

# A Matter of Principle

## Fundamentalist Mormon Polygamy, Children, and Human Rights Debates

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**ABSTRACT:** This article returns to questions involving fundamentalist Mormon polygamy first raised in articles by Martha Bradley and Lori G. Beaman in vol. 8, no. 1 (July 2004) of *Nova Religio*. While both authors acknowledged the potential for abuses in these communities, Bradley stressed their “effective adaptive strategies” while Beaman concluded that “[f]undamentalist groups, like those in Bountiful [British Columbia], are not perceived as a threat to the Canadian state.” In response, this article argues that the fundamentalist Mormon communities of Colorado City and Bountiful have histories of polygamous marriages involving young, often underage teens, and on these grounds alone are maladaptive because they likely commit serious human rights violations against women in general and children in particular.

On the very day that my copy of *Nova Religio* arrived in late July 2004, I also received a newspaper article concerning Bountiful, which is a Fundamentalist Church of Jesus Christ of Latter-day Saints community located near Creston, British Columbia, in Canada. This newspaper item caught my attention, in part because two academic articles in the journal discussed fundamentalist Mormon communities including the Creston polygamist location. In essence, the message conveyed by the newspaper article was at considerable variance with the arguments in the academic studies.

The first study was by Martha Bradley, who is the author of a thoughtful and highly respected history of the Short Creek/Colorado City, Arizona polygamous community (which is on the state border with the polygamous community of Hildale, Utah).<sup>1</sup> She argues that, “as a culture,

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the Mormon polygamous world has effective adaptive strategies that allow the practice of plurality to continue, a system of highly symbolic meanings and cognitive schemata that are transmitted through traditions, doctrines, practices, and distinctive lifestyles.<sup>2</sup> These traditions, doctrines, practices, and distinctive lifestyles place “premiums on secrecy, loyalty, obedience, patriarchy and deference, and family.” She acknowledges, however, “[b]ecause of their rejection of mainstream beliefs and lifestyles, and because of their sense of persecution, polygamists’ lives are lived apart from public scrutiny or association, and are, therefore, more vulnerable in terms of potential violations of civil rights of members.”<sup>3</sup> While Bradley does not elaborate on what these violations of civil rights (or, as some might prefer, human rights) might be, it seems that if they exist, then they are serious and systemic, and they compromise significantly any “effective adaptive strategies” that the polygamists may have developed.

The second article about polygamy, by respected Canadian sociologist Lori Beaman, focuses primarily on issues related to the Canadian Creston community, and raises the possibility of using the “fluid concept” of “harm, or risk of harm” as a “filter in the boundaries of citizenship and nation. . . .” “[I]f harm analysis is the chosen route” that researchers take when assessing issues related to minority religious communities like Creston, then Beaman insists that we ask the question: “harm from what perspective?”<sup>4</sup> While she concludes that “[f]undamentalist groups, like those in Bountiful, are not perceived as a threat to the Canadian state,”<sup>5</sup> she realizes

[t]he reality is that polygamy is sometimes raised as problematic by women who leave polygamous colonies or families. Their allegations and insights offer another perspective on polygamous family life. Polygamous families are like other families—they can support a “private” space in which violence against women occurs and in which children are abused. . . . Their voices must be taken seriously by the legal system. The state’s claim to be respecting women’s agency through non-intervention lacks both credibility and reflexivity.<sup>6</sup>

Nonetheless, Beaman concludes, “[t]he need to prosecute LDS polygamists has disappeared—they are no longer seen as a threat to the nation or the social order.”<sup>7</sup>

The newspaper report that I received the same day, however, suggested a very different image of the Creston community than the articles conveyed about polygamous groups. It began: “The B.C. [i.e., British Columbia] Civil Liberties Association wants a public investigation into the polygamous community of Bountiful.” “Over the years,” the article continued, “the association has sent letters to the attorney-general urging investigations into complaints, made by former wives who fled the community, about sexual abuse and sexual exploitation (which is defined

by the Criminal Code as a charge laid against a person in authority who has sexual relations with anyone under 18).<sup>8</sup> The president of the Civil Liberties Union, John Russell, stated, “We think the issues are serious and there is a question of whether the B.C. government is living up to its responsibilities to protect the women and children of Bountiful and whether the children of Bountiful are being properly educated.”<sup>9</sup> Then, two days later, the province’s attorney general announced that “the government finally has enough information to launch a criminal probe which will look at accusations of child abuse, forcible marriage and sexual exploitation.”<sup>10</sup>

Viewed from the frameworks provided in the articles by Bradley and Beaman, it may be that Bountiful and other polygamous communities have developed *maladaptive* strategies causing harm to many women and children, and that various governments are (and already have) responded to polygamists as threats to their respective jurisdictions. Indeed, these maladaptive strategies compelled the Utah Attorney General’s Office to produce a fifty-page information “primer,” which specified that Utah and Arizona law enforcement efforts are focusing “on crimes within the polygamous communities that involve child abuse, domestic violence and fraud.”<sup>11</sup>

The approach that I take involves the claim that at least two prominent polygamous groups that Bradley and Beaman discuss—Colorado City/Hildale and Bountiful—have developed systemic, maladaptive strategies that depend upon the violation of the civil or human rights of young women (among others), thereby threatening the survival of their communities. Taking to heart Lori Beaman’s caution that “harm or risk of harm” can be a fluid concept, I use definitions that appear in United Nations documents about human rights that specifically relate to children and women. The two key documents that are most pertinent to issues that I raise about polygamous harm are the “Convention on the Rights of the Child” and the “Convention on the Elimination of All Forms of Discrimination Against Women.”<sup>12</sup> Canada has ratified both conventions, while the United States has only signed both but refuses to ratify them.<sup>13</sup> In any case, both nations *at least* support the basic tenets of most aspects of the conventions, and similar concepts exist in the laws of the two respective nations. I supplement the United Nations documents with the discussion about “child marriages” that takes place within Roger J. R. Levesque’s 1999 study, *Sexual Abuse of Children: A Human Rights Perspective*.<sup>14</sup> On basic human rights measures, the polygamous groups in Colorado City and Bountiful may well be threats to the state to the extent that they put some of their citizens at risk of serious but preventable harm and human rights abuses.

Although never mentioning fundamentalist Mormonism, Levesque’s study provides a thoughtful outline of issues related to “child marriages” that have direct bearing on arrangements that take place within

and between the two polygamous communities. He indicates that child marriages

may be physically forced, arranged with consent, or arranged without consent. Likewise, the ages of partners vary considerably, from age-mates to those who are considerably older. In addition, the age at which the child is exchanged in marriage also varies, ranging from prebirth, infancy, and childhood to adulthood.<sup>15</sup>

Regardless of the details about how these child marriages take place around the world, all of them “determine children’s eventual sexual partners, and essentially their sexual relations.”<sup>16</sup> These comments provide an initial opening through which to begin examining the polygamous marriages in the Colorado City and Bountiful communities.<sup>17</sup>

### **HISTORICAL EVIDENCE OF ARRANGED MARRIAGES INVOLVING UNDERAGE TEENS IN FUNDAMENTALIST MORMON POLYGAMOUS COMMUNITIES**

In the two polygamist communities that I discuss here (as well as in others), arranged marriages take place between men and women of varying ages, but with many women being in their early-to-mid-teens and considerably younger than their husbands.<sup>18</sup> The pattern of older men marrying women who are much younger continues at the present time, but it has historical precedent from the earliest days of Mormonism when its leading figures practiced polygamy. Mormonism’s founder, Joseph Smith (1805–44), had dozens of “plural wives,” including one fourteen-year-old (Helen Mar Kimball, daughter of the Mormon Apostle, Heber C. Kimball), one fourteen- or fifteen-year-old, and two sixteen-year-olds, all when he was between 37 and 38 years old.<sup>19</sup> Indeed, during the period between 1856 and 1857, so many Mormon men were seeking to enter “plural marriage” that one contemporary wrote, “All are trying to get wives . . . until there is hardly a girl 14 years old in Utah, but what [*sic*] is married, or just going to be.”<sup>20</sup>

