MARTHA SONNTAG BRADLEY. *Kidnapped from That Land: The Government Raids on the Short Creek Polygamists.* Salt Lake City: University of Utah Press, 1993. xii; 260 pp. Illustrations, appendices, bibliography, index. $29.95.

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At 4:00 A.M. on July 26, 1953,[1] two quite different men met face-to-face on the dusty street in front of the schoolhouse in the northern Arizona border town of Short Creek. Each protagonist was backed by a phalanx of supporters. Sheriff Fred Porter of Mohave County, Arizona, had an army of sixty to seventy Arizona deputy sheriffs, highway patrolmen, liquor control agents, and national guardsmen who had entered the town in a pincers movement. One group from the west had driven from Arizona, through Nevada and Utah, and back into Arizona at Short Creek, and the other one came over the Kaibab Plateau and through the town of Fredonia[2] some thirty miles to the east. These lawmen originally had assembled at Williams, Arizona, south of the Grand Canyon, for what the rumor mill had labeled a special traffic school. They were given instructions and divided into the two groups, and after lengthy overnight travel around both ends of the canyon to the Arizona Strip, they burst into the isolated village with strident sirens and flashing lights. Leroy Johnson, the elderly spiritual leader of the fundamentalist polygamist community, had been alerted to the invasion by a dynamite blast set as a signal by lookouts, who had spotted the lights of the eastern cavalcade coming off the Kaibab. Johnson had many of his people lined up behind the picket fence around the schoolyard singing patriotic songs.

The scenario was ripe for violence, but neither side had a taste for it. The Johnson fundamentalists were clothed with religious zeal and the knowledge that they had survived intact two prior official "raids." They probably believed this incursion was like an anti-Jewish pogrom in eastern Europe before Hitler's "final solution"—they would suffer, but the community would survive. They were correct on both counts. The lawmen were under strict no-bloodshed orders from Arizona's governor, Howard Pyle, who had ordered the operation, and from senior law enforcement officials.

Rather than making martyrs, the state officials hoped for public and voter approval in rescuing the women and children of Short Creek from what they believed were the grinding poverty and the unspeakable horrors of life in a plural marriage setting. Judges, lawyers, and social workers accompanied the police. The press, which was also on hand, had fallen into line behind the eastern peace officer convoy at Fredonia.

Patriarch Johnson declared his people's willingness to stand their ground, and Sheriff Porter asserted that, although the officers did not want violence, they had come to do a job and intended to accomplish it. Then the moment of high tension faded as the peace officers served the 122 arrest warrants for crimes such as rape, statutory rape, carnal knowledge,[3] adultery, polygamous living, cohabitation,[4] and misappropriation of school funds.[5] By 4:30 A.M. the town was "secured" (130). Within hours those persons arrested were being arraigned before the judges brought into town, the children were taken under the protection of the juvenile court, and the removal of adults and children to the more populated parts of the state had commenced. Short Creek was left a ghost town attended by three boys.[6] There was to be no "shoot-out" at the Short Creek corral (130–39).

This 1953 episode is the dramatic core of Martha Bradley's book *Kidnapped from That Land: The Government Raids on the Short Creek Polygamists.* Bradley, a visiting professor of architecture at the University of Utah, has written widely on Mormon art, architecture, current polygamist groups, and western history.[7] The book encapsulates several years of on-the-scene experience, interviews with the principals and other participants in the 1953 events, and extensive library research. Although there have been other accounts of the Short Creek events,[8] Bradley's book is the first book-length, in-depth analysis of the legal history of the town.

