

“BEYOND THE PALE OF HUMAN SYMPATHY”: UTAH AND THE
RECONSTRUCTION OF THE AMERICAN WEST, 1856-1890

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In the writing of academic history, historians often come face to face with humanity at its lowest points. The motives, actions, and tragedies that have so profoundly shaped the past can at times leave both historians and readers pessimistic about the prospects of humanity. But in the process of writing those histories, however, those same historians often find much of the best within humanity through the ready help and willing assistance of friends, professors, colleagues, librarians, archivists, and even relative strangers.

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INTRODUCTION

“TO MERGE THEM INTO MORE WHOLESOME SOCIAL ELEMENTS”: THE GREATER RECONSTRUCTION AND ITS PLACE IN UTAH

While in Washington D. C. in 1874, famed General William Tecumseh Sherman received a copy of a recently published book written by his friend and colleague Francis A. Walker. Walker had served as the Grant administration’s commissioner of Indian Affairs for two years, following which he had outlined his thoughts on the country’s Indian policy in a book entitled, *The Indian Question*. Hardly a generous treatise, Walker embodied the racialized thinking of the times, referring to Native Americans as “savages” and “unruly children” in need of quieting.¹ Walker’s book had been an effort to provide answers to the questions of how to prevent Native Americans from interrupting the advancement of American progress across the continent. But perhaps more significantly, Walker had asked what to do with Native Americans when they ceased to be an obstacle to that progress.

Upon receiving Walker’s book, Sherman replied with an expression of his own feelings regarding the “Indian problem” and his thoughts about its resolution. Although acknowledging his belief that there was no real answer to the problem, Sherman stated that the “Indians must assimilate to the white-man habits and thoughts.” Unless they did so, “an irreconcilable conflict” would result, with the conflict being so significant as to preclude any leniency from the United States. Yet even assimilation seemed unlikely to

¹ Francis A. Walker, *The Indian Question* (Boston, Massachusetts: James R. Osgood and Company, 1874), 8.

the seasoned general, Sherman comparing the likelihood of Native assimilation to the probability of “the Leopard changing his spots.”²

In explaining his belief in the near impossibility of assimilative change, Sherman compared Native Americans to the Mormons, another group that he deemed to be incapable of becoming fully American. “Even the industrious Mormons,” he wrote, “could not stay in Illinois” because of their differences from the larger American community. In Sherman’s mind, not even an attribute as admirable as industriousness could make Mormonism’s many cultural and religious differences palatable enough to warrant full inclusion within the body of nineteenth-century Americanism. For Sherman, only complete assimilation could justify a group’s continuance. The differences between Mormons and other Americans were sufficient to make Sherman doubt the longevity of the isolated Mormon settlement in the Great Basin. Conflict seemed inevitable and he surmised that they would not be “permitted much longer to stay at Peace in the desert of Utah.” Their continued residence within the borders of the United States would require either a complete cultural change among the Mormons or a level of national tolerance for the community’s distinctiveness. Both scenarios seemed unlikely to Sherman who fully expected to see American forbearance dissipate into violence. Nineteenth-century America for him was simply not a place for pluralism or cultural distinctiveness.³

Returning to the topic at hand, Sherman surmised that just as America’s patience was growing thin with the recalcitrant Mormons, so it would with the Native American

² William Tecumseh Sherman to Francis Amasa Walker, August 20, 1874, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah (hereafter Special Collections, BYU). My thanks to Jeffrey D. Mahas for pointing me to this source.

³ Sherman to Walker, August 20, 1874, Special Collections, BYU.

populations. He believed that nominal peace would be insufficient, as white Americans would charge every theft, murder, or other crime on the frontier to their account. Unchecked, these circumstances would ultimately mature into a complete and bloody “Frontier War,” a notion that conveniently disregarded the already bloody state of warfare existing between white settlers and Native Americans. In Sherman’s mind, complete assimilation alone could prevent such circumstances and remove this burden of constant warfare from the West. But even this “peaceful solution,” according to Sherman, could only come “through military force.”⁴

Sherman’s letter is illustrative of the larger ideology and cultural forces that moved the United States during the second half of the nineteenth century. In calling for the complete assimilation of both Native Americans and Mormons, if necessary by force, Sherman perfectly articulated the dominant American ethos of the time concerning the place of Native Americans and minorities within the body of American citizenship. Far from being seen as vital threads in the tapestry of the American republic, distinctiveness and pluralism were interpreted to be dangerous to and even destructive of the notion of Americanism. Indeed, Sherman’s America demanded assimilation and conformity. Significantly the word “Union” functioned as one of the most popular synonyms for the United States during this period. Those who opposed or complicated that “Union” were in rebellion and in need of social, cultural, economic, and political correction.

