

## The Vine and the Oak: Womanhood on the Western Frontier

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### Abstract

*Reynolds v. United States* resides on a “fault line” in the U.S. Supreme Court’s practice of constitutional interpretation.<sup>1</sup> This case was the culmination of a thirty-year debate over the anti-polygamist cultural controversy and the beginning of a decade long discussion surrounding the freedom of religious expression and definition of American citizenship. In nineteenth century America, the Church of Jesus Christ of Latter-day Saints was the focal point of the anti-polygamist movement specifically targeting the growing threat of Mormon disregard for federal intervention in the Utah Territory, and the Church’s practice of plural marriage. In a time of controversy and violence surrounding slavery and the declination of civilization, cultural pressure spurred governmental intervention in the Western Territories by equating polygamy to slavery as the “twin relics of barbarism.”<sup>2</sup> For Mormon women, external threats and their lifestyle equated to slavery, drew defiant outrage and a flurry of organized resistance against federal authority. This paper argues that while Utah Territorial women lived in a strict religious hierarchy, women utilized extra-institutional tools to carve out space for Mormon women’s political activism, while defending their religion, faith-based lifestyle, and community family.

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<sup>1</sup> Sarah Barringer Gordon. *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth Century*. (Chapel Hill: University of North Carolina Press, 2002). 116.

<sup>2</sup> Brent M. Rogers. "Mormons and the Territorial Politics in the American Civil War Era." *A Companion to American Religious History*. Editor Benjamin E. Park. (Oxford: Wiley Blackwell, 2021). 137.

*The Vine and the Oak: Womanhood on the Western Frontier*

Mary Ann Tuddenham Reynolds squinted as the November sun glared off the marble façade of the imposing United States Capitol. She and her husband were about to engage in the fourth court case their family had endured since her husband, George, was first indicted for illegal cohabitation on October 26, 1874, after he married Amelia Schofield in August.<sup>3</sup> The last few years had taken a physical and emotional toll on Mary Ann. As the first wife, she had a responsibility to be strong, supportive and an example to the rest of her church family, but sometimes she just could not. Mary Ann's stomach was in knots and her head ached, but she knew that this earthly distress was considered a noble sacrifice that would reap divine blessings. These promises brought comfort even if they did not directly lessen the pain she felt now.

Compared to her home in Salt Lake City, Utah, the climate in Washington, D.C. felt miraculously warm, but the reason for her presence in the nation's capital chilled her to the bone. Mary Ann's husband, George Reynolds, was to stand before the Supreme Court of the United States of America to defend their U.S. constitutionally mandated free exercise of religion. The members of the Church of Jesus Christ of Latter-day Saints were confident that the Supreme Court would overturn the corrupt Utah courts' rulings and shield them from anti-polygamist persecutions.<sup>4</sup> If Mary Ann could just get through the next few days, life would be better, and the community could put all of this "nonsense"<sup>5</sup> in the past.

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<sup>3</sup> George Reynolds, "Journal, 1872 April-1881 January," *Church History Library*. 1 Box, 4 volumes. MS 1277. <https://shorturl.at/tuDQ2>. Accessed October 30, 2023. 78.; See also George Reynolds, "Auto-Biographical Sketch," *Memories of George Reynolds*. *Familysearch.org*. <https://shorturl.at/dqyAS>. Accessed Oct 30, 2023.

<sup>4</sup> Lola Van Wagenen, "Sister-Wives and Suffragists: Polygamy and the Politics of Woman Suffrage 1870-1896," *PhD Dissertation* (New York University. 1994), 234.

<sup>5</sup> "Nonsense" was the wording used by Eliza R. Snow at an Indignation Meeting held in response to Utah based Anti-polygamist assertions. Quoted in Laurel Thatcher Ulrich, *A House Full of Females: Plural Marriage and Women's Rights in Early Mormonism, 1835-1870* (Knopf: New York City, 2017), xii.

## Introduction

The U.S. Supreme Court case *Reynolds v. United States* was the culmination of a thirty-year debate over Mormon polygamy and the beginning of a decade-long discussion about freedom of religion and definitions of American citizenship. Anti-polygamist cultural sentiments used what Sarah Barringer Gordon identifies as the “emotive power of sentimentalism” to spur a cultural, legislative, and legal firestorm against the Church of Jesus Christ of Latter-day Saints (CJCLDS) religion more commonly known as the Mormons.<sup>6</sup> Mormon’s practice of polygamy and disregard for federal sovereignty fed fears that the Mormons harbored a tyrannical theocracy that was a physical and ideological threat to the American republic and sanctity of American women. Federalism was a developing principle in the mid nineteenth century and the question of federal authority in the Western territories was nebulous, especially when it came to the free exercise of religion.<sup>7</sup>

The constitutionality of religious expression and Mormon religious beliefs were at the crux of the *Reynolds* case. Barringer Gordon asserts that case lies on a “fault line” in the U.S. Supreme Court’s practice of constitutional interpretation, because “the Supreme Court drew together the threads that connected marriage to political life and law, holding that the Mormons’ attempt to redefine the family for Utah justified the intervention of the national sovereign.”<sup>8</sup> In contrast to the legal analysis of *Reynolds*, Katherine Kitterman and Christine Talbot approach the

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<sup>6</sup> Sarah Barringer Gordon, “‘Our National Hearthstone’ Anti-Polygamy Fiction and the Sentimental Campaign Against Moral Diversity in Antebellum America,” *Penn Carey Law: Legal Scholarship Repository*. 1429. [https://scholarship.law.upenn.edu/faculty\\_scholarship/1429](https://scholarship.law.upenn.edu/faculty_scholarship/1429). 336.

<sup>7</sup> Suzanne Larson, "An Ideograph Analysis of the Mormon Women and Non-Mormon Women's Public Argument on Polygamy and Suffrage, 1870-1886," *PhD Dissertation*. University of Oregon. (June 1992): 162-163.; Lorianne Updike Toler, "Western Reconstruction and Woman Suffrage," *William and Mary Bill of Rights Journal* Vol 28, Issue 1. (2019): 149.

<sup>8</sup> Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth Century* (Chapel Hill: University of North Carolina Press, 2002), 116,132.

Supreme Court Case from the perspective of Mormon cultural and religious practices.<sup>9</sup>

Kitterman argues that because marriage was at the heart of Mormon religious belief and societal infrastructure, any efforts to intervene or hinder Mormon plural marriage practices was perceived by CJCLDS members as a violation of their First Amendment rights and as a direct attack on the religion itself.<sup>10</sup> Non-Mormons were determined to retain their vision of America and definition of citizenship, while Mormons viewed polygamy as a vital aspect of spiritual exaltation.<sup>11</sup> Both Mormon and non-Mormon views on polygamy were adamant and non-conciliatory, setting the stage for the polygamy controversy of the mid nineteenth century.

In the crosshairs of both national and territorial disputes, the role of women was an arrow in the quiver of both Mormon and anti-polygamist assaults. Mormon culture emphasized the importance of women and their vital role in Mormon beliefs on exalted salvation, while anti-Mormons argued women were degraded and enslaved in the Utah Territory. Talbot asserts, “[t]he *Reynolds* decision was built on a foundation of discourse about gender and race that had been developing [for] over the thirty years.”<sup>12</sup> Like most American women, Utah women were guided by the Victorian Era ideals for women and Republican motherhood. However, unique environmental challenges and social structures in the wilds of the western frontier—not to mention their religious beliefs—required frontierswomen, like Mary Ann Tuddenham Reynolds and Amelia Schofield Reynolds, to shift their expectations regarding women’s role in the family, community, and republic.

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<sup>9</sup> Katherine Kitterman, "No Ordinary Feelings': Mormon Women's Political Activism, 1870-1920," *PhD Dissertation*. (D.C.: American University, 2021.); Christine Talbot. *A Foreign Kingdom: Mormons and Polygamy in American Political Culture 1852-1890* (Chicago: University of Illinois Press, 2013).

<sup>10</sup> Katherine Kitterman, "No Ordinary Feelings." 45. Kitterman further argues that polygamy joined the fray over popular local sovereignty arguments during the time of highly contentious states’ rights claims.; Lawrence Foster, "From Frontier Activism to Neo-Victorian Domesticity: Mormon Women in the Nineteenth and Twentieth Centuries," *Journal of Mormon History* Vol. 6. (1979): 7.

<sup>11</sup> Christine Talbot, *A Foreign Kingdom*. 14.

<sup>12</sup> *Ibid.* 364.

As independent as many Mormon women had to be, historian Catherine Brekus warns against exaggerating the range of Mormon women's agency in the nineteenth century.<sup>13</sup> Great Basin women were influential and valued culturally, economically, and politically, but it is important to note their scope of influence remained limited because of their gender. Kaf Alghazal argues that despite a strong patriarchal hierarchical framework, Mormon women created change through negotiation within their societal framework.<sup>14</sup> Lawrence Foster, Catherine Brekus, Joan Smyth Iverson, and Casey Elizabeth further Alghazal's argument by asserting that Mormon women used their passive power to locate spaces for action and organization within a patriarchal polygamous system.<sup>15</sup>

A common nineteenth century metaphor illustrates women's use of passive or soft power to cultivate societal and institutional change. Washington Irving provided a vivid image for the relationship between the sexes, comparing woman and man to a vine wrapped around a steady oak.<sup>16</sup> Women were the dependent vine relying on the strength of the man to stand and live. Analyzing this metaphor can offer further insights. While the vine was relying on the oak to be upright and strong, the vine, though dependent, was slowly and permanently changing the oak. Just like the vine, nineteenth century Mormon women contributed as virtuous citizens and used their soft power to create institutional change.