Historical examples up until the late 1950s indicate that individual polygamists were able to find their own young celestial wives, only needing the approval of a Brother of the Priesthood who also would conduct the marriage ceremony.<sup>21</sup> Often polygamous men found new partners with the assistance of their existing wives, who helped bring other women into the plural marriages. The first well-documented incident involving an underage girl in a polygamous marriage in Short Creek occurred in the early 1940s, by which time the community had become a haven for polygamists. Polygamist farmer William Chatwin of Santaquin, Utah, entered into a plural marriage with fifteen-year-old Dorothy Wyler in December 1940, despite the fact that

he was fifty-three years her senior. Hiding from officials, the couple eventually moved to Short Creek, where federal authorities discovered them in December 1943.<sup>22</sup>

Additional evidence about underage marriages came as a result of raids against Short Creek and other polygamous communities in March 1944, in which forty-six men and women were arrested.<sup>23</sup> Out of these arrests came numerous charges and trials, including one against thirty-three polygamists in which the state of Utah charged them with “criminal conspiracy to commit acts injurious to public morals by counselling, advising and urging other persons to practice polygamy.”<sup>24</sup> Helen Smith from the Salt Lake City area testified that a leading polygamist and publisher, Joseph White Musser (1872–1954), along with others, conspired to get her and her husband to join them in their illegal practice.<sup>25</sup> In the initial trial, Smith

testified that Musser had at one meeting described the process for courting underage girls. In fact, two of the girls, Juanita Barlow and Jean Barlow Darger, who were originally indicted in the conspiracy case, were under eighteen years of age at the time of their alleged offense and were transferred to the juvenile court.<sup>26</sup>

Initially Musser and his fourteen co-defendants were convicted, but subsequent court decisions led to the dismissal of the charges, necessitating the release of all of the imprisoned polygamists.<sup>27</sup>

One step in the complicated trajectory of this case was that on appeal it went to the Utah Supreme Court, which issued its ruling affirming the conviction of eighteen of the defendants on 16 December 1946.<sup>28</sup> While issues about child sexual abuse were not part of the trial, interesting evidence about the issue appeared in the Utah Supreme Court’s decision. Specifically, it summarized evidence that polygamous or celestial wives frequently recruited other women for marriage to their husbands, and that sometimes the newly recruited wives were extremely young. The Court reported:

There is some evidence that [defendant Ross Wesley] LeBaron with the aid of his wife, and the arrangements made by [defendant Charles Frederick] Zitting, induced a 13-year-old girl to agree to be his polygamous wife. Zitting told her all she would have to do is bear children. While no marriage ceremony was proved, such proof was not necessary. LeBaron stated to the father of this witness that the girl was his wife.

That this agreement contemplated actual inducements and solicitations directed at others is evident from the testimony of a defense witness. She testified that defendant [Jonathan M.] Hammon stated in one of the meetings that if a man is interested in a girl who is under age and he wants the girl, he should go to the father and first obtain his consent. The witness stated that she understood this to relate to polygamy.<sup>29</sup>

This evidence strongly suggests that polygamists during this period routinely attempted to procure underage girls as plural wives, and that Ross Wesley LeBaron had succeeded in doing so.

The most dramatic raid, from which fairly precise evidence emerged concerning polygamist marriages between young (sometimes underage) women and older men, took place against the community at Short Creek on Sunday, 26 July 1953, with officers holding 122 warrants for the arrest of thirty-six men and eighty-six women.<sup>30</sup> At one time there were 107 Short Creek defendants,<sup>31</sup> but finally the twenty-six fundamentalists who went on trial pled guilty to a charge of conspiracy as part of a plea-bargain arrangement. Authorities also took into custody 263 children, many of whom would spend slightly less than two years in foster care before returning to their families.<sup>32</sup>

Two reasons that current authorities have been reluctant to take definitive action against the Colorado City and Hildale polygamists are the failure of the 1953 raid to bring an end to the practice and the adverse publicity that the authorities received.<sup>33</sup> As Martha Bradley observed, “[t]he raid on Short Creek did not end plural marriage, nor did it prevent elderly men from marrying young girls.”<sup>34</sup> The raid and subsequent trials, however, did produce glimpses into the lives of young, polygamous women:

In 1953, fifteen married fundamentalist women (17 percent of the total women) were under the age of eighteen. Excluding the fifteen women who were under eighteen years of age, thirty-two of the other women had been under the age of eighteen at the time of their first childbirth. The average age at first birth for this group was seventeen. Approximately two-thirds of this group were married by the time they were sixteen.

At the time of the raid, at least a dozen girls between fourteen and seventeen years of age were either pregnant or were the mothers of up to three children. Those in school would leave class to nurse their babies.<sup>35</sup>

One such girl was Lorna Allred, the third plural wife of the prominent citizen, Dan Barlow (21), who was fifteen and pregnant at the time of the raid. Short Creek polygamist, David Broadbent (24), had two fifteen-year-old plural wives, one of whom, Fawn Stubbs, was the child of another community polygamist and, by the time of the raid, already had given birth. Carl Holm (38) had fifteen-year-old Sharon Hunter among his six plural wives, and Dan Jessop (34) had a one-year-old child with his sixteen-year-old wife, Dorothy Elizabeth Woodruff. Spencer Johnson (30) had two wives (both daughters of another local polygamist), but they also were sisters and one, Shirley Black, was fifteen. Most startling was the plural marriage arrangement involving one of Orvil Johnson’s (29) two wives, Ada Ray Barlow, who was a mere thirteen-years old.<sup>36</sup> Not surprisingly, prior to the 1953 raid, “[t]he county welfare department had documented that an increasing number of women from the town were

petitioning for support for an alarming number of dependent children; many of them listed the same man as their husband; several were underage.<sup>37</sup> Less than two years later, evidence presented in a United States Senate committee hearing about plural marriages heard testimony that some polygamous unions may have involved girls as young as eleven,<sup>38</sup> plus additional evidence about polygamy involving thirteen-, fourteen-, and fifteen-year-olds.<sup>39</sup> With this historical background as a comparative reference, we soon shall see how little has changed in the community's attitudes and behaviors toward teen brides in over fifty years.

Marriage procedures in Short Creek underwent changes in the late 1950s, apparently with the fundamentalist prophet assuming more control over arranging and granting the unions. Eventually the issue of competition among Priesthood Brethren led to the highest man in that group, whom they considered to be a prophet, taking control over the marriage arrangement process. By doing so, he put an end to the practice of Priesthood Brethren approving plural marriages among their respective followers.<sup>40</sup> Nevertheless, the young women still had someone else arranging their marriages for them, often to old men.

#### **CONTEMPORARY EVIDENCE OF ARRANGED MARRIAGES INVOLVING UNDERAGE TEENS**

More recent accounts by men and women who left Colorado City/Hildale indicate that underage girls continue to serve as polygamist brides, suggesting that the practice of arranged marriages involving young teens is systemic to the community. Pamela Black, for example, related how, when she was seventeen, she caught the eye of Leroy Johnson (d.1987), the prophet at the time, who immediately arranged her marriage to Martin Black, who was ten years older. Years later, reflecting back on her wedding night, Pamela alleged that her new husband raped her.<sup>41</sup> Critic Laura Chapman fled her husband, taking their five children, in 1991, when he allegedly took a plural wife who was just sixteen.<sup>42</sup> Another woman, Pennie Petersen, spoke out about the molestation that she suffered by the husband of her fourteen-year-old girlfriend. When she reported the incident to prophet Leroy Johnson, he ordered her to "immediately marry a 48-year old polygamist who Petersen claim[ed] had already sexually abused her."<sup>43</sup> With the help of friends, she fled that night. Anecdotal as these accounts are, they strongly suggest that numerous sexual assaults have taken place within the Colorado City/Hildale community as leaders attempted to bring teenage—and frequently underage—girls into polygamous marriage arrangements. More recent evidence indicates that various types of sexual assaults continue to occur in the context of polygamous unions.