Yet even as Sherman drew connections between Native Americans and Mormons, he likewise drew distinctions between the two groups, distinguishing the Mormons by describing them as industrious. Accordingly, as Natalia Molina has aptly argued, the

⁴ Sherman to Walker, August 20, 1874, Special Collections, BYU.

similarities in the racial scripts which white Protestant Americans projected onto Native Americans and minority groups did not equate to an exact uniformity of experiences. Although Mormons were frequently compared to the nation's racial minorities, such comparisons did not preclude Mormons from benefitting from their trappings of potential whiteness.⁵ In nineteenth-century America, some groups were deemed more capable of assimilation than others.

To be certain, Americans like Sherman had reason to want unity and unanimity during the period. At the time Sherman wrote his letter, the nation was only ten years removed from a civil war that was attributable to the significant distinctions between the North and the South. In terms of national losses, disunion had cost the combined Northern and Southern states more than eight billion dollars, to say nothing of the more than 600,000 lives. By 1874, the pull for national union, reconciliation, and reunion was so strong that many Americans were beginning to grow weary of Southern reconstruction.⁶ Union had thus become one of the dominant themes of postbellum America by the time Sherman wrote to Walker in 1874.

Sherman's letter, however, clearly demonstrated that union came at a heavy price. Groups that diverged from core concepts of Americanism found themselves disenfranchised and threatened within the United States. Just as Sherman did with Native Americans and Mormons, the country judged those who defied the basic precepts of white Protestant Americanism to be incapable of full citizenship; in short, they were

⁵ Natalia Molina, *How Race is Made in America: Immigration, Citizenship, and the Historical Power of Racial Scripts* (Berkeley: University of California Press, 2014), 6-11.

⁶ David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge, Massachusetts: Belknap Press, 2001), 140-210.

beyond the American pale.⁷ Such judgments called for groups to either accept assimilative reconstruction or forced removal. In nineteenth century America, there was no middle ground between these two alternatives. Under such policies and their reformulated concepts of Americanism, many groups within the United States found themselves reconstructed to one extent or another in what Elliott West has referred to as “the Greater Reconstruction.”⁸ Within the West, Native Americans, Chinese immigrants, Catholics, and Mormons experienced a barrage of reconstructive efforts, each aimed at bringing their recipients more fully in line with the new strictures of a unified American ideal.

During this period, the federal government engaged in a multi-faceted effort to reshape these groups and assimilate their populations into the larger body of white Protestant Americanism. To achieve this end, the government utilized military campaigns, railroads and economic programs, schools, social institutions, legislation, and legal entities such as prisons as means of reconstruction. These efforts attacked virtually all of these groups in an effort to undermine the distinctive practices and beliefs that distinguished them from the broader American populace.

Mormons and the Other Americans

Sherman’s comparison between Mormons and Native Americans was far from uncommon. In conceptualizing the nineteenth-century Mormon community, Americans of the period frequently drew comparisons between Mormons and these other groups of

⁷ David M. Emmons, *Beyond the American Pale: The Irish in the West, 1845-1910* (Norman: University of Oklahoma Press, 2010), 2-11.

⁸ Elliott West, *The Last Indian War: The Nez Perce Story* (New York: Oxford University Press, 2009), xx.

ethnic and religious minorities. Far from complimentary, these comparisons often served as verbal and visual justifications for reconstructing both Mormons and their fellow minority groups. Through the mediums of both political cartoons and pejorative epithets, Americans portrayed Mormons as a dangerous curse to American republicanism, and compared them variously to secessionists, Catholics, Muslims, Native Americans, and Chinese immigrants. By conflating race and religion, such sentiments demonstrated the convoluted categorizations that motivated the Greater Reconstruction and shaped the emerging notions of American citizenship that fueled this reconstruction.⁹

Even before the Civil War, Americans were comparing Mormons and Southerners, the most notable comparison being the linkage of polygamy to slavery as the “twin relics of barbarism.” During the secession crisis, newspapers had carried the comparisons further, suggesting that if the Southern states seceded, Utah would “certainly” join them in declaring independence.¹⁰ The comparison continued to hold weight following the war. Having spent time in Utah following the Civil War, Brigadier General James F. Rusling wrote to his superiors to describe “the real condition of affairs in Utah.” Rusling stated, “It is the same as it was South before the war. ‘Peculiar institutions,’ whether slavery or polygamy breed the same results, whether in South Carolina or Utah.”¹¹ Despite believing Utah to be “the best governed Territory of any,” New York congressman George R. Bagley (R) believed it was “too much like the South,”

⁹ For a discussion of how Mormonism was racialized in the nineteenth century, see: W. Paul Reeve, *Religion of a Different Color: Race and the Mormon Struggle for Whiteness* (New York: Oxford University Press, 2015).

¹⁰ “News from Washington,” *New York Herald*, December 5, 1860, page 10, column 1.

