

# Child Abuse in Arizona and Utah Polygamous Families: An Argument in Favor of Strict and Broad Enforcement of Punishments for Polygamy-related Crimes Against Children

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*This paper argues that stories about young girls running away from the polygamous communities of Hildale, Utah, and Colorado City, Arizona, are evidence that the policies that are meant to protect children in polygamous families are not working. This paper argues that while Utah state law enforcement and child welfare agencies have the authority to adequately protect children in the polygamous communities of Colorado City and Hildale, the state's current policies do not allow agencies enough scope, range, or power to enforce the statutes. This paper also argues that the reason that public officials face political ramifications when attempting to enact such policy. Policies in place are ill-equipped to deal with the physical isolation of Colorado City and Hildale; the closed nature of the society; the large resources required to deal with polygamy-related crimes; the power of the Fundamentalist Church of Jesus Christ of Latter Day Saints' leaders; and the apathy of the public in Utah and Arizona.*

## INTRODUCTION

Attention has recently been focused on polygamy with the stories of teenage girls running away from the isolated polygamous communities of Hildale, Utah, and Colorado City, Arizona. Two girls, Fawn Holm and Fawn Broadbent, have run away from their families and have refused to return for fear that they were on an "imminent bride-to-be list." Before she vanished, Fawn Holm wrote a letter saying she "was hoping that Arizona would help me. But I thought wrong.... Well, I left because all they seemed to want to do is to send us back to a prison [Colorado City]" (Adams 2004).

The stories of these teenage girls highlight the fact that Utah and Arizona law enforcement and child welfare agencies have lost control of the situation within the isolated polygamous communities. With the evidence of abuse in isolated polygamous communities and exodus of young girls from polygamy, it is evident that the policies regarding polygamy are not working. Since polygamy became a criminal offense on the federal level in 1862, Utah has adopted policies that are not protecting young children - particularly young girls.

This paper argues (1) that the judicial policy in this state and the rest of the country already suspends parental rights in polygamy; (2) law enforcement and child welfare agencies have sufficient authority to protect children in Hildale and Colorado City, but are not using it; (3) child abuse is rampant in isolated polygamous communities; (4) policies that are meant to protect children are ineffective when protecting with children in polygamous communities; (5) the reason that public officials have been unwilling or unable to create policy that tightens state control over polygamous communities is because the ramifications would be damaging to their political future. Before these contentions can be examined, the historical context of polygamy in Utah must be noted.

## THE LDS CHURCH AND POLYGAMY

The Edmunds Act of 1882, like the Morrill Act of 1862, effectively made polygamy an illegal act, punishable by a maximum fine of \$500 and a maximum of five years in prison (Berrett and Burton 1958, 23). Members of the Church saw the Edmunds Act as being "the work of sectarian religious bigots and political adventurers" (Berrett and Burton 1958, 67).

When asked about how he felt about the passage of the Edmunds Act, LDS President John Taylor answered by saying “Let us treat it the same as we did this morning in coming through the snowstorm—put up our coat collars and wait till the storm subsides. After the storm comes sunshine. While the storm lasts it is useless to reason with the world; when it subsides we can talk to them” (Berrett and Burton 1958, 71). On hearing the news that the bill had been passed, Wilford Woodruff wrote in his journal his exasperation towards the bill, describing it as “taking a stand against God, against Christ, and His kingdom and against His people” (Berrett and Burton 1958, 73).

The first sign of agitation that the Mormons had towards anti-polygamy legislation was a mass of LDS women who gathered at the Salt Lake Theater and declared their “emphatic disapproval upon the aims and methods of the Anti-polygamists.” At that time, a memorial to Congress was drafted, asking the body not to enact the legislation that had been suggested (Berrett and Burton 1958, 63).

The members of the Church also heard stories about the poor conduct of law enforcement officials when they tried to take people into custody. There are tales about officials storming into the homes of men and women in the middle of the night, and that “Even the bed chambers of modest maidenhood were rudely entered before the occupants could dress” (Berrett and Burton 1958, 75). One story tells about a Mrs. Edwards who was awakened and was forced to walk three miles with her baby in her arms to Salt Lake City so she could testify against her husband (Berrett and Burton 1958, 77).

These factors created an overall resentment in the members of the Church towards the government and any legislation that would limit their ability to worship. Even after the Manifesto of 1890, which renounced the Church’s affiliation with polygamy, the members felt that they had no choice but to obey unjust laws.

In 1890, President of the Church Wilford Woodruff issued a “Manifesto” regarding polygamy. He said that “I publicly declare that my advice to the Latter-day Saints is to refrain from contracting any marriages forbidden by the law of the land” (Embry 1987, 12).