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<sup>13</sup> Catherine A. Brekus, "Mormon Women and the Problem of Historical Agency," *Journal of Mormon History* Vol. 37, No. 2. (Spring 2011): 87.

<sup>14</sup> Kaf Alghazal, Casey Elizabeth, "Patriarchal Bargaining: Female Religious Authority in the Church of Jesus Christ of Latter-Day Saints and the Muftiyas of Al Azhar," *The Muslim World* Vol 112, Issue 2. (Spring 2022): 225.

<sup>15</sup> Lawrence Foster, "From Frontier Activism," 5.; Catherine A. Brekus, "Mormon Women and the Problem," 74.; Joan Smyth Iverson, *The Antipolygamy Controversy in U.S. Women's Movements 1880-1925: A Debate on the American Home* (New York: Garland Publishing, Inc. 1997), 9.; Kaf Alghazal, "Patriarchal Bargaining," 225.

<sup>16</sup> The vine metaphor was originally created in short story by Washington Irving in 1819. Washington Irving. *The Wife*. Telelib.com. <https://shorturl.at/cFIOZ>. Accessed Nov 6, 2023.; Carol Cornwall Madsen, *A Mormon Woman in Victorian America*. Dissertation. (University of Utah, 1985), 161.

When outside forces attacked the Mormon church and equated polygamy with slavery, outrage galvanized and unified Mormon women. As historians Laurel Ulrich, Maureen Beecher, Lola Van Wagenen, and Paula Harline emphasize, “Mormon women were ready to acknowledge that the path of plural marriage was not ‘strewn with roses’ and at times was ‘a very thorny one.’”<sup>17</sup> Though polygamy often caused unhappiness, heartache and sacrifice, Mormon women defended the principle because of strong religious convictions and the promised reward of heavenly exaltation.

This paper is divided into three parts. The first will explore the foundation of Mormon settlement on the western frontier, the second will establish the basis of anti-polygamy sentiments which lead to the *Reynolds* proceedings, and the last portion will examine Mormon women’s actions and reactions to the results of the *Reynolds* case. I argue that polygamy related persecutions and trials were a catalyst for Mormon women to organize and advocate for both the right to vote and the institution of polygamy. Although many Mormon women suffered personally because of polygamous marriages, they subordinated their personal unhappiness to protect and defend their families, their religion, and their communities.<sup>18</sup>

### **The Principle**

In 1830, Joseph Smith Jr. founded what would become the Church of Jesus Christ of Latter-day Saints (CJCLDS), or more commonly known as the Mormon Church. Many practices by church members aroused hostility or contempt from mainstream American society. The Latter-day Saints tended to vote as a block, have strong community ties, and practice plural

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<sup>17</sup> Lola Van Wagenen, "Sister-Wives and Suffragists," 175.; Laurel Thatcher Ulrich, *A House Full of Females.*; Maureen Ursenbach Beecher, "Women's Work on the Mormon Frontier," *Utah Historically Quarterly* Vol. 49. (Summer 1981): 278.; Paula Kelly Harline, *The Polygamous Wives Writing Club: From the Diaries of Mormon Pioneer Women* (Oxford: Oxford University Press, 2014), 79.

<sup>18</sup> Foster, Lawrence, "From Frontier," 10.

marriage. They often faced mob violence and persecution.<sup>19</sup> “Wherever the Church's members gathered together to establish their ‘Kingdom of God,’ others became suspicious, fearful, hostile, and sometimes even violent. This resulted in persecution against the Mormons.”<sup>20</sup> To evade hostilities, the Saints relocated their communities in four different locations over a period of sixteen years.<sup>21</sup>

After Joseph Smith Jr. was assassinated in 1844, Mormons sought federal intervention against State sponsored violence. Petitioning the federal government proved unfruitful, so a majority of Church members followed Brigham Young to an isolated western territory to establish what they viewed as the Kingdom of God on Earth.<sup>22</sup> The Western territories offered promise, opportunity and renewal for individuals seeking a new start.<sup>23</sup> Mormon leader George Q. Cannon recalls, “We traveled upwards of twelve hundred miles beyond the frontier of civilization... Freedom of conscience, liberty to worship according to its dictates, was of such priceless value that we thought no earthly sacrifice too great for its sake. We plunged into the wilderness.”<sup>24</sup>

Heber C. Kimball led the first wagons of CJCLDS emigrants into what would become the Salt Lake City Valley in July 1847.<sup>25</sup> Four years later, “over eleven thousand Mormons were

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<sup>19</sup> “The Persecution of the Mormon,” *Constitutional Rights Foundation*. <https://www.crf-usa.org/bill-of-rights-in-action/bria-17-1-b-the-persecution-of-the-mormons>. Accessed 8/16/2023.

<sup>20</sup> Ibid.

<sup>21</sup> “Church History Topics,” *ChurchofJesusChrist.org*.

<https://www.churchofjesuschrist.org/study/history/topics?lang=eng>. Accessed November 4, 2023.

<sup>22</sup> Gordon M. Bakken, “Constitutional Convention Debates in the West: Racism, Religion, and Gender,” *The Gendered West*. Edited Gordon Morris Bakken and Brenda Farrington (New York: Garland Publishing, Inc. 2000).; Christine Talbot, *A Foreign Kingdom*, 58, 374.; James B. Allen, “Provoking the Brethren to Good Works,” 104.

<sup>23</sup> Janet Berlo; Miller, Angela; Roberts, Jennifer; Wolf, Bryan. *American Encounters: Art, History and Cultural Identity* (Upper Saddle River: Pearson Prentice Hall, 2008): 211.

<sup>24</sup> George Q. Cannon was an apostle leader in the Church of Jesus Christ of Latter-day Saints and later Delegate to the U.S. House of Representatives. George Q. Cannon, *A Review of the Decision of the Supreme Court of the United States in the case of Geo. Reynolds vs The United States* (Salt Lake City: Deseret News Printing and Publishing Department, 1879), 47.

<sup>25</sup> Church News Archives, “The Pioneers of 1847,” *Church News: A Living Record of the Restoration*. <https://www.thechurchnews.com/2009/10/14/23229504/the-pioneers-of-1847>. Accessed 11/4/2023.

living within Utah Territory.”<sup>26</sup> The Utah population marked the first time a non-Protestant demographic dominated a United States jurisdiction.<sup>27</sup> Though society accused the Mormon church of being foreign and un-American, members of the CJCLDS believed their Biblical interpretations did not constitute as a reformation, but a restoration of true Christianity.<sup>28</sup> This new system of Christian belief included a belief in a life after death that was “an extension of earthly life.”<sup>29</sup> Mormons believed that a greater circle of earthly relationships led to an exalted glory in the next life. This glory could only be achieved through “celestial marriage” where a man and a woman covenanted to be “sealed” together for time and eternity. This eternal commitment would include all of their earthly progeny.<sup>30</sup>

Church leaders publicly announced the formal practice of “The Principle,” “Celestial Marriage,” or polygamy in 1852.<sup>31</sup> George Q. Cannon emphasized, “It is a religious duty and obligation of the most sacred character. Men take upon them the responsibility and care of wives and children, because they believe God has commanded them so to do. It is not lust, self-ease, self-indulgence or selfishness which prompts them to marry; for all these can be gratified by conforming to the custom of the world.”<sup>32</sup> Church members believed that “The Principle” was a higher law than monogamy because it had the potential to build a larger Kingdom of God on

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<sup>26</sup> Stephen Eliot Smith, “Barbarians within the Gates: Congressional Debates on Mormon Polygamy, 1850-1879,” *Journal of Church and State* Vol. 51, No. 4. (Autumn 2009): 589.

<sup>27</sup> Stephen Eliot Smith, “Barbarians within the Gates,” 589.

<sup>28</sup> John David Pulsipher, *The Americanization of Monogamy: Mormons, Native Americans, and the Nineteenth-Century Perception that Polygamy was a Threat to Democracy*. Thesis (Minneapolis: University of Minnesota, 1999). 97.; Sarah Barringer Gordon, *The Mormon Question*, 205.; Christine Talbot, *A Foreign Kingdom*, 4.

<sup>29</sup> Maura Strassberg, "The Crime of Polygamy," *Temple Political & Civil Rights Law Review* 12. No 2. (Spring 2003): 359

<sup>30</sup> Ibid.

<sup>31</sup> Sarah Barringer Gordon, *The Mormon Question*, 15.

<sup>32</sup> George Q. Cannon, *A Review of the Decision*, 29.



Earth, and promised that together, men and women could achieve the highest level of spiritual exaltation together through the practice of plural marriage.<sup>33</sup>

Under this new doctrine, men could not achieve the highest level of heaven without women by their sides. A man and his wives would be linked to the patriarchal order of the priesthood which would empower their own salvation.<sup>34</sup> This religious practice was reliant on women's belief and willingness to participate in the relationship. Historian Laurel Ulrich describes "there could have been no such thing as plural marriage if hundreds of women had not accepted 'the principle' and passed it on to new generations. Some [women] did so because they believed plural marriage was a glorious doctrine, others out of a hope for future exaltation or because conforming seemed a lesser evil than abandoning their homes and faith."<sup>35</sup> The philosophy that both genders were essential to each other's exaltation was a radical belief in the nineteenth century and created a culture of interdependent rather than independent spheres of influence.<sup>36</sup>

Like other white, middle-class women, Mormon women sought to preserve traditional Victorian Era roles and ideals that they had absorbed while living in the eastern part of the United States. However, the hostile frontier environment combined with polygamy caused Mormon women to tweak their definition of ideal womanhood. "'True women' those pure, pious, and submissive ladies of American culture, were also domestic; and in that sphere pioneer Utah women could make their contribution to the temporal well-being of the community without offending their sense of womanliness."<sup>37</sup>

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<sup>33</sup> Rodney Hessinger, *Smitten*, 33, 193.; Sarah Barringer Gordon, *The Mormon Question*, 92.

