

Court proceedings begin in Texas polygamy sect case

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A Texas court began legal proceedings Monday to lay the groundwork for a hearing Thursday, in which the state will ask for permanent custody of 416 children seized earlier this month from the Eldorado, Texas ranch of the Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS), a split-off from the Mormon church that practices polygamy.

The children were rounded up in a week-long series of police raids that began April 3, after a domestic violence hotline reportedly recorded a complaint from a 16-year-old girl in the compound, who claimed she had been physically and sexually abused by her 50-year-old “spiritual” husband. The girl also said she had given birth to a child as a result of the abuse.

More than 350 attorneys from across Texas have volunteered their services for free to represent the children, each of whom is required to have a lawyer, according to state child welfare laws. The attorneys, the media, church members and others have descended on San Angelo, 45 miles north of the FLDS’s Yearning for Zion (YFZ) ranch, in anticipation of the Thursday hearing.

Tom Vick, a director of the State Bar of Texas, described the organization of the custody cases as a “logistical nightmare.” For the state to seek custody of the children, they will first need to determine who their biological parents are. This will involve more than interviews with the children and adults, because the children often are not sure, as they have been raised communally. The state most likely will conduct DNA testing on hundreds of children and adults, a daunting task.

The raid and subsequent legal case, the largest child custody case in Texas and possibly US history, has garnered widespread media attention, with sensational descriptions of men at the ranch taking up to as many as 20 wives, many underage and against their will.

The FLDS broke in the 1930s from the Mormon Church, which abandoned polygamy, or the practice of “plural marriage,” in the late nineteenth century. FLDS adherents believe that in order for a man to be exalted to heaven, he must have at least three wives, and they define the polygamist practice as “celestial marriage.”

The sect’s former leader, Warren Jeffs, was convicted in September 2007 of two counts of being an accomplice to rape—forcing an underage girl into marriage—and was sentenced

to 10 years to life. He is currently serving time in Utah State Prison.

The 1,700-acre YFZ ranch was purchased and built by Jeffs and his followers in 2003. Accusations of sexual and physical abuse of children, especially of young women, have been made before against the group in Eldorado. It was not until the alleged phone call to a local family violence shelter by a young woman who called herself Sarah that authorities sought and obtained a warrant to raid the compound.

According to an affidavit released last Thursday by Texas child protective officials, the 16-year-old repeatedly called the shelter at the end of March asking for help to leave the ranch. She said she was sent to the ranch by her parents three years earlier and was forced into marriage at the age of 15 to a man who was then 49, becoming his seventh wife. She said this man beat her and forced her to have sex.

The girl also said she thought she was several weeks pregnant, according to the affidavit. She ended her phone call, however, crying and stating that “she is happy and fine and does not want to get into trouble and that everything she had previously said should be forgotten.”

The peculiarities in the case continue to mount. Texas authorities met on Saturday with Dale Barlow, the man initially named in the arrest warrant on suspicion of sexually abusing the girl. Barlow presently lives in Arizona and is on probation after pleading no contest last year to a charge of conspiracy to commit sexual abuse with a minor.

Barlow claims not to know the girl and says he hasn’t been in Texas for 30 years. His attorney says authorities are looking for the wrong man and that it is a case of mistaken identity. This is complicated by the fact that the 16-year-old girl has yet to be found to identify him. Authorities left without bringing any charges against Barlow.

Executing the search warrant obtained as a result of the girl’s statements, Texas state troopers and child welfare investigators staged a carefully planned raid on the YFZ ranch. Authorities called in a locksmith to open the front gate. When the police tried to enter the three-story temple on the compound, about 57 men formed a ring around it to block their entry. Finally, authorities called in a SWAT team to break down the doors to the temple.

Inside the temple they found some shredded documents. According to court documents released last Wednesday, they also found beds on the top floor of the temple. The state alleges these beds are used by older men to have sex with under-age girls after their marriages.

At the ranch, investigators found a number of young teenage mothers who they claimed appeared to be under-age, as well as some who were pregnant. The affidavit states, "Investigators determined that there is a widespread pattern and practice among the residents of YFZ ranch in which minor female residents are conditioned to expect and accept sexual activity with adult men at the ranch upon being spiritually married to them."

Over the next few days, a total of 416 children were seized from the ranch, mostly girls ranging from infants to 17-year-olds. About 140 adult women came along voluntarily. Until Monday, the women and children were being held inside historic Fort Concho, a former US cavalry station, and at the nearby Wells Fargo pavilion.

On Monday, the women and children were moved out of Fort Concho by bus under heavy security and taken to San Angelo Coliseum, a large venue used for hockey games, rodeos and concerts. The move seems to have come in response to complaints from some of the mothers about the living conditions inside Fort Concho.

Three mothers of the children have sent a letter to Texas Governor Rich Perry, asking him to investigate the conditions under which the children are being held. The Associated Press has obtained a copy of this letter, in which the mothers say that some of their children have become sick and have required hospitalization. They also say that 15 mothers were away from the ranch when their children were removed.

The mothers also write, "Our innocent children are continually being questioned on things they know nothing about. The physical examinations were horrifying to the children. The exposure to these conditions is traumatizing."

Five women staying at the Fort Concho shelter told the Salt Lake City *Deseret News* that the temporary housing was cramped, with cots, cribs and playpens lined up side by side, and that the children were frightened.

The women have been advised by the state that if they leave the shelters, they will not be allowed back in. Griselda Paz of Legal Aid of Northwest Texas told the AP that she had never seen such restrictions in a child custody case.

Rob Parker, an attorney for the approximately 60 men remaining on the YFZ ranch, said they had sent a letter to the state offering to leave the compound if the women and children are allowed to return to the ranch with child welfare monitors. Children's Protective Services said it had not yet received the letter.

The case raised many troubling questions. As in all such cases where the ignorant American media jumps in with both feet, it is necessary to exercise a considerable degree of caution

and independent thought.

Serious allegations have been made. If sexual and physical abuse of children has taken place at the YFZ ranch, society has the right and obligation to protect these children and punish their assailants.

However, to this point, little actual evidence has been produced or identified. As noted, the alleged victim who made the phone call has yet to be found.

According to news reports, an informant at the YFZ ranch provided Sheriff David Doran in San Angelo with information for four years. Doran defended his decision not to raid the compound before April 3. "I have no regrets because we never received any outcry, a complaint. There was no evidence of illegal activity nor an offense in plain view," he told the media. "You can always suspect something, but until you get something that puts you on that property, there's not a whole lot you can do."

The United States is a country of 300 million people, with individuals and groups choosing to live a wide variety of lifestyles. There are First Amendment rights guaranteeing freedom of speech and the free exercise of religion. Given their histories, there is no reason to entrust Texas law enforcement officials or the FBI, which has also become involved in the investigation, with the safeguarding of such rights.

Although not a direct parallel, it is worthwhile recalling the events of April 19, 1993, in Waco, Texas. Following a 51-day siege, FBI agents, backed by "observers" from the US Army's secret Delta Force commando unit, attacked the house occupied by followers of the Branch Davidians, a Christian fundamentalist sect. The sect's leader, David Koresh, was suspected of sexual abuse of under-age girls.

After punching holes into the house with tanks and pumping in tear gas, a fire quickly engulfed the compound. By the end at least 80 people, 21 of them children, had been killed, some of them by gunfire. The Waco massacre was ostensibly carried out to serve a search warrant related to firearms violations. As in the present situation involving the Fundamentalist Church of Jesus Christ of Latter Day Saints, authorities claimed to be acting to protect the children.



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