¹¹ U.S. Congress, *Cong. Globe*, 41st Cong., 2nd sess., 3580 (1870).

to merit inclusion in the Union.¹² Even Mormons believed they had been “treated a good deal as the South had been,” making a clear comparison between the federal policies in Utah and the reconstructive policies in the South.¹³



Figure 1: "Uncle Sam's Troublesome Bed Fellows," *The San Francisco Illustrated Wasp*, February 8, 1879

Other Americans made insidious comparisons between Mormonism and the country's other outsiders, including racial, ethnic, and religious minorities. In its February 8, 1879 issue, the *San Francisco Illustrated Wasp* published a political cartoon entitled "Uncle Sam's Troublesome Bed Fellows" (figure 1).¹⁴ The cartoon depicted a

¹² George Q. Cannon, Diary, January 11, 1877, <https://www.churchhistorianspress.org/george-q-cannon/1870s/1877/01-1877> (accessed, February 27, 2017).

¹³ George Q. Cannon, Diary, 2 January 1877, <https://www.churchhistorianspress.org/george-q-cannon/1870s/1877/01-1877> (accessed, February 27, 2017).

¹⁴ "Uncle Sam's Troublesome Bed Fellows," *The San Francisco Illustrated Wasp* 3, no. 2 (February 8, 1879): 441.

troubled Uncle Sam sharing a bed with a Native American, a Freedman, and an Irishman, and having kicked a Chinese immigrant and a Mormon polygamist out of the bed.

Appropriating the image of “bedfellows,” the cartoonist acknowledged that the nation had relied upon, and indeed was still relying upon, the services of these ethnic and religious minorities. But in the minds of the cartoonist and other Americans, by 1879, the nation’s relationship with those minorities created continued troubles for the United States. A part of this cadre of racial and religious minorities, Mormonism was prominent among the nation’s problematic groups. After nearly thirty years of invectives and anti-polygamy legislation aimed at the Mormons, the cartoon suggested that the nation had determined to excise the Mormon problem. Indeed, along with the Chinese immigrant, Mormon polygamy had become so problematic that the only solution seemed to be its ejection from the rights and benefits of American citizenship.¹⁵ While continuing to portray Native Americans, Freedmen, and Irish immigrants as national bedfellows, the cartoon’s portrayals of these groups made clear that they were troublesome additions to the body of Americanism, and might, in due time, be subjected to the same treatment as the Chinese immigrant and the Mormon.

Similarly, Thomas Nast’s “Religious Liberty is Guaranteed, But Can We Allow Foreign Reptiles to Crawl All Over US?” (see figure 2 below) highlighted comparisons between Mormons and Catholics, suggesting that both posed significant dangers to American democracy. The cartoon showed a Catholic alligator and a Mormon snapping turtle crawling on top of the United States capitol building, “At the very Feet of Liberty.” Although Nast makes clear that the Catholic alligator and its papal mitre-shaped head

¹⁵ Reeve, *Religion of a Different Color*, 238-239.

was clearly more dangerous to the nation than Mormonism's tabernacle-shaped turtle, both entities were reptilian in nature. Paying homage to the first amendment, Nast acknowledged that religious liberty was, indeed, "guaranteed," but that such liberties also needed to be limited in order to prevent "foreign reptiles" from crawling "all over" the nation and the privileges it offered. At the center of Nast's criticisms was the idea that immigrants who lacked an understanding of the democratic government populated both the Mormon and Catholic congregations. Both were governed by hierarchical ecclesiastical structures that challenged the more egalitarian and democratic models of American Christianity. Religious freedom in America thus had denominational limits and was best entrusted only to Protestant faiths with a democratic makeup.