A child sexual abuse case that nearly struck at the very heart of the Colorado City/Hildale polygamous community involved the conviction

of one of the local police officers, fundamentalist and Hildale resident, Rodney Holm, for bigamy and two counts of sexual misconduct in August 2003. The convictions grew out of a plural marriage that took place in December 1998. Colorado City's prophet at the time, Rulon Jeffs, had matched sixteen-year-old Ruth Stubbs to Holm, who already was her brother-in-law and, at 32, was twice her age. Ruth's sister, Suzie, one of Holm's two wives, added to the pressure on Ruth to become a "sister-wife." The day after arranging for Ruth Stubbs and Rodney Holm to marry, Rulon's son, Warren Jeffs, presided over the ceremony in his father's spacious home. Although illegal, both because of her age relative to his and his existing legal marriage, their relationship produced two children—the first one conceived within two months of the "wedding." Ruth fled Rodney Holm, however, three years later, escaping to the protection of another sister in Phoenix, Pennie Peterson, who herself had run from the polygamist lifestyle years before.<sup>44</sup>

As in other cases involving polygamy, however, Ruth Stubbs felt ambivalence about the prosecution, and her ambivalence prevented the case from becoming a legal entry into the fundamentalist Mormon community at Colorado City/Hildale. Because of Suzie's pressure on her younger sister to marry Rodney Holm, Utah Attorney General Mark Shurtleff charged Suzie with abetting bigamy and illegal sex. Ruth, however, failed to appear for a preliminary hearing, causing Utah authorities to dismiss the charges against her older sister. At that missed hearing, officials also had hoped to obtain a sworn statement from Ruth about Warren Jeffs conducting the wedding ceremony, which would have allowed them to file a felony charge against him.<sup>45</sup> Ruth did testify against Rodney Holm and convinced the jury of his guilt.

Ruth Stubbs was not the only former fundamentalist to accuse Warren Jeffs of overseeing polygamous marriages—Richard Holm, a person whom Jeffs had excommunicated, claimed that Jeffs had married off one of his nieces when she was seventeen.<sup>46</sup> (In a nasty and fractious struggle, Warren Jeffs had ascended to power after his father's death in September 2002.) More serious were the Utah birth records indicating that Warren Jeffs, who was 47 in 2003, had impregnated at least two of his dozen or so wives when they were under eighteen. "Sexual conduct with 16- or 17-year-olds is illegal in Utah for people who are 10 years older, unless couples are legally married. No one can be legally married to more than one spouse."<sup>47</sup>

### **CONTEMPORARY EVIDENCE OF ARRANGED MARRIAGES INVOLVING UNDERAGE TEENS IN BOUNTIFUL, BRITISH COLUMBIA**

The increased attention by the media toward the Colorado City/Hildale polygamists coincided with similar scrutiny about human rights



issues in its companion community in Canada in Lister near Creston, British Columbia, apparently with related families in Cranbrook, Kitchener, and Yahk, British Columbia; Bonners Ferry, Idaho; and Ryan's Station, Montana.<sup>48</sup> Information that appeared in various media accounts point to the fact that several men in Creston allegedly had taken underage women as plural brides. Ex-member Debbie Palmer, for example, repeatedly told the press that when she was fifteen she had married her step-grandfather who was 57,<sup>49</sup> and also remembered having suffered and witnessed numerous sexual assaults when she was growing up in Bountiful.<sup>50</sup> For twenty-two years (1949 to 1971), Aloha Boehmer was in a polygamist marriage with the community's co-founder and her biological uncle, Raymond Blackmore, but she left after a religious leader gave her fifteen-year-old daughter to a 52-year-old Alberta man in Bountiful.<sup>51</sup> Similarly, an unnamed woman reported that "[s]he was married in Bountiful at the age of 15 as the second wife of her sister's husband. . . ."<sup>52</sup> Perhaps most disturbing was the claim by former polygamist, Craig Chatwin (28 at the time), who said that his thirteen-year-old sister went to Canada from Colorado City in 1999 to become a plural wife.<sup>53</sup>

Debbie Palmer and other Canadians linked with their American anti-polygamy counterparts to produce a list of underage and young polygamist brides. Among their findings was that church elders reputedly married girls as young as fourteen-years-old, at the same time that these men were married to the girls' sisters and mothers. In one British Columbia case, a senior polygamist reputedly married four sisters, who ranged in age from fourteen to twenty-one. In addition, a 30-year-old man in Colorado City allegedly had two teenage wives from Bountiful.<sup>54</sup> If these allegations are true, then the polygamists broke both Canadian and American laws, because "[i]n B.C., anyone under the age of 16 must apply to the Supreme Court to get married."<sup>55</sup> In Arizona, persons under eighteen need parental or guardian permission to marry, and if they are under sixteen they also need the approval of a superior court judge.<sup>56</sup> Currently, it is also an Arizona criminal code violation to commit "child bigamy," which includes a person who is "at least eighteen years of age, has a spouse and marries a child."<sup>57</sup> Utah's definition of child bigamy is similar.<sup>58</sup>

The credibility of these allegations rose dramatically in 2003, when on a Canadian Broadcasting Corporation investigative television show, Bountiful's leader at the time of filming, Winston Blackmore, admitted that some polygamous marriages had involved fifteen-year-olds. On that same show, one of Blackmore's twenty-six wives, Jane Blackmore, revealed that she knew of a fourteen-year-old girl having been married polygamously.<sup>59</sup> Likewise, when a polygamist wife from Bountiful defended her community, she insisted that most of the "[w]omen and girls . . . are 17, 18, and some as old as 20 when they get married." She

then added, however, “[t]here have been some who are 16 and occasionally some who are 15. . . . But they never marry without their parents’ permission.”<sup>60</sup>

### **HUMAN RIGHTS AND ARRANGED, POLYGAMOUS, UNDERAGE MARRIAGES**

The previous examples make the case that polygamous marriages involving underage girls have taken place both in Colorado City/Hildale and in the British Columbia community. Indeed, the practice (at least in Colorado City) was going on by the early 1940s. The fact that underage marriages still seem to have occurred in recent years raises important civil and human rights issues that invite investigation by outside authorities. Certainly on human rights grounds such investigations are warranted, since Article 34 of the “Convention on Rights of the Child” instructs

State’s Parties [to] undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity.<sup>61</sup>

Specifically regarding women’s rights, the United Nations has a committee to monitor the implementation of the convention about eliminating discrimination against women, and several sections of its 1994 recommendations have direct implications regarding polygamy. It states that men and women should “have [t]he same right freely to choose a spouse and to enter into marriage only with their free and full consent.” It adds that “[t]he betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.”<sup>62</sup>

### **THE RELIGIOUS JUSTIFICATION FOR FUNDAMENTALIST MORMON POLYGAMY**

Most of the literature about human rights issues in the context of child marriages is concerned with practices in Africa and India, in which cultural analyses “tend to focus on the practices’ centrality to religious life and religious law.”<sup>63</sup> Since, as Bradley argues, fundamentalist Mormons have created a culture (or, as I prefer, a subculture) that includes polygamy,<sup>64</sup> then an examination of their religious ideas should help explain why the practice is so important to them. Such an undertaking is in line with Bradley’s own observation that, “[a]s a structure of meaning, Mormon theology framed ideas about the nature of God, the plan of salvation, and the way men and women should live on Earth.”<sup>65</sup>

Surprisingly, this theology also appears to shed light on why polygamous men, at least in Colorado City/Hildale and Bountiful, seem to value young girls.