The reaction to this proclamation among the Saints was mixed. Some saw the issue of the *Manifesto* as evidence that “The Government of the United States had assumed the responsibility for saying what was the ‘will of God’” (Embry 1987, 12). Others claimed that the only reason that they voted to sustain the *Manifesto* was because “it was the only thing to do.”

According to Martha Sonntag Bradley, “Many Mormons stubbornly refused to accept it as a revelation from God; it confused others by its vague and ambiguous instructions for the future” (1996, 7).

“Even though polygamy is no longer practiced by members of the LDS Church, plural marriage or celestial marriage is still a valid LDS religious belief” (Llewellyn 2004, 110).

The majority of the first prophets of the Church practiced polygamy. From 1852-1890, plural marriage was the “axis around which Mormonism revolved” (Llewellyn 2004, 110).

## THE FLDS CHURCH: LAWS, ENFORCEMENT, AND POLITICS

### THE SHORT CREEK RAID AND ITS AFTERMATH

After the Church of Jesus Christ of Latter-day Saints renounced the practice of polygamy in 1890, the Fundamentalist Mormons settled the town of Short Creek, Arizona. By 1953, the population had grown to 39 men, 86 women, and 263 children. Arizona Governor Howard Pyle focused his attention on what he deemed the “plight” of the Short Creek women and children. In a radio address, Pyle described the settlement as “a community dedicated to the production of white slaves.” Pyle then asserted that “As the highest authority in Arizona, on whom is laid the constitutional injunction to ‘take care that the laws be faithfully executed,’ I have taken the ultimate responsibility for setting into motion the actions that will end this insurrection” (Bradley 1996, 208).

On July 26, 1953, a swarm of law enforcement officers descended upon the inhabitants of the town. Over a hundred men and women were arrested, and the 263 children were taken into state custody (Bradley 1996, 130).

The raid turned out to be a public relations disaster for Governor Pyle. According to a Kingman Daily Miner article of July 2001, “Newsreel of images of children being wrested from the arms of their fathers shocked the nation and Pyle’s action was condemned” (Gripman 2001). The *Deseret News* was the only major publication to praise the raid. It wrote that “Law abiding citizens of Utah and Arizona owe a debt of gratitude to Arizona’s Governor Howard Pyle and to his police officers” (Bradley 1993, 148).

Pyle thought that this sort of publicity would be the norm, but, according to the *Salt Lake Tribune*, “The rest of the nation, meanwhile, saw newsreel images of children being separated from their mothers, and criticism came heaping down on Pyle from almost every quarter. The raid was viewed as a politician’s grab for the headlines at the expense of innocent families” (Zoellner 1998). *The Los Angeles Times* and the *Arizona Republic* both ran front page stories on the raids, and called it a “misuse of public funds,” and a “cloak and dagger raid, typical of Hollywood’s worst product” (Bradley 1996, 148-149). By 1954, public sentiment in regards to the raid was unanimously against the actions taken by the state.

The backlash was so bad that every one of the accused men were released by a judge Pyle himself had appointed, and the Arizona Legislature never created any statutes to prosecute polygamy under the anti-polygamy clause of the Arizona State Constitution (Bradley 1996, 149). Governor Pyle felt betrayed by the system. He said that “You get killed quicker

in government doing your duty than turning your back.” He later predicted that “When I die, I know I will be remembered for Short Creek far beyond anything I did in office” (Bradley 1996, 149), and that the raid “had finished him” politically (Zoellner, 1998).

Since the 1953 raid, public officials and law enforcement have taken a passive stance to the political hot potato that polygamy has become. In this vacuum, The Corporation of the President of the Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS Church), the largest of Utah’s polygamous groups, has flourished. Its population is about ten thousand people, and they live in Hildale, Utah; and Colorado City, Arizona. Both towns are entirely owned by the United Effort Plan, which is a land trust controlled by the FLDS Priesthood hierarchy, whose leader is Warren Jeffs (Llewellyn 2004, 18-20).

### THE LEGAL CONTEXT

*Davis v. Beason* (1890) is the first Supreme Court case that deals with polygamous parents’ right to indoctrinate their children in religious principles that include the practice of polygamy. The Court decided that teaching children to practice religious traditions that have been deemed illegal by the state was not protected under the parent’s rights. When delivering the opinion of the Court, Associate Justice Field established that “Bigamy and polygamy are crimes by the laws of all civilized and Christian countries.... Few crimes are more pernicious to the best interests of society.... To extend exemption from punishment for such crimes would be to shock the moral judgment of the community” (*Davis v. Beason* 1890, 341). Justice Field then went on to declare that “to teach, advise and counsel their practice is to aid in their commission, and such teaching and counseling are themselves criminal and proper subjects of punishing, as aiding and abetting crime are in other cases” (*Davis v. Beason* 1890, 342). Therefore, the court found that to promote the crime of polygamy was itself a crime.