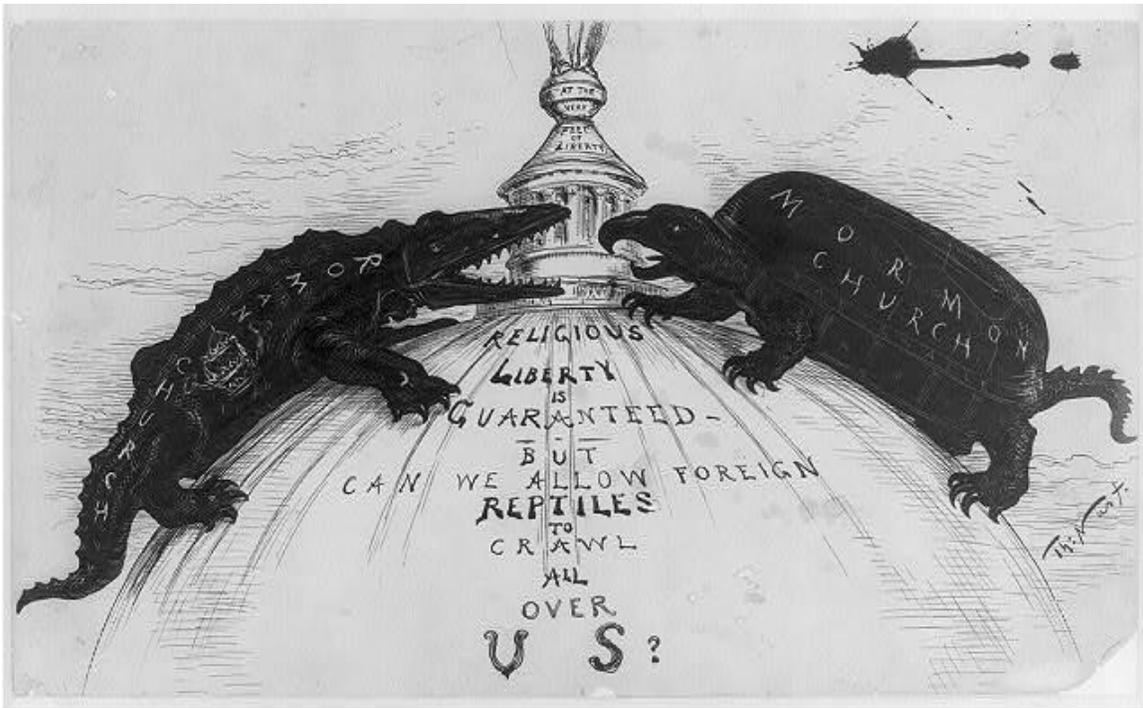


Figure 2: Thomas Nast, "Religious Liberty is Guaranteed, But Can We Allow Foreign Reptiles to Crawl All Over US?," 1860-1902, Library of Congress, Prints and Photographs Division.

By comparing Mormons to secessionists, Freedmen, Native Americans, Chinese immigrants, and Catholics, politicians and the press created a justification by which Mormons might also be subjected to reconstructive politics. From the perspective of most national leaders, none of these groups, including Mormons, measured up to the perceived requirements for inclusion in nineteenth-century America. Those falling beyond the boundaries of this American pale became the subjects of reconstructive actions, each with the intention of “merg[ing] them into the more wholesome social elements,” meaning, of course, that they should be assimilated into the dominant culture of white American Protestantism.¹⁶

Southern Reconstruction

In order to grasp the significance of reconstruction in the West, it is vital to understand how reconstruction functioned in the South. Although often overshadowed by the war that preceded it, few periods of American history have been as dynamic and formative as the Reconstruction era. Traditionally, the term Reconstruction has referred specifically to the twelve years directly following the Civil War, 1865 to 1877, a period in which three critical amendments were added to the constitution and several other bills were passed, many of which made more than simple overtures toward civil rights for the Freedmen population that had so recently come out of slavery. Growing out of the ashes of the Civil War, this Southern reconstruction had attempted to recalibrate the moorings

¹⁶ *Speech of John A. McClelland of Illinois, on Polygamy in Utah: Delivered in the House of Representatives, April 3, 1860*, LDS Church History Library, Salt Lake City, Utah; Stephen A. Douglas, *Remarks of the Hon. Stephen A. Douglas, on Kansas, Utah, and the Dred Scott Decision: Delivered at Springfield, Illinois, June 12th 1857* (Chicago: Daily Times Book and Job Office, 1857), 12-13.

of American society that had allowed the fruits of Southern slavery to turn the entire nation into a “slaveholding republic.”¹⁷

Southern reconstruction was a complex mixture of policies that aimed to both punitively punish the South for the Civil War and also to provide Freedmen with a measure of the social, political, and economic assistance they would need in moving forward as citizens of the United States. Amending the Constitution, Southern reconstruction made slavery an illegal practice, guaranteed citizenship and its attendant rights to those born within the confines of the nation, and guaranteed voting rights to African American males.¹⁸ Further, supportive northerners helped to establish schools to educate African American children, in accordance with one of the most frequent requests of the Freedmen.¹⁹ Others suggested land reform measures that would provide Freedmen with some of the farmland and implements that were necessary for success in their new economic circumstances.²⁰ Legislation allowed the Army to remain stationed in the South, attempting to protect the Freedmen from the newly fashioned Ku Klux Klan and its terrorizing of the African American citizenry.²¹ Finally, the fifteenth amendment provided former slaves not only with an opportunity to vote, but also to hold public office, thus having a hand in the government. Under such provisions Freedmen not only served in local and state positions, but also in the chambers of the House of

¹⁷ Don E. Fehrenbacher, *The Slaveholding Republic: An Account of the United States Government's Relations to Slavery* (New York: Oxford University Press, 2002).

¹⁸ Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (repr. 1988; New York: History Book Club, 2005), 66, 253-61.446-449.

¹⁹ Foner, *Reconstruction*, 96-102.

²⁰ Foner, *Reconstruction*, 70-71.

²¹ Foner, *Reconstruction*, 440.

Representatives and the United States Senate.²² In many regards, therefore, Southern reconstruction was motivated by the noblest of aims and represented an effort to extend the full rights of American citizenship to those who had built the nation and its economy through their uncompensated labor.