The essential theological statement about polygamy, or “The Principle” as fundamentalist Mormons call it, appears in section 132 of the *Doctrines and Covenants*—a book that claims to be a compilation of the revelations that Mormonism’s founder, Joseph Smith, received from God. Section 132 deals with the plurality of wives—called the Law of the Priesthood<sup>66</sup>—which Smith reputedly received on 12 July 1843. One contemporary interpretation of this revelation is that it most likely was another manifestation of Smith’s narcissism, demonstrated by his use of religious claims to control and possess women while disregarding the pain that his sexual practices caused his wife Emma.<sup>67</sup> At the very least, it was a coercive attempt by him to gain the compliance of Emma concerning his involvements with other women, as God singled her out by name as having to abide by her husband’s practice of polygamy.<sup>68</sup> In any case, the “revelation pointed out polygynous practices of Old Testament patriarchs and made clear the distinction between marriages for time and marriages for eternity.”<sup>69</sup> Speaking theologically, it gave Mormons the same promises that Abraham received about the “fruit of their loins” spreading throughout this world and the next,<sup>70</sup> and also gave them the responsibility of restoring polygamy as Old Testament figures had practiced it.<sup>71</sup> According to the *Doctrines and Covenants*, plural wives who were sealed with men for eternity would allow the men to pass through two heavens or degrees and enter the third and highest heavenly kingdom, in which they would become gods themselves.<sup>72</sup> On Earth, children would “bear the souls of men” as those souls begin their journey to becoming gods.<sup>73</sup> According to this section, God granted to men the right to have virgins so that together they can “multiply and replenish the earth.”<sup>74</sup> Passages in *Doctrines and Covenants* said:

61. And again, as pertaining to the law of the priesthood (if any man espouse a virgin, and desire to espouse another, and the first give her consent, and if he espouse the second, and they are virgins, and have vowed to no other man, then he is justified; he cannot commit adultery for they are given unto him; for he cannot commit adultery with that that belongeth unto him and to no one else.

62. And if he have ten virgins given unto him by this law, he cannot commit adultery, for they belong to him, and they are given unto him; therefore he is justified.<sup>75</sup>

These doctrinal positions formed the basis for polygamy that fundamentalist theologians such as Joseph White Musser (who was an active member of the Short Creek community throughout the 1940s) used in their efforts to keep the practice alive long after the general body of Mormons officially renounced the practice in 1890.<sup>76</sup>

It is easy now to see why polygamy so often takes a toll on women, especially young women. The theology tells men that they have a right to multiple virgins, and with them they have a God-given right and obligation to procreate as often as possible. The reason, therefore, for so many examples of human rights abuses against young women in Colorado City, Hildale, Bountiful, and elsewhere is embedded in Mormon fundamentalism's foundational theology.

### **CONCLUSION: POLYGAMY AS A MALADAPTIVE PRACTICE**

As practiced in Colorado City/Hildale and Bountiful, polygamy has developed a maladaptive, ineffective strategy—the use of young, often underage women—that now threatens the existence of the very communities themselves. In addition to the practice being illegal, underage marriage involves serious human rights violations. I have mentioned already some of these violations. For example, the arranged marriages rob the young women of the right to make marital choices. These marriages also control the young women's sexuality, as they become baby-producers in order to fulfill the religious aspirations of the men who control them. Also worth adding is that these early pregnancies likely put the women and babies at additional medical risk. About giving birth at very young ages, Roger Levesque notes that these “[p]regnancies and births may have potentially devastating consequences for mothers who haven't reached appropriate maturity, including illness and death from childbirth.”<sup>77</sup> Pediatric research indicates that “pregnant girls less than 15 years of age have a 60 percent higher maternal mortality rate than older mothers.”<sup>78</sup> Young women

are more likely than older women to suffer from severe anemia, pregnancy-induced hypertension, and delivery complications. . . . Infants born to teenaged mothers are at increased risk for mortality and significant morbidities. The mortality for infants of young mothers exceeds that for infants of older mothers. Infants are at increased risk for low birth weight, injuries, maltreatment, poor growth, and learning problems.<sup>79</sup>

Whatever benefits polygamous men may believe accrues from young teens having babies, those girls face very real and potentially deadly consequences from their pregnancies and deliveries.<sup>80</sup>

In addition to the human rights violations against young women's bodies, the two polygamist communities that I have examined also are likely to have been involved in trafficking of young women across the international border between the United States and Canada. As far back as 1993, Vancouver, British Columbia, reporter, Fabian Dawson, indicated that “at least four United States women, three of them teenagers, have been brought to the Bountiful commune at Lister, near Creston, over the past two years. The women, who are married to three men, are

believed to have entered the country by car across the B.C.-Idaho border.” Moving across the border in the other direction, “a 17-year-old girl from the commune was sent to Colorado City, where she was married to the head prophet of the church, 85-year-old Rulon Jeffs.”<sup>81</sup> Recently, former Colorado City polygamist, Craig Chatwin, said that “seven of his young sisters had been assigned to Bountiful men.”<sup>82</sup>

In contemporary human rights language, these young women appear to have been part of an international practice of polygamous trafficking, which would be a clear violation of the “Convention on the Rights of the Child.” Article 35 of that Convention says, “States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.”<sup>83</sup> By apparently violating this prohibition, the two polygamist communities have opened themselves up to severe criticism and possible governmental intervention.

Finally, the way in which Colorado City has practiced polygamy has proven to be very costly to its young men, whom the older polygamists see as sexual competitors and threats. Several sources indicate “romantic” interest between teens often led to physical attacks against, and expulsion of, the young men (now known as the “Lost Boys”), ostensibly to prevent them from competing with the middle-aged and old men for access to the girls and younger women.<sup>84</sup> As early as 1968, Colorado City had a Peace Officer whose responsibility it “was to make sure that the boys would not associate with the girls.” The Peace Officer’s “primary police duties in the next fifteen to twenty years evolved to that of running the surplus boys out of town, making it possible for the ‘worthy’ men to live the Law of Celestial Marriage by adding new wives.”<sup>85</sup> As recently as the mid-1990s, Colorado City police officer, Rodney Holm (prior to his conviction on bigamy and sexual misconduct), was one of a group of a dozen men who attacked and assaulted seventeen-year-old Robert Williams for showing interest in a girl his age. The girl’s father, who organized the attack and was Rodney Holm’s brother, pleaded no contest to simple assault in February 1996.<sup>86</sup> Young women certainly could not turn to the local police force for protection, because—in addition to polygamist Rodney Holm being on the force—another police officer, Winford Johnson Barlow (39), according to birth certificate records, fathered a child with a seventeen-year-old girl who was not legally married to him. Authorities, however, did not bring charges against him.<sup>87</sup>

Colorado City’s use of its police force to enforce polygamy is an extreme example of Roger Levesque’s understanding of what often happens regarding governmental complicity with arranged or underage marriages. Levesque points out:

[W]hen actual or threatened force is used to coerce girls to marry, current international documents obligate governments to protect victims

regardless of their age. The government could be improperly complicitous in a child's forced marriage if, for example, a child bride sought police or court assistance and subsequently was turned away.

He adds, "[r]egrettably, girls tend not to turn to government officials,"<sup>88</sup> and in Colorado City it is easy to see why they do not.<sup>89</sup>

While I cannot say that all polygamous arrangements involve significant human rights abuses, certainly serious questions exist about the Colorado City and Bountiful communities. By comparison, historian and critic of Colorado City, Benjamin Bistline, says that the people living in the polygamous community of Centennial Park, Arizona "are much freer and live a more normal lifestyle," and "[y]oung girls are not forced to marry older men."<sup>90</sup> Nevertheless, at least two other groups that Bradley mentions have had significant run-ins with the law over child sexual abuse issues. She quotes a polygamist as saying that the Davis County Cooperative run by the Kingston clan is "the most outstanding example in all Mormondom of patriarchal family effort to establish [an economic] united order."<sup>91</sup> While it is true that the Kingstons oversee business enterprises in six states worth an estimated \$150 million,<sup>92</sup> John Daniel Kingston (who is the son of the late leader, John Ortell Kingston) was convicted in 1999 on charges of third-degree felony child abuse for "belt-whipping his then 16-year-old daughter on May 23, 1998, for rebelling against her marriage to his brother, David O. Kingston."<sup>93</sup> Subsequently, a judge sentenced that brother "to serve two consecutive terms of up to five years each on conviction for incest and unlawful sexual conduct with a minor."<sup>94</sup> He had taken his sixteen-year-old niece as his fifteenth wife, and (according to her) had sex with her four times.<sup>95</sup> Bradley also mentioned in passing Tom Green as one of several heads of polygamist families who lives "outside of fellowship with a particular group."<sup>96</sup> He received a five-year prison sentence in 2001 for practicing polygamy, along with an order to repay \$78,000 to the state of Utah for welfare fraud.<sup>97</sup> "Judge Burningham noted in his sentencing that while religious belief is protected in the American and Utah constitutions, certain religious practices deemed a threat to society can be regulated."<sup>98</sup> Then, in 2002, Green was "convicted of child rape for impregnating a 13-year-old who later became his wife."<sup>99</sup>

