



Photo of Schuyler Colfax. Vice President Schuyler Colfax delivered a speech defending the federal government's legislative attempts to stop the practice of plural marriage. The speech was delivered from the portico of a hotel in downtown Salt Lake City on October 5, 1869. (From the Brady-Handy Photograph Collection, Library of Congress, circa 1855–65.)

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DEFENDING PLURAL MARRIAGE TO VICE PRESIDENT COLFAX

ON October 5, 1869, U.S. vice president Schuyler Colfax delivered a speech defending the federal government's legislative attempts to stop the practice of plural marriage, and called for the support of Latter-day Saints in such actions. The speech was delivered from the portico of a hotel in downtown Salt Lake City and was subsequently published in several newspapers throughout the East Coast. Elder John Taylor, senior member of the Quorum of the Twelve Apostles, publicly defended the Church's constitutional and moral rights to practice plural marriage in what would later be dubbed *Reply to Colfax*.¹ This paper explores the multiple issues of plural marriage as discussed by Colfax and Taylor in the *Reply to Colfax* papers. Based on Elder Taylor's logic and reasoning, the Latter-day Saints prior

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to 1890 were justified in practicing plural marriage even after it had been declared unlawful. The first section of this paper will put forward the three arguments that Mr. Colfax made for why the Saints needed to stop the practice of plural marriage. The last section will present Elder Taylor's response as to why it was necessary to permit the practice of plural marriage. By examining his case in behalf of the Church at that time, the reader will see the constitutional argument as well as the religious argument for why the Saints continued to practice plural marriage from 1862 to 1890 even in the face of intense persecution.

THE VICE PRESIDENT'S ARGUMENTS

Mr. Colfax's 1869 trip to Salt Lake City was not his first visit to the Utah Territory, nor was it the first time the issue of polygamy had been argued on a national level. Colfax had made a visit to Utah four years earlier in 1865 while serving as Speaker of the House of Representatives. During that prior visit he had also argued against the practice of polygamy and had called for the Church to support government legislation, the Morrill Anti-Bigamy Act of 1862, but he had left the territory frustrated, offended, and even angry at Church leaders. Colfax had come to the territory of Utah in 1865 with the hopes "of dismantling the Mormon Church, by a new revelation from herself, and the transformation of an Israelitish commonwealth into a Gentile or apostate State."² But Colfax soon learned that Brigham Young and other Church leaders would not use revelations from God as bargaining chips to receive political favors.

Although opposition to the practice of plural marriage was felt by the Church almost immediately after it was publicly announced in August of 1852, and even earlier while the Saints

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were in Nauvoo, it was not until 1862 that the first antibigamy legislation was passed by Congress. Even with the Church staging a very aggressive media campaign by publishing newspapers in three major cities—New York, San Francisco, and St. Louis—to show the honorable reasons for the Saints engaging in the practice of plural marriage, hostility and resentment against the Saints were strong. But although the Morrill Act made plural marriages illegal, the U.S. government was so preoccupied with the Civil War that it did very little to either fund the act or to enforce it. As a consequence of such preoccupation, the Saints chose to ignore the Morrill Act and continue to practice polygamy. However, by 1869 things had changed dramatically: the Civil War was becoming part of America's past, and the federal government, dominated by a very powerful Republican party, was ready to engage in a mission to eradicate polygamy.

Colfax's second visit to the Utah Territory was part of a larger tour that had extended all the way to the Pacific Ocean. Colfax stopped in Salt Lake City on his return trip to Washington DC and delivered his speech from "the Townsend House [Hotel], at the corner of West Temple and First South streets."³ Colfax devoted a large portion of his speech in Salt Lake City to defending the actions of the federal government to eliminate polygamy and made three persuasive arguments why the Church should support such actions. However, before doing so, he complimented the citizens of the territory of Utah on their advancements in all types of industry from cotton to porcelain and recognized the cultural advancements that had occurred since his previous visit. After issuing his compliments to the good citizens of Utah, Colfax went directly into two fundamental First Amendment rights: freedom of speech and freedom of religion. First he acknowledged his own willingness to listen respectfully to the elders of the Church as

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they attempted to defend their religious beliefs and then called upon the people of Salt Lake City to consider his words with the same respect that he had granted them. He then spoke of freedom of religion as the second fundamental right that was granted to every citizen and declared that the United States was a land of religious and civil liberty. He believed that religion was a very personal matter and something which was between God and each individual person. He then stated, “You have as much right to worship the Creator through a president and twelve apostles of your church organization as I have through the ministers and elders and creed of mine. And this right I would defend for you with as much zeal as the right of every other denomination throughout the land.”⁴

However, the very next word in Schuyler Colfax’s speech—“but”—showed the clear difference of opinions between himself and The Church of Jesus Christ of Latter-day Saints.