<sup>34</sup> Christine Talbot, *A Foreign Kingdom*, 36.; Lorianne Updike Toler, "Western Reconstruction," 163.

<sup>35</sup> Laurel Thatcher Ulrich, *A House Full of Females*, 387.

<sup>36</sup> Carol Cornwall Madsen, *A Mormon Woman*, 187.

<sup>37</sup> Maureen Ursenbach Beecher, "Women's Work on the Mormon Frontier," *Utah Historically Quarterly*. Vol. 49, 3 (Summer 1981): 278.

Women's role and sphere became a prominent issue in the Great Basin, because husbands were often absent or away on church business or at another wife's home. As a result, many Latter-day Saint women assumed the role as head of household. Mormon women often had to be independent in order to support themselves economically, mentally, and physically.<sup>38</sup> As one writer in *The Woman's Exponent* (the leading Utah women's publication during this time) stated, a woman needed to "take more fully the charge of their own home and affairs; this brings into requisition many latent powers in woman's nature, which would, under other circumstances, have lain dormant, and she finds herself capable of being something more than a plaything, or a hot-house plant—she becomes in a great measure the head of her own household."<sup>39</sup>

While plural marriage encouraged a co-dependent pathway to exaltation and offered women extended opportunities, the plural marriage lifestyle challenged many adherents. For many, polygamy was a hardship evidenced in frequent physical, mental, and emotional anguish. As most of the Mormon population were converts with a variety of religious and cultural backgrounds, the population "absorbed common Protestant ideas about the redemptive power of suffering." Women believed that the trials associated with polygamy was a pathway of purification and redemption.<sup>40</sup>

This idea of redemptive suffering also bolstered the community's collective trauma based on a history of political and cultural persecution. A "privatized community governed by God through his government" had a broad appeal to members of the CJCLDS. The answer to perceived corrupted governmental powers was divinely revealed leadership to guide families and

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<sup>38</sup> Brent M. Rogers, "Mormons and the Territorial Politics in the American Civil War Era," *A Companion to American Religious History*, Editor Benjamin E. Park (Oxford: Wiley Blackwell, 2021), 75.

<sup>39</sup> Anonymous, "A Mormon Woman's Views," *Woman's Exponent*, Vol 13, No 11 (November 1, 1884): 7.

<sup>40</sup> Catherine A. Brekus, "Mormon Women and the Problem," 77.

civic infrastructures.<sup>41</sup> “Polygamy shaped a communitarian ethos that extended religion and family into all areas of Mormon life and disavowed, reinvented, and inverted the public/private divide.”<sup>42</sup> When the Utah Territorial government was formed it mirrored the Church infrastructure; the prophet and other church leaders governed religious and civic bodies.<sup>43</sup>

The Church government held a monopoly on political influence and power in the Western Territory.<sup>44</sup> Outside the Utah Territory, the apparent Mormon theocracy frightened many Americans which fueled hostile rhetoric and reciprocal violence from both the Federal officials and Mormon leadership.<sup>45</sup> “Violence begot more violence.”<sup>46</sup> Mormonism was viewed to be “monstrous” and a “rock that need[ed] blowing up with the dynamite of the law.”<sup>47</sup> Federal officials believed that the CJCLDS hostile responses legitimized any federal action to eradicate Mormon polygamy.

### **Grave Danger**

Slavery and popular sovereignty were at the epicenter of the heated legislative debates in the 1850 United States Congress. As part of the compromise on slavery, California, Texas, and the Territories of Utah and New Mexico were admitted into the United States.<sup>48</sup> President Millard Fillmore appointed Brigham Young as Governor of the Utah Territory, mostly because any other

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<sup>41</sup> Christine Talbot, *A Foreign Kingdom*, 15.

<sup>42</sup> Christine Talbot, *A Foreign Kingdom*, 39.

<sup>43</sup> Brent M. Rogers, “Mormons and the Territorial Politics,” 194.; Christine Talbot, *A Foreign Kingdom*, 53.

<sup>44</sup> Maura Strassberg, “The Crime of Polygamy,” 360.

<sup>45</sup> Lola Van Wagenen, “Sister-Wives and Suffragists,” 253.; Lawrence Foster, “From Frontier Activism,” 10.; Sarah Barringer Gordon, “Our National Hearthstone,” 348.; Catherine A. Brekus, “Mormon Women and the Problem,” 76.

<sup>46</sup> Beth Lew-Williams, *The Chinese Must Go: Violence, Exclusion, and the Making of the Alien in America*. (Cambridge: Harvard University Press, 2018), 129.

<sup>47</sup> State by Kate Field who was a journalist and circuit lecturer that was famously antagonistic to the Mormon religion and polygamy. As quoted in Sarah Barringer Gordon, “The Liberty of Self-Degradation Polygamy, Woman Suffrage, and Consent in Nineteenth-Century America,” *Journal of American History* Vol. 83, No. 3. (1996): 815.

<sup>48</sup> These states and territories were admitted under the Compromise of 1850 in an attempt to balance the representative power between Southern slave states and Northern abolition states.; Stephen Eliot Smith, “Barbarians within the Gates,” 589-590.; Joan Smyth Iversen, *The Antipolygamy Controversy*, 29.

federal officer sent to the territory was either ignored or expelled.<sup>49</sup> On February 5, 1853, the *New York Weekly Herald* published an article entitled “The Polygamy of the Mormons.” The article demonstrated the growing fear of the behemoth on the Western frontier: “[The Mormons] are in open defiance of the laws and social constitution of the whole country,” they “ought to be abolished before they lead to the disasters of civil war,” and “they must conform to the laws. It is time they were taken in hand.”<sup>50</sup>

Amongst fears of Mormon political and economic rebellion, sentiment against polygamy gained a national foothold through a new genre of fiction. The popular novels centered on anti-polygamy rhetoric which brought attention and vehemence against Mormon polygamy.<sup>51</sup> Barringer Gordon called these novels “the nucleus” of anti-polygamist propaganda. Nineteenth century novelist Metta Victor stated, “Repulsive as slavery appears to us, we can but deem polygamy a thing more loathsome and poisonous to social and political purity.”<sup>52</sup> Descriptions of Mormon plural marriage used terms such as “blight,” “cancer” or “poison.” Contagion was a powerful and terrifying threat for a nineteenth century audience and evoked a “biological malevolence” in the practice of polygamy to infer that “plural marriage undermined the rights Americans placed at the center [and health] of republican government.”<sup>53</sup>

While there is no conclusive evidence to connect the novels to legal and legislative action, the “emotive style” used in sermons, newspapers, cultural, and legislative language

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<sup>49</sup> “The Persecution of the Mormons,” *Constitutional Rights Foundation*. <https://www.crf-usa.org>.

<sup>50</sup> “The Polygamy of the Mormons,” *Weekly Herald*. New York, NY. Vol 17, Issue 6. (Feb 5, 1853): 44. Accessed Sept. 5, 2023.

<sup>51</sup> Sarah Barringer Gordon. *The Mormon Question*. 39.

<sup>52</sup> Metta Victoria Fuller. *Mormon Wives: A Narrative of Facts Stranger than Fiction*. (New York: Derby & Jackson, 1856). vi.; Sarah Barringer Gordon has an extensive discussion regarding the powerful cultural force of fiction. Sarah Barringer Gordon, “Our National Hearthstone.”

<sup>53</sup> As quoted in Christine Talbot, *A Foreign Kingdom*, 104, 141.

echoed the vernacular of fictional depictions of Mormon polygamy.<sup>54</sup> Anti-Mormons believed that the infection of Mormon polygamy was a nefarious force threatening to decelerate progressive civilization, enslave white women, and expose vulnerabilities through *imperium in imperio*.<sup>55</sup>

In 1856, Congressman Justin Smith Morrill proposed the first of many congressional attempts for punitive legislative action against Mormon polygamy.<sup>56</sup> Morrill and other Congressional Republicans believed that polygamy was a crime, un-American, and a sign of uncivilized barbarism.<sup>57</sup> The 1856 Republican platform coupled polygamy and slavery as the “Twin Relics of Barbarism” and asserted that it was the “right and the imperative duty of Congress to prohibit [polygamy] in the Territories.”<sup>58</sup> Northern representatives steadily compared polygamy as a moral evil that violated civic and religious laws.<sup>59</sup> New York Senator Caleb Lyon declared,

Point me to a nation where polygamy is practiced, and I will point you to heathens and barbarians. It seriously affects the prosperity of States, it retards civilizations, it uproots Christianity. The Ottomans or Turks are the best specimens of this system; and although they import, and have for centuries the most beautiful women...yet, effeminacy and weakness, lack or intellectual strength, bodily energy, national decay, as its sad, unending result.<sup>60</sup>

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<sup>54</sup> For an extensive analysis of the influence of fiction on legal and cultural movements see Sarah Barringer Gordon, “Our National Hearthstone,” 307n42.

<sup>55</sup> Utah Supreme Court Justice James McKean called the Church an imperium in imperio or an empire within an empire, where the line between church and government was fuzzy and the dominant culture would only follow directions from the head of the Mormon church. *Salt Lake Tribune*. October 9, 1871. This citation and quote are from Richard S. Van Wagoner, *Mormon Polygamy: A History* (Salt Lake City: Signature Books, 1989), 109.; Christine Talbot, *A Foreign Kingdom*, 14.