The author first examines plural marriage in nineteenth-century mainline Mormonism and in subsequent splinter sects. The focus is on the theology and practices of the so-called fundamentalists—a significant portion of whom live in Short Creek.[9] Bradley looks at the settlement of the town and efforts in the 1930s and 1940s to prosecute fundamentalist leaders for violating state and federal laws. Finally, Bradley considers the aftermath of

the 1953 raid and looks at Short Creek (now Colorado City) today. Over forty years after the 1953 disruption of the community, the temporary detention of its population, and the year's probation of twenty-six of the men, the polygamist settlement has survived and grown to a population of over 4,500. Stubborn faith, hard work, and "benign neglect" by officialdom have all played their parts in the town's survival—a contrast to the demise of religious communes we have seen more recently. The fiery end of David Koresh's Branch Davidian compound at Waco,[10] the mass suicide-murder by poison of the Peoples Temple followers of Jim Jones at Jonestown,[11] and the exodus from Bhagwan Shree Rajneesh's central Oregon settlement of Rajneeshpuram[12] are illustrations of recent failures.

Although *Kidnapped from That Land* is not a tract for polygamy as it is practiced in this schismatic Mormon context, it is sympathetic with the Short Creek people. For example, in one chapter Bradley discusses how the women of fundamentalism "triumphed by accepting limitations" (111). This view is especially interesting in a time of widespread academic political correctness. Even the title of the book is supportive of the townspeople. They were not "kidnapped," as the title suggests. Rather, they were taken into official custody under carefully prepared warrants and detained after judicial proceedings. Such actions do not constitute kidnapping under the common law,[13] the Arizona statutes,[14] the Utah code,[15] or the Lindberg Act (the federal antikidnapping law).[16] Bradley's use of the word "kidnapped" is appropriately congruent with the antiestablishment tone of the book.

The book contains some useful photographs of the town and the 1953 arrests. Together with these photographs, the inclusion of maps would have helped to demonstrate the depressed economic conditions (Short Creek looked and still looks more dilapidated than most of rural Arizona or Utah), the geographic isolation (an advantage if you do not want official snooping), and the harsh beauty of the land, whose scenes are like those in the great state and national parks in the region.

The discussion of the economic workings of this community raises further questions. More information is needed to comprehend how the "United Effort Plan" (189–92) functions and has allowed this polygamist enclave to survive as an economic entity.[17]

Further inquiry would have been useful to explain how a fringe settlement in the twentieth century with an abundance of human resources and virtually no other visible means of support has managed to maintain its economy. For example, some outside income comes from construction labor by male members of the group in St. George, Utah, and other booming desert communities as far away as Nevada. Suspected "tote" of unwanted building materials from these sites to assemble houses by stages (the "added upon" look) may be a partial explanation of how the town was built. (It is unfortunate that with her insight as an architecture teacher and writer the author did not explore the unique appearance of Short Creek housing.) A significant source of income for other American communes is the capital that converts bring into the groups with them.[18] If they spend that capital rather than investing it and living from the proceeds, the organizations stumble.[19] But not much is said in the book about the newcomers to fundamentalism adding to the wealth of the town.

Polygamy has long fascinated many people; and Bradley, with a social historian's interest in the common folk, focuses on the people of Short Creek, who apart from their marital practices were not particularly newsworthy. However, many of their opponents were notable, or at least became so, yet neither the stories nor perspectives of those officials are told by Bradley. After losing reelection as governor, partly because of backlash from the Short Creek episode, Howard Pyle became the very articulate national spokesman for the National Safety Council. His campaign manager, Barry Goldwater, is the most prominent symbol of the Arizona Republican Party renaissance that revitalized a moribund party by giving it a presidential candidate, a United States Attorney General, and the first female United States Supreme Court justice, Sandra Day O'Connor. Lorna Lockwood, the juvenile court judge who handled the Short Creek children's cases, became the first woman in the country to serve as the chief justice of a state supreme court. The Arizona officialdom associated with the event included many others who have had distinguished careers.[20]