The polygamy issue reached the Utah Supreme Court in 1955 in the case of *Black v. Utah* (1955). The case was an appeal from a judgment of the Sixth District Juvenile Court, which deprived Leonard and Verna Black custody of their eight children. The original petition in this case alleged that the eight children were dependent and neglected because they were “destitute,” and because the parents “have and do now teach and encourage said children to believe in the practice of polygamy.”

Justice Worthen gave the opinion of the Court, and said that while “It is true that taking these children from their parents does seem harsh...unless we are genuinely concerned for the welfare of these children and for the public welfare” (*Black v. Utah* 1955, 909). Worthen cited Section 55-10-32, and said that Leonard and Verna Black “have not only ‘failed and neglected to provide [the children] with proper maintenance,

care, training and education...required by both law and morals,’ but have affirmatively and knowingly provided the children with the care, training and education violative of law and morals” (*Black v. Utah* 1955, 909).

Worthen admitted that while the Court found ample evidence to suggest neglect, “still this alone does not mandate the Court to deprive the parents of the custody of their children” (*Black v. Utah* 1955, 910). But he emphasized the fact that the “children must for their best interest be taken from the custody of their parents. The evidence warrants fully the Court’s finding that the home of the parents is an immoral environment. Here they are subjected to this illegal and immoral practice of action” (*Black v. Utah* 1955, 911). The Supreme Court deprived the parents of custody over the eight children, and made the children wards of the state.

The legal precedent set by *Black* was utilized by the Utah Supreme Court in the 1991 case of *Sanderson v. Tryon*. The Court established that the fact that parents may practice polygamy is not an adequate reason for the state to remove a child from the home.

The case stems from a child custody dispute between Jennifer Sanderson and Robert Tryon, who formerly maintained a polygamous relationship. The couple separated, and the district court awarded custody to Tryon, on the grounds that Sanderson still practiced polygamy.

The trial judge in the district court concluded that

while the Sanderson/Tryon children attend public schools and otherwise receive proper maintenance and care, the law presumes that because of her practice of polygamy, Jennifer L. Sanderson has knowingly failed and neglected to provide for the Sanderson/Tryon children the proper maintenance, care, training and education contemplated and required by both law and morals (qtd. in *Sanderson v. Tryon* 1991, 625).

Tryon depended on the argument presented in *Black* to argue that finding the plaintiff practices polygamy was adequate to support Tryon’s custody award. The Court disagreed, claiming that “the findings of fact are inadequate since they simply do not demonstrate a rational factual basis for the ultimate decision by reference to pertinent factors that relate to the best interests of the children.” The opinion was unanimous.

From these two cases, we can conclude that the policy of the court in regards to custody of children cannot be revoked merely because a parent practices polygamy. Rather, the combination of neglect in the home as well as the parents’ practice of polygamy together are sufficient reasons for the state to remove a child from the home.

In Pennsylvania, however, the original premise of the United State Supreme Court’s ruling in *Davis v. Beason* was upheld. In the 2003 Pennsylvania Supreme Court divorce case of *Shepp v. Shepp* the Court found that:

Appellant’s promotion of his beliefs to his stepdaughter involved not merely the superficial exposure of a child to the theoretical notion of criminal conduct, but constituted a vigorous attempt at moral suasion and recruitment by threats of

future punishment. The child was, in fact, warned that only by committing an illicit act could she comply with the requirements of her religion....

The Court continued by saying that

Appellant's intent... is to inculcate in his own child a belief in what he knows to be illegality. His instruction may perhaps, as the child matures, even become insistence that she engage in such conduct. The difference between the two involvements is vast, since the first, while undesirable, does not, unlike the latter, constitute indoctrination in a practice which the Commonwealth has determined to be criminal (*Sanderson v. Tryon* 2003, 6).

The Pennsylvania High Court established that the indoctrination of polygamy is in fact a sufficient reason for children to be removed from the custody of a parent who intends to raise them in a polygamous environment.