But in spite of the nobleness of these ideals, reconstructive ideology also had the ability to manifest itself in less altruistic ways. These less admirable aspects of reconstruction consisted of more than just the stated concerns of the white Southern hegemony that resisted its own loss of power.²³ Rather, they concerned the extents to which reconstruction politics empowered certain classes of Americans while ignoring or even disenfranchising others. The legislative powers that pushed to bring the postbellum South into line with the North, were susceptible to misuse. Indeed, the same powers that mandated transformation in the culture and behavior of Southern whites, were similarly used to mandate changes in other peoples, who, like Southern whites, held to their own peculiar institutions and cultures. For many, the strong arm of American reconstruction seemed to dramatically overstep constitutional boundaries. For other groups, Southern reconstruction failed to go far enough, leaving some of the critical questions regarding America to be addressed by future generations. Finally, critics saw the late portion of Southern reconstruction as a period that was more marked by scandal and political overreach than it was by expanded rights and freedoms.

One area where such overreaches were evident is within the postbellum efforts to educate Freedmen. As the historian Steven Hahn notes, prior to emancipation, even

²² Foner, *Reconstruction*, 360-364.

²³ Foner, *Reconstruction*, 17, 425-444.

antebellum abolitionists had not been entirely comfortable with some aspects of African American culture. Patronizingly, they had instructed free blacks to “‘be industrious, let no hour pass unemployed . . . be virtuous . . . use no bad language . . . in a word be good Christians and good citizens, that all reproach may be taken from you.’”²⁴ Such attitudes carried over into the educational efforts in the post-Civil War South. Although generally admirable, the very schools that were established to assist Freedmen, were also used as tools of black reconstruction. Their purposes were to inculcate white Protestant ideas and culture into the newly freed populace. Specifically, Northern Protestants hoped to use the schools to reconstruct black worship so that it would conform more readily to white Protestant ideas. Hence, although black schools provided a needed service within the South, they also operated according to reconstructionist patterns which assumed that the white Protestant culture of the North was superior to the culture constructions of other races and peoples. Furthermore, such efforts demonstrated that in some regards, Southern reconstruction was as much for the Freedmen as it was for Southern whites.²⁵

Women, and especially those who were suffragists, likewise had reasons to push back against Southern reconstruction. Despite having devoted themselves to the abolitionist cause for the better part of two decades, the rights of women were left out of the critical conversations and amendments of reconstruction. In their appeals to have the franchise extended to women as well as Freedmen, suffragists were told simply that “Reconstruction was ‘the negro’s hour,’” and women would have to continue to wait for

²⁴ Quoted in Steven Hahn, *A Nation Without Borders: The United States and Its World in an Age of Civil Wars, 1830-1910* (New York: Viking Press, 2016), 71.

²⁵ Foner, *Reconstruction*, 147.

the full rights of American citizenship.²⁶ For white Protestant Americans, “male-headed households” remained “the sine qua non of social stability,” and the paragon of the American system of governance.²⁷ Female leaders like Susan B. Anthony and Elizabeth Cady Stanton felt a deep sense of betrayal at such explanations, struggling to believe that they could continue to be excluded from the very extension of rights for which they had fought for thirty years.²⁸

Beyond the discussion of which groups were the victims and beneficiaries of reconstruction, some Americans criticized the politics of the period as being rife with corruption. Although intended as a measure to combat Andrew Johnson’s efforts to disrupt Southern reconstruction in 1867, the Tenure of Office Act also demonstrated Congress’s willingness to significantly increase its own political power through reconstructive legislation. Passed to protect the position of Secretary of War Edwin Stanton within Johnson’s cabinet, the bill represented a dramatic overreach of legislative power by stripping Johnson of the ability to make changes within his own cabinet without congressional approval.²⁹ Charges of corruption, however, went well beyond the political infighting of the Republicans over Southern reconstruction. Indeed, Mark Twain’s 1874 dubbing of the period as “The Gilded Age” was not without reason.³⁰ For Twain and other Americans, reconstruction-era politics were often marked by dubious policies that

²⁶ Foner, *Reconstruction*, 255.

²⁷ Hahn, *A Nation Without Borders*, 312.

²⁸ Foner, *Reconstruction*, 25, 255-256.

²⁹ Foner, *Reconstruction*, 333.

