought to create a favorable impression of the Mormon people. It was difficult to determine how these testimonies affected the committee members and other Senators. The press coverage continued searching for and reporting on sensational and spectacular disclosures and ignored the mundane to keep readers interested in the case. On January 18, 1905, the defense put LDS educator James E. Talmage on the stand. He had spent six months compiling material for his discussion of the church's tenets in order to refute the witnesses who had preceded him. Two days later, Smoot was unexpectedly called to
the stand. Aware that his testimony would be crucial, perhaps the deciding factor in his case, he walked the tightrope of trying not to offend the enemy and not embarrass or criticize his church. According to observers, Smoot was "cautious" and "evasive." Realizing the necessity of distancing him from the startling testimony of some of the church's leaders, the defense gave Smoot every opportunity to present himself as a rational, intelligent individual lacking the fanaticism and fervor that had marked some of the previous witnesses. The image Smoot projected was that of a new kind of Mormon—monogamous, business-oriented, civic-minded, and not given to the traditional world view that had characterized the older generation of Latter-day Saints. He sought to deflect accusations of disloyalty, law breaking, aberrant social and political behavior, and political interference from the priesthood. The cross-examination was predictably brutal. However, by January 28 the attorneys on both sides were ready to make concluding statements. Thereafter, no one knew what might come next and neither side was predicting how the case would be decided. Smoot himself prepared for several possibilities including another continuance. In fact, when the committee decided to carry the investigation over, Smoot became extremely anxious that no untoward event would occur during the interim. His first concern was that something outrageous or irrational might occur at the April general conference, particularly with regard to Apostles Taylor and Cowley. For reasons that seem clear today, he chose not to attend that spring's conference, citing business commitments on the west coast, and excused himself from all sessions. No adverse action was taken against Taylor and Cowley. Both were sustained in their apostolic offices. Additional protests occurred in the nation's capital in the fall of 1905. The National Congress of Mothers, claiming more than two million members, demanded that Smoot be sent home. When he arrived in Washington, he found hundreds of letters awaiting him, asking about positions that had been raised in his case. The most disturbing letters were those that suggested he resign his apostleship to keep his Senate seat or vice versa. When the committee reconvened in February 1906, Smoot was unsure of the mood of other Senators. He fretted over the reaction of U.S. President Theodore Roosevelt who, Smoot believed, was the key to his ultimate victory. He therefore undertook steps to reassure Roosevelt, beginning with his decision at the October 1905 general conference to refuse to sustain Apostles Taylor and Cowley as members of the Quorum of the Twelve. In less than a month, both apostles had privately resigned from their quorum, although President Smith decided not to announce their resignations until absolutely necessary. The beginning of January 1906 was as inauspicious as the previous January. The previous spring, Smoot had exuded a new confidence that everything would soon be behind him. Then Senator Burrows, assisted by Charles Owen and others, introduced evidence that made Smoot once again apprehensive; they were determined to pursue the unresolved question about the temple endowment ritual. Principally they wanted to know if the ritual made the government subservient to the priesthood. After presenting witnesses—notably Walter M. Wolfe, a former Brigham Young University professor and participant in the controversial Cluff expedition to South America—Burrows intended to show that the endowment precluded Smoot from executing his oath as a Senator.
Following Wolfe's seemingly damning testimony, Smoot's counsel portrayed Wolfe as a drunkard and apostate. Although the former BYU professor's testimony was distressing, Smoot's supporters concluded that it was not as damaging as it could have been. By the time the proceedings ended, Smoot felt that if anything, he had gained ground during the session, the prosecution's vaunted witnesses not having produced the trouble Smoot's counsel had feared.

Some Senators found aspects of the testimony disturbing, with regard to polygamy, government involvement, and church interference in politics, but there seemed to be nothing so startling that it would adversely affect the case any more than previous revelations already had. Smoot had initially leaned toward wanting to force a vote and be done with the matter, whatever the outcome. But as March and April passed, his colleagues sensed it would be prudent to have the hearings carry over until the next session. Those who were up for re-election were reluctant to anger constituents by voting in Smoot's favor.

The last issue that needed resolution was the status of Apostles Taylor and Cowley. The committee watched to see what might develop at the church's upcoming general conference of April 1906. For about six months, the resignations had been sitting on the First Presidency's desk. By March, President Smith concluded it was time to accept the resignations because Smoot's situation had made it imperative. A painful decision involving the sacrifice of two apostles, the resignations strengthened Smoot's case but dealt a devastating blow to Taylor and Cowley and their families.

A decision was made in May 1906 to carry the full Senate vote over until the next year. Smoot's attorneys, the Republican Party, and the LDS Church favored a delay. However, in resolving the matter in the committee on June 6, the resolution that "Reed Smoot is not entitled to his seat as a United States Senator from the State of Utah" passed by a vote of seven to five. By June 11, two committee reports were filed with the Senate: a majority report opposing Smoot and the minority view supporting him. The majority argued that as a Mormon officer, he was not entitled to high government office because the Mormon Church practiced and promoted polygamy and sought to direct, influence, and dominate social, political, and economic affairs in Utah, which the Senators considered to be un-American. The minority report argued that Smoot was qualified and duly elected, that he had done nothing to indicate he was unable to function as a competent, productive, and loyal public servant.

In January 1907, Smoot's political friends were confident of a favorable outcome. One factor supporting this optimism was Senator Dubois's resounding defeat in Idaho in the 1906 elections, which led LDS leaders to sense public opinion might be turning. Meanwhile, Smoot impatiently awaited Senator Burrows's decision to introduce Resolution 142 to the Senate floor. This was done on February 20. After debate, a vote was called at 4:00 p.m. on the following wording: "Resolved that Reed Smoot is not entitled to his seat as a United States Senator from the State of Utah [;] two thirds of the Senators concurring therein." When the votes were tallied, the resolution failed by a vote of forty-two to twenty-eight, five votes shy of the two-thirds majority required for passage of the measure.

Even though it was an equivocal vote of confidence for Smoot, it nevertheless confirmed his right to represent the State of Utah. Of greater significance was that for the first time in its history, the LDS Church had achieved political legitimacy.
should not be misinterpreted as social and cultural acceptance or an indication that American opinion had been magically transformed overnight. That process had only begun, but it was a process the Smoot hearings had accelerated. The church desperately needed a victory in this case to gain the respect and stature it needed to be recognized as a bonafide member of American society. Throughout the next two decades, church leaders would look back to the hearings as a crucial turning point in the church’s acceptance nationally and later internationally. With the unswerving support of Joseph F. Smith and backing of Republican friends, Smoot would go on to re-election for four more terms. Along with the influence Smoot would come to wield in national politics, often to the church’s benefit, these electoral victories confirmed to President Smith that he had done the right thing to assist Smoot in this watershed moment in Mormon history. The church sought respectability, and this was embodied in the influence Smoot came to project. More than any other man of his time, he helped his state and church out of nineteenth-century isolation into the modern twentieth century. No doubt, the church would have reached the same destination by another road had the hearings not occurred. Even so, it is doubtful the transformation would have happened with the rapidity and distinction Smoot brought to that process.1

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three terms in Senate, 1903-16, died in office; served as Senate president pro tempore, 1914-15; governor of Arkansas, 1895-96; admitted to bar, 1879; served on Committee on Privileges and Elections from beginning of Smoot case until he resigned on January 31, 1906, not having heard any testimony; replaced by Patterson.

Chauncey Mitchell Depew (1834-1928), R-New York; elected to two terms in Senate, 1899-1911; unsuccessful candidate for Senate, 1881; unsuccessful candidate for U.S. presidential nomination, 1888; admitted to bar, 1858; served on Committee on Privileges and Elections through entire Smoot hearings, attending six days of testimony.

William Paul Dillingham (1843-1923), R-Vermont; elected to four terms as Senator, 1900-23, died in office; admitted to bar, 1867; governor of Vermont, 1888-90; served on Committee on Privileges and Elections through entire Smoot hearings, attending twenty-five days of testimony.

Jonathan Prentiss Dolliver (1858-1910), R-Iowa; elected to two terms in Senate, 1900-10, died in office; six-term Congressman, 1889-1900; resigned from Congress to fill open Senate seat; admitted to bar, 1878; served on Committee on Privileges and Elections beginning in late 1905, replacing McComas, attending two days of testimony.

Fred Thomas Dubois (1851-1930), D-Idaho; served two terms in Senate, 1891-97, 1901-07, as Republican, independent "Silver Republican," and Democrat; previously delegate from Territory of Idaho, 1887-90; U.S. Marshal of Idaho, 1882-86; used anti-Mormonism as main political platform; served on Committee on Privileges and Elections through entire Smoot hearings, attending forty-three days of testimony.

Joseph Benson Foraker (1846-1917), R-Ohio; elected to two terms in Senate, 1897-1909; governor of Ohio, 1885-89; unsuccessful Republican candidate for Ohio governor, 1883, 1889; admitted to bar, 1869; fought in Civil War; served on Committee on Privileges and Elections through entire Smoot hearings, attending twenty-four days of testimony.

James Beriah Frazier (1856-1937), D-Tennessee; elected to one term in Senate, 1905-11; governor of Tennessee, 1903-05; admitted to bar, 1881; son (James Beriah Frazier Jr.) a seven-term Congressman (D-Tennessee), 1949-63; replaced Patterson on Committee on Privileges and Elections, February 12, 1906, attending three days of testimony.

George Frisbie Hoar (1826-1904), R-Massachusetts; elected to five terms in Senate, 1877-1904, died in office; four-term Congressman, 1869-77; admitted to bar, 1849; helped conduct impeachment proceedings against William W. Belknap, 1876; served on Committee on Privileges and Elections until death on September 30, 1904, having attended ten days of testimony, replaced by Knox.

Albert Jarvis Hopkins (1846-1922), R-Illinois; elected to one term in Senate, 1903-09; nine-term Congressman, 1885-1902; admitted to bar, 1871; served on Committee on Privileges and Elections through entire Smoot hearings, attending twenty-two days of testimony.

Philander Chase Knox (1853-1921), R-Pennsylvania; elected to two terms in Senate, 1904-09, 1917-21, died in office; resigned first term to become U.S. Secretary of State; appointed U.S. Attorney General, 1901-04; admitted to bar, 1875; credited with being most widely read, "brainiest" man in Senate; served on Committee on Privileges and Elections from late 1904 through end of Smoot hearings, replacing Hoar, attending fifteen days of testimony.

Louis Emory McComas (1846-1907), R-Maryland; elected to one term in Senate, 1899-1905; four-term Congressman,
1883-90; unsuccessful candidate, 1876, 1890; appointed Associate Justice of Supreme Court of District of Columbia, 1892; admitted to bar, 1868; served on Committee on Privileges and Elections until retirement, March 1905, having attended twenty-four days of testimony, replaced by Dolliver.

Lee Slater Overman (1854-1930), D-North Carolina; elected to five terms in Senate, 1903-30, died in office; unsuccessful Senate candidate, 1895; admitted to bar, 1878; served on Committee on Privileges and Elections through entire Smoot hearings, attending forty days of testimony.

Thomas MacDonald Patterson (1839-1916), D-Colorado; elected to one term in Senate, 1901-07; two-term Congressman, 1875-78 (as Delegate, then Representative); twice unsuccessful Democratic candidate for Colorado governor; admitted to bar, 1867; served on Committee on Privileges and Elections from January 31, 1906, to February 12, 1906, not having heard any testimony, replaced by Frazier.

Edmund Winston Pettus (1821-1907), D-Alabama; elected to two terms in Senate, 1901-07, died in office; served as lieutenant in Mexican War, for Confederacy in Civil War; admitted to bar, 1842; served on Committee on Privileges and Elections through entire Smoot hearings, attending twenty-seven days of testimony.

Smoot Hearings Chronology:

1903
Jan. 26 - William M. Paden and seventeen others formally submit complaint regarding seating Reed Smoot as U.S. Senator from Utah.
Feb. 25 - John L. Leilich adds to the above complaint.

1904
Jan. 4 - Reed Smoot answers complaint.
Jan. 16 - Senate Committee on Privileges and Elections convenes at 10:30 a.m. to begin hearings. Present Senators Bailey, Beveridge, Burrows, Dillingham, Dubois, Hopkins, McComas, Overman, Pettus, and Smoot. Opening statements from Thomas P. Stevenson and Robert W. Taylor for the complainants, Waldemar Van Cott and Augustus S. Worthington for the respondent, also from Reed Smoot. Executive session, 1:20 p.m.