### UTAH DIVISION OF CHILD AND FAMILY SERVICES POLICY

Carol Sisco, the Department of Human Services Public Information Officer, explained the current Department of Child and Family Service (DCFS) policy towards children in polygamy is that "As far as we're concerned, polygamy by itself is not a reason to remove a child from a home" (2004). This policy is consistent with the *Sanderson v. Tryon* Utah Supreme Court case.

Like with any other case, the only reason that DCFS would investigate a case of abuse or neglect in a home would be because they had received a report from a neighbor or family member that there was abuse or neglect in the home. Sisco went on to say that because polygamous society is "very closed," it is unlikely that anyone would report abuse (2004). In a January 2004 article, the *Arizona Republic* quoted Sisco saying that "In cases where there are no allegations of forced marriage, chronic neglect or abuse, families are referred to counseling." She adds that "We can't really do much beyond that. We don't have the authority" (Bland 2004).

In contrast, this essay argues that the very nature of the society gives DCFS and other state agencies authority to intervene on the children's behalf. The control of the church leaders over the members of the community inevitably facilitates the abuses of brainwashing and isolationism; which leads to sexual abuse, forced marriage, physical neglect, and emotional neglect. According to *Black v. State of Utah* (1955), the evidence of abuse, neglect, and practice of polygamy gives DCFS the authority to intervene in Colorado City and Hildale.

The *New York Times* reported in a February 2000 article that Utah State Senator Ron Allen (D-Stansbury Park), when talking about some bills that he sponsored that dealt with polygamy, said that "It's come to my attention in the past couple of years that there are a number of human rights violations in our state in these closed societies.... There is a pre-

ponderance of empirical evidence that these crimes are quite common and may even have the tacit approval of some community members" (*Utah Senate Approves Bill to Fight Polygamist Crimes* 2000)

Why is it that "these crimes are quite common" in Colorado City and Hildale? Vince Beiser of *Maclean's* explained that these kinds of crimes may be common in polygamous communities because "In polygamous families, the patriarch has all the power. When there's that kind of imbalance, abuse comes naturally" (Beiser 1999). The *Cultic Studies Review* published a press release from the International Human Rights Clinic of the New York University School of Law Clinical Program that reiterates this point, saying "The religious teachings of these polygamous groups and the closed nature of their communities create conditions in which women and girls are especially vulnerable to violence, coercion, and abuse" ("Activists Call for End of Polygamy Abuses" 2002.).

Martha Sonntag Bradley adds that

The doctrine of individual free agency...occurs repeatedly in fundamentalist literature. However, the context and examples usually assumed that the reader, like the speaker, was male, and the issue of choice was most frequently invoked in the context of being free from the constraints of society to live a polygamous lifestyle. Women in Short Creek had few choices to make as adults. Here the culture of fundamentalism coincided with the limited opportunities offered in an isolated, rural, frontier community (1993, 98).

This sort of absolute control over the affairs of the members of polygamous communities is described by a Mrs. Alfonzo Nyborg, the wife of the Short Creek deputy sheriff, who was also raised in a polygamous community. She said that "the children...don't have a mind of their own. They [the male leaders] just live their lives for them" (Bradley 1993, 98). She also reported upon once commenting to a girl, who is both a polygamist daughter and wife, that "they must hold something over you so that you do like that." The girl answered, "They do, but I can't explain it" (Bradley 1993, 98).

This isolation that the children are controlled under was described by Sharil Jessop Blackmore. She described an awakening when she realized that she was never going to see the rest of the world. She also realized that she was "ill-equipped to fend for herself. She was not trained for a job, and knew no one outside of Short Creek; the thought of a world full of strangers terrified her. Therefore, leaving was simply not an option.... Short Creek itself reinforced the authoritarian nature of fundamentalism, allowing its young people little room for independence" (Bradley 1993, 98-99).

The isolation of children in the FLDS Church described by Blackmore is aided by the fact that none of the FLDS children attend state-owned schools. A November 2000 Newsweek article reported that FLDS Prophet Warren Jeffs told the "Priesthood People" to separate themselves from the "apostates" around them (Murr 2000). That next September,

the attendance dropped by 75 percent in the local schools when the sect decided to educate the children at home. Ron Barton, Utah Special Prosecutor for Polygamy-related Crimes, said in an interview that while he could only speculate on the kind of education that the children are receiving within the polygamous communities, he claimed that the history lessons referred to the history of the priesthood, that the children were taught that man had never landed on the moon, and were as well as told about other such “government conspiracies” (2004). DCFS policy instructs that “Failure or refusal by a parent or guardian to make a good faith effort to ensure that a child receives an appropriate education” deems these actions to be educational neglect (“Definitions” 2003).