³⁰ Mark Twain and Charles Dudley Warner, *The Gilded Age, A Tale of To-Day* (Hartford, Connecticut: American Publishing Company, 1874).

enriched politicians and big businessmen at the expense of the nation. In the midst of Southern reconstruction, these schemes extended to the highest national levels, including the Ulysses S. Grant administration. Such corruption cast doubts upon the federal government and contributed to a downturn in support for reconstruction in the South.³¹

Each of these complaints highlighted the complexity that marked Southern reconstruction in particular, and the Greater Reconstruction Era in general. The complex nature of Southern reconstruction created an intense historiographical debate. By the early 1870s, a strong push for national reconciliation attempted to downplay or just ignore the racial aspects of the war and confounded the efforts of some Republican politicians to facilitate racial equality. With the rise of reconciliation, the “Dunning School,” named for the historian William Dunning, helped to entrench a negative narrative of reconstruction that gained great acceptance by the early twentieth century. Dunning argued that reconstruction had been perpetrated by an antagonistic coalition of Freedmen, radical republican congressmen, the army detachments that remained in the South, the so-called northern carpetbaggers who went to the South after the war, and the southern scalawags who cooperated with them.³² For the Dunning school, these groups imposed a kind of demagogic rule upon the South that inhibited progress and limited the freedoms of white southerners throughout reconstruction.

Beginning in the 1950s, C. Vann Woodward and others led an effort to revise the “Dunning School” narrative of Southern reconstruction.³³ Building on these efforts, Eric

³¹ Foner, *Reconstruction*, 486-488.

³² William A. Dunning, *Reconstruction, Political and Economic: 1865-1877* (repr. 1907; New York: Harper and Row, 1962), 1.

Foner's *Reconstruction: America's Unfinished Revolution* created a new narrative for Southern reconstruction that defied all of Dunning's earlier assumptions. Rather than an unprincipled imposition of Northern power, Foner argues that Southern reconstruction was the nation's "first attempt to live up to the noble professions of [its] political creed."³⁴ Whereas the "Dunning School" had described southern reconstruction as a period of radical and dangerous politics whose failure was something to be cheered, Foner lamented the failure of southern reconstruction, holding that it was an unfinished revolution, derailed by a status quo of racism.

Along with Foner, other historians have demonstrated that the failure of Southern reconstruction was an unquestioned tragedy, caused, at least in part, by the national culture of racism.³⁵ Although some were hopeful for racial justice and equal rights, many Northerners similarly held to deeply entrenched racial views that allowed them to abandon Southern reconstruction when it failed to meet their political, economic, or religious needs. This culture of racism, however, was not solely visible in the dissolution of Southern reconstruction. It was this very culture that motivated the national reconstructive efforts that extended westward as well as southward.

Recent historiographical trends have led Western historians to reexamine the government's actions. By appealing to historians to reconsider the antebellum and

³³ C. Vann Woodward, *Reunion and Reaction: The Compromise of 1877 and the End of Reconstruction* (repr. 1951; New York: Oxford University Press, 1966); C. Vann Woodward, *The Strange Career of Jim Crow* (New York: Oxford University Press, 1955).

³⁴ Foner, *Reconstruction*, xxvii.

³⁵ Edward J. Blum, *Reforging the White Republic: Race, Religion, and American Nationalism, 1865-1898* (Baton Rouge: Louisiana State University Press, 2005); Blight, *Race and Reunion*, 1-5; Heather Cox Richardson, *The Death of Reconstruction: Race, Labor, and Politics in the Post-Civil War North, 1865-1901* (Cambridge, Massachusetts: Harvard University Press, 2001), xiv.

postbellum United States as a nation that ran from east to west, as well as from north to south, these histories have provided new insights into the Civil War era. As Elliott West has noted, race remains at the center of these discussions, but this expanded view of reconstruction illustrates the fact that the nation's racial problems were far more complex than the black-white binary that has traditionally dominated the American narrative.³⁶

While other historians have contributed to our understanding of this process, Heather Cox Richardson along with Elliott West has perhaps made the most important contributions to this field, highlighting its importance to the larger national historiography.³⁷ Richardson suggests that the West in particular was crucial to this postwar restructuring as it represented the country's "region of inexhaustible resources."³⁸ Beyond providing the natural resources that powered America's postwar growth, the West seemed to personify the individualist mentality of the national transformation. The quest for wealth and national prestige helped to create a nation

³⁶ West, "Reconstructing Race," 7-26.

³⁷ Importantly, Howard Lamar's *The Far Southwest* suggested that reconstructive processes were taking place in the West, but remained relatively limited in its discussion of those processes. Similarly, Ronald W. Walker's *Wayward Saints*, Sarah Gordon's *The Mormon Question*, and Gaines Foster's *Moral Reconstruction* made passing references to reconstruction with regards to Utah. Eugene Berwanger's *The West and Reconstruction* was the first book to seriously consider how reconstruction played out in the West. He was particularly interested in the ways that Western newspapers and politicians spoke of Southern reconstruction, but his idea suggested important venues for additional research. Howard R. Lamar, *The Far Southwest, 1846-1912: A Territorial History* (Rev. ed. 1966; Albuquerque: University of New Mexico Press, 2000), 113, 223, 318-319, 353; Ronald W. Walker, *Wayward Saints: The Social and Religious Protests of the Godbeites Against Brigham Young* (repr., 1998; Salt Lake City: University of Utah Press, 2009), 215; Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2002), 14; Gaines M. Foster, *Moral Reconstruction: Christian Lobbyists and the Federal Legislation of Morality, 1865-1920* (Chapel Hill: University of North Carolina Press, 2002); Eugene H. Berwanger, *The West and Reconstruction* (Urbana: University of Illinois Press, 1981).