Colfax’s first argument against the Saints’ right to practice polygamy was that freedom of religion should not be turned into an umbrella for people to hide under every time they did something against the law. Colfax noted that “our country is governed by law, and no assumed revelation justifies any one in trampling the law. If it did, every wrong-doer would use that argument to protect himself in his obedience to it.”⁵ Colfax went on to point out that all citizens of the United States needed to obey those laws and that they were set forth by the government as guidelines that unite people together with a common bond. He also pointed out that any law, whether good or bad, should be observed until it can be tested in the courts and determined to be unconstitutional. Therefore, the Saints were obliged to respect the antibigamy act of 1862 until it could be proven unconstitutional. Also, as almost a side note before moving on to

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his next point, Colfax quickly asserted that polygamy really was not even a religious issue because he did not feel the practice of plural marriage was an integral part of Latter-day Saint theology.

Colfax's next argument was that the Latter-day Saint Church had not practiced plural marriage in earlier times and in fact had two separate earlier Church teachings from the Book of Mormon and the Doctrine and Covenants which condemned it. Colfax first cited Jacob 2:23–24, referring to the “grosser crimes” of David and Solomon—their many wives and concubines.⁶ Colfax's other scripture reference had to do with the Lord's instruction concerning marriage found in Doctrine and Covenants 49:15–16, which teaches that a man should have one wife. Even after acknowledging that the Church recognized new revelations that annulled previous ones, he called upon the Saints not to “turn your back on your old faith and disobey the law.”⁷

The vice president's final point, and perhaps his most compelling of the three, was the value of laws that were designed to protect the public from what it might deem inappropriate behavior. Colfax was, in essence, saying that the nation had deemed polygamy inappropriate, that Congress had passed a law to stop its practice, and that all citizens of the United States, including Latter-day Saints, had a duty to abide by the laws of the land, whether or not those laws challenged someone's religious beliefs. He cited other offensive things that people might try, such as opening a saloon, bone-boiling shop, or powder mill on Temple Street in downtown Salt Lake City. He conjectured that the city ordinances would forbid such actions in order to protect its citizens and the interests of the community as a whole. Colfax also included the common practice in Hinduism at that time, which involved the burning of widows: “The [Hindus] claim, as part of their religion, the right to burn widows with the dead

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bodies of their husbands. If they were to attempt it here, as their religion, you would prevent it by force.”⁸ And now since plural marriage had been labeled offensive, the government was simply fulfilling its right and responsibility to make it illegal.

ELDER TAYLOR’S RESPONSE

What resulted was a lengthy public discourse between the vice president of the United States and Elder Taylor, who was in Boston at the time.⁹ Taylor’s initial response to Colfax appeared in the columns of the *New York Tribune* and provided comprehensive answers to everything Mr. Colfax had accused the Church and the Saints of failing to do. In fact, Mr. Colfax chose to write a rebuttal that was published in the *New York Independent*. That rebuttal invoked a second response by Elder Taylor that was again published in several major newspapers on the East Coast. B. H. Roberts, in his book *The Life of John Taylor*, referred to how effective Taylor was at responding to the attacks of Mr. Colfax, saying:

Elder Taylor made an elaborate and masterly reply that was quite as extensively published in the east as was the Vice-President’s article. He followed his opponent through all his meanderings in dealing with the Mormon question; he corrected his errors, reproved his blunders, answered his arguments, laughed at his folly; now belaboring him with the knotty cudgel of unanswerable argument, and now roasting him before the slow fire of his sarcasm; now honoring him for his zeal, which, however mistaken, had the smack of honesty about it; and now pitying him for being led astray on some historical fact.¹⁰

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Elder Taylor's first reply responded directly to the three arguments that Colfax had made against the Church and its members. Elder Taylor chose first to address the idea that plural marriage was not even a religious issue to begin with. Taylor noted: "That our country is governed by law we all admit; but when it is said that 'no assumed revelation justifies any one in trampling on the law;' I should respectfully ask, what! not if it interferes with my religious faith, which you state 'is a matter between God and myself alone?' Allow me, sir, here to state that the assumed revelation referred to is one of the most vital parts of our religious faith; it emanated from God and cannot be legislated away."¹¹