Mar. 1 - The committee meets briefly at 10:30 a.m. Present Senators Bailey, Burrows, Dillingham, Dubois, Foraker, Hopkins, McComas, Overman, Pettus, and Smoot, with John G. Carlisle and Robert W. Taylor for the complainants, Van Cott and Worthington for the respondent.
Mar. 2 - The committee meets at 10:00 a.m. Present Senators Bailey, Beveridge, Burrows, Depew, Dillingham, Dubois, Foraker, Hoar, Hopkins, McComas, Overman, Pettus, and Smoot, with attorneys Carlisle, Taylor, Van Cott, and Worthington. Joseph F. Smith is first witness. The committee recesses from 11:45 a.m. until 2:00 p.m. Smith testifies again. The committee recesses for ten minutes. Smith's testimony continues. The committee meets in executive session at 4:05 p.m.

Mar. 3 - The committee meets at 10:30 a.m. Present Senators Beveridge, Burrows, Dillingham, Dubois, Foraker, Hoar, Hopkins, Overman, Pettus, and Smoot, with attorneys Taylor, Van Cott, Worthington, and (for Joseph F. Smith) Franklin S. Richards. Smith's testimony continues. The committee recesses from 11:55 a.m. until 2:00 p.m., after which Smith's testimony resumes. The committee adjourns at 4:20 p.m.

Mar. 4 - The committee meets at 10:30 a.m. Present Senators Bailey, Beveridge, Burrows, Dillingham, Dubois, Foraker, Hoar, Hopkins, McComas, Overman, Pettus, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. Smith's testimony continues. The committee recesses from 11:55 a.m. until 2:00 p.m., after which Smith's testimony resumes afterward. The committee
adjourns at 4:35 p.m. Mar. 5

The committee meets at 10:30 a.m. Present Senators Bailey, Burrows, Dillingham, Dubois, Foraker, Hoar, Hopkins, Overman, Pettus, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. Smith's testimony continues. The committee adjourns at 11:55 a.m.

Mar. 7

Committee meets at 10:30 a.m. Present Senators Burrows, Dillingham, Dubois, Foraker, Hoar, McComas, Overman, Pettus, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. Smith's testimony continues. The committee recesses from 11:55 a.m. until 2:00 p.m. Smith returns, followed by Clara Mabel Barber Kennedy. The committee adjourns at 4:08 p.m.

Mar. 8

The committee meets at 10:30 a.m. Present Senators Burrows, Dubois, Foraker, Hoar, Hopkins, Overman, Pettus, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. Kennedy continues, followed by Charles E. Merrill, Emma Mathews, and Francis M. Lyman. The committee recesses from 11:55 a.m. until 2:00 p.m. Lyman resumes his testimony. The committee adjourns at 4:30 a.m.

Mar. 9

The committee meets at 10:30 a.m. Present Senators Burrows, Depew, Dillingham, Dubois, Foraker, Hoar, McComas, Overman, Pettus, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. Joseph F. Smith returns. The committee recesses from noon until 2:00 p.m. Andrew Jenson testifies, followed by Lorin Harmer, Hyrum M. Smith, Thomas Merrill, and Alma Merrill. The committee adjourns at 3:55 p.m.

Mar. 10

The committee meets at 10:30 a.m. Present Senators Beveridge, Burrows, Depew, Dillingham, Dubois, Foraker, Hoar, Hopkins, McComas, Overman, Pettus, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. Jenson returns. The committee goes into executive session at 11:45 a.m. and afterward recesses until 2:00 p.m. Jenson continues, followed by E. B. Critchlow. The committee adjourns at 4:10 p.m.

Mar. 11

The committee meets at 10:30 a.m. Present Senators Beveridge, Burrows, Dillingham, Foraker, Hoar, Hopkins, Overman, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. Critchlow continues. The committee recesses from 11:55 a.m. until 2:00 p.m. Critchlow returns. The committee adjourns at 4:10 p.m.

Mar. 12

The committee meets at 10:30 a.m. Present Senators Burrows, Dillingham, Hoar, McComas, Overman, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. Critchlow continues. The committee recesses from 12:50 p.m. until 2:00 p.m. Critchlow returns, followed by Ogden Hiles. The committee adjourns at 4:25 p.m.

Apr. 20

The committee meets at 10:30 a.m. Present Senators Bailey, Beveridge, Burrows, Depew, Dubois, Hopkins, Overman, Pettus, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. B. H. Roberts testifies. The committee recesses from 11:50 a.m. until 2:00 p.m. Roberts continues, followed by Edward H. Barthell. The committee adjourns at 4:10 p.m.

Apr. 21

The committee meets at 10:30 a.m. Present Senators Beveridge, Burrows, Dubois, McComas, Overman, Pettus, and Smoot, with attorneys Carlisle, Richards, Taylor, Van Cott, and Worthington. Roberts is recalled, followed by Calvin Cobb. The committee recesses at 11:55 a.m. until 2:00 p.m. Cobb continues. Next is Angus M. Cannon. The committee adjourns at 3:35 p.m.

Apr. 22

The committee meets at 10:30 a.m. Present Senators Bailey, Burrows, Dubois, Foraker, Hopkins, McComas, Overman, Pettus, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. Orlando W. Powers testifies. The
The committee recesses from 11:55 a.m. until 2:00 p.m. Powers continues. The committee adjourns at 4:10 p.m.

Apr. 23
The committee meets at 10:30 a.m. Present Senators Bailey, Burrows, Dubois, Hopkins, McComas, Overman, Pettus, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. Powers continues. The committee recesses from 11:55 a.m. until 2:00 p.m. Powers resumes. The committee adjourns at 3:55 p.m.

Apr. 25
The committee meets at 10:00 a.m. Present Senators Bailey, Burrows, Dillingham, Dubois, McComas, Overman, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. Powers continues, followed by Moses Thatcher. The committee adjourns at 11:50 a.m.

Apr. 26
The committee meets at 10:30 a.m. Present Senators Bailey, Burrows, Depew, Dillingham, Dubois, Foraker, Hopkins, Overman, Pettus, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. Thatcher continues. The committee goes into executive session at 11:25 a.m.

Apr. 27
The committee meets at 10:30 a.m. Present Senators Burrows, Dillingham, Dubois, Overman, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. L. E. Abbott testifies. The committee adjourns at 11:20 a.m.

May 2
The committee meets at 12:30 p.m. Present Senators Burrows, Dubois, McComas, and Smoot, with attorneys Richards, Taylor, and Worthington. Angus M. Cannon, Jr., testifies. The committee adjourns at 3:45 p.m.

Dec. 12
The committee meets at 10:30 a.m. Present Senators Burrows, Dubois, Foraker, Overman, Pettus, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. Rev. J. M. Buckley and George Reynolds testify. The committee recesses from 11:50 until 2:00 p.m. Reynolds continues, followed by John H. Hamlin. The committee adjourns at 4:30 p.m.

Dec. 13
The committee meets at 10:00 a.m. Present Senators Burrows, Dubois, McComas, Overman, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. The following testify: J. H. Wallis Sr., George H. Brimhall, and Josiah Hickman. The committee recesses from 11:55 a.m. until 2:00 p.m. Hickman resumes, followed by Margaret Geddes and Arthur Morning. The committee adjourns at 3:15 p.m.

Dec. 14
The committee meets at 10:00 a.m. Present Senators Burrows, Dubois, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. Reynolds is recalled, followed by Wilhelmina C. Ellis. Wallis is recalled, followed by August W. Lundstrom. The committee adjourns at 3:00 p.m.

Dec. 15
The committee meets at 10:00 a.m. Present Senators Burrows, Dubois, McComas, Overman, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. Lundstrom is recalled, followed by John Nicholson. Wallis is recalled. The committee recesses from 11:40 a.m. until 1:30 p.m. Lundstrom continues. The committee adjourns at 2:00 p.m.

Dec. 16
The committee meets at 10:00 a.m. Present Senators Burrows, Dubois, Foraker, McComas, Overman, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. Annie Elliott and Charles H. Jackson testify. The committee adjourns at noon.

Dec. 17
The committee meets at 10:00 a.m. Present Senators Burrows, Dubois, McComas, Overman, Pettus, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. Jackson continues; Nicholson and Hickman are recalled. The committee recesses from 12:55 p.m. until 2:00 p.m. Charles W. Penrose testifies. Ellis is recalled, followed by William Budge and John Henry Smith. The committee adjourns at 4:30 p.m.

Dec. 19
The committee meets at 10:00 a.m. Present Senators Burrows, Dubois, Foraker, McComas, Overman, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. Annie Elliott and Charles H. Jackson testify. The committee adjourns at noon.
Burrows, Dubois, Pettus, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington.

Smith continues, followed by Isaac Birdsall. The committee recesses from 1:55 p.m. until 2:00 p.m. Birdsall, Budge, and Smith all continue, followed by William Balderston and A. C. Nelson.

The committee adjourns at 4:10 p.m.

Dec. 20

The committee meets at 10:00 a.m. Present Senators Burrows, Dubois, Pettus, and Smoot, with attorneys Richards, Taylor, Van Cott, and Worthington. Smith is recalled, followed by Benjamin B. Heywood, Annie C. Thurber, and Charles Mostyn Owen. The committee recesses from 12:50 p.m. until 1:30 p.m. Balderston, Owen, and Penrose all continue. Afterward the chair rules that such testimony “tend[s] to prove the doctrines of the organization,” and the committee adjourns at 3:55 p.m.

1905

Jan. 10

The committee meets briefly at 10:00 a.m., then adjourns. Present Senators Burrows, Knox, Overman, and Smoot, with attorney Taylor.

Jan. 11

The committee meets at 10:00 a.m. Present Senators Burrows, Dillingham, Dubois, Knox, McComas, Overman, Pettus, and Smoot, with attorneys Taylor, Van Cott, and Worthington. William J. McConnell testifies. The committee recesses at 11:55 a.m. until 2:00 p.m. McConnell resumes, followed by Burton Lee French. The committee adjourns at 4:25 p.m.

Jan. 12

The committee meets at 10:00 a.m. Present Senators Burrows, Dubois, Foraker, Knox, and Smoot, with attorneys Taylor, Van Cott, and Worthington. F. H. Holzheimer testifies. The committee recesses from noon until 1:30 p.m. Frank Martin, James H. Brady, and J. W. N. Whitecotton testify. The committee adjourns at 5:00 p.m.

Jan. 13

The committee meets at 10:00 a.m. Present Senators Beveridge, Burrows, Dubois, Foraker, Hopkins, Knox, Overman, and Smoot, with attorneys Taylor, Van Cott, and Worthington. Whitecotton resumes his testimony. The committee recesses from 11:55 a.m. until 1:30 p.m. Whitecotton continues, followed by Hiram E. Booth and Arthur Pratt. The committee adjourns at 5:05 p.m.

Jan. 14

The committee meets at 10:00 a.m. Present Senators Burrows, Dubois, Foraker, Knox, McComas, Overman, and Smoot, with attorneys Taylor, Van Cott, and Worthington. The following all testify: James E. Lynch, Hugh M. Dougall, Alonzo Arthur Noon, and William Hatfield. The committee recesses from 11:55 a.m. until 1:30 p.m. In the afternoon, James H. Brady, William McConnell, and William Hatfield continue, followed by John P. Meakin, Robert T. Burton Jr., Samuel N. Cole, James A. Miner, and W. D. Candland. The committee adjourns at 4:00 p.m.

Jan. 16

The committee meets at 10:00 a.m. Present Senators Burrows, Dubois, Foraker, Overman, and Smoot, with attorneys Taylor, Van Cott, and Worthington. James A. Miner resumes, followed by Elias A. Smith, and William P. O’Meara. The committee recesses from 11:50 a.m. until 1:30 p.m. O’Meara continues, followed by Charles W. Morse, William M. McCarty, and A. S. Condon. The committee adjourns at 5:15 p.m.

Jan. 17

The committee meets at 10:00 a.m. Present Senators Burrows, McComas, Overman, and Smoot, with attorneys Taylor, Van Cott, and Worthington. William M. McCarty is recalled, followed by Richard W. Young. The committee recesses from noon until 2:00 p.m. Young resumes, followed by E. D. R. Thompson, Charles De Mosey, F. S. Fernstrom, C. V. Anderson, H. J. Hayward, Jens Christian Neilsen, and William Langton. The committee adjourns at 4:40 p.m.

Jan. 18

The committee meets at 10:00 a.m. Present Senators Burrows, Hopkins, Overman, and Smoot, with attorneys Taylor, Van Cott,
Jan. 19
The committee meets at 10:00 a.m. Present Senators Burrows, Dubois, Overman, and Smoot, with attorneys Taylor, Van Cott, and Worthington. Talmage continues his testimony. The committee recesses from noon until 1:30 p.m. Young and Langton are recalled, followed by Glen Miller, John W. Hughes, Mary G. Coulter, and Mrs. W. H. Jones. The committee adjourns at 4:25 p.m.