An observer of polygamy, therefore, certainly could make the case that human rights violations, especially against young women, are both endemic and systemic to many forms of polygamy.<sup>100</sup> Certainly the historian, Benjamin Bistline, makes this case against Colorado City, by concluding: "There are many human rights abuses of men, women, and children, and these abuses must be addressed."<sup>101</sup> Globally, the 1994 "General Recommendations Made by the Committee on the Elimination of Discrimination Against Women," which was a United Nations body, was unequivocal in its condemnation of polygamous practices:

Polygamous marriage contravenes a woman's right to equality with men, and can have such serious emotional and financial consequences for her and her dependents that such marriages ought to be discouraged and prohibited. The Committee notes with concern that some States parties, whose constitutions guarantee equal rights, permit polygamous marriage in accordance with personal or customary law. This violates the constitutional rights of women, and breaches article 5 (a) of the Convention.<sup>102</sup>

Reference to Article 5(a) is to a section in which States parties agree to modify and eliminate prejudices related to gender inferiority or superiority.<sup>103</sup> These articles seem particularly pertinent to the lives of many young women in polygamous marriage arrangements, as well as to other members of the families and communities in which they live.

As polygamists in Colorado City/Hildale and Bountiful practice their faith, I must conclude that they are among a number of "religious traditions and beliefs which strengthen and/or legitimize inequality and might be in complete contradiction to present concepts of human rights."<sup>104</sup> From both legal and human rights perspectives, "[r]especting the freedom of religion does not mean giving a small number of religious leaders limitless license to perpetuate human misery, to inhibit the religious freedom of individuals, and to push the law around." According to philosopher Martha C. Nussbaum, "It is not an assault on religious freedom, but a deeper defense of its basic principle, to say in such cases, the law indeed must 'come to the rescue' in order that 'society should move on.'"<sup>105</sup> From a human rights perspective, these polygamists would not be able to claim some form of cultural or subcultural protection for their practice of marrying young teens because "there is little express reference to culture as a positive value in the 'Convention on the Rights of the Child.' The reference that has attracted most attention is the prohibition of 'traditional practices prejudicial to the health of the child,'"<sup>106</sup> which "young marriages" almost certainly are, on a number of grounds. Even if the polygamists were to argue that their practices involving teenage girls are inspired by scriptures such as the *Doctrines and Covenants*, human rights as applied to children premise that "the individual element is clearly of quintessential importance and cannot be overridden by collective claims."<sup>107</sup>

While I come to different conclusions about the nature of the Colorado City and Bountiful polygamist communities than do scholars Martha Bradley and Lori Beaman, I am still able to use insights from their work to advance my basic argument. Both authors alluded to issues of rights abuses that often take place in closed communities. I differ from them to the extent that I see those abuses as being harmful, maladaptive, and systemic to the most prominent forms of fundamentalist Mormon polygamy. Various United Nations conventions provide

clear statements about what, ideally, the rights of women and girls (and for that matter, all persons) should be in polygamous communities, but polygamist male leaders in Colorado City and Bountiful appear to ignore and abuse these rights with impunity. Historical and contemporary examinations of these two important fundamentalist Mormon communities strongly suggest that polygamy involves a near-irreconcilable clash between religious adherents versus critics and state-agents who fear that human rights violations are occurring against people who may lack the power and/or insight themselves to represent their own best interests.

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## ENDNOTES

<sup>1</sup> Martha Sonntag Bradley, *Kidnapped from that Land: The Government Raids on the Short Creek Polygamists* (Salt Lake City: University of Utah Press, 1993).

<sup>2</sup> Martha Bradley, "Cultural Configurations of Mormon Fundamentalist Polygamous Communities," *Nova Religio* 8 no. 1 (July 2004): 16–17.

<sup>3</sup> Bradley, "Cultural Configurations," 15.

<sup>4</sup> Lori G. Beaman, "Church, State and the Legal Interpretation of Polygamy in Canada," *Nova Religio* 8 no. 1 (July 2004): 29.

<sup>5</sup> Beaman, "Church, State and the Legal Interpretation of Polygamy," 30.

<sup>6</sup> Beaman, "Church, State and the Legal Interpretation of Polygamy," 33.

<sup>7</sup> Beaman, "Church, State and the Legal Interpretation of Polygamy," 33.

<sup>8</sup> Daphne Bramham, "Civil Libertarians Want Bountiful Inquiry: For Years, Government Has Ignored Reports of Sex Abuse, Exploitation, Denial of Rights," *Vancouver Sun*, 21 July 2004, found at <[http://childbrides.org/canada\\_VS\\_civil\\_libertarians\\_want\\_inquiry.html](http://childbrides.org/canada_VS_civil_libertarians_want_inquiry.html)>. Moreover, polygamy is a criminal offense in Canada. The Criminal Code, R.S.C., c. C-46, 293 states at <<http://laws.justice.gc.ca/en/C-46/text.html>>, accessed 25 February 2005:

- (1) Every one who (a) practises or enters into or in any manner agrees or consents to practise or enter into (i) any form of polygamy, or (ii) any kind of conjugal union with more than one person at the same time, whether or not it is by law recognized as a binding form of marriage; or (b) celebrates, assists or is a party to a rite, ceremony, contract or consent that purports to sanction a relationship mentioned in subparagraph (a) (i) or (ii), is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

<sup>9</sup> Bramham, "Civil Libertarians Want Bountiful Inquiry," 1.



<sup>10</sup> Canadian Broadcasting Corporation News Online Staff, "Police to Investigate B.C. Polygamous Commune Over Abuse Allegations," 23 July 2004, 1, at <<http://www.polygamyinfo.com/plygmedia%2004%20227cbc.htm>>.

<sup>11</sup> Utah Attorney General's Office, "The Primer: Helping Victims of Domestic Violence and Child Abuse in Polygamous Communities," <<http://attorneygeneral.utah.gov/polygamy.html>>, 3, accessed 25 February 2005.

<sup>12</sup> United Nations High Commissioner for Human Rights, "Convention on the Rights of the Child," adopted and opened for signature, ratification and accession by General Assembly Resolution 44/25 of 20 November 1989, entry into force 2 September 1990, in accordance with Article 49, <<http://www.unhchr.ch/html/menu3/b/k2crc.htm>>; United Nations High Commissioner for Human Rights, "Convention on the Elimination of All Forms of Discrimination against Women," adopted and opened for signature, ratification and accession by General Assembly Resolution 34/180 of 18 December 1979, entry into force 3 September 1981, in accordance with Article 27(1), <<http://www.unhchr.ch/html/menu3/b/e1cedaw.htm>>.