<sup>56</sup> United States House of Representatives. “To punish and prevent the practice of polygamy in the Territories of the United States, and other places.” 34<sup>th</sup> Congress, 1<sup>st</sup> Session. June 26, 1856.; Stephen Eliot Smith, “Barbarians within the Gates,” 598. *ProQuest Congressional*.

<sup>57</sup> Sarah Barringer Gordon, *The Mormon Question*, 205.

<sup>58</sup> As quoted in Brent M. Rogers, *Unpopular Sovereignty*, 137.

<sup>59</sup> Stephen Eliot Smith, “Barbarians within the Gates,” 596.

<sup>60</sup> As quoted in John David Pulsipher, *The Americanization of Monogamy*, 117.

In an attempt to deflect controversies over slavery and Southern agitation, President James Buchanan ordered 2,500 soldiers to suppress the state of rebellion in the Utah Territory in 1857. A month later some Mormon settlers massacred a wagon train of non-Mormon emigrants.<sup>61</sup> No longer a theoretical threat, Mormonism was portrayed as an actual threat to the republic. Anti-polygamist print culture influenced the mainstream American discourse to call for governmental action against polygamy. Petitions poured into congressional offices to do something fast about the “pernicious[ly]” spreading practice of polygamy that promised to end in a bloody war.<sup>62</sup>

The United States Congress responded to the public outrage. From 1854 to 1882, members of congress proposed sixty-seven bills to eradicate plural marriage in the Utah Territory. While most of the bills did not progress beyond committee meetings, Congressman Justin Morrill’s diligent efforts finally paid off when Abraham Lincoln signed the Morrill Anti-bigamy bill on the eve of the Civil War in 1862.<sup>63</sup> During the signing process, Lincoln commented to a Utah newspaper reporter that “Mormons were like a log on his Illinois farm that were ‘too hard to split, too wet to burn and too heavy to move, so we plowed around it. That’s what I intend to do with the Mormons. You go back and tell Brigham Young that if he will let me alone, I will let him alone.’”<sup>64</sup> The Civil War took priority over problems on the western frontier.

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<sup>61</sup> This time period is significant in that it demonstrates an increased poisoned relationship between federal powers and the Utah Territorial administration. Buchanan sent troops in July and the Mountain Meadows Massacre occurred later that year in September. Buchanan’s actions have been referred to as both “The Mormon War” and “Buchanan’s Folly.” In contrast, Mormons who participated in the Mountain Meadows Massacre earned the title applied to all Mormon men as a “Murderous Band of Zealots.” It is unclear if the September violence was in retaliation of the Mormon War or merely coincidental timing and sign of public unrest. For more information see Sarah Barringer Gordon, “Our National Hearthstone,” 307.; Lola Van Wagenen, “Sister-Wives and Suffragists,” 253.; Stephen Eliot Smith, *Barbarians within the Gates*, 597-601.; Sarah Barringer Gordon, *The Mormon Question*, 121.; Elizabeth Harmer-Dionne, “Once a Peculiar People: Cognitive Dissonance and the Suppression of Mormon Polygamy As a Case Study Negating the Belief-Action Distinction,” *Stanford Law Review* Vol. 50, No 4. (April 1998): 1322.

<sup>62</sup> John David Pulsipher, *The Americanization of Monogamy*, 153.

<sup>63</sup> United States Congress. Statute at Large 12 Stat. 501. July 1, 1862. *ProQuest Congregational*.

<sup>64</sup> As quoted in Stephen Eliot Smith, “Barbarians within the Gates,” 605.

The new law did not intimidate the residents of the Great Basin; in fact, the congressional actions had the opposite intended effect. Saints unified and solidified their resolve against federal incursion. Utah Territory resident Thomas Sleight commented in his journal regarding federal officials objecting to Mormon infrastructure, “[Governor Harding] don’t scare the Latterday Saints.”<sup>65</sup> While the Morrill Act was largely unenforceable because it required Mormon men to prosecute each other, the law did eventually lead to the indictment of a man named George Reynolds.

#### **July 4, 1865, Salt Lake City, Utah Territory**

George Reynolds arrived in Salt Lake City, Utah on July 4, 1865. The journey from England was uneventful and he was excited to be in Zion. Reynolds was not ruffled easily, but standing in front of the Tuddenham family home, admittedly, he was nervous.<sup>66</sup> The July heat was not the only thing that was making him sweat. George had not seen Mary Ann Tuddenham since she emigrated to America with her family in 1864.<sup>67</sup> George and Mary Ann met in the Somerstown, England Mormon congregation in 1856. While they had a betrothal agreement, maybe she had changed her mind.<sup>68</sup>

Mary Ann’s father, John, answered George’s knock at the door. After the two men briefly conferred, George visited with Mary Ann, and the couple decided to be married in the Endowment House a few weeks later.<sup>69</sup>

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<sup>65</sup> "Thomas and Merianne Sleight Journal," 979.2 R426 v. 7. *Historical Diary Collection*, USU Digital History Collection. 43.

<sup>66</sup> "George Reynolds Journals, 1861-1881," *Church History Library*. 1 Box, 4 volumes. MS 1277. 252.

<sup>67</sup> "Tuddenham, Mary. A. ID:57633" *1864 Hudson Ship Log*. Saints by Sea: Latter-day Saint Immigration to America Collection. Saintsbysea.lib.byu.edu. 90.

<sup>68</sup> "Alice Louise Reynolds biography of George Reynolds," *Special Collections Miscellaneous 3*. Alice Louise Reynolds Folder. George Reynolds Papers. Digital Collections BYU Library. 1.; "LDS Records of London Conference, Somerstown Branch: 1 July 1862," *LDS Membership Records*. Familysearch.org. Accessed Nov 8, 2023.

<sup>69</sup> "George Reynolds Journals, 1861-1881," 254.

## National Stage

After the Civil War ended, all eyes turned toward the western border of the United States. Print culture had expanded with technological innovation, and anti-polygamy fiction held a captive audience on the American eastern seaboard. Using “emotional fact,” fictional accounts convinced readers of the political importance of monogamy and the direct dangers of polygamy.<sup>70</sup> Authors depicted Mormon women as degraded slaves living under male tyranny. Guided by the language of contagion, the population began to believe that Mormon despotism would spread and proffer more strength to the powerful Utah Territorial theocracy leading to religious authoritarianism which undercut individual agency.<sup>71</sup>

Many Americans started to question the agency and status of Mormon women in parallel to increased discussion of American women’s rights in the late 1860s. The *New York Times* satirically suggested that if Utah woman gained suffrage their votes would “result in casting out polygamy and Mormonism in general...Here would be a capital field for woman suffrage to make a start.”<sup>72</sup> This sentiment gave Republican Indiana Congressman George Julian the idea to propose House Bill 64 to grant the women of the Utah Territory the right of suffrage to discourage Polygamy.<sup>73</sup>

Non-Mormons expected objections from Mormon church authorities. However, leaders from the community and CJCLDS responded wholly in favor of granting Utah women suffrage. Church leader George Q. Cannon stated that “The plan of giving our ladies the right of suffrage

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<sup>70</sup> Sarah Barringer Gordon, “Our National Hearthstone,” 305-306.

<sup>71</sup> Joan Smyth Iversen, *The Antipolygamy Controversy*, 22.; Christine Talbot, *A Foreign Kingdom*, 16.; Maura Strassberg, “The Crime of Polygamy,” 362.

<sup>72</sup> “Minor Topics,” *New York Times*. (December 17, 1867): 4. As quoted in Kitterman, Katherine, “No Ordinary Feelings,” 50.

<sup>73</sup> United States House of Representatives. “A Bill to Discourage Polygamy in Utah by granting the right of suffrage to women of that territory.” *Congressional Globe*. 41<sup>st</sup> Congress, 1<sup>st</sup> Session. March 15, 1869. 72.



is, in our opinion, a most excellent one.”<sup>74</sup> Brigham Young also responded favorably. Women’s suffrage, he said, would give, “Mormons a national stage upon which they could demonstrate that polygamous wives were intelligent beings capable of thinking for themselves and therefore willing participants in plural marriage, not the downtrodden slaves painted by lecture-bureau circuit riders.”<sup>75</sup> Whether it was the Mormon affirming attitude to Julian’s legislation or the political environment, H.B. 64 died in House committee.

The ineffectiveness of the Morrill Act and of federal intervention, as well as rumors of a powerful theocracy in Utah, frightened the American public. The public saw the Mormon religion as “hostile to the republican principle on which all our institutions rests--something hostile even to the republic itself,” and “[i]t is a farce to suppose there is, or can be, anything republican in a Mormon government wielded by Mormons themselves.”<sup>76</sup> Cultural and political pressure increased for the federal government to intervene and rescue the nation from the Mormon threat.

### **October 21, 1874: Salt Lake City, Utah Territory**

The Salt Lake City Fall weather was beautiful. Deciding to embrace the bright sun and colorful leaves, newlyweds George Reynolds and his second plural wife Amelia Schofield elected to go for an afternoon walk around the temple block where the new temple was being built for the Church of Jesus Christ of Latter-day Saints.<sup>77</sup> During their stroll, they encountered George Q. Cannon, an apostolic leader for the Church and Delegate to the United States House of Representatives. Little did the Reynolds couple know that this afternoon encounter would

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<sup>74</sup> As quoted in Katherine Kitterman, “No Ordinary Feelings,” 55.

<sup>75</sup> Young’s statement is less of an opinion on gender egalitarianism but more of an effort to deflect negative attention from the Church’s growing political and economic power in the gateway to the West. The circuit rider is most likely Kate Fields who published provocative negative comments against the Mormon religion.; Paula Kelly Harline, *The Polygamous Wives*, 74.