Jan. 20
The committee meets at 10:00 a.m. Present Senators Burrows, Dubois, Knox, and Smoot, with attorneys Taylor, Van Cott, and Worthington. Smoot testifies. The committee recesses from noon until 2:00 p.m. Smoot resumes his testimony. The committee adjourns at 4:30 p.m.

Jan. 21
The committee meets at 10:00 a.m. Present Senators Bailey, Beveridge, Burrows, Dillingham, Dubois, Foraker, Knox, Overman, Pettus, and Smoot, with attorneys Taylor, Van Cott, and Worthington. Smoot continues his testimony. The committee adjourns at 11:55 a.m.

Jan. 23
The committee meets at 10:00 a.m. Present Senators Bailey, Burrows, Dillingham, Dubois, Foraker, Hopkins, McComas, Overman, and Smoot, with attorneys Taylor, Van Cott, and Worthington. Smoot continues his testimony. The committee recesses from noon until 1:30 p.m. Smoot resumes, followed by Moroni Gillespie, John M. Whitaker, Oleen N. Stohl, and J. U. Eldredge Jr. The committee adjourns at 4:13 p.m.

Jan. 24
The committee meets at 10:00 a.m. Present Senators Burrows, Depew, Dubois, Foraker, Hopkins, Knox, McComas, and Overman, with attorneys Taylor, Van Cott, and Worthington. Frank B. Stephens testifies. The committee recesses from noon until 1:30 p.m. Stephens resumes, followed by Z. T. Sowers, James E. Talmage, Oleen N. Stohl, William Langton, and David Eccles. The committee adjourns at 5:05 p.m.

Jan. 25
The committee meets from 10:00 a.m. until 10:30 a.m. Present Senators Burrows, Dubois, and Knox, with attorneys Taylor, Van Cott, and Worthington.

Jan. 26
The committee meets at 10:00 a.m. Present Senators Bailey, Beveridge, Burrows, Dillingham, Dubois, Knox, McComas, Overman, Pettus, and Smoot, with attorneys Taylor, Van Cott, and Worthington. Taylor begins his closing argument opposing Smoot. The committee recesses from 11:30 a.m. until 2:00 p.m. Taylor resumes his argument. The committee adjourns at 4:30 p.m.

Feb. 6
The committee meets briefly from 10:00 a.m. until 10:30 a.m. Present Senators Burrows, Dillingham, Hopkins, Pettus, and Smoot, with attorneys Carlisle and Worthington.

Feb. 7
The committee meets at 10:00 a.m. Present Senators Beveridge, Burrows, Depew, Dillingham, Hopkins, Knox, Overman, Pettus, and Smoot, with attorneys Carlisle, Van Cott, and Worthington. Walter M. Wolfe testifies. The committee goes into executive session at 12 noon, then adjourns.

Feb. 8
The committee meets at 10:00 a.m. Present Senators Beveridge, Burrows, Dillingham, Hopkins, Knox, and Overman. Wolfe continues, followed by William Jones...
The committee recesses from noon until 2:00 p.m. Henry W. Lawrence and Charles Mostyn Owen testify. The committee adjourns at 3:35 p.m.

Feb. 9

The committee meets at 10:00 a.m. Present Senators Beveridge, Burrows, Dillingham, Hopkins, Knox, and Overman. Smurthwaite continues. The committee adjourns at 11:20 a.m.

Mar. 26

The committee meets at 10:20 a.m. Present Senators Burrows, Dubois, Frazier, and Smoot, with attorneys Carlisle and Worthington. Robert J. Shields and James H. Linford testify. The committee recesses from 12:20 p.m. until 2:00 p.m. Charles E. Marks, Stephen H. Love, James Clove, and William K. Henry testify. The committee adjourns at 4:02 p.m.

Mar. 27

The committee meets at 10:00 a.m. Present Senators Burrows and Dubois, with attorney Worthington, who introduces some letters and affidavits. William K. Henry continues, followed by Joseph Geoghegan. The committee adjourns at 11:55 a.m.

Apr. 12

The committee meets at 10:00 a.m. Present Senators Bailey, Burrows, Dillingham, Foraker, Dolliver, Dubois, Frazier, Knox, Overman, Pettus, and Smoot, with attorneys Carlisle and Worthington. Carlisle summarizes the prosecution's case. The committee adjourns at 11:55 a.m.

Apr. 13

The committee meets at 10:00 a.m. Present Senators Burrows, Dillingham, Foraker, Dolliver, Dubois, Frazier, Knox, and Pettus, with attorney Worthington, who summarizes the respondent's case. The committee adjourns at 12:05 p.m.

June 11

Senator Burrows submits the final majority committee report to the U.S. Senate; dissenting members submit a minority report.

1907

Feb. 20

The Senate fails to sustain the resolution against Smoot, who retains his Senate seat.

I. Mid-January

1. The Committee

Saturday, January 16

"The first public hearing in the Smoot Trial … was slimly attended by members of the committee and by the public. [Nevertheless] all [who were present] manifested keen interest in the case and all excepting Senators Dillingham and Overman asked many questions of Senator Smoot's council." —Salt Lake Herald, Jan. 16, 1904

The Chairman.

The committee is advised that the protestants and the respondent in the pending matter are represented by counsel. The Chair will inquire if anyone appears for the protestants at this time.

Mr. Robert W. Taylor.

I appear for the protestants.

The Chairman.

Who appears for the respondent, the junior Senator from Utah?

Mr. A. S. Worthington.

I appear for him, Mr. Chairman, and so does Mr. Waldemar Van Cott.

Mr. Thomas P. Stevenson.

Mr. Chairman, I appear for the National Reform Association, one of the organizations which has been protesting against the seating of Mr. Smoot.

The Chairman.

Do you represent the original protestants?

Mr. Stevenson.

We are original.

The Chairman.

Do you speak for any of the signers to the protest now under consideration?

Mr. Stevenson.

We filed a protest last spring, at the time Senator Smoot took his seat …

Mr. Taylor.

Mr. Chairman and gentlemen of the committee, I represent the protestants who filed the first protest, or the protest signed by W. M. Paden and others, that appears first in the printed document which the committee has issued. I do not disavow, in so far as I would be able to do so, the representations of the party interested in the supplemental protest. I merely say, respecting the charge made in the supplemental protest, that I do not know, and therefore can not say to the committee, that proof will be made sustaining
the charge of what is called the Leilich protest, to the effect that Mr. Smoot is a polygamist. I have no desire, and the committee, I gather, has no desire, to hear any argument, at this time at least upon the question of their power to act in a case of this sort, or the legal effect of the things which it is claimed will be proved. The Senators are as familiar as anybody could be with the provisions of the Constitution respecting the power of the Senate to judge of the elections, returns, and qualifications of its members, and also its power to expel. I need only say that there is absolutely no limit upon the right or the power of the Senate in regard to these two procedures, except that the exclusion of a member or the declaration of the vacancy of a seat, on account of a claim that the applicant is disqualified, must of course be sustained by a majority vote of the Senate, and his expulsion must be sustained by a vote of two-thirds of the members of the Senate. Beyond that there is no limit to the power of the Senate …

First, then, the Mormon priesthood, according to the doctrine of that church and the belief and practice of its membership, is vested with, and assumes to exercise, supreme authority in all things temporal and, spiritual, civil and political. The head of the church claims to receive divine revelations, and these Reed Smoot, by his covenants and obligations, is bound to accept and obey, whether they affect things spiritual or things temporal. That is the first proposition …

Second, the first presidency—Senator Beveridge. Is that the first proposition upon which you base your contest against the respondent? Mr. Taylor. Yes, sir. Senator Beveridge. His membership in the Mormon Church? Mr. Taylor. Yes, sir; exactly. Senator Beveridge. I am merely asking for information; but would or would not mean that no member of the Mormon Church has a right to hold office. Mr. Taylor. I think that is true. Of course the committee will understand that as a practical and as a public question there is a very marked and proper distinction to be made between a layman in the Mormon Church and one who is in high official position, who is himself authorized to receive revelations and impart them to his inferiors, who must obey those revelations thus imparted. Second. The first presidency and twelve apostles, of whom Reed Smoot is one, are supreme in the exercise of this authority of the church and in the transmission of that authority to their successors. Each of them is called prophet, seer, and revelator …

The Utah legislature, overwhelmingly Mormon, passed a law which provided that no prosecution should be instituted under the law forbidding polygamous cohabitation unless it was done “on complaint of the husband or wife, or a relative of the accused, within the first degree of consanguinity, or of the person with whom the unlawful act is alleged to have been committed, or of the father or mother of said person; and no prosecution for unlawful cohabitation shall be commenced except on complaint of the wife or alleged plural wife of the accused …” Now that law, which passed the two houses of the legislature by an overwhelming majority, passed without protest, without a sign of a ripple on the surface of the Mormon sea officially; but the governor, himself a Mormon, assigning the reason why he did it, that it would arouse public sentiment in this country so vigorously against the Mormon people that it would destroy them, vetoed the bill. Senator Beveridge. What has the respondent to do with that law? Mr. Taylor. The respondent? Senator Beveridge. What has that law to do with the respondent? Mr. Taylor. I have said only that the
respondent—Senator Beveridge. What has he to do with the passage of that law?

Mr. Taylor. I have said only that the respondent was one of the ruling officers of the church, and that he entered no protest against nor did he undertake to prevent this nullification of the law.

Senator Beveridge. You do not assert that he had anything to do with the passage of the law, one way or the other?

Mr. Taylor. Oh, no.

Senator McComas. I understand Senator Smoot was an apostle at that time—1901.

Mr. Taylor. Yes, sir. He was an apostle at that time.

Senator Beveridge. You do not charge that he personally advocated the passage of the law, or anything of that kind?

Mr. Taylor. No, I do not know that he did. Now, gentlemen, those are the things we expect to prove, and upon them ask the opinion of the committee and the Senate as to its duty.

Senator McComas. Before you take your seat, I wish to ask you a question. Was any other legislation in that direction either attempted or enacted thereafter?

Mr. Taylor. No, I think not.

Senator Overman. When was that legislation passed?

Mr. Taylor. In 1901.

Senator McComas. March 8, 1901.

Mr. Taylor. Mr. Smoot became an apostle in 1900.

Senator Beveridge. Do you charge the respondent himself with violating the law of the United States in reference to polygamy?

Mr. Taylor. No …

Mr. Worthington. Mr. Chairman and gentlemen, it will be perceived that the formal statement of the charges which are here made against Senator Smoot, as they have been reduced to writing and read by my friend, Mr. Taylor, differs very materially from the statement of the charges against the Senator made in the protest itself. While we are prepared now to respond in a general way to those charges and to inform the committee as to what we have to say about them, we will ask the privilege of the committee, within a few days, of reducing to writing our answer to this formal statement, so that the committee may have it for consideration in connection with the statement itself.

Senator McComas. I trust that will be done.

The Chairman. If there is no objection, it will be so ordered.

Senator Smoot. Two days will be plenty. We can answer it by Monday, if the committee wants it.

Mr. Worthington. First, as to the questions of law which will arise here, and as to which Mr. Taylor has said very little. He refers to the general language of the Constitution in reference to the expulsion of Senators and Members of the House, and says there is no limit to the power. I agree with him, Mr. Chairman, that there is no limit to the power of the Senate in that regard. I do not agree with him that there is no limit to the jurisdiction of the Senate. I think it will be shown, when we come to investigate these questions of law, that the proposition is well settled at both ends of the Capitol that neither House has jurisdiction to consider a charge made against a Senator or a Member of the House as to any offense alleged to have been committed by him before he was elected, unless it is something which relates to the election itself, as that it was obtained by bribery or something of that kind. It so happens that that question—Senator Pettus. Do you maintain that no moral quality in a Senator or Member would authorize either body to expel him or refuse him a seat?

Mr. Worthington. No, Senator, I did not say that. I say for offenses committed before he was elected.

Senator Pettus. I mean before he was elected.

Mr. Worthington. Yes.

Senator Pettus. Your proposition, as I understand, is that no matter what a man may have done or said prior to his election, his election purified him so far as that body is concerned?