Taylor was quick to point out that the instruction to the Saints to practice plural marriage was received by revelation from God, and so he asked, "If a revelation from God is not a religion, what is?"¹² He went on to note that the Jewish, Catholic, Greek, and Episcopal churches all believed that marriage was an intricate part of their religious dogma, and so it was with the Latter-day Saint Church as well. And if Schuyler Colfax was now permitted to decide what was and was not a religious teaching, what would stop others from doing the same thing again and again? In fact, as Taylor argued, if that was the case, then no one ever was persecuted for their religious beliefs because the persecutor could simply disassociate the undesirable behavior and the religion. He continued, "Jesus was put to death,—not for his religion—but because he was a blasphemer: because he had a devil and cast out devils, through Beelzebub the prince of devils; because he . . . declared himself the Son of God. So they said, and they were the then judges."¹³

Taylor also noted how Christ's Apostles were dealt with by the Jewish Sanhedrin: "His disciples were persecuted, proscribed and put to death, not for their religion, but because they 'were

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pestilent fellows and stirrers up of sedition,' and because they believed in an 'assumed revelation' concerning 'one Jesus, who was put to death, and who, they said, had risen again.' It was for false pretensions and a lack of religion that they were persecuted. Their religion was not like that of the Jews; ours, not like that of Mr. Colfax."¹⁴

In addressing the legality of the Morrill Act, Taylor made the point that just because a law had been passed by the federal government didn't justify its existence. He went on to point out that this was not the first time oppressive governments had passed oppressive laws that had contradicted the commandments of God. He used the example of Joseph and Mary in the New Testament when they fled to Egypt to save the life of Jesus. By applying Mr. Colfax's suggestion of how people should respond to bad laws, Joseph and Mary would have never left for Egypt and Jesus would have been executed as a young child. Elder Taylor then asked the question, "Did they do wrong in protecting Jesus from the law?"¹⁵ His response to that question is as follows: "But Herod was a tyrant. That makes no difference; it was the law of the land, and I have yet to learn the difference between a tyrannical king and a tyrannical Congress. When we talk of executing law in either case, that means force,—force means an army, and an army means death. Now I am not sufficiently versed in metaphysics to discover the difference in its effects, between the asp of Cleopatra, the dagger of Brutus, the chalice of Lucretia Borgia, or the bullet or sabre of an American soldier."¹⁶

Consider what John Taylor had witnessed firsthand with regard to how the government treated the Latter-day Saints. From the time that Taylor was baptized in 1836, he had witnessed the extermination order issued by the State of Missouri that forced a winter exodus of men, women, and children more than

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two hundred miles across Missouri and the Mississippi River into Illinois. He had seen the mistreatment and unreasonable imprisonment of Church leaders for nearly five months in Liberty Jail from 1838 to 1839. He had stood side by side with the Prophet Joseph Smith and Joseph's brother Hyrum in Carthage Jail and had been shot four times during their martyrdom in 1844. He was fully aware that the dishonest and cowardly actions of Thomas Ford, governor of Illinois, had much to do with the tragic events in Carthage. Elder Taylor had also witnessed the repeal of the Nauvoo Charter, multiple attempts to arrest several members of the Quorum of Twelve Apostles, and the eventual forced exodus of the Saints from Nauvoo in 1846. In addition to these events he had also watched as a federal army had marched through the streets of Salt Lake City in 1858 and then lived with two years of military occupation in the territory of Utah. And now there was a new type of persecution, only this time the mob was Congress, and the persecution in the form of legislation. Elder Taylor had reason to warn against tyrannical governments.

Taylor's second point was that the Latter-day Saint theology quoted by the vice president against the Church was only partially referenced and taken out of context. With regard to the quote from the book of Jacob in the Book of Mormon, Taylor noted that had Colfax read a little further in the book of Jacob, he would have seen where the Lord went on to say, "For if I will . . . raise up seed unto me I will command my people; otherwise they shall hearken unto these things."¹⁷ In other words, plural marriage had been commanded by the Lord at certain times in history and is appropriate when authorized by God. Elder Taylor quipped, "I cannot blame the gentleman for this: he has many engagements without examining our doctrines. I suppose this was . . . handed to him."¹⁸ Taylor went on to explain that the Latter-day Saint

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Church was a church that believed in continued revelation and that the more recent doctrine of plural marriage superseded any previous commandments or instructions.