An appendix sets forth Governor Pyle's statement announcing to the people of Arizona the reasons for the raid at Short Creek. The statement, of course, does not list the legal or historical precedents which formed the basis for the state officials' belief they

could get away with the raid. Official heads did not roll after the arrests and prosecutions by Utah, Arizona, and federal officials in the 1930s and 1940s, but then neither did Short Creek and fundamentalism suffer more than temporary annoyance. Two particular precedents could have given the officials particular assurance—one from Mormon history and one from Arizona history. After the shooting of James Strang in 1856, his Mormon splinter group followers were "deported" from their Beaver Island homes in Lake Michigan and relocated around the lakeshore cities. Strang died, his polygamous lifestyle passed with him, and his kingdom was cleansed.[21] Closer to home and only three decades earlier—in the so-called "Bisbee Deportation"—Arizona successfully ended a violent copper miners' strike by hauling a trainload of strikers out of the state. Unions, easterners, and civil libertarians were outraged at the action,[22] but it worked, and the sheriff and his men who perpetrated it were exonerated on the grounds of the "law of necessity" in subsequent legal action.[23] Pyle, Sheriff Porter, and Mohave Superior Court Judge Jesse Faulkner (in whose jurisdiction Short Creek is located and who was the moving spirit behind the whole affair) had at least some reason to believe that similar success would crown their efforts.

Officialdom has never cared for religious groups that are different and powerful enough to make people angry, hurt, or afraid. John of Leyden, who took over Münster and practiced polygamy in Germany during the Reformation, was exterminated by the forces of the ruling bishop, who was supported by the conservative elements of the empire.[24] However, late twentieth-century America is neither the place nor the time to eradicate an entire community as did the troops of the Reformation. Today in Montana, county and state officers do not like the Church Universal and Triumphant and its adherents who have settled outside Yellowstone National Park. But officials have not moved in on the place. Rather they have nibbled around the edges with minor complaints.[25]

Despite official disapproval, residents of Short Creek as well as any reader of this book need not think that an event such as the raid on Short Creek is likely to happen again, as should be fairly clear for several reasons. First, Short Creek has too many people and is

too well entrenched. In the 1950s, Judge Faulkner urged action on the ground that, if the state did not act then, it would take an army to root out the polygamists later. A small army was used and was unsuccessful. It would be even less successful today.

Second, the operation would cost too much. Even the 1953 attempt was expensive. Money was appropriated to pay Burns Detective Agency operatives, who posed as people seeking movie extras, to investigate Short Creek. Then a sum of $50,000 was ostensibly granted by the legislature for "insect control" (121). This money was used for the raid under the name "Operation Seagull." The legislature appropriated $10,000 of the "emergency funds" for planners' salaries, $6,000 for travel expenses, $8,000 for food during the operation, and $6,000 for food during the holding period (121–22). Subsequent costs to deal legally with an entire community simply were unacceptable; they could not be hidden from fiscal watchdogs. Following the raid, there were cries of outrage from people like conservative democratic state senator and gubernatorial hopeful, Jim Smith. Today the costs would far exceed those of forty years ago because of such factors as inflation, growth of the town, and the ACLU.

The high risk of violence is a third reason for the unlikely recurrence of the 1953 events. Fundamentalists are generally a peaceful people. The LeBaron clan[26] and the Singer/Swapp family[27] are sad and rare exceptions. In the case of the violent Waco affair, only Janet Reno, who forthrightly assumed responsibility, came out with reputation intact. The public was appalled by the violence. Even if another raid resulted in no breaches of the peace, as the Short Creek project demonstrated, the cost in social disruption would be too high.

The fourth reason is that societal attitudes have changed in the past forty years. The "rotten revolution"[28] has softened American attitudes toward unconventional living arrangements. People who are tolerant of such things as homosexual "marriage," "significant others," serial polygamy via no-fault divorce, and abortion on demand, are not likely to get excited by religiously-motivated polygamy and demand governmental action to bring it to an end. While there is now more condemnation of child abuse and sexual

harassment than in the past, people today are generally more tolerant of peaceful dissent.