A former child in a polygamous community, Lillian Bowles, claims that she would have to “go dig food out of the dumpster behind the grocery store every week. There were lots of other families who did the same” (Liptak 2002). The *Los Angeles Times* reports that there are “unusual levels of child poverty.... [E]very school-age child in town was living below the poverty level” (Cart 2001). The *Salt Lake Tribune* reported in 1998 that in the polygamous community of Colorado City, Arizona, 61 percent of the households lived under the federal poverty level (Mullen 1998). In its Utah counterpart, Hildale, 37 percent of the families live in poverty (Cart, 2001).

Because fathers are forced to give attention to many different families, domestic violence in the form of emotional neglect occurs. According to a study done by Irwin Altman and Joseph Ginat, it was observed that

Although some fathers displayed warmth and affection toward their children, our general impression is that many men in contemporary Mormon fundamentalist families have somewhat distant and detached relationships with their children. In several families, children showed a blend of awe, respect, and deference toward their father, but we observed little warmth and informality or overt displays of affection between children and their fathers (1996, 432).

They also observed that “Fathers generally seemed to treat their children, and to be treated in return, in a distant, cool, and detached way. In some cases, fathers did not know how many children were in the family or how many children each wife had” (Altman and Ginat 1996, 424). Moreover, “In several families we observed aloof and detached relationships between husbands and their children” (Altman and Ginat 1996, 425).

### INEFFECTIVENESS OF POLICIES REGARDING POLYGAMY

Many obstacles face law enforcement officials when it comes to recognizing if a crime against a child has been committed in a polygamous community. Similarly, these obstacles make it difficult to adequately investigate these crimes. The policies that are set to deal with polygamy-related crimes are insufficient to deal with the obstacles that are in the way of officials

trying to investigate and prosecute the crimes. They cannot deal with the physical barriers, closed nature of the society, the great power of the FLDS church leaders, the lack of resources to deal with the polygamy-related crimes, and apathy of the public.

### PHYSICAL BARRIERS

*Salt Lake Tribune* investigative reporter Tom Zoellner explains that the towns of Colorado City, Arizona and Hildale, Utah, were chosen as the settlements for the Fundamentalist Mormons because “The FLDS Church decided Short Creek was sufficiently far from civilization to be an ideal homeland for believers of the true gospel. The Grand Canyon and a hundred miles of desert separated it from the Mohave County Sheriff at Kingman” (Zoellner 1998).

It is very difficult for women and children to leave the communities of Hildale and Colorado City. Law enforcement in the cities are “selective” about which traffic laws they enforce, so most families ride around in golf carts or ATVs. Vehicles like cars or trucks are unregistered, so anyone who would want to leave would have trouble crossing the desert terrain to get to help (Barton 2004). Because of the isolation of Short Creek, the Fundamentalist Mormons were and are still able to remain cut off from the rest of the world, and its separation keeps any criminal practices from being observed by public officials.

### CLOSED NATURE OF THE SOCIETY

An article in the *Los Angeles Times* contends “The secrecy in which polygamy thrives adds another layer of frustration for law enforcement” (Cart 2001). It is first of all difficult to determine whether a crime has been committed. The *Los Angeles Times* also reports that “the problems usually associated with polygamy include: high levels of incest, child abuse, and wife battering. But the crimes are rarely reported because of the secrecy surrounding polygamous communities” (Cart 2001). Utah Attorney General Mark Shurtleff says that “because of the closed nature of the society and the threats to young brides, people are afraid to talk [and] statistics about polygamy are hard to come by” (Cart 2001). Most of the information out there comes from a small group of law enforcement officials and polygamists who have left the communities (Cart 2001).

Utah Attorney General Mark Shurtleff told the *Los Angeles Times* that the few crimes that are reported are difficult to prosecute because “you need witnesses, you need cooperation.... Because of the closed nature of the society and the threats to the young brides, people are afraid to talk” (Cart 2001). The people within the communities will not give up information about occurrences within the community because they are “ferociously dedicated to their church leaders...and the church’s aging prophets demand much from their flock..., most of all, absolute obedience” (Cart 2001). Even with a witness or victim willing to come forward and testify, it is difficult to get a conviction. This problem was seen in the

Kingston case, where the victim told varying versions of the events. Prosecutors told the *Salt Lake Tribune* in a June 6, 1999, article that David Kingston's first wife lied on the stand in order to discredit the victim and to protect her husband (Hunt 1999). Prosecutors also said Kingston was charged with three counts of incest and one of unlawful cohabitation, and was found guilty on only two of the four counts. In general, the cases have a lack of physical evidence, and it becomes a battle of he-said, she-said.