Mr. Worthington. That is
exactly the proposition. I was about to say that that question was most thoroughly considered in
the House of Representatives when Mr. [Brigham H.] Roberts was sent here as a Representative
from the State of Utah [in 1898]. It was charged that he was a polygamist, not in theory only, but
in practice; that he was defying the laws of the State and the compact under which the State was
admitted into the Union. He was not allowed to take his seat, and the question of his qualification
was referred to a committee, of which my friend, the gentleman from Ohio, was chairman. A very
elaborate and able report was prepared and submitted by the majority of the committee,
including Mr. Taylor, in which all the precedents are gone over and in which that conclusion was
reached, and that conclusion was sustained by the House of Representatives by a very large
majority. A minority of the committee, composed of two of the nine members who reported on
the matter, stated that in their opinion the House was bound to admit Mr. Roberts because he
possessed the constitutional qualifications—he had the requisite age, the requisite citizenship,
and he was an inhabitant of the State—and that was all you could look into; that they must admit
him, and after being admitted they could turn him out, and he ought to be turned out. So the
question was fairly presented, and it was conceded by everybody—I think there was no dissent
in the House or in the committee—that he could not occupy his seat because he was a
polygamist; but it was decided by the committee and by the majority of the House that if they
seated him they could not expel him, because the charge involved something that had been
committed in the past, and that therefore he must be prevented from taking his seat …Mr. Van
Cott. Mr. Chairman and gentlemen of the committee, I am sorry I was not able to grasp the entire
meaning of Mr. Taylor's statement and to remember it, so as to give the committee the benefit of
replying to it at this time. However, we will do so in writing Monday. There are some things that I
carry in mind and to which I can refer very briefly. Mr. Taylor said there was a bill introduced in the
[Utah] legislature providing in regard to polygamy, that the complaint could only be made by the
husband of wife or the party who was wronged or relatives within the first degree of
consanguinity; that the legislature was overwhelmingly Mormon, which is true, and that it passed
without a ripple. In that statement Mr. Taylor, not having been in Utah, is violently mistaken. It did
make a ripple. It made big waves, and there was a great deal of talk, not only by Mormons but by
Gentiles, over any such proposed legislation. It was not a ripple; it was violent. The act went to
a Mormon governor. He vetoed it. It went back to the Mormon legislature. They could have
passed it over his veto. They sustained his veto. If we go into that question in the evidence there
will [be] reasons shown, which I would rather not state now, as to why probably that act was
introduced. I will say this briefly from my standpoint. In the Mormon Church there are men who
are wise and men who are very unwise, just as there are in other churches, just as there are in all
parties and in all bodies. The Mormon Church is by no means free of its foolish men, and from
my standpoint that was an exceedingly foolish measure. But if we go into the matter it will be
found that Senator Smoot had nothing to do with it …Now, the question is, should this
committee investigate cases of unlawful cohabitation or simply cases of polygamy? As a matter
of propriety, I say they should investigate only cases of polygamy and not of polygamous
cohabitation, with one proviso, which I will state a little later. I want to state the reason why the committee, I think, as a matter of propriety, should do that. It is this: In the enabling act—and I will have to furnish the committee later with those references if it desires, because I see the books are not here, so that I can refer to them—in the constitutional convention, and I will start there, because that is the natural place to begin, there was present Mr. C. S. Varian, a very prominent Gentile. He had been assistant United States district attorney and also United States district attorney in the prosecution of polygamy cases and unlawful cohabitation cases, and had been very vigorous and had been very successful. I have no doubt it was largely through his efforts that the condition came about where the Gentiles united with the Mormons. He was in the constitutional convention. When the proposed constitution was reported to the convention, the language of the constitution was simply like the language of the enabling act—"polygamous or plural marriages are forever prohibited." That is all there was in the proposed constitution, and that is just like the enabling act. I wish to call your attention to the significance of it. It is not "unlawful cohabitation and polygamous cohabitation and polygamy are forever prohibited," but that "polygamy is forever prohibited in the State of Utah." When that was reported to the convention Mr. Varian called attention to the fact that that provision was not self-executing; that it would take legislation for the purpose of backing it up, and therefore he proposed an amendment to the effect that a certain act of the legislature of Utah, which punished polygamy, be engrafted right into the constitution, so that it would be self-executing in its provisions. In the discussion of that, Mr. Varian called attention to the act. He said it should be engrafted into the constitution so far as polygamy was concerned, but so far as unlawful polygamous cohabitation was concerned, adultery was concerned, and those things, they should not go into the constitution23 …Senator Overman. Let me ask you a question for information. Mr. Van Cott.

Certainly.

Senator Overman. What do you mean by "polygamous cohabitation?" Is there any difference between that and the usual crime of fornication, denounced in the States as "fornication" and "adultery?"

Mr. Van Cott. It is just the same with one exception, if you will let me explain. In Washington and other places, I suppose, there is not a man who comes up and says that he has two wives. So, if he lives with a woman not his wife, he is guilty of fornication or adultery. In Utah a man comes out and says: "A is my wife; B is my wife; C is my wife." Senator Overman. He announces it publicly. That is the difference?

Mr. Van Cott. Practically. Senator Pettus. I ask if marriage is not a part of "polygamous cohabitation?"

Mr. Van Cott. Do you mean polygamous marriage?

Senator Pettus. Is not marriage a part of the definition of "polygamous cohabitation?"

Mr. Van Cott. Yes, sir; exactly.

Senator Pettus. A second marriage?

Mr. Van Cott. Yes, sir; it presupposes the marriage. That is the difference …

Mr. Worthington. I am requested by Senator Smoot to interrupt Mr. Van Cott for a moment to say that the chairman assumes what Senator Smoot understands is not the fact at all; that is, that the apostles are a part of the governing body of the church.

The Chairman. Omitting that, take the three individuals constituting the presidency, and the twelve making up the apostles, what is expected to be shown in answer to the charge that any or all of those people are to-day living in polygamy?
Van Cott. Answering you Mr. Chairman, when you said the "governing body"—The Chairman. I omit that.

Mr. Van Cott. I understood you; and I was going to pass that over without making any correction, because I understood the meaning. In regard to the others mentioned, frankly speaking, I know nothing about whether they are living in polygamy or not. I have inquired. Of the first presidency, composed of Joseph F. Smith, John R. Winder, and Anthon H. Lund, I will say that Anthon H. Lund, one of the first presidency, I have always understood, was a monogamist; that he has never gone into polygamy; that he has never advised it or encouraged it. In regard to John R. Winder—The Chairman. I do not care about the details. What, if anything, do you propose to show upon that point generally? Mr. Van Cott. I am stating it because I can not answer yes or no. The Chairman. Very well. Mr. Van Cott. In regard to John R. Winder, I understand without a doubt—I know him intimately—that he is a monogamist. He is not practicing unlawful cohabitation. Senator Dubois. That is admitted by Mr. Taylor. There is no contention over that at all. I listened very attentively to his statement—Mr. Taylor. My understanding is that two first councilors to the president of the church are not polygamists. At least we make no such claim and make no proof of it. Senator Dubois. But that a majority of the apostles are? The Chairman. How about the president [Joseph F. Smith]? Mr. Van Cott. I was coming to him. As to the president, I understand by repute, and I believe it, that he is a polygamist. I inquired, long before I was connected with this case, as to whether he was living in polygamy, and I have been informed both ways. I have been told that he was not obeying the law. I have been told that he was. As to that I have no proof, and I do not know, and Senator Smoot does not know, and if he did I should give the information to the committee. The Chairman. May I ask you a question in this connection? Mr. Van Cott. Certainly. The Chairman. How many wives is it reputed he has? Mr. Van Cott. I do not remember, and could not state. The Chairman. Now as to the apostles. Mr. Van Cott. In regard to the apostles, I know several of them, and my present recollection is that there are six or seven who are polygamists, and the others never have been polygamists. Mr. Worthington. What do you mean by "polygamists"—living with polygamous wives? Mr. Van Cott. I say "polygamists." I mean by that that they had married more than one wife. Mr. Worthington. It does not mean polygamy. Mr. Van Cott. In regard to polygamous cohabitation, there is not one of these apostles that I know of who is living in polygamous cohabitation. I have heard, as to several, that they have obeyed the law strictly ever since the manifesto of President [Wilford Woodruff] in 1890. If there is one of them who has been living in polygamous cohabitation since the manifesto I have not personal knowledge of it, and I do not know of it, so far as the proof is concerned … The Chairman. Is a man by the name of Heber J. Grant one of the apostles? Mr. Van Cott. Yes, sir. The Chairman. Where is he? Mr. Van Cott. I suppose from the newspapers that he has gone to England in connection with the Mormon Church. Senator McComas. Do you expect to prove that six apostles and the president are now practicing unlawful cohabitation? Mr. Taylor. More than that. I say that the first
president and five of the apostles now practicing polygamy signed the prayer to the President of the United States for amnesty. The Chairman. Did Apostle Grant sign it? Mr. Taylor. He did. The Chairman. Where is he? Mr. Taylor. I understand he is a fugitive from justice. At any rate a warrant is out for him for a violation of this law.

The committee chair, Senator Julius Caesar Burrows, exploited the hearings for political gain, as Smoot described in a letter to LDS President Joseph F. Smith: 

“I called on President [Theodore] Roosevelt and asked him to use his influence as far as possible to have my case decided at as early a day as possible— He expressed a little fear about the position Senator Burrows would take, and stated that he was afraid that he would not be able to have very much influence with him.”

The reason for this was that Roosevelt had leaned on Burrows, a fellow Republican, to “go contrary to the wishes of the great majority of his constituents in voting for the Cuban Reciprocity Treaty.” Burrows faced re-election, “and it may be that he will yield to public clamor and carry the investigation just as far as they demand” (Jan. 4, 1904).

In an interesting sidebar, Harvard S. Heath noted that Burrows was a distant relative of Joseph F. Smith (“Reed Smoot: First Modern Mormon,” Ph.D. diss. Brigham Young University, 1990, 102-03).

The prosecution submitted a twenty-six-page document on January 26, 1903, which charged that (1) the LDS priesthood had supreme authority in all things temporal and spiritual; (2) the First Presidency and twelve apostles were the supreme administrators of this authority; (3) the church’s authorities had not “abandoned the principles and practice of political dictation,” nor “abandoned belief in polygamy and polygamous cohabitation”; (4) the church’s attitude was evidenced by its teachings; (5) “this body of officials, of whom Senator-elect Smoot is one,” had “sought to pass a law nullifying enactments against polygamous cohabitation”; and (6) “protect and honor the violators of the laws against polygamy and polygamous cohabitation.”

Not surprisingly, the Salt Lake Tribune considered “the election of an apostle to be unwise and adverse to the true interests of the State” (Jan. 21, 1903). The LDS Church-owned Deseret News defended Smoot, arguing that the opposition was “based on prejudice and false representations by persons envious of [his] success” (Jan. 21, 1903).

Robert W. Taylor (1852-1910) was lead attorney representing the complainants. He had served four terms as U.S. Representative from Ohio, 1895-1902, and was latter appointed U.S. District Judge for northern Ohio.

Augustus S. Worthington agreed to be lead attorney for Smoot after Charles J. Faulkner agreed to take the case for $5,000, then changed his mind. Smoot suspected “some influence at work to discourage the attorneys,” perhaps by committee members in telling attorneys it would be a “long drawn out fight” (Smoot to Joseph F. Smith, Dec. 16, 1903).

Waldemar Van Cott (1859-1940) was born in Salt Lake City but was not Mormon.