Fear of unfavorable news coverage is a fifth reason for American officials to avoid moving against a dissident community. In 1953 the press leaked news of the impending operation to the fundamentalists. As a result, there was no tactical surprise. Some fundamentalists escaped to Utah, but Governor J. Bracken Lee returned them. Today, national news coverage of the event would be comparable to coverage of the O. J. Simpson low-speed freeway chase.[29] The press may be owned by conservative capitalists, but news personnel appear to have acquiesced in the "rotten revolution" agenda. No sane government official courts bad press.

Legal change is a final reason for polygamists and other cultists to take comfort in the fact that 1953 will not be repeated. The civil rights movement and changes in criminal procedure provide a different legal environment for arresting, officially detaining, and trying persons accused of crimes. In 1953 warrants were drawn up for persons arrested at Short Creek, and judges were present to arraign them. Today, convicting them would be more difficult. For example, the *Gault* case from Arizona changed juvenile proceedings from the prior therapeutic model, which did not require full procedural due process, to the present judicial one, which does.[30] Arizona still has no antipolygamy statute, but even if it did, the Religious Freedom Restoration Act[31] would make successful prosecution of fundamentalists much more difficult. Today, it is not as easy to confidently predict that the law would be on the side of the government.

The future confrontations between fundamentalists and the government are likely to be individual cases for specific legal violations. Firearms violations were the excuse to go after leaders of the Church Universal and Triumphant. Fraud and tax cases have successfully put some fundamentalist leaders out of business. Bradley explores the use of child custody as a weapon against specific polygamists. A massive operation against an entire town is not the way to go. But it is interesting to explore in a book such as Bradley's.

NOTES

[1]This was just before the standard time hour of dawn during late July at that latitude. (Arizona, quite sensibly, has secured an exemption from daylight savings time under United States Code, title 15, §260a.)

[2]Fredonia is named for its handy location just across the state border in Arizona from Kanab, Utah. Southern Utah nineteenth-century Mormon leader Erastus Snow suggested the name "Fredonia" to describe the use of the community as a place to stash plural spouses outside the reach of Utah territorial officials intent upon enforcing the Edmunds Act, which criminalized bigamous cohabitation in territories; 22 Stat. 30 (1882). They were free. Will C. Croft, *Will C. Barnes' Arizona Place Names,* rev. and enl. (Tucson: University of Arizona Press, 1960), 71. Short Creek was to play a similar role for border dodgers in the twentieth century.

[3]Arizona Revised Statutes Annotated §§13-1405 and 1406.

[4]Arizona Revised Statutes Annotated §§13-1408 and 1409. *See also* §13-3606.

[5]Arizona Revised Statutes Annotated §13-1802(A)(2).

[6]One of the lookouts, Sam Barlow, subsequently became the "law north of the Colorado" as the town marshall of Short Creek. His adult plural marital status led to one of the more recent confrontations between a person from Short Creek and Arizona authorities. Arizona law requires bonding peace officers. The bonding agency, the Arizona Law Enforcement Officer Advisory Council, initiated proceedings to revoke Barlow's certification because he was a polygamist. The agency contended that such conduct violated his oath of office and jeopardized public trust in the law enforcement profession. Barlow went to court to block the administrative proceedings. The judge issued an injunction, citing one of the reviewer's articles, Ray Davis, "Plural Marriage and Religious Freedom: The Impact of *Reynolds v United States,*" *Arizona Law Review* 15 (1973): 287, which questioned the continued viability of that nineteenth-century cornerstone of judicial approval of antipolygamy laws, *Reynolds v United States,* 98 U.S. 145 (1878). The Arizona Court of Appeals, not possessed of sufficient chutzpah to contradict the High Court, reversed and decided that Arizona's antipolygamy constitutional provision, although not also enacted as a criminal statute, expressed the state antipolygamy public policy and that the state had a compelling interest in enforcing reasonable qualifications for peace officers, at least to the extent of holding an administrative hearing. *Barlow v Blackburn,* 798 P.2d 1360 (Ariz. App. 1990).