In these societies, all individuals within the boundaries are closely monitored. According to John Llewellyn, "When a stranger enters town he is followed, the license number is taken and turned over to local police" (2004, 125). Families cannot even leave the communities for a vacation to nearby St. George, Utah, without the permission of Church authorities.

#### POWER OF CHURCH LEADERS AND THE UNITED EFFORT PLAN

Ron Barton stated that "Warren has total control" in the cities of Hildale and Colorado City (2004). If a member refuses to do something that he asks of them, they risk losing everything. The power that Jeffs wields comes from the fact that the Church, in the form of the United Effort Plan, owns all of the land in the two cities. This ownership includes all land on which houses are built, so Jeffs can evict anyone who chooses to not obey his requests (Barton 2004).

Barton says that the members of the FLDS Church "all work for a business that is church-owned," and therefore their jobs can be compromised if a member does not comply.

The strength of the church leaders is increased by the fact that "there is always the possibility of armed resistance on a grand scale, much like occurred at Waco, Texas" (Llewellyn 2004, 156). The people in Hildale and Colorado City believe in the "Blood Atonement." They draw this doctrine from a speech given by Brigham Young, when he said that "All mankind love themselves, and let these principles be known by an individual, and he would be glad to have his blood shed.... Will you love that man or woman well enough to shed their blood?" (qtd. in Llewellyn 2004, 156). The late prophet Rulon Jeffs quoted the "Blood Atonement" sermon in his book *Purity in the New and Everlasting Covenant of Marriage* (Llewellyn 2004).

A special investigations memo at the Arizona Attorney General's office cited in a *Phoenix New Times* article reports that "Arizona has a Waco-level problem in Colorado City" (Dougherty, 2002). It states that "The community of 8,000 residents is in the control of a fundamentalist Mormon cult...and is ruled by a prophet whose sexual behavior (at least in the past) and predictions of apocalypse are similar to those of David Koresh of the Branch Davidians" (Dougherty 2002). The investigation's memo also touches on a "massive arsenal that is being built up in the community to defend the town from a long-anticipated battle with law enforcement" (Dougherty 2002).

From his investigations of Colorado City and Hildale, John Dougherty of the *Phoenix New Times* learned of a "God squad," an armed vigilante group of about 50 men who are loyal to Warren Jeffs and who might seek revenge against those who have resisted his authority. When the AG's office went to serve Jeffs with a subpoena for records in the winter of 2003, investigators were confronted with men who told them that they were carrying concealed weapons. Historian Benjamin Bistline remarked that "if they went after him [Jeffs] with a SWAT team, I'm sure there would be a battle with bloodshed" (Dougherty 2003).

#### INCORPORATION OF TOWNS

Colorado City and Hildale are legally incorporated entities, "entitled to all the prestige, privileges, and government grants as other cities of equal size" (Llewellyn 2004, 20). The Church has used these government grants to improve roads, expand their airport, and develop their water supply. Colorado City "received more than \$1.8 million from the U.S. Department of Housing and Urban Development to pave its street" (Llewellyn 2004, 20). The roads in Hildale and Colorado City are public, but the land on which the roads, houses, and commercial buildings are built upon is all owned by the UEP. Because the towns of Hildale and Colorado City are incorporated, they receive approximately \$8 million in state and federal and state assistance. John Llewellyn claims that the governments of Colorado City and Hildale are "a priesthood theocracy that uses federal and state monies to fortify its power over FLDS members" (2004, 101). Tom Zoellner of the *Salt Lake Tribune* conducted an investigation into the financial practices of the FLDS church in Hildale city. He reported that "Hildale was awarded \$405,006 in federal housing grants to refurbish 19 homes on church-owned land" (Llewellyn 2004, 98). Zoellner also presented an average household and per capita income that "seriously questioned whether residents could feed or clothe their children without taxpayer assistance" (Llewellyn 2004, 99). John Dougherty of the *Phoenix News Times* conducted an investigation into the financial practices of Colorado City's school districts. He concluded that the Colorado Unified School District, which receives about \$4 million in public funds, operates "primarily for the financial benefit of the FLDS Church and for the personal enrichment of FLDS school district leaders" (Llewellyn 2004, 100). After Warren Jeffs commanded that all FLDS children be withdrawn from the public school system, Dougherty found that FLDS school board administrators "still had control of school district funds" (Llewellyn 2004, 100). If the towns of Hildale and Colorado City become dis-incorporated, there will be no more state and federal monies funding the FLDS Church.