Smoot was elected by the Utah state legislature on Tuesday, January 20, 1903, by a vote of ten of eighteen in the senate and thirty-six of forty-four in the house (“Smoot Is Now a Real Senator,” Deseret News, Jan. 20, 1903). Following his swearing-in, the First Presidency wrote to Smoot: “The news of your taking your seat in the Senate reached us by associated press at the temple during our meeting there, and we need not tell you how exceedingly delightful and joyful it made us all feel. Our joy found
expression in singing that beautiful hymn, ‘Zion stands with the hills surrounded,’ and offering thanksgiving to the Lord for the victory won” (Mar. 9, 1903).7. The original complainants were C. E. Allen, Clarence T. Brown, J. J. Corum, E. B. Critchlow, W. Montgomery Ferry, C. C. Goodwin, George R. Hancock, Harry C. Hill, J. L. Leilich, Abill Leonard, S. H. Lewis, H. G. McMillan, W. A. Nelden, W. M. Paden, George M. Scott, Ezra Thompson, P. P. Williams, and E. W. Wilson. See Smoot Hearings, 1:26. Their complaint had to be filed within ten days after Smoot took his seat in the Senate. For a brief biography of each participant, see Critchlow’s testimony in Smoot Hearings, 1:591-93.8. A few days before the Salt Lake Ministerial Association filed its protest in 1903, a Salt Lake newspaper reported that the association intended to question Smoot’s “credentials” and had “telegraphed to the proper persons in Washington” (Salt Lake Telegram, Jan. 22, 1903). For the entire protest, see Smoot Hearings, 1:1-26.9. The supplemental protest contained thirteen points, submitted on February, 25, 1903, by John L. Leilich. Perhaps the most sensational was the thirteenth charge: “Reed Smoot is a polygamist, and … since the admission of Utah in the union of States he … having a legal wife, married a plural wife in the State of Utah in violation of the laws … and since such plural or polygamous marriage the said Reed Smoot has lived and cohabited with both his legal wife and his plural wife in the State of Utah” (Smoot Hearings, 1:26-30). Leilich’s protest was received with skepticism by the Deseret News, claiming that “the man who has been the forefront of the whole crusade stated … today that he was afraid ‘Brother Leilich had made a pretty mess of the whole business.’” (“Leilich Denounced as a Common Falsifier,” Deseret News, Feb. 27, 1903).10. In a letter to Smoot two weeks after Leilich’s protest, the First Presidency explained, “We read the charge in company with Brother [Charles W.] Penrose [editor of the Deseret News], and concluded not to dignify it with a place in the columns of the News” (Mar. 9, 1903).11. The twenty-six-page document included excerpts from LDS scripture, sermons, and newspaper articles, including this from the Salt Lake Telegram, January 16, 1903:

Apostle Smoot, who is in Provo, was cross-examined over the telephone by the telegram to-day. Here is what happened: “You state in a morning paper that you are not a polygamist, and as a Mormon and as an apostle have never been asked to practice polygamy preach it, or advise others to practice it. Will you answer another question? Do you believe in polyg—?”

“I will not. I will not. I won’t,” broke in Mr. Smoot before the reporter could finish the question.”

“Will you not answer the plain question: Do you believe in polygamy?”

“I will not answer any question that is not submitted in writing. I have been misquoted and my statements misconstrued by Salt Lake papers, and thereby injured in Washington,” the apostle declared, as he hung up his telephone.12. Beveridge was making the indirect point that since statehood, Utah had elected Frank J. Cannon, a Mormon, to the Senate. Cannon (1859-1933), son of LDS authority George Q. Cannon, subsequently left the church and was later officially expelled. He regularly attacked Smoot and Joseph F. Smith in the editorial pages of the Salt Lake Tribune and especially in his 1911 book, Under the Prophet in Utah. See also Michael H. Paulos, “Political Cartooning and the Reed Smoot Hearings,” Sunstone, Dec. 2006, 36-40.13. This entire section was cited by Van Cott in his closing argument for Smoot (Smoot Hearings,
(3:628).14. According to the Deseret News (Mar. 15, 1901), this language was used in other states (Iowa, Michigan, Minnesota, North Dakota, and Oregon), where “the crime of adultery could only be prosecuted on the complaint of the husband or wife of the accused.”

15. In fact, the bill was vigorously debated by the state senate before passing eleven to seven (“Evans Bill Passes Senate,” Deseret News, Mar. 8, 1901). The opposition editorialized that “the Evans bill would be more effective in stirring up eastern wrath against the dominant church in Utah than any public or private measure that could be devised” (“Senator Evans’ Bill,” Salt Lake Herald, Mar. 9, 1901).

16. The Evans bill passed in the Utah House on March 11, 1901, by a vote of 25-17. Utah Governor Daniel M. Wells vetoed the bill on March 14, stating that if allowed to become law, it would be “employed as a most effective weapon against the very classes whose condition it is intended to ameliorate. Furthermore, I have every reason to believe its enactment would be the signal for a general demand upon the National Congress for a constitutional amendment directed solely against certain social conditions here” (“Disapproves of the Evans Bill,” Deseret News, Mar. 15, 1901).

17. McComas was one of eight Republicans on the committee. Although from the same party as Smoot, they were “men whom I have been a little afraid of, and I am still of the opinion that if I have any serious opposition, it will come from the [Republican] members of this committee” (Smoot to Joseph F. Smith, Nov. 18, 1903).

18. Shortly before Wells vetoed the Evans bill, the Salt Lake Tribune asked several LDS leaders for their opinion of it. Smoot demurred, saying he had “every confidence in Gov. Well’s ability to handle the matter to the best interests of the State.” Church President Lorenzo Snow said, “I don’t know why I should say anything about it.” Joseph F. Smith, on the other hand, believed Wells should sign the bill “as it was in the best interests of the state.” See “Evans Bill Condemned,” Salt Lake Tribune, Mar. 13, 1901.

19. Smoot was ordained an apostle on April 8, 1900.

20. Smoot submitted a ten-page reply (Smoot Hearings, 1:31-40).

21. When Taylor was a U.S. Congressman, he chaired the Committee on Elections, 1898-99, that ousted B. H. Roberts from the Congress.

22. Presumably Van Cott’s reference to “violence” is to hostility in tone evinced by the Evans Bill, not to actual violence.


24. Speaking to the University of Utah, Grant bragged of having plural wives. The result was that a warrant was issued for his arrest; but before Sheriff Frank Emery could deliver the warrant to the apostle’s house, Grant was tipped off and was already “speeding eastward”: The Herald was informed last evening that on Tuesday evening Apostle Grant got on the Rio Grande train from the west side of the yards, catching the smoking car as the train pulled out. The train was an hour late out of Salt Lake … “I had not the slightest idea he would try to escape” said Sheriff Emery … “I supposed he would submit to a warrant without question” (Salt Lake Herald, Nov. 12, 1903).

25. Smoot filed an “additional answer” after
the opening statements:
I deny that either the president or any of the apostles of the church has taken a polygamous wife since the manifesto of 1890. I deny that either the president or any of the twelve apostles has at any time practiced polygamy or polygamous cohabitation, with my countenance or with my knowledge, except as herein above set forth … I deny that any plural marriage ceremony has been performed by any apostle of the church since the manifesto of 1890, and deny that many or any bishops or other high officials of the church have taken plural wives since that time. I deny, except as herein above admitted, in the answer to this third specification, that all or any of the first presidency or the twelve apostles encourage, countenance, conceal, or connive at polygamy or polygamous cohabitation. I deny that the first presidency or the twelve apostles honor or reward by any office or preferment those who most persistently and defiantly violate the law of the land (Smoot Hearings, 1:74-77).

26. Pursuant to legislation against polygamy in 1880s, LDS leaders were actively pursued by federal officials. Once the Manifesto was in effect, church leaders desired amnesty for those who contracted plural marriages prior to 1890. Their prayer for amnesty was presented in late 1891 to U.S. President Benjamin Harrison, who granted it on January 4, 1893.

II. First Week of March 1904
2. Joseph F. Smith

Wednesday, March 2

Six Methodists, two Congregationalists, two Presbyterians, an Episcopalian, a Baptist, and a Unitarian compose the tribunal before which the Mormon Church is on trial at Washington. Four years ago the precedent was laid down that a polygamist should not sit in Congress. That was the first test since the Statehood of Utah of the relations of Mormonism to the United States government. The second test is the Reed Smoot case. If he is unseated it must be on grounds which would apply equally to any member of the Mormon hierarchy. —Harper's Weekly, Mar. 26, 1904

1Joseph F. Smith, 2 having duly affirmed, 3 testified as follows:

Mr. Taylor. Where do you live, Mr. Smith?

Mr. Smith. I live in Salt Lake City.

Mr. Taylor. How long have you lived there?

Mr. Smith. Since 1848.

Mr. Taylor. I believe you were born of parents who were members of the Mormon Church?

Mr. Smith. Yes, sir.

Mr. Taylor. So that all your life you have been in that church?

Mr. Smith. Yes, sir.

Mr. Taylor. What official position do you now hold in the church?

Mr. Smith. I am now the president of the church.

Mr. Taylor. Is there any other description of your title than mere president?

Mr. Smith. No, sir; not that I know of.

Mr. Taylor. Are you prophet, seer, and revelator?

Mr. Smith. I am so sustained and upheld by my people.

Mr. Taylor. Do you get that title by reason of being president or by reason of having been an apostle?

Mr. Smith. By reason of being president.

Mr. Taylor. Are not all the apostles also prophets, seers, and revelators?

Mr. Smith. They are sustained as such at our conferences.

Mr. Taylor. They all have that title now, have they not?

Mr. Smith. Well, they are so sustained at the conferences.

Mr. Taylor. I want to know if they do not have that title now.

Mr. Smith. I suppose if they are sustained they must have that title.

Mr. Taylor. Are they sustained as such now?

Mr. Smith. I have said so twice, sir.

Mr. Taylor. Who were your predecessors in office as president of the church?

Mr. Smith. My immediate predecessor was Lorenzo Snow.

Mr. Taylor. And his predecessor?

Mr. Smith. Wilford Woodruff.

Mr. Taylor. And his?

Mr. Smith. John Taylor.
Taylor. Yes; go on back through the line.

Mr. Smith. Brigham Young.

Mr. Taylor. Yes.

Mr. Smith. And Joseph Smith.

Mr. Taylor. You are possessed of the same powers that they were possessed of?

Mr. Smith. Yes, I am supposed to be possessed of the same authority that they were.

Mr. Taylor. You believe yourself to be, do you not?

Mr. Smith. I think I do believe so.

Mr. Taylor. I do not know that there is any significance in your use of the word "think," Mr. Smith, but one hardly thinks that he has a belief. He either knows or does not know that he has a belief.

Mr. Smith. I think I do. …

Mr. Taylor. Is the "Deseret News" the organ of the Church?

Mr. Smith. Well, I suppose it is in some sense the organ of the church. It is not opposed to the church, at least.

Mr. Taylor. It is not opposed to it?

Mr. Smith. No, sir.

Mr. Taylor. It has for years published, has it not, at the head of its columns, that it is the organ of the church, or the official organ of the church?

Mr. Smith. Not that I know of.

Mr. Taylor. Not that you know of?

Mr. Smith. No, sir. It has been called that. It is styled that.

Mr. Taylor. It is styled that, but you do not recall ever having seen, at the head of any page or on any page, in a conspicuous place in the "Deseret News," the statement that it was the organ of the church, or the official organ of the church?

Mr. Smith. I do not recall that I ever saw it.

Mr. Taylor. You read that paper regularly, do you?

Mr. Smith. As much as I have time to read it.

Mr. Taylor. I can appreciate now the significance of that answer. How long have you been reading the "Deseret News"?

Mr. Smith. I think it was started in 1851 or 1852; somewhere along there. I believe it was established somewhere along in the early fifties, and I have read it more or less ever since.

Mr. Taylor. Do you know who owns it?

Mr. Smith. How is that?

Mr. Taylor. Do you know who owns it?

Mr. Smith. I know who owns the building that it is in.

Mr. Taylor. Who owns the building in which it is published?

Mr. Smith. The church.

Mr. Taylor. The church?

Mr. Smith. Yes, sir.

Mr. Taylor. Tell us what you know about the owners of that newspaper.

Mr. Smith. It has been for a number of years past owned by a company—an incorporated company.

Mr. Taylor. What is the name of the company?

Mr. Smith. The Deseret News Publishing Company.

Mr. Taylor. Do you know who its officers are?

Mr. Smith. Now, it is not owned by that company.

Mr. Taylor. Oh, it is not?

Mr. Smith. No; it is not.

Mr. Taylor. What do you know—Mr. Smith. But I say for years it was owned by a company of that kind.

Mr. Taylor. What do you know about its present ownership?

Mr. Smith. I presume that the present ownership is the church.

Mr. Taylor. You suppose the present owner is the church?

Mr. Smith. Yes, sir; the church.

Mr. Taylor. Mr. Smith, we have referred to the work of Doctor [James E.] Talmage and its origin. Was Orson Pratt—The Chairman. Mr. Taylor, before you go to that subject, it was impossible to hear what Mr. Smith said in relation to the ownership of the "Deseret News."

Mr. Carlisle. He says the church owns it now.

The Chairman. Was that your answer?

Mr. Beveridge. The paper and the building both.

The Chairman. His exact answer was, "I presume the church owns it."

The Chairman. I wanted to get the answer. Is that your answer, Mr. Smith?

Mr. Smith. Yes, sir.

The Chairman. That you presume—Mr. Smith. It is the present owner of the "Deseret News."

Mr. Taylor. I do not want to have any misconstruction put upon your use of the word "presume." Do you use the word "presume" because you do not know that it is so owned?

Mr. Smith. I really do not know so that I could tell you positively.

Mr. Taylor. Who would know?

Mr. Smith. I presume I could find out.
Taylor. Could you find out before you leave Washington?

Mr. Smith. Perhaps so.

Mr. Taylor. Perhaps so?

Mr. Smith. Yes.

Mr. Taylor. Is there anybody in Washington who knows?