Elder Taylor's final point was that this was "not the first time that Presidents, Kings, Congresses and statesmen have tried to regulate the acts of Jehovah."¹⁹ He noted that polygamy was not against the law when the Saints first began openly practicing it in 1852 and that the laws of the land were changed blatantly with the intent to "bring [the Church] into collision with the United States, that a pretext might be found for our ruin."²⁰ He continued by stating, "It could not have been more plain, although more honest, if it had said the Mormons shall have no more wives than one. It was a direct attack upon our religious faith. It is the old story of the lamb drinking below the wolf, and being accused by it of fouling the waters above. The big bully of a boy putting a chip on his shoulder and daring the little urchin to knock it off."²¹

Taylor then went on to again use biblical paradigms to establish his position. His first example was that of the children who were ruthlessly killed by the Egyptians as a way to control the Hebrew population. Next he mentioned Daniel, who was ordered to be cast into the lion's den even against the wishes of the king. And then he again used the example of Herod's decree that all the infants be put to death at the time of the Savior's birth. In all these cases wicked and evil things were done under the rule of law. He then asked, "What right had the victims to complain?"²² Further he stated, "It was law: we must submit to law."²³ When considering these examples, it becomes clear that not every law is a good law and that at times it is expedient that people stand for principles even if that means not observing the law. Elder Taylor then cited the vice president's view that the United States was a country of civil and religious liberty and a

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place where man can determine his own relationship with God,²⁴ adding that it was such “providing God [doesn’t] shock our moral ideas by introducing something that we don’t believe in. If he does let him look out. We won’t persecute, very far be that from us; but we will make our platform, pass Congressional laws and make you submit to them. We may, it is true, have to send out an army, and shed the blood of many; but what of that?”²⁵

Taylor concluded his remarks with the Savior’s words “by their fruits ye shall know them” (Matthew 7:20). He mentioned all of the wickedness he had observed while traveling across the country, including prostitution, infanticide, child neglect, gambling halls, and drunkenness. Then he observed that those great sins were not taking place on the frontier, nor in Salt Lake City, but rather in the “civilized” areas of the United States. He then declared that there was not a place anywhere in the world where chastity and virtue and respect for women and motherhood was as strongly respected as in the Territory of Utah. His plea to Colfax and to the nation was that if they would look first at their own sins before they judged polygamy and the Latter-day Saint Church, they would see differently. “Is it too much to say ‘take the beam out of thine own eye and then shalt thou see clearly to remove the mote that is in thy brother’s.’”²⁶

CONCLUSION

It has been nearly 120 years since the Church officially ended the practice of plural marriage under the direction of its fourth president, Wilford Woodruff. Nevertheless, plural marriage continues to be a fascinating and intricate part of Latter-day Saint history which many do not fully understand and appreciate. Knowing that plural marriage was entered into in this

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dispensation because it was commanded by God is imperative to one's understanding of why the Saints continued its practice after it had been declared unlawful. However, John Taylor's defense of plural marriage in 1869 goes beyond that reasoning and reveals that the Saints were also seeking to protect their constitutional right of freedom of religion.



The homes occupied by six of John Taylor's families were collectively known as Taylor Row. Two of the Taylor homes, located at 45 and 47 South First West, are pictured. (Photo by Kenneth R. Mays. © 2004 Brigham Young University. All rights reserved.)

NOTES

1. Emerson Roy West, *Profiles of the Presidents* (Salt Lake City: Deseret Book, 1974), 112.
2. Edward W. Tullidge, *History of Salt Lake City* (Salt Lake City: Star Printing, 1886), 392.

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3. Orson F. Whitney, *Popular History of Utah* (Salt Lake City: Deseret News, 1916), 241.
4. Tullidge, *History of Salt Lake City*, 404.
5. Tullidge, *History of Salt Lake City*, 404.
6. Tullidge, *History of Salt Lake City*, 404–5.
7. Tullidge, *History of Salt Lake City*, 405.
8. Tullidge, *History of Salt Lake City*, 405.
9. Brigham H. Roberts, *The Life of John Taylor* (Salt Lake City: George Q. Cannon and Sons, 1892), 301.
10. Roberts, *Life of John Taylor*, 306.
11. Tullidge, *History of Salt Lake City*, 407.
12. Tullidge, *History of Salt Lake City*, 408.
13. Tullidge, *History of Salt Lake City*, 410.
14. Tullidge, *History of Salt Lake City*, 410.
15. Tullidge, *History of Salt Lake City*, 408.
16. Tullidge, *History of Salt Lake City*, 408.
17. Tullidge, *History of Salt Lake City*, 409.
18. Tullidge, *History of Salt Lake City*, 409.
19. Tullidge, *History of Salt Lake City*, 411.
20. Tullidge, *History of Salt Lake City*, 411.
21. Tullidge, *History of Salt Lake City*, 411.
22. Tullidge, *History of Salt Lake City*, 412.
23. Tullidge, *History of Salt Lake City*, 412.
24. Whitney, *Popular History of Utah*, 241.
25. Tullidge, *History of Salt Lake City*, 412.
26. Tullidge, *History of Salt Lake City*, 414.