#### LACK OF RESOURCES

Public officials have stated that they don't have the resources to investigate and prosecute polygamy-related crimes because there are so many of them. The *Los Angeles Times* reported

that local prosecutors “say they can’t afford to pursue the complex crimes associating with polygamy, from welfare fraud to child neglect.” Davis County Attorney Mel Wilson said that “if all of the sudden you say you’re going to prosecute all polygamists, we’d have to hire about fifteen people in each of our offices” (Cart 2001).

#### TORPOR OF LAW ENFORCEMENT

There is also a general torpor surrounding the prosecution of polygamy-related crimes. The *Los Angeles Times* reported that the Mohave County Attorney William J. Erickson said that “there is no driving desire to prosecute people for these types of things. We see it as consensual relations between adults” (Cart 2001). Mark Curran, the co-director of Help the Child Brides explains the attitude of law enforcement officials by saying that “There are very few benefits to going after [polygamists]. Most people here would just as soon forget about it” (Griggs 2003). The passive stance that the public has taken is unfortunate, because polygamy, according to child abuse investigator Lt. Diana Hollis, “takes a firm hold and it’s tough to get loose. It’s real tough for law enforcement to get at. You’ve got to want to do it” (Cart 2001).

Law enforcement’s enthusiasm in implementing polygamy laws is not aided by the fact that the police officers in the two towns are often themselves members of the FLDS Church and serve the interests of its leaders. Ben Bistline claims, “The police are priesthood police...and cannot be relied upon to enforce the law fairly” (Llewellyn 2004, 126). Steps have been taken to remedy this problem, but the outcomes are often vague and inconclusive.

Those who do attempt to enforce the law often pay a price, as seen in the recent Tom Green case. Green had confessed to having sex with his then fourteen-year-old wife on an episode of *Dateline NBC*. Juab County Attorney David Leavitt saw the confession and proceeded to prosecute Green on a first degree felony charge. Tom Green was convicted of bigamy and child rape and is currently serving a five-year-to-life sentence (Hardy 2003).

Leavitt paid for his prosecution of Tom Green. In the 2002 Juab County District Attorney elections, Leavitt lost to Democrat Jared Eldridge by 22 votes. Leavitt told the *Deseret News* that he does not regret prosecuting Green, “even though it cost me my job” (“David Leavitt Has No Regrets” 2003, B02). Eldridge says that the Tom Green case had little to do with the outcome of the election, but Leavitt maintains that “my stand on polygamy revealed a divisive community” (“David Leavitt Has No Regrets” 2003, B02).

#### RECENT ANTI-POLYGAMY LEGISLATION ATTEMPTS

During his time in the Utah State Senate, Senator Ron Allen has attempted to pass legislation that strengthens the state’s ability to investigate and prosecute polygamy-related crimes. Senate Bill 99 of the 1999 General Session and Senate Bill 8 of the 2000 session both appropriated money to the Attorney General’s office for the investigation of polygamist activities.

In addition, funds would also be given to the Department of Human Services for a hotline and shelter for families fleeing from isolated or polygamous societies. Senator Allen explains that lawmakers didn’t believe that any crimes were being committed, and it was therefore unreasonable to appropriate the \$2,000,000 to the AG’s office and the Department of Health in Senate Bill 99 and \$500,000 in Senate Bill 8. Senate Joint Resolution 12 of the 2001 session urged state law enforcement to promote “effective and consistent prosecution of criminal behavior.” Senator Allen claims that while this bill did not appropriate any money, the Resolution was opposed because lawmakers did not believe that polygamy-related crimes were an issue (2004).

When asked why that appropriated money to the Attorney General’s office for the special prosecutor was passed, Allen says that legislators had started to realize that crimes were being committed against women and children (2004).

#### PUBLIC REACTION TO PARENTAL RIGHTS LAWS

A recent *Deseret Morning News* poll conducted by Dan Jones and Associates showed that 55 percent of people in Utah feel that the child welfare system had “adequate” authority to remove children from homes when it believes abuse or neglect has occurred. 28 percent believed that the system exercises too much authority. Only nine percent believed that the state does not have enough power, while seven percent didn’t know. It is unlikely that legislation would be passed that could strengthen DCFS policy when more than half of the state believes child welfare agencies have enough power to protect children as it is, and with another third believing that the state exercises too much power (Bryson 2004a).