<sup>76</sup> “Affairs in Utah,” *North American*. Philadelphia, PA. (June 13, 1853). *Nineteenth Century U.S. Newspapers*.

<sup>77</sup> George Reynolds, “Journal, 1872 April-1881 January,” 78.

change the course of their family's anonymity and thrust them into the crosshairs of political and legal controversy.

### **Belief versus Action**

In the late nineteenth century, a jurisprudential distinction initiated to distinguish the difference between religious belief and religious action. The United States Constitution protected belief, but there were questions regarding constitutional protection for actions founded in religious belief. Religious actions were in the legally vague area between liberty and licentiousness.<sup>78</sup> Members of the CJCLDS believed that their religious community lifestyle clearly fell within the bounds of protected rights under the ideals of freedom of conscience dictated by the U.S. Constitution. In contrast, anti-polygamist discourse maintained that the Mormon practice of plural marriage was a clear indicator of licentious action under cover of religious belief.<sup>79</sup>

Under continued pressure for federal intervention in the Utah territory, the U.S. Congress passed the Poland Act of 1874, which increased federal authority in the western territories to facilitate convictions under the Morrill Anti-Bigamy Act. The Poland Act gave jurisdiction to federally appointed officers over all polygamy cases and arrests, and dictated greater non-Mormon representation on juries.<sup>80</sup> Soon after the Poland Act was signed into law, George Q. Cannon was arrested in 1874 for illegal co-habitation. As he was a Utah delegate to the U.S.

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<sup>78</sup> Sarah Barringer-Gordon, "Blasphemy and the Law," 686.

<sup>79</sup> In "Barbarians within the Gates," Stephen Smith argues that though polygamy was not criminalized in Utah, anti-polygamist activists used literature, magazines, and newspapers to warn Americans of the licentiousness of Mormon sexuality run amok and a danger to "proper" republican citizens. 28. There is compelling scholarship on a Victorian belief of sexual excess leading to a diminishment in physical ability of men to function as contributing republican citizens. Sarah Barringer-Gordon, "Blasphemy and the Law.," Sarah Pearsall, *Polygamy: An Early American History*, (New Haven: Yale University Press, 2019).; John David Pulsipher, *The Americanization of Monogamy*.; Robert Wright, *The Moral Animal Why We Are the Way We Are: The New Science of Evolutionary Psychology* (New York: Random House Publishing, 1994).

<sup>80</sup> Sarah Barringer Gordon, *The Mormon Question*, 115.

Congress and a prominent Mormon leader, Church leadership negotiated with federal officials to offer a lesser-known member of the church as a test case, to prove that the Utah Territorial legal system could in fact abide and apply federal law.<sup>81</sup> By identifying and offering a strategic proxy for indictment, Church officials would have a role in the defense case, and in return, the government agreed to drop all the charges against Cannon and other church leaders.<sup>82</sup>

Both the federal government and Mormon leadership were relying on the United States court system to proffer a solution to the “Mormon Question.”<sup>83</sup> Mormon leaders identified George Reynolds as an ideal candidate to be the church representative in the test case. Reynolds had served in various church administrative positions so was a trusted member of Brigham Young’s inner circle.<sup>84</sup> Physically, Reynolds was five foot-six inches tall with piercing blue eyes, had a reputation for being charismatic and kind, and was a respected member of the community.<sup>85</sup> George went against all cultural stereotypes of the Mormon polygamist man.

Federal officials arrested George Reynolds for illegal co-habitation on Friday, Oct 21, 1874, and he was indicted five days later.<sup>86</sup> Reynolds’ arrest did not go unnoticed on the national stage. “This case will be watched with keen interest, it being the first indictment, so far as publicly known, for bigamy or polygamy, found by a grand jury empaneled under the recently enacted law of Congress known as the Poland act.”<sup>87</sup> After the district case, defense attorneys

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<sup>81</sup> “Poland Act,” Wikipedia.com. [https://en.m.wikipedia.org/wiki/Poland\\_Act](https://en.m.wikipedia.org/wiki/Poland_Act). Accessed 8/16/2023.; John David Pulsipher, *The Americanization of Monogamy*, 35-36.

<sup>82</sup> Sarah Barringer Gordon, *The Mormon Question*, 111.

<sup>83</sup> Ibid.; Stephen Eliot Smith, “Barbarians within the Gates,” Fn 193.

<sup>84</sup> Sarah Barringer Gordon, *The Mormon Question*, 111.; “A test case under the Anti-Polygamy law of 1862 has been made up in Salt Lake City.” *Cleveland Daily Herald*. (Nov. 2, 1874): 4. *Nineteenth Century U.S. Newspapers*.

<sup>85</sup> “George Reynolds letters to Mary Ann Tuddenham Reynolds and Amelia Emily Reynolds Martain.” *Special Collections Miscellaneous 3*. Vault MSS 10 Series 1 folder 32. *Digital Collections BYU Library*. 7.; “Alice Louise Reynolds biography of George Reynolds.” 42.; “A test case under the Anti-Polygamy law of 1862.” *Cleveland Daily Herald*. (Nov. 2, 1874): 4. *Nineteenth Century U.S. Newspapers*.

<sup>86</sup> George Reynolds, “Journal, 1872 April-1881 January,” 78.; George Q. Cannon, *A Review of the Decision*, 1.

<sup>87</sup> “A test case under the Anti-Polygamy law of 1862 has been made up in Salt Lake City.” *Cleveland Daily Herald*.

immediately appealed to the Utah Territorial Supreme Court. Judge James McKean set the District Court's judgement aside because of irregularities associated with filling the grand jury.<sup>88</sup>

However, Reynolds was arrested again a year later for violating the Morrill Act.<sup>89</sup> Reynolds pled 'not guilty' and asserted that "the statute prohibiting bigamous marriages was unconstitutional. He believed that according to his religion, polygamous marriages were sanctioned as divine origin."<sup>90</sup> The Utah Third District Court's case began on December 7, 1875. Both Mary Ann Tuddenham Reynolds and a very pregnant Amelia Schofield Reynolds were called to testify of their marriage to George Reynolds.<sup>91</sup> The jury found Reynolds guilty of bigamy on December 10 and sentenced him to two years of hard labor in the Detroit Penitentiary.<sup>92</sup> Justice Waite's sentencing was viewed as the "most stringent condemnation of polygamy that has ever been delivered from the Bench" and "that crime [polygamy] could not be committed in the name of religion."<sup>93</sup>

CJCLDS lawyers again appealed the case to the Utah Territory Supreme Court. The June 1876 case began with controversy because Amelia Reynolds could not be found to testify against her husband and other witnesses couldn't remember any specific details regarding Reynolds' marriages.<sup>94</sup> Despite the obfuscations, Justice Alexander White affirmed the District Court's ruling on July 6, 1876.<sup>95</sup> The defense appealed and based on Territorial law, in cases of capital punishment or polygamy, any appeals of Utah Supreme Court rulings were sent directly to the

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<sup>88</sup> George Reynolds, "Journal, 1872 April-1881 January," 78.; George Q. Cannon, *A Review of the Decision*, 1.

<sup>89</sup> George Q. Cannon, *A Review of the Decision*, 1.

<sup>90</sup> "George Reynolds. . .did unlawfully marry and take to wife: A Utah Court Case Goes to the United States Supreme Court," *Archives.gov*. 25.

<sup>91</sup> Reynolds v. United States. 1 Utah 226. (1875).; George Reynolds, "Auto-Biographical Sketch."

<sup>92</sup> George Reynolds, "Auto-Biographical Sketch."

<sup>93</sup> "NEWS of an important verdict reaches us from Salt Lake," *Idaho Daily Avalanche*. Vol 3, Issue 50. (December 15, 1875). *Nineteenth Century U.S. Newspapers*.

<sup>94</sup> Sarah Barringer Gordon, *The Mormon Question*, 150-151.

<sup>95</sup> Reynolds v. United States. 1 Utah 319. (1876).; George Q. Cannon, *A Review of the Decision of the Supreme Court*, 2.

United States Supreme Court.<sup>96</sup> *Reynolds v. United States* was placed #739 on the U.S. Supreme Court docket.

Though the Reynolds case was not a high priority for the U.S. Supreme Court, in March 1878, President John Taylor of the CJCLDS received a letter from George Q. Cannon relaying a message from U.S. Attorney General Charles Devens. The Reynolds case was of keen “public interest,” so the case was going to be moved up to be tried during the 1878 Supreme Court session and no later. After a few administrative delays, George and Mary Ann Reynolds entered the U.S. Capitol building on November 14, 1878.<sup>97</sup> Across the United States, Mormons and non-Mormons alike closely followed the Supreme Court polygamy case. The case centered on the question of the United States Congress’s right to prohibit polygamous marriages in the territories. The defense argued that Congress was forbidden to make any law that interfered with the establishment of religion or free exercise thereof, as Congress was not the “custodian of the morals of the country.” While Attorney General Devens, for the prosecution, stated that the defense’s strict interpretation of the constitution would lead to a slippery slope of sanctioning “East Indian Thugs” committing ritual murder under the guise of religion.<sup>98</sup> Arguments concluded on November 15, 1878, and no specified date was set for when the court would issue an opinion.

In the interim between the U.S. Supreme Court hearing and the Court’s decision, there was a lull in anti-polygamist legislation. Figure 1 demonstrates the flow of Congressional anti-

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<sup>96</sup> *The Compiled Laws of the Territory of Utah, Containing all the General Statutes Now in Force, to which is prepared The Declaration of Independence, Constitution of the United States, Organic Act of Utah and Laws of Congress Especially Applicable to this territory* (Salt Lake City: Deseret News Steam Printing Establishment, 1876). J. Willard Marriott Digital Library. University of Utah. 54.