³⁸ Richardson, *West from Appomattox*, 37.

governed by “middle-class individualism” that was united by commerce and laissez-faire capitalism rather than equality and civil rights.³⁹

Like Richardson, West argues that the West is critical to understanding reconstruction, in that western expansion and the Civil War had both raised similar issues for the nation. Although focusing specifically on the Nez Perce War of 1877, West’s book makes a significant contribution to historiography of the period by suggesting that this was an era of “Greater Reconstruction,” embracing the nation as a whole, rather than just a period of localized Southern reconstruction. In dealing with and resolving those questions, this national reconstruction “essentially remade the nation,” creating policies that reverberated throughout the nation and have had “rippled ahead to the present day.”⁴⁰ West argues that this Greater Reconstruction addressed three main questions. First, it resolved questions regarding the nation’s size. In the aftermath of the Civil War, which grew out of the country’s bitter divisional rivalries, an essential part of the national reconstruction was to unite the nation through a network of roads and railroads. Secondly, it addressed issues relating to the relationship of the states and territories to the federal government, asserting the superior sovereignty of the nation over the state. Finally, the Greater Reconstruction addressed the questions regarding the nature, prerogatives, and demands of American citizenship. It established regulations regarding who could and could not be citizens, and what those citizens could and could not believe and do.⁴¹

³⁹ Richardson, *West from Appomattox*, 343, 346.

⁴⁰ West, *Last Indian War*, xx.

⁴¹ West, *Last Indian War*, xx-xxi.

Taken together, these recent additions to the historiography reveal a reconstruction that was complex, multi-faceted, and diverse. Reconstruction ideology and policy could be and were applied in various different ways, locations, and amongst differing groups of people. Indeed, in many regards, the whole of America was reconstructed, with no single group remaining untouched by the period's dramatic changes.

The Why of Western Reconstruction

Throughout the nineteenth century, Americans had considered the West to be a location of opportunity. Speaking to such expectations, Frederick Jackson Turner's famous frontier thesis at the end of that century voiced a longstanding American conception of the West as a location of opportunity, the very embodiment and fountainhead of the American democratic experience.⁴² For Turner and others, it was at the "meeting point between savagery and civilization" where democratic ideals would not only be protected from degradation but also enhanced.⁴³ The West beckoned as a vast region of untapped wealth and opportunities.⁴⁴ By the time of the postbellum period, this myth of the West had become such an encompassing and compelling narrative that the nation began a desperate attempt to protect at least a modicum of the mythic ideal they believed in. Such desires led to the creation and exploration of America's first national park at Yellowstone in the 1870s, the efforts to preserve the dwindling buffalo

⁴² David M. Wrobel, *The End of American Exceptionalism: Frontier Anxiety from the Old West to the New Deal* (Lawrence: University of Kansas Press, 1993), 32-36.

⁴³ Frederick Jackson Turner, "The Significance of the Frontier in American History," in *The Frontier in American History* (New York: Holt and Company, 1921), 3.

⁴⁴ Henry Nash Smith, *Virgin Land: The American West as Symbol and Myth* (Cambridge, Massachusetts: Harvard University Press, 1950).

population, and the dramatic successes of Buffalo Bill's Wild West Show.⁴⁵ In the minds of the American public, the Old West and that critical "meeting point between savagery and civilization" were disappearing amidst the technological and economic advancements of America's industrial revolution.

As much as Americans wanted the West to be a place of unbounded opportunities, however, many also spoke of the western frontier with a foreboding sense of concern. For example, some in the federal government had viewed the region with skepticism and caution since the earliest days of the nation's founding.⁴⁶ Before it became the region of manifest destiny, cartographers had warily referred to a large swath of the West as the "Great American Desert," denoting both their general lack of knowledge about the region, and a sense of trepidation about its inhabitability. Furthermore, being disconnected from the nation at large, the West seemed to embody lawless chaos at least as much as it represented economic opportunity and democratic hope.

With each new expansion of America's western territories, the potential problems of the West heightened. Nowhere was this more evident than with the 1848 Treaty of Guadalupe Hidalgo, which dramatically expanded the length and breadth of the United States to include what is now California Nevada, and Utah, as well as large portions of Arizona, Wyoming, Colorado, and New Mexico. The expansion brought with it access to immense resources of arable land, navigable waterways, and mineral wealth, all capable

⁴⁵ Karl Jacoby, *Crimes Against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (Berkeley: University of California Press, 2001), 84-89; Joy S. Kasson, *Buffalo Bill's Wild West: Celebrity, Memory, and Popular History* (New York: Hill and Wang, 2000); West, *The Last Indian War*, 214-218.