<sup>13</sup> United Nations High Commissioner for Human Rights, "Status of Ratifications of the Principal International Human Rights Treaties," 9 June 2004, <<http://www.unhchr.ch/pdf/report.pdf>>, 3, 11. For a discussion (from several years ago) of the complex reasons why the American government has not ratified the "Convention on the Rights of the Child," see Cynthia Price Cohen, "Monitoring the United Nations Convention on the Rights of the Child in a Non-party State: The United States," in *Monitoring Children's Rights*, ed. Eugeen Verhellen (The Hague: Martinus Nijhoff Publishers, 1996), 475–89. As she summarizes in another article, "the American treaty ratification process is time-consuming and complicated," and many children's rights issues fall under the power of states, making the federal government reluctant to intervene. In addition, some Americans who misunderstand the implications of ratification believe that the United Nations would "be able to impose its ideas on the USA government regarding the way that American children are to be raised and educated." Others mistakenly fear "that giving children rights will undermine the family," even though American officials drafted and sponsored various Articles of the Convention based upon the American Bill of Rights. See Cynthia Price Cohen, "Children's Rights: An American Perspective," in *The Handbook of Children's Rights: Comparative Policy and Practice*, ed. Bob Franklin (London: Routledge, 1995), 170–72.

<sup>14</sup> Roger J. R. Levesque, *Sexual Abuse of Children: A Human Rights Perspective* (Indianapolis: Indiana University Press, 1999), 129–39.

<sup>15</sup> Levesque, *Sexual Abuse of Children*, 129.

<sup>16</sup> Levesque, *Sexual Abuse of Children*, 129.

<sup>17</sup> I draw my information on the communities from numerous sources—academic studies; court decisions; newspaper, magazine, and television reports; theological documents; and polemical publications by supporters and critics. I realize that some scholars disparage the extensive use of media sources, but these kinds of sources are an absolute necessity when examining topics or issues that have not received extensive scholarly attention. Moreover, locally based reporters working on stories of community interest may gain access to

information that outside scholars would miss. I also am aware of the debate over information that former members or “apostates” present, but I maintain the position that researchers studying highly punitive groups may find that former members—who are no longer under these groups’ direct control—actually provide better information than persons who are subject to punishments for revealing “behind the scenes” perspectives.

<sup>18</sup> Worth mentioning, however, is that, until 1992 fourteen-year-olds in Utah could marry if they had parental consent. In 1992 Utah lawmakers added the requirement that a juvenile court judge had to review applications for marriages involving fourteen- and fifteen-year-olds. In 1996 “nearly 1,000 teen-agers 14 to 17 years of age were married in Utah, including a 14-year-old girl who slipped a wedding ring on a man of 37 and the marriage of a 15-year-old girl to a groom older than 45.” Greg Burton, “Older Men Finding Teen Brides in Utah,” *Salt Lake Tribune*, 14 December 1997, at <<http://www.skeptictank.org/utahpedo.htm>>. Throughout the twentieth century, however, polygamous or plural marriages have been illegal in Utah and in the other states, so these marriages between young teenage girls and considerably older men should not represent so-called celestial marriages. Of course, male polygamists could have registered their public marriages to teenage brides but continued to practice polygamy after (or for that matter, before) their legal unions.

<sup>19</sup> Todd Compton, *In Sacred Loneliness: The Plural Wives of Joseph Smith* (Salt Lake City: Signature Books, 1997), 4–6, 486–534; Richard N. Ostling and Joan K. Ostling, *Mormon America: The Power and the Promise* (San Francisco: Harper-Collins, 1999), 61; Jerald Tanner and Sandra Tanner, “Momonism’s [*sic*] Problem with Child Sexual Abuse,” *Salt Lake City Messenger* 91 (November 1996), at <[http://www.xmission.com/~country/reason/nov96\\_2.htm](http://www.xmission.com/~country/reason/nov96_2.htm)>.

<sup>20</sup> Wilford Woodruff, quoted in Richard S. Van Wagoner, *Mormon Polygamy: A History* (Salt Lake City: Signature Books, 1989), 92.

<sup>21</sup> Benjamin G. Bistline, *The Polygamists: A History of Colorado City, Arizona* (Scottsdale, Ariz.: Agreka, 2004), 56, 120.

The Priesthood consisted of a group of men who called themselves Brothers or Brethren, whose members believed that they were in a discipleship line committed to preserving the Principle of Plural Marriage. Bistline, *The Polygamists*, 26; see also Dorothy Allred Solomon, *In My Father’s House* (Toronto: Franklin Watts Solomon, 1984), 4.

<sup>22</sup> Bradley, *Kidnapped from that Land*, 74–76; “Chatwin v. United States,” *United States Reports* 326 October Term, 1944 and October Term, 1945 (Washington, D.C.: United States Government Printing Office, 1946), 455–65.

<sup>23</sup> Bradley, *Kidnapped from that Land*, 68–69, 71, 226 n.13.

<sup>24</sup> State v. Musser et. al., *Pacific Reporter*, 2 series, vol. 175 P (St. Paul, Minn.: West Publishing, 1947), 729.

<sup>25</sup> A series of American laws have made the practice of polygamy illegal, beginning with the Morrill Anti-bigamy Act of 1862, which the United States Supreme Court upheld in *Reynolds v. United States* (98 United States 145 [1879]). The Edmunds Act of 1882 strengthened the Morrill Act. In turn, the Edmunds-Tucker Act supplemented the earlier Edmunds Act. For discussions of anti-polygamy legislation, see Perry L. Porter, “A Chronology of Federal Legislation

on Polygamy,” 4 January 1998, at <<http://www.ldshistory.net/pc/chron.htm>>; Van Wagoner, *Mormon Polygamy*, 107, 110–11, 117–20, 129–31. A brief but critical discussion of the Reynolds decision, plus key excerpts from the case itself, appears in Robert T. Miller and Ronald B. Flowers, *Toward Benevolent Neutrality: Church, State, and the Supreme Court* (Waco, Tex.: Markham Press Fund, 1987), 47–52.

<sup>26</sup> Bradley, *Kidnapped from that Land*, 82.

<sup>27</sup> Bradley, *Kidnapped from that Land*, 83–85; Solomon, *In My Father’s House*, 74–80.

<sup>28</sup> State v. Musser et. al., 741.

<sup>29</sup> State v. Musser et. al., 735.

<sup>30</sup> Bradley, *Kidnapped from that Land*, 126. I remain unclear, however, about how many women actually were served with the warrants, since Bradley also reported that, “[w]ith the exception of the eight plural wives without direct responsibility for children, no women were arrested because, according to [a judge involved in the case], ‘the best interests of the children will be served by leaving them in the custody of their mothers under certain conditions’” (154). According to Bistline, eight plural wives from Short Creek, and one plural wife of a visitor were arrested. Police took them along with thirty-one men to Kingman, Arizona, for processing. Bistline, *The Polygamists*, 92.

<sup>31</sup> Van Wagoner, *Mormon Polygamy*, 196.

<sup>32</sup> Bradley, *Kidnapped from that Land*, 131, 158.

<sup>33</sup> See “The Lonely Men of Short Creek,” *Life*, 14 September 1953; Utah Attorney General’s Office, “The Primer,” 4.

<sup>34</sup> Bradley, *Kidnapped from that Land*, 160.

<sup>35</sup> Bradley, *Kidnapped from that Land*, 100.

<sup>36</sup> Bradley, *Kidnapped from that Land*, 146, 198–99, 201, 204, 205. It appears that Bradley mistakenly listed Shirley’s sister, Lois, as being the daughter of local polygamist Leonard Black, having earlier listed her and Shirley as daughters of Warren Black. Bradley, *Kidnapped from that Land*, 197–98, 205.

<sup>37</sup> Bradley, *Kidnapped from that Land*, 117.

<sup>38</sup> Committee on the Judiciary, “Hearings Before the Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary, United States Senate,” Juvenile Delinquency (Plural Marriages), 84 Congress, 1 Session (28 April and 2 May 1955) (Washington, D.C.: United States Government Printing Office, 1955), 10, 25.

<sup>39</sup> Committee on the Judiciary, “Hearings Before the Subcommittee to Investigate Juvenile Delinquency,” 27, 31, 43, 121.