<sup>97</sup> George Reynolds, “Journal, 1872 April-1881 January,” 186-214.

<sup>98</sup> “Washington,” *North American*. Philadelphia, PA. (Nov. 16, 1878). *Nineteenth Century U.S. Newspapers.*; “A Mormon Polygamy Case before the United States Supreme Court,” *Daily Evening Bulletin*. San Francisco, CA. Vol 47, Issue 43. (November 15, 1878). *Nineteenth Century U.S. Newspapers*.

polygamist proposals from 1845 to 1882 and the lack of new anti-polygamist legislation proposed during the 1878 and 1879 sessions. Congress and American society were waiting until the Supreme Court ruled on *Reynolds* before applying more legislative and cultural pressure for federal intervention on marriage questions in territorial management.<sup>99</sup>

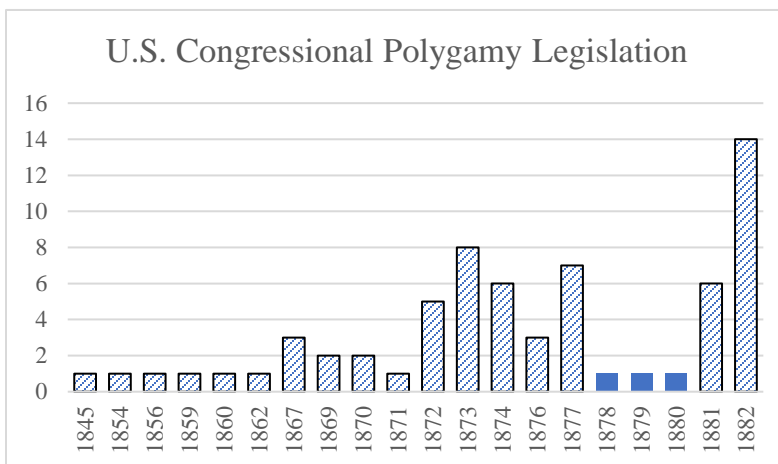


Figure 1

## Resolve

Members of the Church of Jesus Christ of Latter-day Saints believed that the U.S. Constitution was a divinely inspired document, but also knew that ideal principles were not always applied in reality. “The Saints waited confidently for the Reynolds ruling, convinced that the court would find existing legislation in violation of their guarantee of religious freedom.”<sup>100</sup> In the mid-nineteenth century, religious beliefs had caused non-Mormon persecution of Church members and forced Mormons to flee into the Utah Territory wilderness. This violent legacy left an indelible memory on the Mormon community and galvanized Saints to unify and defend their belief system to resist any action that threatened their way of life.<sup>101</sup> Survival experiences and

<sup>99</sup> United States Congress. *ProQuest Congregational*.

<sup>100</sup> Lola Van Wagenen, “Sister-Wives and Suffragists,” 234.

<sup>101</sup> Sarah Barringer Gordon, “Our National Hearthstone,” 348.

religious convictions created strong common bonds among Mormon women. “Mormon women shared a religious commitment which intensified bonds that added an additional dimension to this womanly culture.”<sup>102</sup>

Historian Carroll Smith-Rosenberg asserts that in the nineteenth century female relationships cannot be viewed in isolation and must be seen within a group environment.<sup>103</sup> Mormon sisterhood exemplifies Smith-Rosenberg’s argument. As the lines between private and public lives were inherently blurred in the Great Basin, Mormon women viewed the community as an extension of their family, and in a polygamous community this was quite literally true. Additionally, husband absenteeism in polygamy led to expanded female independence but also caused women to support and rely on each other in times of crisis, struggle, or loneliness. Among Mormon women, attacks against polygamy were ingested as a threat against women, religious convictions, and their community family.

Persecution galvanized Mormon women to organize into a collective resistance and defense group entitled the Female Relief Society (FRS). This women’s organization mirrored other nineteenth century American women’s benevolent organizations which gave women the opportunity to organize politically “under the collective protection of a woman’s association.”<sup>104</sup> Historian Carol Cornwall Madsen asserts the FRS “transformed the moral authority and spiritual superiority that society granted [women] into social power of measurable significance their assertiveness and self-confidence derived from the strength of their female coalitions.”<sup>105</sup> The Relief Society transformed individual belief into a cooperative, unified action to achieve

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<sup>102</sup> Joan Smyth Iversen, *The Antipolygamy Controversy*, 73.

<sup>103</sup> Carroll Smith-Rosenberg, *Disorderly Conduct*, 63.

<sup>104</sup> Carol Cornwall Madsen, *A Mormon Woman*, 172.; Lorianne Updike Toler, "Western Reconstruction," 156-160.; Brent M. Rogers, *Unpopular Sovereignty*, 75.; Armitage, “Women and Men in Western History: A Stereoptical Vision.” *The Gendered West*. 4.

<sup>105</sup> Carol Cornwall Madsen, “Creating Female Community: Relief Society in Cache Valley, Utah, 1868-1900,” *Journal of Mormon History* Vol. 21, No. 2. (Fall 1995). 153.

religious, social, and political goals; it also shaped how Mormon women saw themselves in American society.<sup>106</sup>

While the Relief Society community groups became “hotbeds” of activity encouraging women to become civically and publicly involved, Mormon women’s lives were changed through their involvement in the FRS. Women gained confidence and abilities to advocate for women’s suffrage and defend plural marriage.<sup>107</sup> Emmeline Wells, seventh wife of the Mayor of Salt Lake City, found her voice through leadership in the FRS. Emmeline noted in a journal entry on October 3, 1874, that she did not have the confidence to speak in a Female Relief Society meeting; however through her work in the Relief Society, Wells developed skills that gave her confidence in the public realm.<sup>108</sup> By 1875, Emmeline excitedly describes in a journal “I went to the Eleventh Ward to a meeting; Sister E. R. Snow and Zina D. Young were there also Bishop Mac Rea and his Counselor’s’ it was a very good meeting I rose and tried to speak for a few minutes, the first time in my life that I ever spoke in public before men.”<sup>109</sup> Wells continued to lead Utah women as she gathered hundreds of thousands of petitions to support the National Women’s Suffrage Association (NWSA), was appointed as the first Utah representative for the NWSA, and became the editor of *The Woman’s Exponent*.<sup>110</sup>

*The Woman’s Exponent* was the second women’s newspaper in the trans-Mississippi West. Mormon women owned and operated the newspaper and it became the mouthpiece for the

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<sup>106</sup> Ibid. 131.; Katherine Kitterman, “‘No Ordinary Feelings.’” 110.

<sup>107</sup> Christine Talbot, *A Foreign Kingdom*, 64.

<sup>108</sup> “The Diaries of Emmeline B. Wells: 3 October 1874,” *Church Historians Press*.

<sup>109</sup> “The Diaries of Emmeline B. Wells: 15 March 1875,” *Church Historians Press*.

<sup>110</sup> Leonard Arrington, “The Legacy of Early Latter-day Saint Women,” *The John Whitmer Historical Association Journal* Vol. 10. (1990): 3-17.; Susan Ware, “Sister-Wives and Suffragists: Mormonism and the Women’s Suffrage Movement,” *National Park Service*. <https://www.nps.gov/articles/000/sister-wives-and-suffragists-mormonism-and-the-women-s-suffrage-movement.htm>. Accessed 8/16/2023.



Female Relief Society.<sup>111</sup> This twice-monthly publication attempted to wrest control of the cultural conversation and negate the popular narrative that polygamous women were oppressed and degraded.<sup>112</sup> Articles in the *Exponent* reveal not only “Mormon women’s interests, but also about the image of respectability they attempted to appropriate and communicate to the outside world.”<sup>113</sup> Mormon women evolved from perceived prey to ardent advocates to defend their religion, community family, and lifestyle.<sup>114</sup>

As anti-polygamist national legislation accelerated in the 1870s, Mormon women began to embrace politicization through collective action. Like many American women during this era, the Female Relief Society members sponsored orphanages, Native American charities, abolition protests, and suffrage activities. Participation in civic advocacy work caused Mormon women to view themselves as contributing citizens in American society.<sup>115</sup> Mormon women viewed continued national legislative actions against the CJCLDS as questioning the resolve and agency of Utah women.

Illinois Congressman Shelby M. Cullom introduced House Bill 696 on December 21, 1869. Cullom’s bill expanded federal power in the Utah territory and was meant to punish polygamists and enforce the 1862 Morrill Anti-Bigamy Act. When the bill gained momentum in Congress, Mormon women exercised their voices in collective remonstrance.<sup>116</sup> Eliza R Snow, a Utah territorial female leader, stated, “[Congress] will learn their mistake, we are ready to inform them. They must be very dull in estimating the energy of female character...who for the sake of

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<sup>111</sup> Lawrence Foster, "From Frontier Activism," 282.; Lawrence Foster, "Polygamy and the Frontier: Mormon Women in Early Utah," *Utah Historical Quarterly* Vol 50, No 3. (1982): 282.

<sup>112</sup> Katherine Kitterman, "“No Ordinary Feelings,”” 4.; Christine Talbot, *A Foreign Kingdom*, 47.

<sup>113</sup> Katherine Kitterman, "“No Ordinary Feelings,”” 35.

<sup>114</sup> Sarah Barringer Gordon, *The Mormon Question*, 151.

<sup>115</sup> Katherine Kitterman, "“No Ordinary Feelings,”” 94-95.