The opinion of the public in regards to child welfare agencies was exacerbated by the major backlash of the Parker Jensen case during the summer and fall of 2003. The child welfare system was characterized as being a “bully picking on parents” (Bryson 2004a). Ultimately, DCFS gave up on their claim on Parker. That rallied together lawmakers and other groups that have long complained about the power of agencies like DCFS, and they seized on the opportunity to make political hay. The 2004 Legislative Session alone saw an introduction of fifty-plus parental rights bills.

While many of the more extreme “Parker Jensen” bills did not get through the Legislature, changes were made in regards to juvenile court proceedings in dependency, abuse, and neglect. Now DCFS must actively seek grants to pay for more in-home services to keep families together; the Guardian Ad Litem’s office will be audited; and lawmakers will be exploring the option of requiring a full hearing by a judge with the parents before children can be taken into state custody (Bryson 2004b).

The reaction of the public towards the policies of DCFS has seriously limited the possibility that any reforms that crack down on polygamy-related abuses will be introduced in the near future.

### SUGGESTED POLICY IMPLEMENTATION

Because FLDS Church leaders use the control that they have over the property in Hildale and Colorado City as a way to coerce marriages, threaten members who might leak information to law enforcement, and silence victims of abuse and neglect from coming forward, it would be extremely effective to remove the control of the UEP from the FLDS Church leaders. To take away the economic control that the church has over the members would be to take away their ability to orchestrate and conceal abuses occurring within the community.

In the spirit of diminishing the power of the church leaders, Utah Attorney General Mark Shurtleff has started to take steps to decertify any Hildale City policemen who answer to the leaders of the church, and who also have plural wives and are refusing to enforce polygamy-related laws. Shurtleff cites the fact that the Peace Officer Standards and Training Council has voted “unanimously that bigamy is an offense that could end an officer’s career” (Llewellyn 2004, 125). A March 24, 2005, *Salt Lake Tribune* article reports that the Utah Peace Officer Standards and Training Council (POST) voted to decertify Sam Roundy and Vance Barlow, two police officers practicing polygamy in southern Utah. Because the two officers serve a community that spans both Utah and Arizona, certification is required in both states, so POST officials of Arizona will review the Utah ruling and decide whether or not to decertify the officers in Arizona as well. While polygamy is prohibited in Utah, it is not technically illegal in Arizona, and for the time being, the officers “are still employed in Colorado City” (Westley, 2005). This action is supported by Ben Bistline, a historian who was raised in Colorado City and has many friends in both the FLDS Church and Centennial Park. He reports that “The police are priesthood police and continually harass the kids who are not FLDS.... The priesthood police cannot be relied upon to enforce the law fairly” (Llewellyn 2004,126).

Historian Ben Bistline suggests that a court house should be built near Hildale and Colorado City on the property of the Bureau of Land Management, not on United Effort Plan property, to assure that it is outside of the power of the FLDS church. He contends it should be manned by three peace officers, one of whom should be a state officer to balance the “lethargy” of the Washington County Sheriff; and another who should be a woman police officer because girls leaving the isolated communities have been known to become enamored with their rescuers (Llewellyn 2004, 127).

In order to aid members fleeing from the communities, Senator Allen suggests a “pro-active hotline that is well manned” for women and children to have easy access to. He also believes that the state needs to build safe houses in Southern Utah that are within walking distance of the communities, and which could accommodate polygamous-sized families. Most shelters are only equipped to deal with women who have only one or two children, but these safe-houses

need to be able to house women with a large number of children (Allen 2004).

Law enforcement officials throughout the state need to be educated about abuses in polygamy. The officers in the Hildale and Colorado City areas should be taught how to deal with the already established communities, and officers throughout the rest of the state should be trained in identifying the warning signs of any emerging polygamous communities (Allen 2004). More money should be appropriated to law enforcement so that they are able to hire more officers, and have more resources at their disposal to deal with polygamy-related crimes.

In order to guarantee the effectiveness of policies put into place to protect the children in Hildale and Colorado City, the public must become invested in the success of the policies. Raising public awareness of the situation of children in the communities would create interest and support for the implementation of enforcement. This awareness can be created by running ads on television or in newspapers and posting of billboards around the state that can not only inform victims of polygamy-related abuses of help that is available to them, but also inform the public about the problems that exist in the isolated communities (Allen 2004).

### CONCLUSION

The goal of protecting the children who live in Colorado City and Hildale against polygamy-related abuses can be accomplished if state officials realize their authority and responsibility to do so. The Legislature and public officials need to enact policy that would take the power that the FLDS Church wields; appropriate money for the investigation and prosecution of polygamy-related crimes; appropriate money for child welfare agencies to accommodate children who have been abused; and raise awareness of polygamy abuses so that the public becomes actively invested and interested in the cause.

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