[7]See Martha Bradley, "Mormon Art: Untapped Power for Good," *This People* 13 (fall 1992): 20-26; Martha S. Bradley, "Protect the Children: Child Labor in Utah, 1880-1920," *Utah Historical Quarterly* 59 (winter 1991): 51-71; Martha Bradley, "The Women of Fundamentalism: Short Creek, 1953," *Dialogue* 23 (summer 1990): 14-37; Jessie L. Embry and Martha Bradley, "Mothers and Daughters in Polygamy," *Dialogue* 18 (fall 1985): 98-107; Martha S. Bradley, "The Cloning of Mormon Architecture," *Dialogue* 14 (spring 1981): 20-31. Current projects include writing a guide to Utah architecture for the American Institute of Architecture and editing a work on Utah's ecclesiastical architecture for the Utah Heritage Foundation. Bradley is coeditor of *Dialogue: A Journal of Mormon Thought.*

[8]See Edward A. Geary, *The Proper Edge of the Sky: The High Plateau Country of Utah* (Salt Lake City: University of Utah Press, 1992), 197–200; Patricia Wendel, "Red Letter Day at Short Creek: July 26, 1953" (J.D. thesis, Arizona College of Law, Tucson, 1976).

[9]There are also religiously based polygamist groups in the Salt Lake Valley—some of whose connections with Short Creek come up in Bradley's book. For an account of a recently organized (by excommunicated Mormons) polygamist church in Sanpete County, see *Provo Daily Herald,* August 21, 1994, sec. A, p. 7. Big Water, Utah (near Lake Powell), is another community catering to plural marriage.

[10]*Los Angeles Times,* April 20, 1993, sec. A, p. 1, 12–16.

[11]*Washington Post,* November 21, 1978, sec. A, p. 1, 12–15.

[12]Frances Fitzgerald, "A Reporter at Large: Rajneeshpuram," parts 1 and 2, *New Yorker,* September 22, 1986, 46–96; September 29, 1986, 83–125.

[13]See *People v Wesley,* 421 Mich. 375, 388, 365 N.W. 2d 692, 696 (1983); William Blackstone, *Commentaries,* Book IV, 218–19.

[14]Arizona Revised Statutes Annotated §13–1304.

[15]Utah Code Annotated §76–5–301(1).

[16]United States Code, title 18, §1201.

[17]The practice of the group was to contract with the reviewer's uncle, Owen Davis, to buy his entire fruit crop at Fruita, Utah, on the trees. This is an illustration of how the plan actually functioned in practice. My uncle Owen got a reasonable price for his product without needing to hire pickers and then market the fruit. The polygamists were able to use family labor for harvesting and processing the fruit, thus acquiring it at a much cheaper cost than purchasing retail canned or bottled goods. (Uncle Owen was not pleased when government officials would hassle the Short Creek people and thereby disrupt his profitable arrangement with them.)

[18]See the report by Catherine Collins and Douglas Frantz in *Modern Maturity,* the voice of the American Association of Retired Persons, warning retirees that cultists are after them for their money. Collins and Frantz, "Let Us Pray," *Modern Maturity* 37 (June 1994): 22–32.

[19]As a missionary in Mexico, the reviewer witnessed the decline and fall of a commune of polygamist former Mormons. A significant reason for its demise was poverty brought on by mismanagement of the resources brought into the group by its adherents. Economics, rather than philosophy, brought about the commune's collapse.

[20]Kent Blake, one of the two major planners of the raid, is a cousin of the reviewer. He has recently retired after a lifetime of practice with one of the major Phoenix law firms. The other principal planner, Paul La Prade, served with distinction as a judge. Harold Giss, who got the necessary appropriation through the legislature, was one of the dominant figures in the Arizona legislature for many years. The list can be multiplied. The Arizona officials involved were and continued to be major players in the affairs of the state.