<sup>116</sup> U.S. House of Representatives. "In aid of the execution of the laws in the Territory of Utah, and for other purposes." 41<sup>st</sup> Congress. 2<sup>nd</sup> Session. December 21, 1869.

their religion left their homes, [and] crossed the plains with hand-carts.”<sup>117</sup> The Female Relief Society held a “Great Indignation Meeting.” Three thousand Mormon women packed into the Salt Lake Tabernacle to defend their religion and polygamy in formal protest of the proposed punitive national legislative actions.<sup>118</sup> Women from the Female Relief Society spoke. Snow declared, “Were we the stupid, heartbroken beings that we have been represented, silence might better become us; but, as women of God, . . . we not only speak because we have the rights, but justice and humanity demand that we should.”<sup>119</sup> Over the next several weeks, the Relief Society gathered 22,626 signatures to protest the Cullom Bill and led fifty-eight more indignation meetings throughout the Utah Territory.<sup>120</sup>

These meetings left an impression on Territorial legislators. One month after the indignation meetings, the Utah Territorial legislature voted unanimously to grant Utah women the right to vote.<sup>121</sup> *Woman’s Exponent* readers lauded the legislative action by asserting, “Who are so well able to speak for the women of Utah as the women of Utah themselves? ‘It is better to represent ourselves than to be misrepresented by others!’”<sup>122</sup> Coincidentally, the Cullom bill died in congressional committee. Utah women found their voices and were going to use them.

Members of the Female Relief Society advocated for polygamy in the belief that plural marriage facilitated independence and broad decision making over themselves, their households, and community groups. “Because of this wider scope, Mormon women argued, they were better

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<sup>117</sup> “Minutes of Great Indignation Meeting, January 13, 1870,” *The First Fifty Years of Relief Society*. [www.churchofjesuschrist.org](http://www.churchofjesuschrist.org); Suzanne Larson, “An Ideograph Analysis of the Mormon Women,” 118.

<sup>118</sup> Katherine Kitterman, “No Ordinary Feelings,” 72-75.; Elizabeth Harmer-Dionne, “Once a Peculiar People,” 1323.

<sup>119</sup> “Minutes of Great Indignation Meeting,” *The First Fifty Years of Relief Society*.; Katherine Kitterman, “No Ordinary Feelings,” 73.

<sup>120</sup> Katherine Kitterman, “No Ordinary Feelings,” 75, 82.

<sup>121</sup> *Ibid.* 82.

<sup>122</sup> “Woman’s Exponent: A Utah Ladies’ Journal,” *Woman’s Exponent* Volume 1. (June 1, 1872): 8.

suiting to political equality than other American women.”<sup>123</sup> After suffrage was granted and Utah women advocacy efforts increased, the FRS gained the attention of the National Woman’s Suffrage Association (NWSA). Susan B. Anthony and Elizabeth Cady Stanton, while wary of polygamy, formed a partnership with the Mormon Female Relief Society.

This relationship was mutually beneficial. Emmeline Wells collected hundreds of thousands of signatures for the early proposals of a women’s suffrage amendment to the U.S. Constitution, while the NWSA advocated for Utah women when national legislation threatened to revoke Utah women’s right to vote in 1878.<sup>124</sup> Though, Utah women themselves, did not stay silent when national legislative proposals threatened Utah women’s suffrage. Mary Gransville responded,

So they want to take away our right of Franchise do they, and why? Will you please tell me? A few years ago they wanted us to have the right of franchise, crying the women of Utah were such down trodden slaves to men that it was necessary to give us the right of the ballot box to free ourselves... In contradiction of the lies written and spoken about us, we are among the most law abiding and virtuous women on the face of the earth, for we truly try to live above the law.<sup>125</sup>

While the NWSA was afraid of the negative imagery associated with loss of suffrage, Mormon women were concerned about the loss of voice in defense of their community.

### **Collective Sacrifice**

Mormon women did not believe the practice of polygamy and women’s increased political rights were mutually exclusive. Historian Joan Smyth Iverson argues, “Leading Mormon women suffragists endorsed the ideas of advancing women’s rights, seeing no contradiction between [suffrage] and the practice of plural marriage.”<sup>126</sup> Mormon women

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<sup>123</sup> Christine Talbot, *A Foreign Kingdom*, 76.

<sup>124</sup> Allison Sneider, *Suffrage in the Imperial Age: U.S. Expansion and the Woman Question 1870-1929* (Oxford: Oxford University Press, 2008), 74.

<sup>125</sup> *Woman's Exponent*. January 15, 1878, Volume 6. 121-128.

<sup>126</sup> Joan Smyth Iversen, *The Antipolygamy Controversy*, 8.

defended plural marriage because of their belief that polygamy had divine sanction so sacrificed preconceived ideals of love, marriage, and community. None of the individuals living in the plural marriage culture had identical experiences because polygamy was a hard principle to live. Mormon polygamy was a complex ideal with layered tensions set between sacrifice, reality, and belief. As an anonymous contributor to the *Woman's Exponent* said, "Women who covenant to live in plural marriage must be determined to respect each other's rights and privileges and not infringe in any degree upon each other, and must teach all the children to observe the same principles, in order to preserve order and harmony, which must exist in the home and family, or the spirit of the Lord and of peace could abide in habitation."<sup>127</sup>

The *Woman's Exponent* anonymous author's ideas mirrored Church leaders' visions of plural marriage. However, there was a gap between the ideal version of polygamy and living the principle in reality.<sup>128</sup> Through plural marriage, women endured a range of human emotions, and few women expressed overwhelmingly positive experiences. While many elite polygamous women publicly endorsed polygamy, they privately despised it. Emmeline Wells continually describes her mental and emotional pain in her personal journal. "I felt dreadful— it seemed as if I wanted some tenderness shown to me— I am shut out from all that others enjoy. No wonder I'm forced to be strong-minded."<sup>129</sup> Emma Nielson Brinkerhoff's echoes Wells' feelings of the heavy emotional weight, confusion, and insomnia associated with polygamous relationships. Journals, autobiographies, and letters demonstrate the range of emotions women felt in polygamous

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<sup>127</sup> Anonymous, "A Mormon Woman's Views," *Woman's Exponent* Vol 13, No 11. (November 1, 1884): 81.

<sup>128</sup> Maureen Ursenbach Beecher, "Women's Work," 278.; Christine Talbot, *A Foreign Kingdom*, 46.; Paula Kelly Harline, *The Polygamous Wives Writing Club*, 79.

<sup>129</sup> "The Diaries of Emmeline B. Wells: January 8, 1868," *Church Historians Press*. Church of Jesus Christ of Latter-day Saints. Salt Lake City, UT. <https://www.churchhistorianspress.org/emmeline-b-wells>. Accessed 8/23/2023.

marriages.<sup>130</sup> In their emotion-packed diaries, women expressed frustration, alienation, and heartache while keeping up a public face of solidarity.<sup>131</sup>

Other Mormon women used their journals as a reminder to discipline themselves to “overlook injustices and rejoice always in [daily] blessings.”<sup>132</sup> They considered polygamy “a religious duty and schooled themselves to bear its discomforts as a sort of religious penance, and that it was a matter of pride to make everybody believe they lived happily and to persuade themselves and others [that polygamy] was not a trial; and that a long life of such discipline makes the trial lighter.”<sup>133</sup> Rosalie Tenney, E.W. Payne’s first wife, recounted her experience in polygamy,

I’d get along if it cost me my skin...I felt that I was living a holy principle and that I must conform my life to it. Polygamy makes people more tolerant, more understanding, and more unselfish. It gives them more contact with reality and a wider circle to love...It’s not an easy way to live. We never fully conquer ourselves. And always it is the little things that make it hard, the little foxes always upset the vine you know. It’s not jealousy so much for I had my mind made up to that, but the constant pressure of adjusting yourself to another woman.<sup>134</sup>

Doctrinally, Mormon women viewed heaven as an extension of earthly life and social relationships. Polygamy was thought to ensure a large familial network with promised rewards of exaltation in the next life. Women considered their marriage vows sacred and believed that living “The Principle” was divine revelation, so they subordinated personal struggles in the belief that their families would be eternally blessed because of their sacrifices on earth. Social, cultural, and political persecution “caused many women who were unhappy with polygamy to subordinate

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<sup>130</sup> Laurel Thatcher Ulrich, *A House Full of Females*.

<sup>131</sup> Paula Kelly Harline, *The Polygamous Wives Writing Club*, 68.

<sup>132</sup> *Ibid.* 67, 98.

<sup>133</sup> As quoted in Lawrence Foster. “Polygamy and the Frontier.” 274. This is an excerpt that Mrs. Hubert Howe Bancroft conducted with a polygamist wife of Franklin D. Richards, Jane Richards.; Joan Smyth Iversen, *The Antipolygamy Controversy*. 62.