Mr. Smith. I do not know if anybody, unless my counsel can tell you.

Mr. Taylor. Was Orson Pratt an authoritative writer in the church?

Mr. Smith. He was in some things, and in some things he was not.

Mr. Taylor. Is Brigham H. Roberts an authoritative writer in the church?

Mr. Smith. Well—

Mr. Taylor. Of course, I understand that no man who writes of his own motion, however truly he may write, thereby becomes authority.

Mr. Smith. No.

Mr. Taylor. But has he been constituted, in any work that he has written, authority?

Mr. Smith. No, sir; not that I know of.

Mr. Taylor. Has he written anything which is in terms sanctioned by the church as declaring its doctrine and policy?

Mr. Smith. I have never heard any of B. H. Roberts's writings called in question by the church.

Mr. Taylor. I would not want to intimate that that answer is not candid, Mr. Smith, but I put the question in another form: Whether or not some of his writings have not been, in terms, approved by the Mormon hierarchy, if I may use that expression?

Mr. Smith. I do not think so.

Mr. Taylor. Do you recall a book entitled "Mormonism; its Origin and History," by B. H. Roberts?

Mr. Smith. I do. That is his own work.

Mr. Taylor. That is his own work?

Mr. Smith. Yes, sir.

Mr. Taylor. By whom was it published?

Mr. Smith. I think by the "Deseret News," but I am not sure.

Mr. Taylor. Was it not published by the church?

Mr. Smith. No, sir; not that I know of.

Mr. Taylor. Was it not copyrighted by Joseph F. Smith?

Mr. Smith. I think likely it was, because we bought his copyright from him.

Mr. Taylor. Was it not copyrighted by Joseph F. Smith for the Church of Jesus Christ of Latter-Day Saints?

Mr. Smith. My recollection is the church bought the copyright of Roberts.

Mr. Taylor. And published the book?

Mr. Smith. The "Deseret News" published the book.

Mr. Taylor. Did the church publish it? The "Deseret News" may have printed it; but did not the church publish it?

Mr. Smith. Well, perhaps it did. I am not posted.

Mr. Taylor. Let me read you the title page of this book.

Mr. Smith. All right.


On the other side of this sheet: "Copyrighted by Joseph F. Smith, for the Church of Jesus Christ of Latter-Day Saints."

Both of those inscriptions which I have read correctly recite the facts?

Mr. Smith. So far as I am aware they do.

Mr. Taylor. And, Mr. Smith, the opening sentence of this little work is as follows: "This brochure is issued under the authority of the Church of Jesus Christ of Latter-Day Saints." Is that correct.

Mr. Smith. I think it is. If it says so, it is correct.

Mr. Taylor. The next sentence is: "It is therefore an authoritative utterance upon that subject of which it treats— the relation of the church to Christian sects; its origin; its history; its doctrines; its organization; its present status." That is true, is it not?

Mr. Smith. Yes, sir; I think likely it is.

Mr. Taylor. Then this work is to be distinguished, is it not, as respects its authority, from all other works that have been written by other persons unless they were such as were written under inspiration or other revelation?

Mr. Smith. Yes, sir. …Senator McComas. I should like to ask one question. You say that the councilors are appointed by the president of the church. How are the apostles selected?

Mr. Smith. In the first place they were chosen by revelation. The council of the apostles have had
a voice ever since in the selection of their successors. Senator McComas. Had a voice? Mr. Smith. Yes, sir. Senator McComas. Have they had the election of their successors to perpetuate the body of apostles since the first revelation? Mr. Smith. I do not know that I understand your question. Senator McComas. You say the first apostles were selected in accordance with revelation. Mr. Smith. Yes, sir. Senator McComas. Revelations to whom? Mr. Smith. To Joseph Smith. Senator McComas. And the twelve apostles were then first named? Mr. Smith. Yes, sir. Senator McComas. When vacancies occurred thereafter, by what body were the vacancies in the twelve apostles filled? Mr. Smith. Perhaps I may say in this way: Chosen by the body by the twelve themselves, by and with the consent and approval of the first presidency. Senator Hoar. Was there a revelation in regard to each of them? Mr. Smith. No, sir; not in regard to each of them. Do you mean in the beginning? Senator Hoar. I understand you to say that the original twelve apostles were selected by revelation? Mr. Smith. Yes, sir. Senator Hoar. Through Joseph Smith? Mr. Smith. Yes, sir; that is right. Senator Hoar. Is there any revelation in regard to the subsequent ones? Mr. Smith. No, sir; it has been the choice of the body. Senator McComas. Then the apostles are perpetuated in succession by their own act and the approval of the first presidency? Mr. Smith. That is right. Mr. Taylor. Mr. Smith, will you state—Senator Bailey. Mr. Taylor, before you proceed I should like to ask the witness a question. Mr. Taylor. Certainly. Senator Bailey. Could the first president prevent a selection which had been made by the apostles to fill a vacancy in their number? Mr. Smith. I think the twelve would be very reluctant to insist upon the election of a man to whom the president was opposed. Senator Bailey. I would understand that as a matter looking to harmonious relations between the first president and the apostles. But it is not a question of that. It is a question of power. If the apostles choose to do so, could they elect a man over the protest of the president? Mr. Smith. I presume they could; but I do not think they would. Senator Bailey. But they have the power? Mr. Smith. They have the power if they chose to do it; but I do not think they would do it. … Senator Hoar. I do not quite understand one kind of phrase which recently appears in Mr. Smith's answers. He says "I presume," "My understanding is," "I believe," "Not that I know of," "So far as I am aware," "I think likely." Now, I wish to understand if in regard to these matters of faith as to which you have been asked you mean to express yourself doubtfully, as an ordinary man might, or whether they are things which you yourself know to be true by divine revelation. Mr. Smith. If you please, when I speak in reference to defined principles and doctrines of the church I speak from my heart, without any uncertainty on my part. Senator Hoar. As of knowledge? Mr. Smith. But when I speak of things that I may be at fault about in memory, that I may not be thoroughly posted about, I may be excused, perhaps, if I use the words "I presume," etc. But on principles of the doctrines of the church I think—now I say I think—I do think I can speak positively. Senator Hoar. You know? Mr. Smith. I know as well as any man can know; at least as well as I can know. I do not wish—Senator Hoar. For instance, on being asked whether one of the presidents, perhaps the second president, was appointed by a divine revelation, you replied that you were not present, but you thought so. Is that one of the things of which you have an ordinary, human knowledge, or is it a
thing of which you have an inspired knowledge—that the president of the body was chosen by
revelation? Mr. Smith. To me it is a matter of certainty. I believe it with all my heart. Senator Hoar. I
do not wish to interpose in the examination, but this has been said so often that I desired to
understand whether Mr. Smith's form of language meant to imply doubt. I do not mean doubt in
the human sense, for there are a great many things that we all feel confident of in our religious
faith, whatever it is, or in our political faith, or any other faiths. But I want to understand if, in
regard to what you have told us or are about to tell us is the religious faith of your church, you
mean to express doubt in the sense that you may possibly be mistaken and that other men are
likely to be as right as you are, or if you mean to have us understand that you know from divine
inspiration? I understand you now that in all matters in regard to the faith of your church you, its
president, speak from an inspired knowledge? Mr. Smith. I believe—yes, sir; I do. Mr. Taylor. With
reference to your power as president of the church, let me ask you if you believe that it is stated
as it is in verse 4, section 68, of the Doctrine and Covenants? Let me paraphrase it to apply to
you. Mr. Worthington. What page is that? Mr. Taylor. Page 248. "That whatsoever you shall speak
when moved upon by the Holy Ghost shall be scripture, shall be the will of the Lord, shall be the
mind of the Lord, shall be the word of the Lord, shall be the voice of the Lord, and the power of
God unto salvation." Mr. Smith. Yes, sir; I believe that doctrine, and it does not apply only to me,
but it applies to every elder in the church with equal force. Mr. Taylor. With equal force? Mr. Smith.
Yes, sir. Mr. Taylor. That applies only when moved upon by the Holy Ghost? Mr. Smith. That is
correct. Mr. Taylor. Do you understand that that is intended to cover the case of inspiration or
revelation? Mr. Smith. Yes, sir. Mr. Taylor. Is every elder of the church, according to the belief and
practice of your organization, likely to receive revelations directly from God? Mr. Smith. When he
is inspired by the Holy Ghost; yes. Mr. Taylor. I am coming to the subject of revelation in a
moment. But does anybody, except the head of the church, have what you call revelations
binding upon the church? Mr. Smith. Yes, sir; everybody is entitled to revelations. Mr. Taylor. Has
any person, except a first president of the church, ever received a revelation which was
proclaimed and became binding upon the church? Mr. Smith. No, sir. Mr. Taylor. No? Mr. Smith.
No, sir. The revelations for the government and guidance of the church come only through the
head.15 But every elder of the church and every member of the church is entitled to the spirit of
revelation. Mr. Taylor. I suppose—Senator Overman. Do you mean entitled from God or through
the presidency? Mr. Smith. From God. Senator Overman. To receive it direct from God? Mr. Smith.
From God. Senator Overman. Has any revelation ever been received from God to the members
or elders of the church except through the president? Mr. Smith. Yes, sir. Let me say that we hold,
that every member of the church receives a witness of the spirit of God of the truth of the
doctrine that he embraces and he receives it because of the testimony of the spirit to him, which
is the spirit of revelation. Mr. Taylor. Then any elder in the church may receive a revelation? Mr.
Smith. For his own guidance. Mr. Taylor. For his own guidance? Mr. Smith. For his own
guidance. Mr. Taylor. Then Mr. Smoot may do so? Mr. Smith. For his own guidance. Mr. Taylor. For
his own guidance? Mr. Smith. Yes, sir. Mr. Taylor. He may then come into direct contact with God
in the form of a revelation to him for his own guidance? Mr. Smith. Yes, sir.

The Chairman. What was the answer to the question? Mr. Smith. Yes, sir; the same as any other member of the church.

Mr. Taylor. I do not know that there is any significance in your use of the word “member” now and the word “elder” then. Are all members of the church elders? Mr. Smith. Pretty nearly all. All the male members are—nearly all of them; I would not say all of them were.

Mr. Taylor. You have already touched upon the subject of revelation, and if you have anything further to say about it I think this would be as good a time as any, as to the method in which a revelation is received and its binding or authoritative force upon the people.

Mr. Smith. I will say this, Mr. Chairman, that no revelation given through the head of the church ever becomes binding and authoritative upon the members of the church until it has been presented to the church and accepted by them.

Mr. Worthington. What do you mean by being presented to the church? Mr. Smith. Presented in conference.

Mr. Taylor. Do you mean by that that the church in conference may say to you, Joseph F. Smith, the first president of the church, “We deny that God has told you to tell us this?” Mr. Smith. They can say that if they choose.

Mr. Taylor. They can say it? Mr. Smith. Yes, sir; they can. And it is not binding upon them as members of the church until they accept it.

Mr. Taylor. Until they accept it? Mr. Smith. Yes, sir.

Mr. Taylor. Were the revelations to Joseph Smith, jr., all submitted to the people? Mr. Smith. Yes, sir.

Senator Overman. Does it require a majority to accept or must it be the unanimous voice? Mr. Smith. A majority. Of course only those who accept would be considered as in good standing in the church.

Mr. Taylor. Exactly. Has any revelation made by God to the first president of the church and presented by him to the church ever been rejected? Mr. Smith. I do not know that it has; not that I know of.

Senator Hoar. That answer presents precisely the question I put to you a little while ago. “Not that I know of,” you replied. Do you know, as the head of the church, what revelations to your predecessors are binding upon the church? Mr. Smith. I know, as I have stated, that only those revelations which are submitted to the church and accepted by the church are binding upon them. That I know.

Senator Hoar. Then the counsel asked you if any revelation of the head of the church had been rejected. Mr. Smith. Not that I know of. I do not know of any that have been rejected.

Senator Hoar. Do you mean to reply doubtfully upon that question, whether some of the revelations are binding and some are not? Mr. Smith. There may have been; I do not know of any.

Senator Hoar. That then is not a matter in which you have an inspired knowledge? Mr. Smith. No, sir.

The Chairman. But you do not know of any instance where the revelation so imparted to the church has been rejected? Mr. Smith. No, sir; not by the whole church. I know of instances in which large numbers of members of the church have rejected the revelation, but not the body of the church.

Senator Overman. What became of those people who rejected it? Mr. Smith. Sir?

Senator Overman. What became of the people who rejected the divine revelation; were they unchurched? Mr. Smith. They unchurched themselves.

Senator Overman. Oh, yes. They were outside the pale of the church then? Mr. Smith. Yes, sir.