<sup>40</sup> Bistline, *The Polygamists*, 56, 120, 212. The prophetic line in this fundamentalist community began with Lorin C. Woolley (d.1934), then passed to J. Leslie Broadbent. Broadbent died the following year (1935) and the line passed to John Y. Barlow (d.1949). Joseph W. Musser took over after Barlow’s death, but from the beginning his judgment seems to have been compromised by a series of strokes. During his reign the fundamentalists divided over his 1951 appointment of Rulon C. Allred as his “second Elder,” along with Margarito Bautista, who was a Mexican Indian. The Allred faction evolved into its own lineage after Musser died on 29 March 1954. The other faction had Charles Zitting as presiding

officer only for a few months until his own death on 11 July 1954, and then, after some difficulties naming a successor, Leroy Johnson took over leadership until his death in 1987. In turn, Rulon Jeffs succeeded Johnson, and he died in 2002. Currently Rulon's son, Warren, has taken his father's place, but some disension exists over his ascendancy. See Hans A. Baer, *Recreating Utopia in the Desert: A Sectarian Challenge to Modern Mormonism* (Albany: State University of New York Press, 1988), 38–39; Bradley, *Kidnapped from that Land*, 27–28; Nick Madigan, "Leader of Polygamous Sect Faces Rebellion," *New York Times*, 27 January 2004, at <<http://query.nytimes.com/search/restricted/article?res=F60B1EF83F5C0C748EDDA80894DC404482>>; Van Wagoner, *Mormon Polygamy*, 200–01; Tom Zoellner with Dawn House, "Rulon Jeffs: Patriarch, President, Prophet for Polygamy," *Salt Lake Tribune*, 28 June 1998, <[http://nl.newsbank.com/nl-search/we/Archives?p\\_action=print](http://nl.newsbank.com/nl-search/we/Archives?p_action=print)>.

<sup>41</sup> John Dougherty, "Bound by Fear: Polygamy in Arizona," *Phoenix New Times*, 13 March 2003, at <<http://www.polygamyinfo.com/plygmedia%2003%2011newtimesaz.htm>>.

<sup>42</sup> Peggy Fletcher Stack, "Coalition to Battle Polygamy," *Salt Lake Tribune*, 14 February 2002, at <[http://nl.newsbank.com/nl-search/we/Archives?p\\_action=print](http://nl.newsbank.com/nl-search/we/Archives?p_action=print)>.

<sup>43</sup> John Dougherty, "Eyes Wide Shut," *Phoenix New Times*, 7 August 2003, <<http://www.phoenixnewtimes.com/issues/2003-08-07/feature.html1/print.html>>.

<sup>44</sup> John Dougherty, "Utah Targets Polyg Prophet," *Phoenix New Times*, 21 August 2003, <<http://www.phoenixnewtimes.com/issues/2003-08-21/feature.html/print.html>>; Thomas Fields-Meyer and Oliver Jones, "In God's Name," *People*, 6 October 2003, 74–79.

<sup>45</sup> Associated Press, "Polygamist Leader Rulon Jeffs Dies," 9 September 2000; Dougherty, "Utah Targets Polyg Prophet," 4.

<sup>46</sup> John Dougherty, "The Man Behind the Curtain," *Phoenix New Times*, 29 January 2004, at <<http://www.polygamyinfo.com/plygmedia%2004%2088phnewtims.htm>>.

<sup>47</sup> John Dougherty, "Eyes Wide Shut"; see John Dougherty, "Fornicating for God," *Phoenix New Times*, 20 March 2003, at <<http://www.polygamyinfo.com/plygmedia%2003%2032newti.htm>>. For the relevant Utah laws see *Utah Code Annotated* (updated 21 December 2004), 76-5-401.2[2] and 76-7-101, <<http://www.le.state.ut.us/~code/code.htm>>.

<sup>48</sup> Brooke Adams, "A Divided Enclave in British Columbia," *Salt Lake Tribune*, 14 March 2004.

<sup>49</sup> Douglas Todd, "Scandal Unveils Secrets of 'The Chosen,'" *Vancouver Sun*, 15 September 1990; Douglas Todd, "Espousing Polygamy," *Edmonton Journal*, 24 February 1991; Monica Zurowski, "B.C. Won't Prosecute Polygamy Charges," *Calgary Herald*, 12 June 1992; Debbie Palmer and Dave Perrin, *Keep Sweet: Children of Polygamy* (Lister, British Columbia: Dave's Press, 2004), 270–83.

<sup>50</sup> Daniel Woods, "Bountiful, B.C.," *Saturday Night* (Canada), 4 August 2001.

<sup>51</sup> Robert Matas, "Community Practices Polygamy," *Globe and Mail* (Canada), 24 September 1990.

<sup>52</sup> Robert Matas, "Mother Fights to Prevent B.C. from Giving Son to Mormons," *Globe and Mail* (Canada), 9 March 2002.

- <sup>53</sup> Woods, “Bountiful, B.C.,” 8.
- <sup>54</sup> Fabian Dawson, “How Did U.S. Teen End Up in Polygamists’ Commune, Mom Asks,” *Edmonton Journal*, 2 November 2000.
- <sup>55</sup> Dawson, “How Did U.S. Teen End Up in Polygamists’ Commune”; see Revised Statutes of British Columbia, “Marriage Act” (updated 9 February 2004), chapter 282: 29, <[http://www.qp.gov.bc.ca/statreg/stat/M/96282\\_01.htm](http://www.qp.gov.bc.ca/statreg/stat/M/96282_01.htm)>.
- <sup>56</sup> Arizona Revised Statutes, “Consent Required for Marriage Minors” (updated 1 January 2005), 25–102, <<http://findlaw.com/11stategove/az/laws.htm>>.
- <sup>57</sup> Arizona Revised Statutes, “Child Bigamy; Classification; Definitions” (updated 1 January 2005), 13–3609, <<http://findlaw.com/11stategove/az/laws.htm>>.
- <sup>58</sup> Utah Code Annotated, “Child Bigamy—Penalty, 76-7-101.5” (updated 21 December 2004), <<http://www.le.state.ut.us/~code/code.htm>>.
- <sup>59</sup> Canadian Broadcasting Corporation, “The Bishop of Bountiful,” *The Fifth Estate*, 15 January 2003.
- <sup>60</sup> Jane Blackmore, quoted in Daphne Bramham, “The Secret Lives of Bountiful’s Wives,” *Edmonton Journal*, 7 August 2004.
- <sup>61</sup> United Nations High Commissioner for Human Rights, “Convention on the Rights of the Child.”
- <sup>62</sup> United Nations High Commissioner for Human Rights, “Convention on the Elimination of All Forms of Discrimination against Women,” General Recommendation no. 21, 13 session (1994), Article 16.1b; 2, <<http://www.un.org/womenwatch/daw/cedaw/recommendations/>>.
- <sup>63</sup> Levesque, *Sexual Abuse of Children*, 130.
- <sup>64</sup> Bradley, “Cultural Configurations,” 10–11.
- <sup>65</sup> Bradley, “Cultural Configurations,” 10.
- <sup>66</sup> See *Doctrine and Covenants*, 132: 28, in Church of Jesus Christ of Latter-day Saints, *The Book of Mormon: Another Testament of Jesus Christ; The Doctrine and Covenants of the Church of Jesus Christ of Latter-day Saints; The Pearl of Great Price* (Salt Lake City: President of the Church of Jesus Christ of Latter-day Saints, 1985).
- <sup>67</sup> Robert D. Anderson, *Inside the Mind of Joseph Smith: Psychobiography and the Book of Mormon* (Salt Lake City: Signature Books, 1999), 127–30, 226.
- <sup>68</sup> Irwin Altman and Joseph Ginat, *Polygamous Families in Contemporary Society* (Cambridge: Cambridge University Press, 1996), 27; Raymond Lee Muncy, *Sex and Marriage in Utopian Communities: 19th Century America* (Bloomington: Indiana University Press, 1973), 130; see *The Book of Mormon*, 132: 51–54.
- <sup>69</sup> Altman and Ginat, *Polygamous Families in Contemporary Society*, 27.
- <sup>70</sup> *Doctrine and Covenants*, 132: 30–32.
- <sup>71</sup> *Doctrine and Covenants*, 132: 40–44.
- <sup>72</sup> *Doctrine and Covenants*, 131: 1–3; 132: 20; see B. Carmon Hardy, *Solemn Covenant: The Mormon Polygamous Passage* (Chicago: University of Illinois Press, 1992), 6; and John Dougherty, “Victim Refuge,” *Phoenix New Times*, 28 August 2003, at <<http://www.polygamyinfo.com/plygmedia%2003%20155newtimes.htm>>.
- <sup>73</sup> *Doctrine and Covenants*, 132: 63.
- <sup>74</sup> *Doctrine and Covenants*, 132: 63.
- <sup>75</sup> *Doctrine and Covenants*, 132: 61–62.