<sup>134</sup> As quoted in Jessie L. Embry, “Provoking the Brethren,” 137.

their personal feelings and pull together in vigorous support of their husbands, their church, and their whole way of life.”<sup>135</sup>

Religious belief was at the core of women’s capacity and willingness to live in a polygamous relationship and culture. Whether their husband was arrested, or they endured community persecution, Jane Wilkie Hooper Blood expressed “the people of this church have to bear whatever our enemies place upon us until the Lord thinks we have borne enough, then our enemies will take their turn, and great will be their sorrow and distress.”<sup>136</sup> Jane continued to defend polygamy and her family until her deathbed and described a spunky example of defiance to external persecution. One morning the U.S. Marshals came to arrest her husband for illegal cohabitation. The marshals read a subpoena to inform Jane that she was to be at the courthouse at ten the next morning to testify. She told them, “If they wanted me they could take me bed and all. They changed the summons.”<sup>137</sup> Later, when the Blood family were recipients of cultural condemnation because of their plural marriage lifestyle, Jane and her husband had a discussion. Jane recounts that while polygamy was not easy, she and her husband had married Sarah (Mr. Blood’s second plural wife) in good faith. Jane told Mr. Blood that if he ever abandoned Sarah “he would have no wife at all, for she would know that he had broken his covenants, and she would not live with him.”<sup>138</sup>

While some gained strength through their sacrifices and marriage covenants, other women’s failed marriages instilled a sense of isolation, shame, and fear of divine retribution. Elizabeth Pickett Tolman had an extremely negative marriage experience, much like the fictional

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<sup>135</sup> Lawrence Foster, "From Frontier Activism," 10.; Maura Strassberg, "The Crime of Polygamy," 61, 351.; Joan Smyth Iversen, *The Antipolygamy Controversy*, 35.

<sup>136</sup> "Diary of Jane Wilkie Hooper Blood, 1845-1898," *Historical Diary Collection*. USU Digital History Collections. 71.

<sup>137</sup> "Diary of Jane Wilkie Hooper Blood," *Historical Diary Collection*. 65.

<sup>138</sup> *Ibid*.

depictions of a degraded Mormon woman. Elizabeth and Alma Tolman married young; however, Alma married women and discarded them at will. Elizabeth did not believe Alma understood the magnitude of his marriage covenants, and “evil powers had full sway it was the woman and not religion that he wanted.”<sup>139</sup> Elizabeth feared her failed effort in plural marriage had cost she and her husband’s souls and salvation. At the end of Elizabeth’s journal, she recounted that she also believed her failed marriage cost her the support of the Relief Society sisterhood in which she took so much comfort.<sup>140</sup> While Elizabeth felt the Female Relief Society had abandoned her in her suffering, most Mormon women viewed the FRS as an organization which provided support and comradery. The women in the Female Relief Society were not perfect and may have caused heartache. Overall, the Female Relief Society and *Woman’s Exponent* provided an organizational avenue for women to defend themselves, their religious convictions, their way of life, and their family, in every sense of the word.

### **An Estimable Woman**

Three months after the U.S. Supreme Court heard arguments in *Reynolds v. United States*, Chief Justice Morrison R. Waite issued the court’s opinion.<sup>141</sup> The court affirmed the Utah Territorial Court’s decision that George Reynolds was guilty of bigamy. The decision validated Congressional authority in United States Territories and defined the difference between religious belief and action. The opinion also caused shock waves through American and Mormon culture.<sup>142</sup> Barringer Gordon clarifies that Chief Justice Waite’s opinion drew from the “sentimental connection between national identity and private virtue, between law and emotion, holding that the criminal punishment of polygamy was a valid regulation of action rather than an

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<sup>139</sup> “Elizabeth Pickett Tolman Journal. 1875-1894,” *Historical Diary Collection*. USU Digital Collections. 96.

<sup>140</sup> *Ibid.* 174.

<sup>141</sup> George Reynolds, “Journal, 1872 April-1881 January,” 214.

<sup>142</sup> *Reynolds v. United States*. 98 U.S. 145. (1878).

infringement of religious belief.”<sup>143</sup> The Supreme court set aside the Utah District Court’s sentence of hard labor but recommended jail time in the Nebraska penitentiary.<sup>144</sup> Waite’s decision was a critical point in the anti-polygamy cause because it renewed commitment and enthusiasm in eliminating the Western Territorial liability to the republic’s moral foundation.<sup>145</sup>

Supported by the Supreme Court’s affirmation, anti-polygamy national legislation intensified. Anti-polygamist organizations were jubilant. Seeking to punish polygamists, legislative efforts further sought to undercut the Church’s power.<sup>146</sup> As a Colorado newspaper noted, “The day of justice and victory is at hand. The Anti-Polygamy, or, rather the Gentile Ladies’ Association, are doing a noble work, and have already aroused the masses in our nation upon the questions concerning this Territory.”<sup>147</sup>

Though the Gentile Ladies’ Association’s actions gained traction, the Mormon Female Relief Society responded with their own actions of defiance and defense.<sup>148</sup> When George Reynolds was sent to the Nebraska Penitentiary in fulfillment of his court mandated sentencing, the FRS sent a petition with 24,839 signatures to Territorial Delegate George Q. Cannon asking for his intervention on the federal level. The women requested that George Reynolds be transferred from the Nebraska State Penitentiary to the Utah Penitentiary, arguing that he should not suffer for the acts of a whole people.<sup>149</sup> George Reynolds was in the Nebraska prison for twenty-five days before he was transferred to Utah.<sup>150</sup>

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<sup>143</sup> Sarah Barringer Gordon, “Our National Hearthstone,” 348.

<sup>144</sup> “Mormon Marriages.” *Weekly Inter Ocean*. (June 26, 1879): Vol 8, Issue 14. 2. *Nineteenth Century U.S. Newspapers*.; George Reynolds, “Journal, 1872 April-1881 January,” 239.

<sup>145</sup> Sarah Barringer Gordon, *The Mormon Question*, 125, 206.

<sup>146</sup> Christine Talbot, *A Foreign Kingdom*, 150.

<sup>147</sup> “Utah.” *Daily Central City Register*, (Feb 5, 1879). Central City, CO. Vol 16, Issue 299. *Nineteenth Century U.S. Newspapers*.

<sup>148</sup> *Ibid*.

<sup>149</sup> George Reynolds, “Journal, 1872 April-1881 January,” 240.; “Alice Louise Reynolds biography of George Reynolds,” 19.

<sup>150</sup> “Alice Louise Reynolds biography of George Reynolds,” 19.



In additional defense of their community family, Mormon women pulled together to support the Reynolds family in their sacrifice. The community sent food and money to both George and his family.<sup>151</sup> While some women were national representatives of the religion or community leaders of resilience and defense, other women used their soft power to defy what they viewed as unconstitutional persecution. While imprisoned, George received a letter from his first wife, Mary Ann Tuddenham Reynolds, which solved a mystery that the U.S. Marshals could not resolve.

During the second Utah Supreme Court Case there was a controversy because George's second plural wife, Amelia, could not be located to testify of her polygamous relationship with George which brought the validity of the case into question. Later, Amelia sent Mary Ann a note telling her that when the U.S. Marshals came looking for her, she slammed the door in their face, ran to another woman's house, hid in the cellar, and did not come out until they left.<sup>152</sup> Amelia Schofield Reynolds did not have a lot of resources, but she defended her family, religion, and lifestyle by defying federal officials in her own way.

The legal struggles of the Reynolds family had an impact on the nation, the Church of Jesus Christ of Latter-day Saints, and the Mormon community. However, the wives of George Reynolds shouldered the greatest impacts of the litigation. While polygamy was a difficult religious principle to live, cultural condemnation also took its toll. Mary Ann Tuddenham struggled with mental and physical pain for most of her life and died on December 16, 1885. The community blamed "the sad death of an Estimable Woman" on the "unholy crusade" waged against the CJCLDS religion. Mary Ann's death made her an unknowing martyr "having died a

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<sup>151</sup> Ibid. 20.

<sup>152</sup> "Mary Ann Tuddenham Reynolds letters to George Reynolds," *Special Collections Miscellaneous* 3. Vault MSS 10 Series 1 folder 31. Digital Collections BYU Library. 7.

victim to the persecutions which so many of the Saints are now suffering for righteousness sake.”<sup>153</sup> Mary Ann’s children were very young when she died, and “Aunt Amelia” took charge of all of the children. Even as adults, Amelia continued to show kindness and familial love for all the children and grandchildren.<sup>154</sup>

Mary Ann Reynolds and Amelia Schofield Reynolds defended their religion, their family, and their community through supporting their husband, defying encroachment from anti-polygamist persecutions, and by living their religion to their best ability.

## Conclusion

*Reynolds v. United States* was the end of a thirty-year debate regarding territorial federal power and the beginning of a conversation regarding citizenship and the role of women in the republic. *Reynolds* demonstrated that as reconstruction waned federal power amplified, and as Barringer Gordon argues, “the power deployed was secular, and the power attacked was religious.”<sup>155</sup> While the affirmation of the Supreme Court encouraged anti-polygamist actions, Mormon women’s experiences awoke an interest in political advocacy not only for their own gender but to defend their families, their religion, and their community. The issues the women were defending were controversial but as Emmeline Wells editorialized “Agitation is Educational.”<sup>156</sup>

Mormon women defended their role as citizens both in the Kingdom of God and in the American republic through woman’s suffrage advocacy and collective defense of polygamy while negotiating within a strict religious and gendered hierarchy. The Female Relief Society of

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<sup>153</sup> "Obituaries: Mary Ann Tuddenham," *Juvenile Instructor* Vol 18. (1978). familysearch.com.

<sup>154</sup> Vessa Hood Johnson, "My Mother Amy Tautz Reynolds: A Biography," *familysearch.org*. This is a biography of George Reynolds’ daughter by his granddaughter Vessa Hood Johnson.

<sup>155</sup> Stephen Eliot Smith, “Barbarians within the Gates,” 588. Sarah Barringer Gordon, *The Mormon Question*, 120, 133.

<sup>156</sup> Bakken, “Constitutional Convention Debates in the West: Racism, Religion, and Gender,” *The Gendered West*. 383.; As quoted in Katherine Kitterman, “No Ordinary Feelings,” 127-129.

the Church of Jesus Christ of Latter-day Saints, along with individual Mormon women, used their “soft” power to create change and proved that where there is a steady oak there is also a powerful vine.

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