The Chairman. They unchurched themselves by not believing? Mr. Smith. By not accepting.

Mr. Taylor. Then if you had a revelation and presented it to your people, all who did not accept it would thereby be unchurched?
Smith. Not necessarily.
Mr. Taylor. Not necessarily?
Mr. Smith. No, sir.
Mr. Taylor. I should like to have you distinguish between this answer and the one you just gave.
Mr. Smith. Our people are given the largest possible latitude for their convictions, and if a man rejects a message that I may give to him but is still moral and believes in the main principles of the gospel and desires to continue in his membership in the church, he is permitted to remain and he is not unchurched. It is only those who on rejecting a revelation rebel against the church and withdraw from the church at their own volition.

Senator Hoar. Mr. Smith, the revelations given through you and your predecessors have always been from God?
Mr. Smith. I believe so.
Senator Hoar. Very well. As I understand, those persons who you say reject one of your revelations but still believe in the main principles of the church are at liberty to remain in the church. Do I understand you to say that any revelation coming from God to you is not one of the main principles of the church? Does not the person who rejects it reject the direct authority of God?
Mr. Smith. Yes, sir; no doubt he does.
Senator Hoar. And still he remains a member of the church?
Mr. Smith. Yes, sir.
Senator Hoar. In good standing, if a moral man?
Mr. Smith. Yes, sir.
Senator Hoar. Although disobeying the direct commandment of God?
Mr. Smith. Would you permit me to say a few words?
Senator Hoar. Certainly. We shall be glad to hear you.
Mr. Smith. I should like to say to the honorable gentlemen that the members of the Mormon Church are among the freest and most independent people of all the Christian denominations. They are not all united on every principle. Every man is entitled to his own opinion and his own views and his own conceptions of right and wrong so long as they do not come in conflict with the standard principles of the church. If a man assumes to deny God and to become an infidel we withdraw fellowship from him. If a man commits adultery we withdraw fellowship from him. If men steal or lie or bear false witness against their neighbors or violate the cardinal principles of the Gospel, we withdraw our fellowship. The church withdraws its fellowship from that man and he ceases to be a member of the church. But so long as a man or a woman is honest and virtuous and believes in God and has a little faith in the church organization, so long we nurture and aid that person to continue faithfully as a member of the church, though he may not believe all that is revealed.

I should like to say this to you, in point, that a revelation on plural marriage is contained in that book [Doctrine and Covenants]. It has been ascertained by actual count that not more than perhaps 3 or 4 per cent of the membership of the Church of Jesus Christ of Latter-Day Saints ever entered into that principle. All the rest of the members of the church abstained from that principle and did not enter into it, and many thousands of them never received it or believed it; but they were not cut off from the church. They were not disfellowshipped and they are still members of the church; that is what I wish to say.

Senator Dubois. Did I understand you to say that many thousands of them never believed in the doctrine of plural marriage?
Mr. Smith. Yes, sir—Senator Dubois. You misunderstand me. I do not undertake to say that they practiced it. I accept your statement on that point. But do you mean to say that any member of the Mormon Church in the past or at the present time says openly that he does not believe in the principle of plural marriages?
Mr. Smith. I know that there are hundreds, of my own knowledge, who say they never did believe in it and never did receive...
it, and they are members of the church in good-fellowship. Only the other day I heard a man, prominent among us, a man of wealth, too, say that he had received all the principles of Mormonism except plural marriage, and that he never had received it and could not see it. I myself heard him say it within the last ten days.

Senator Hoar. Is the doctrine of the inspiration of the head of the church and revelations given to him one of the fundamental or non-fundamental doctrines of Mormonism?

Mr. Smith. The principle of revelation is a fundamental principle to the church.

Senator Hoar. I speak of the revelations given to the head of the church. Is that a fundamental doctrine of Mormonism?

Mr. Smith. Yes, sir.

Senator Hoar. Does or does not a person who does not believe that a revelation given through the head of the church comes from God reject a fundamental principle of Mormonism?

Mr. Smith. He does; always if the revelation is a divine revelation from God.

Senator Hoar. It always is, is it not? It comes through the head of the church?

Mr. Smith. When it is divine, it always is; when it is divine, most decidedly.

The Chairman. I do not quite understand that—"when it is divine." You have revelations, have you not?

Mr. Smith. I have never pretended to nor do I profess to have received revelations. I never said I had a revelation except so far as God has shown to me that so-called Mormonism is God's divine truth; that is all.

The Chairman. You say that was shown to you by God?

Mr. Smith. By inspiration.

The Chairman. How by inspiration; does it come in the shape of a vision?

Mr. Smith. "The things of God knoweth no man but the spirit of God;" and I cannot tell you any more than that I received that knowledge and that testimony by the spirit of God.

Mr. Taylor. You do not mean that you reached it by any process of reasoning or by any other method by which you reach other conclusions in your mind, do you?

Mr. Smith. When, I have reached principles; that is, I have been confirmed in my acceptance and knowledge of principles that have been revealed to me, shown to me, on which I was ignorant before, by reason and facts.

Mr. Taylor. I do not know that I understand your answer. Mr. Stenographer, will you please read it.

Senator Bailey. Before we proceed any further, I assume that all these questions connected with the religious faith of the Mormon Church are to be shown subsequently to have some relation to civil affairs. Unless that is true I myself object to going into the religious opinions of these people. I do not think Congress has anything to do with that unless their religion connects itself in some way with their civil or political affairs. Now, if that is true, if it is proposed to establish that later on, then of course it is entirely pertinent.

Senator Hoar. I suppose you will make your statement with this qualification or explanation, that unless what we might think merely civil or political they deem religious matters.

Senator Bailey. Then of course it would be a matter addressing itself to us with great force.

The Chairman. The chair supposed that this was preliminary.

Mr. Taylor. Undoubtedly.

Senator Bailey. I have assumed that it was and have said nothing up to this time. But so far as concerns what they believe, it does not concern me unless it relates to their conduct in civil and political affairs.

Mr. Taylor. Undoubtedly, that is correct.

Mr. Smith, in what different ways did Joseph Smith, jr., receive revelations?

Mr. Smith. I do not know, sir; I was not there.

Mr. Taylor. Do you place any faith at all in the account of Joseph Smith, jr., as to how he received those revelations?

Mr. Smith. Yes, sir; I do.

Mr. Taylor. How does he say he got them?
Smith. He does not say. Mr. Taylor. He does not? Mr. Smith. Only by the spirit of God. Mr. Taylor. Only by the spirit of God? Mr. Smith. Yes, sir. Mr. Taylor. Did Joseph Smith ever say that God or an angel appeared to him in fact? Mr. Smith. He did. Mr. Taylor. That is what I asked you a moment ago. Mr. Smith. He did. Mr. Taylor. Did Joseph Smith contend that always there was a visible appearance of the Almighty or of an angel? Mr. Smith. No sir; he did not. Mr. Taylor. How otherwise did he claim to receive revelations? Mr. Smith. By the spirit of the Lord. Mr. Taylor. And in that way, such revelations as you have received, you have had them? Mr. Smith. Yes, sir. 23 … Mr. Taylor. And do you remember when the Supreme Court of the United States declared that law constitutional? 24 … Mr. Worthington. Mr. Chairman, why should we take up time in discussing when a decision or the Supreme Court or the United States was rendered? That decision was rendered in 1878 and did hold the law to be constitutional. What is the use of taking up time with it? Mr. Taylor. It enables us to get along very much more easily—and I am doing it in the interest of speed—if we understand these historical facts. I am glad we get it from the mouth of counsel, anyhow. Did the church accept that decision of the Supreme Court as controlling their conduct? Mr. Smith. It is so on record. Mr. Taylor. Did it? Mr. Smith. I think it did, sir. Mr. Taylor. That is to say, no plural marriages were solemnized in the church after October, 1878? Mr. Smith. No; I can not say as to that. Mr. Taylor. Well, if the church solemnized marriages after that time it did not accept that decision as conclusive upon it, did it? Mr. Smith. I am not aware that the church practiced polygamy, or plural marriages, at least, after the manifesto [of 1890]. Mr. Taylor. Yes, I know; but that was a long, long time after that. I am speaking now of 1878, when the Supreme Court decided the law to be constitutional. Mr. Smith. I will say this, Mr. Chairman, that I do not know of any marriages occurring after that decision … Mr. Taylor. … I will ask you this: We have fixed the date of this decision as the fall of 1878; am I correct in my understanding of your statement that, so far as you are aware, no polygamous marriage has been performed with the sanction of the church since the fall of 1878? Mr. Smith. No, sir; I do not wish to be understood that way. I said after— Mr. Taylor. What is the fact? Mr. Smith. What I wish to be understood as saying is that I know of no marriages occurring after the final decision of the Supreme Court of the United States on that question, and it was accepted by our people as the decision of the Supreme Court of the United States. Mr. Taylor. Then you do know of marriages occurring after the decision of 1878 in the Reynolds case? Mr. Smith. I think likely I do. The Chairman. You mean, Mr. Taylor, plural marriages? Mr. Taylor. Of course I refer to plural marriages. Mr. Smith. Yes, sir. Senator Foraker. What is the date of the final decision [Manifesto], 1889? Mr. Worthington. The final decision was in 1890. Senator Foraker. January, 1890? Mr. Worthington. No; I have the exact date here. It was May 19, 1890. Mr. Taylor. I want to interpolate here, in regard to final decision. Of course there was lots of litigation, but the word "final" has no significance at all. In 1878 the Supreme Court of the United States declared the law—the law of 1862. Mr. Taylor. Which made plural marriages unlawful[, the law of 1862 being ruled] constitutional in every respect. Senator Foraker. I understand; but the witness said he knew of no plural marriages subsequent to the final decision and the acceptance of it by his church. Mr.
Smith. That is right. Senator Foraker. I only wanted to know the date of the acceptance. Did that follow immediately after this decision of May 19, 1890?

Mr. Smith. Soon after. …

Mr. Taylor. … The orthodox members of the Mormon Church had accepted the [1843] revelation of Joseph Smith respecting plural marriages as laying down a cardinal and fundamental doctrine of the church, had they not?

Mr. Smith. Yes, sir.

Senator Dubois. Not Joseph Smith?

Mr. Taylor. I mean Joseph Smith, jr.

Mr. Smith. That is right.

Mr. Taylor. And as is often stated in these papers, plural marriages in consequence of that had been entered into?

Mr. Smith. Yes, sir.

Mr. Taylor. This manifesto was intended to reach through all the world wherever the Mormon Church operated, was it not?

Mr. Smith. It is so stated.

Mr. Taylor. It is so stated?

Mr. Smith. Yes, sir.

Mr. Taylor. Well, where?

Mr. Smith. In the investigation that followed.

Mr. Taylor. Then the fact is—

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

Mr. Worthington. Let him finish his answer, Mr. Taylor.

Mr. Taylor. It is not an answer to say that it is stated somewhere, unless it is stated in some document.

Mr. Smith. It is stated in a document.

Mr. Taylor. Is that the fact?

Mr. Smith. Let me hear your question.

Mr. Taylor. That the suspension of the law commanding polygamy operated everywhere upon the Mormon people, whether within the United States or without?

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

Mr. Taylor. Did this manifesto and the plea for amnesty affect also the continuance of cohabitation between those who had been previously married?

Mr. Smith. It was so declared in the examination before the master in chancery. 26

Mr. Taylor. I am asking you.

Mr. Smith. Well, sir; I will have to refresh my memory by the written word. You have the written word there, and that states the fact as it existed.

Mr. Taylor. I want to ask you for your answer to that question.

Mr. Smith. What is the question?

Mr. Taylor. The stenographer will read it.

The stenographer read as follows: "Did this manifesto and the plea for amnesty affect also the continuance of cohabitation between those who had been previously married?"

Mr. Smith. It was so understood.

Mr. Taylor. And did you so understand it?

Mr. Smith. I understood it so; yes, sir.

Mr. Taylor. The revelation which Wilford Woodruff received [Manifesto], in consequence of which the command to take plural wives was suspended, did not, as you understand it, change the divine view of plural marriages, did it?

Mr. Smith. It did not change our belief at all.

Mr. Taylor. It did not change your belief at all?

Mr. Smith. Not at all, sir.

Mr. Taylor. You continued to believe that plural marriages were right?

Mr. Smith. We do. I do, at least. I do not answer for anybody else. I continue to believe as I did before. 27

Mr. Taylor. You stated what were the standard inspired works of the church, and we find in the Book of Doctrine and Covenants the revelation made to Joseph Smith in 1843 respecting plural marriages. Where do we find the revelation suspending the operation of that command?