<sup>76</sup> Joseph W. Musser, *Celestial or Plural Marriage: A Digest of the Mormon Marriage System as Established by God Through the Prophet Joseph Smith* (Salt Lake City: The Author, 1944); 2d ed. (Salt Lake City: Truth Publishing Co., 1970).

<sup>77</sup> Levesque, *Sexual Abuse of Children*, 131.

<sup>78</sup> James H. Johnson and Andrew S. Bradlyn, "Assessing Stressful Life Events in Childhood and Adolescence," in *Handbook of Child Health Assessment: Biopsychosocial Perspectives*, ed. Paul Karoly (Toronto: John Wiley & Sons, 1988), 321.

<sup>79</sup> Michele Diane Wilson, "Adolescent Pregnancy and Contraception," in *Oski's Pediatrics: Principles and Practice*, ed. Julia A. McMillan, Catherine D. DeAngelis, Ralph D. Feigin, and Joseph B. Warshaw (Baltimore: Lippincott Williams & Wilkins, 1999), 543.

<sup>80</sup> I am not aware of any studies concerning either birth mortalities or birth defects among polygamists, and we cannot assume that the results of research done on particular populations of Americans necessarily apply to polygamous populations. Apparently, however, numerous infants born to mothers in the polygamous Kingston clan have suffered from serious birth defects. These include a child "born with two vaginas and two uteruses but no vaginal or bowel opening"; another with cerebral palsy; one born without fingernails; dwarfism; microcephaly; "blindness; spina bifida; Down syndrome; kidney disease and abnormal leg and arm joints." Greg Burton, "When Incest Becomes a Religious Tenet: Practice Sets 1,000 Member Kingston Clan Apart from Other Utah Polygamous Groups," *Salt Lake Tribune*, 25 April 1999, at <[http://nl.newsbank.com/nl-search/we/Archives?p\\_action=print](http://nl.newsbank.com/nl-search/we/Archives?p_action=print)>. Because of incestuous practices in this group, however, in combination with older women also giving birth, these illnesses could be the result of a complicated array of factors, including, at times, young ages of the mothers.

<sup>81</sup> Fabian Dawson, "Immigration Focuses on Commune's Wives," *The Province* (Vancouver, British Columbia), 27 September 1993.

<sup>82</sup> Woods, "Bountiful, B.C.," 8.

<sup>83</sup> United Nations High Commissioner for Human Rights, "Convention on the Rights of the Child."

<sup>84</sup> Dougherty, "Bound by Fear," 25; Jeff Gordinier, "The Lost Boys," *Details* (November 2004): 175–76, 178–81; Hilary Groutage Smith, "The 'Lost Boys': Outcasts Find a Friendly Refuge," *Salt Lake Tribune*, 14 March 2004, at <[http://nl.newsbank.com/nl-search/we/Archives?p\\_action=print](http://nl.newsbank.com/nl-search/we/Archives?p_action=print)>; Julian Coman, "Three Wives Will Guarantee You a Place in Paradise. The Taliban? No: Welcome to the Rebel Mormons," *Daily Telegraph* (United Kingdom), 19 October 2003, at <[http://www.telegraph.co.uk/news/main.jhtml;sessionid=GZBTL44NMVUYDQFIQMGC5WAVCBQUJVC?xml=/news/2003/10/19/wmorm19.xml&secureRefresh=true&\\_requestid=39593](http://www.telegraph.co.uk/news/main.jhtml;sessionid=GZBTL44NMVUYDQFIQMGC5WAVCBQUJVC?xml=/news/2003/10/19/wmorm19.xml&secureRefresh=true&_requestid=39593)>.

<sup>85</sup> Bistline, *The Polygamists*, 142–43.

<sup>86</sup> Dougherty, "Bound by Fear," 23–24.

<sup>87</sup> John Dougherty, "Double Exposure," *Phoenix New Times*, 25 December 2003, at <<http://www.phoenixnewtimes.com/issues/2003-12-25/feature.html/print.html>>.

<sup>88</sup> Levesque, *Sexual Abuse of Children*, 135.

<sup>89</sup> See John Dougherty, "Blasphemous Backlash," *Phoenix New Times*, 29 January 2004, at <<http://phoenixnewtimes.com/issues/2004-01-29/feature.html/print.html>>.

<sup>90</sup> Bistline, *The Polygamists*, 414.

<sup>91</sup> Quoted in Bradley, "Cultural Configurations," 10.

<sup>92</sup> Hannah Wolfson, "Polygamist Sentenced for Having Sex with His Niece," *Topeka Capital-Journal*, 14 July 1999, at <[http://www.cjonline.com/stories/071099/new\\_polygamist.shtml](http://www.cjonline.com/stories/071099/new_polygamist.shtml)>.

<sup>93</sup> Ray Rivera, "Polygamist Gets Jail Time For Beating His Daughter," *Salt Lake Tribune*, 30 June 1999.

<sup>94</sup> Wolfson, "Polygamist Sentenced."

<sup>95</sup> Wolfson, "Polygamist Sentenced."

<sup>96</sup> Bradley, "Cultural Configurations," 15.

<sup>97</sup> C. G. Wallace, "Man Gets 5 Years in Polygamy Case," Associated Press, 25 August 2001.

<sup>98</sup> Philip Delves Broughton, "Mormon's Five Wives Cost Him Five Years," *Daily Telegraph* (London), 25 August 2001.

<sup>99</sup> Tim Korte, "Polygamist Convicted of Child Rape for Impregnating Wife-to-be When She Was 13 Years Old," Associated Press, 24 June 2002; John R. Llewellyn, *Polygamy Under Attack: From Tom Green to Brian David Mitchell* (Scottsdale, Ariz.: Agreka Books, 2004), 70.

<sup>100</sup> See Andrea Moore-Emmett, *God's Brothel* (San Francisco: Pince-Nez Press, 2004).

<sup>101</sup> Bistline, *The Polygamists*, 414–15.

<sup>102</sup> United Nations High Commissioner for Human Rights, "Convention on the Elimination of All Forms of Discrimination against Women" (1994), Article 16.14.

<sup>103</sup> United Nations High Commissioner for Human Rights, "Convention on the Elimination of All Forms of Discrimination against Women" (1979), Article 5 [a].

<sup>104</sup> Philip Veerman and Caroline Sand, "Religion and Children's Rights," *International Journal of Children's Rights* 7 (1999): 391.

<sup>105</sup> Martha C. Nussbaum, "Religion and Women's Equality: The Case of India," in *Obligations of Citizenship and Demands of Faith: Religious Accommodation in Pluralist Democracies*, ed. Nancy L. Rosenblum (Princeton: Princeton University Press, 2000), 383. Although I cite Nussbaum favorably here, I must indicate that her discussion about polygamy is muddled, and not grounded in either history or contemporary analysis. See Nussbaum, "Religion and Women's Equality," 375.

<sup>106</sup> Geraldine Van Bueren, "Children's Rights: Balancing Traditional Values and Cultural Plurality," in *Children's Rights and Traditional Values*, ed. Gillian Douglas and Leslie Sebba (Sydney: Ashgate, 1998), 17.

<sup>107</sup> Philip Alston, "The Best Interests Principle: Towards a Reconciliation of Culture and Human Rights," in *The Best Interests of the Child: Reconciling Culture and Human Rights*, ed. Philip Alston (Oxford: Clarendon Press, 1994), 21.