[21]Roger Van Noord, *King of Beaver Island: The Life and Assassination of James Jesse Strang* (Urbana: University of Illinois Press, 1988), 257–66.

[22]On July 12, 1917, a county posse loaded 1,186 members of the International Workers of the World and other suspected undesirables onto boxcars and cattle cars at gunpoint. They were taken to Columbus, New Mexico, unloaded,

and told never to return to Bisbee. James Byrkit, *Forging the Copper Collar: Arizona's Labor-Management War of 1901–1921* (Tucson: University of Arizona Press, 1982), as cited in *Arizona Republic,* July 19, 1992, sec. C, p. 1. Among those who futilely investigated the deportation was a federal commission dominated by Harvard law professor Felix Frankfurter. Michael Parrish, *Felix Frankfurter and His Times: The Reform Years* (New York: Free Press, 1982), 90–95.

[23]*State v Wootton,* Crim. No. 2685, Cochise County, Arizona, September 13, 1919. The instructions to the jury by Judge Samuel Pattee may be found at Comment, "The Law of Necessity as Applied in the Bisbee Deportation Case," *Arizona Law Review* 3 (1961): 264.

[24]Will Durant, *The Reformation: A History of European Civilization from Wyclif to Calvin: 1300–1564* (New York: Simon and Schuster, 1957), 398–402. The episode is the basis for the Meyerbeer opera "Le Prophete." A tax was levied on all Germany to raise funds to finance the siege of Münster and to exterminate King John's anabaptist polygamist group. Regarding the different sort of response by the United States government to Mormon polygamy in the nineteenth century, see Ray Jay Davis, "Antipolygamy Legislation," in Daniel H. Ludlow, ed., *Encyclopedia of Mormonism,* 5 vols. (New York: Macmillan, 1992), 1:52–53.

[25]For example, the Internal Revenue Service lifted the tax-exempt status of the survivalist church and then restored it when the leaders of the group agreed to stop stockpiling weapons on its ranch near Yellowstone Park. *Deseret News,* June 4, 1994, sec. A, p. 5. Environmentalists have also challenged the group.

[26]For an insider's account of the activities of the Ervil LeBaron family, see Rena Chynoweth and Dean Shapiro, *The Blood Covenant* (Austin, Tex.: Diamond Books, 1990). During his missionary experience in Mexico, the reviewer contended with one of the more peaceful members of the LeBaron family. He was a very formidable adversary but not at all like his brother Ervil.

[27]The shootout at Marion, Utah, which brought the siege to an end by law enforcement officials of the Singer/Swapp family is reported in *Deseret News,* January 28, 1988, sec. A, p. 1. The siege was mounted in an effort to arrest those responsible for bombing a Mormon chapel.

[28]The phrase is that of President Gordon B. Hinckley. I like it. It expresses the erosion of traditional values and secularization of American society.

[29]In the unlikely event that some reader was not watching the live broadcast of the "chase," an account of it may be found in Nancy Gibbs, "End of the Run," *Time,* June 27, 1994, 28–35. Phoenix, Las Vegas, and Salt Lake City television station helicopters could bring live coverage, assuming that the officials saw fit to act during daylight hours.

[30]In re *Gault,* 387 U.S. 1 (1966).

[31]107 Stat. 1488 (1993). The statute was intended to alter the impact of *Employment Division v Smith,* 494 U.S. 872 (1990), which "virtually eliminated the requirement that the government justify burdens on religious exercise imposed by laws neutral toward religion" and restore the "compelling interest test as set forth in *Sherbert v Verner,* 374 U.S. 398 (1963) and *Wisconsin v Yoder,* 406 U.S. 205 (1972)." Religious Freedom Restoration Act §§2(a)(4) and 2(b)(1).