Mr. Smith. Printed in our public works.

Mr. Taylor. Printed in your public works?

Mr. Smith. Printed in pamphlet form. You have a pamphlet of it right there.

Mr. Taylor. It is not printed in your work of Doctrine and Covenants?

Mr. Smith. No, sir; nor a great many other revelations, either. 28

Mr. Taylor. Nor a great many other revelations?

Mr. Smith. Yes, sir.

Mr. Taylor. How many revelations do you suppose—

Mr. Smith. I could not tell you how many.

Mr. Taylor. But a great many?

Mr. Smith. A great many.

Mr. Taylor. Why have they not been printed in the Book of Doctrine and Covenants?

Mr. Smith. Because it has not been deemed necessary to publish or
Mr. Taylor. Are they matters that have been proclaimed to the people at large?

Mr. Smith. No, sir; not in every instance.

Mr. Taylor. Why not?

Mr. Smith. Well, I don't know why not. It was simply because they have not been.

Mr. Taylor. Is it because they are not of general interest, or that all of the people need to know of?

Mr. Smith. A great many of these revelations are local.

Mr. Taylor. Local?

Mr. Smith. In their nature. They apply to local matters.

Mr. Taylor. Yes, exactly.

Mr. Smith. And these, in many instances, are not incorporated in the general revelations, and in the Book of Doctrine and Covenants.

Mr. Taylor. For instance, what do you mean by local?

Mr. Smith. Matters that pertain to local interests of the church.

Mr. Taylor. Of course the law or revelation suspending polygamy is a matter that does affect everybody in the church.

Mr. Smith. Yes.

Mr. Taylor. And you have sought to inform them all, but not by means of putting it within the covers of one of your inspired books?

Mr. Smith. Yes.

Mr. Taylor. The various revelations that are published in the Book of Doctrine and Covenants covered twenty-five or thirty years, did they not?

Mr. Smith. Yes, sir.

Mr. Taylor. And as new revelations were given they were added to the body of the revelations previously received?

Mr. Smith. From time to time they were, but not all.

Mr. Taylor. No; but I mean those that are published in that book?

Mr. Smith. Yes, sir.

Mr. Taylor. You have, I suppose, published a great many editions of the Book of Doctrine and Covenants?

Mr. Smith. Yes, sir.

Mr. Taylor. And as recently as 1903 you have put out an edition of that book?

Mr. Smith. Well, I can not say that from memory.

Mr. Taylor. No; but within the last year, or two, or three?

Mr. Smith. Yes; I think, likely, it is so.

Mr. Taylor. As the head of the church, have you given any instruction to put within that book of Doctrine and Covenants any expression that the revelation of Joseph Smith has been qualified?

Mr. Smith. No, sir.

Mr. Taylor. The revelation of Joseph Smith respecting plural marriages remains in the book?

Mr. Smith. Yes, sir.

Mr. Taylor. And in the last editions just as it did when first promulgated?

Mr. Smith. Yes, sir.

Mr. Taylor. And it remains now without expurgation or note or anything to show that it is not now a valid law?

Mr. Smith. In the book?

Mr. Taylor. In the book; exactly.

Mr. Smith. Yes, sir.

Mr. Taylor. And in connection with the publication of the revelation itself.

Mr. Smith. But the fact is publicly and universally known by the people.

The Chairman. There is one thing I do not understand that I want to ask about. This manifesto suspending polygamy, I understand, was a revelation and a direction to the church?

Mr. Smith. I understand it, Mr. Chairman, just as it is stated there by President Woodruff himself. President Woodruff makes his own statement. I can not add to nor take anything from that statement.

The Chairman. Do you understand it was a revelation the same as other revelations?

Mr. Smith. I understand personally that President Woodruff was inspired to put forth that manifesto.

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

Mr. Smith. Well, it was a revelation to me.

The Chairman. Yes.

Mr. Smith. Most emphatically.

The Chairman. Yes; and upon which you rely. There is another revelation directing plural marriages, I believe, previous to that?

Mr. Smith. Yes.

The Chairman. And I understand you to say now that you believe in the former revelation directing plural marriages in spite of this later revelation for a discontinuance?

Mr. Smith. That is simply a matter of belief on my part. I can not help my belief.

The Chairman. Yes; you adhere to the original revelation and discard the latter one.

Mr. Smith. Yes.
Smith. I adhere to both. I adhere to the first in my belief. I believe that the principle is as correct a principle to-day as it was then.

The Chairman. What principle?

Mr. Smith. The principle of plural marriage. If I had not believed it, Mr. Chairman, I never would have married more than one wife.

The Chairman. That is all. …

Mr. Taylor. Did you know, in his lifetime, Abram H. or Abram M. Cannon?

Mr. Smith. Abraham H. Cannon—I knew him well.

Mr. Taylor. What official position did he occupy?

Mr. Smith. He was one of the twelve.

Mr. Taylor. Was he a polygamist?

Mr. Smith. I believe he was. I do not know much about his family relations.

Mr. Taylor. You do not know whether he had more than one wife or not?

Mr. Smith. I could not say that I know that he had, but I believe that he had.

Mr. Worthington. At what time are you speaking of?

Mr. Taylor. During his lifetime, of course.

Mr. Worthington. That would be highly probable. The question is whether it was before or after the manifesto.

Senator Foraker. When did he die?

Mr. Taylor. He died in 1896, I believe. Did you know any of his wives?

Mr. Smith. I have known some of them by sight. …

Mr. Taylor. … Lillian Hamlin. Did you know her?

Mr. Smith. I know her by sight; yes.

Mr. Taylor. Do you know her now?

Mr. Smith. Yes; I know her now.

Mr. Taylor. Was she his wife?

Mr. Smith. That is my understanding, that she was his wife.

Mr. Taylor. Do you know when he married her?

Mr. Smith. No, sir; I do not.

Mr. Taylor. Did you marry them?

Mr. Smith. No, sir; I did not.

Mr. Taylor. How long did you know her?

Mr. Smith. My first acquaintance with her was in June. The first time I ever saw her was in June, 1896, I believe, as near as I can recall.

Mr. Taylor. What year, Mr. Smith?

Mr. Smith. In 1896. Some time in June, 1896.

Mr. Taylor. Where was she living then?

Mr. Smith. I am not aware of where she was living. I think her home was in Salt Lake City.

Mr. Taylor. Is that where she was when you became acquainted with her?

Mr. Smith. That is where I first saw her, in Salt Lake City.

Mr. Taylor. Did you see her after that?

Mr. Smith. Yes, sir.

Mr. Taylor. Where?

Mr. Smith. I have seen her a number of times since then, in Provo, in Salt Lake City, and elsewhere.

Mr. Taylor. You did not see her in California about that time?

Mr. Smith. I did, most distinctly.

Mr. Taylor. Where?

Mr. Smith. In Los Angeles.

Mr. Taylor. With whom was she there?

Mr. Smith. She was with Abraham Cannon.

Mr. Taylor. Was she married to him then?

Mr. Smith. That is my understanding, sir.

Mr. Taylor. Was she married to him when you saw her shortly before that?

Mr. Smith. That is my belief. That is, I do not know anything about it, but that is my belief, that she was his wife …

Mr. Taylor. How intimately had you known Abraham H. Cannon before this? For years you had known him well, had you?

Mr. Smith. I had known him a great many years.

Mr. Taylor. When did you first learn that Lillian Hamlin was his wife?

Mr. Smith. The first that I suspected anything of the kind was on that trip, because I never knew the lady before.

Mr. Taylor. Now, if Lillian Hamlin, within a year or two years prior to June, 1896, was an unmarried woman, how could she be married to Abraham H. Cannon or Abraham M. Cannon?

Mr. Van Cott. Mr. Chairman, we object to the assumption that Mr. Taylor makes in that question. I think it is improper that he should make any assumption in putting the question. I ask to have the question read.

Mr. Smith. I can say that I do not know anything about it.

Mr. Van Cott. If he knows nothing about it, I expect that does away with the objection.

Mr. Taylor. Do you know that Lillian Hamlin was not his wife in 1892?

Mr. Smith. I do not know anything about it, sir. I did not know, the lady, and never heard of
her at all until that trip. Mr. Taylor. Did you know that she was engaged to be married to Abraham H. Cannon's brother?

Mr. Smith. No, sir; I did not know that.

Mr. Taylor. Do you know George Teasdale?

Mr. Smith. Yes, sir; I know George Teasdale.

Mr. Taylor. How long have you known him?

Mr. Smith. I have known him ever since 1863.

Mr. Taylor. He is one of the apostles?

Mr. Smith. Yes, sir.

Mr. Taylor. How long has he been one of them?

Mr. Smith. That I could not tell you from memory.  

Mr. Taylor. Well, about how long?

Mr. Smith. I should think over twenty years.

Mr. Taylor. How often do the first presidency and the apostles meet?

Mr. Smith. We generally meet once a week.

Mr. Van Cott. Mr. Chairman, we object to this question for the reason that it is entirely immaterial and irrelevant in the inquiry affecting Mr. Smoot's right to be a Senator, as to any offense that may have been committed by any other person. Of course this objection was one that was mooted at the time of the preliminary matter. Our position was stated by us, and as I remember at that time Mr. Taylor stated his position. There are several Senators around the table at this time who were not present at that time, and in making the objection I wish to refer just briefly to the matter, so as to bring the history up to this time.

The chairman at that time stated that he would like our views on certain matters. One of them that was mooted and discussed at some little length was whether it was material to inquire into anything except what affected Reed Smoot. Reed Smoot is claiming his seat as United States Senator. If he has committed any offense, as polygamy, if he has taken any oath that is inconsistent with good citizenship, of course that can be inquired into; but it was claimed by counsel for the protestants at that time that they would go into offenses that they alleged had been committed by other persons than Reed Smoot, and the question is whether that is material. It was discussed at that time before some of the Senators present, but not decided, it being announced afterwards, as I understood, that that matter would be decided and passed upon when we came to the introduction of testimony. At that time I made the statement, and I repeat it, that if this were in a court of justice, to introduce testimony tending to show that A, B, and C were guilty of an offense for the purpose of convicting Reed Smoot would not be thought of nor offered by any attorney and would not be received by any court, because it would be opposed to our fundamental sense of justice to introduce any such testimony or consider any such testimony in a court. As Senator Hopkins said at that time, this is not a court; but I know there are many eminent lawyers here, who are Senators, at this table and on this committee listening to the testimony. From my standpoint, I see no more distinction as to its being in opposition to fundamental justice to introduce testimony as to Teasdale, as to A[braham]. H. Cannon, and as to A, B, and C for the purpose of affecting Reed Smoot than it would be in a court of justice. Suppose that the testimony should be introduced, and the committee should receive it that A, B, and C have violated the law of the marriage relation. When it is received, are you going to deny Reed Smoot a seat in the United States Senate on that proof? If you are, then you might as well stop here, because the answer admits that some people who were polygamists before the manifesto have kept up their relations; that is, the relation of living with more than one wife, so that it is unnecessary to go on if that is all that is required.
hand, that class of testimony is not going to deny Mr. Smoot a seat in the Senate, then it is
immaterial and irrelevant and, should not be received here. The Senators will observe that when
they pick up this protest and read through all these charges, there is not, from cover to cover,
one charge in it except academic questions. There is not one charge in it that the voters in Utah
were not free to vote as they pleased. There is the academic question whether theoretically the
church might not have controlled some of those votes; but there is no charge that the church did
control them or did attempt to control them. So, in the same way, when you look through those
charges, there is not one charge nor one hint nor one insinuation that the election of Reed
Smoot to the Senate of the United States was not the result of the free expression of voters. If
that is true, it seems to me utterly illogical to say that this class of testimony can go in unless the
committee is going to say that, that Reed Smoot is going to be charged with and convicted of
something that A, B, and C have done. Senator Hoar. Suppose this were the charge. I do not
wish to be understood now, by putting a question, to mean that a particular answer to it ought to
be made. I do it in order to bring a matter to your attention. Suppose that Mr. Smoot belonged to
an association of counterfeiters. I will not say Mr. Smoot particularly, but suppose some other
member of the Senate were charged with belonging to an association of counterfeiters and it
were proved that he was one of a body of twelve men, frequently meeting, certain to be very
intimate with each other from the nature of their relation, all of whom except himself had formerly
believed that counterfeiting was not only lawful but, under certain circumstances under which
they stood, was duty, and it was sought to be proved that all these persons whose opinion, way
of life, and practice he was likely to know continued in the practice of counterfeiting down to the
present time; would or would not that be one step in proof that he himself thought counterfeiting
lawful, and, connected with other testimony which might be introduced hereafter, that he
practiced it?