⁴⁶ Peter J. Kastor, *William Clark's World: Describing America in an Age of Unknowns* (New Haven, Connecticut: Yale University Press, 2011), 173-175.

of transforming the United States into an international economic power. Coupled with the expansion into Oregon, the Treaty of Guadalupe Hidalgo transformed the United States into a nation that stretched between the Atlantic and Pacific oceans.

While the American net gain from the treaty was immeasurable, the increased landholdings also presented the nation and particularly the federal government with unforeseen challenges. Significantly, the treaty dramatically transformed the ethnic, racial, and religious makeup of the nation. In addition to adding thousands of Tejanos, Nuevo Mexicanos, and Californios to the populace, the treaty situated thousands of Native American within the American borders. The treaty mandated that the people who lived in the newly acquired lands should be “incorporated into the Union of the United States, and be admitted at the proper time (to be judged by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution.” The rights of these new citizens were specifically to be “maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.”⁴⁷ These stipulations granted automatic citizenship to all those who had formerly been citizens of Mexico, but did not apply to Native Americans. Instead the treaty called for the United States to subdue the Native American population along the Mexican border.⁴⁸

The population increase not only complicated the ethnic and racial demographics of the United States, but also the religious complexity of the country, with the majority of

⁴⁷ Treaty of Guadalupe Hidalgo, February 2, 1848, Article IX, <http://www.loc.gov/rr/hispanic/ghtreaty/> (accessed, May 4, 2017).

⁴⁸ Brian DeLay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War* (New Haven, Connecticut: Yale University Press, 2008), xii-xxi, 297-310.

the new populations diverging strongly from the Protestant dominated society east of the Mississippi. Although the presence of Protestants grew with each new pioneering expedition, the region in 1848 boasted a strong Catholic population, numerous Native American religions, and a growing Mormon settlement. In subsequent decades, Buddhism and Hinduism, along with several other Asian faiths gained greater visibility. Indeed, Elliott West contends that during the 1850s, “no nation on earth had a region with so rich an ethnic stew as the American West.”⁴⁹ Accordingly, in contrast to the designs of manifest destiny, the prevalence of these other faiths seemingly threatened the white Protestant nation’s designs for the West.

Beyond the important racial and religious aspects, the vast new lands created additional challenges. The massive rush to California’s gold fields soon after the transfer of Mexican lands to the United States quickly demonstrated both the breadth of these new territories and the difficulties of travel and communication across such a vast region. Successive rushes to Oregon, Colorado, Montana, and Nevada would each provide additional evidence about the lack of national infrastructure in the West.

Finally, and perhaps most importantly, the expansion of western territories intensified the already virulent national debate over slavery.⁵⁰ This extension of American landholdings, most of which fell well north of the areas traditionally reserved for slaveholding, increased apprehensions among Southerners about the longevity of their peculiar institution. Efforts to protect slavery resulted in debates over popular sovereignty, filibustering expeditions throughout Latin America, fugitive slave codes, and

⁴⁹ Elliott West, “Reconstructing Race,” *Western Historical Quarterly* 34, no. 1 (Spring 2003): 8.

⁵⁰ David M. Potter, *The Impending Crisis, 1848-1861* (New York: Harper and Row, 1976).

eventual outbursts of violence.⁵¹ For their part, Northerners began pressing for measures supporting free soil, free labor, and free men, each in an effort to keep the newly acquired territories free from slavery.⁵² The West accordingly became a region of political combat where both Northerners and Southerners hoped to expand their own power.

A Reconstructive Plan for the West

The West was not merely a flash point for Northern and Southern causes. Importantly, for the national government as a whole, the region represented a significant opportunity to expand its own power. The litany of problems created by the new western territories provided the government with a blank canvas on which to sketch out new laws for territories that would ultimately influence the nation as a whole. With the majority of the western areas not ready for statehood and full incorporation within the union, the West offered the government the ability to implement laws and policies that would have been deemed dramatic overreaches of federal power within established states. The West, as Richard White has argued, accordingly became “the kindergarten of the American state,” functioning as a place where the federal government could safely implement strong policies that ultimately allowed it to “[grow] in power and influence.”⁵³

In order to maintain this significant power, the federal government granted and withheld statehood as a means of furthering white Protestant Americanism in the West.

⁵¹ Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge, Massachusetts: Belknap Press, 2013).

⁵² Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (repr. 1970; New York: Oxford University Press, 1995); Jonathan H. Earle, *Jacksonian Democracy and the Politics of Free Soil, 1824-1854* (Chapel Hill: University of North Carolina Press, 2004).

⁵³ Richard White, *“It’s Your Misfortune and None of My Own”: A History of the American West* (Norman: University of Oklahoma Press, 1991), 58.

Whereas California, with its rich gold fields and dramatic population surge, gained almost immediate statehood following the Treaty of Guadalupe-Hidalgo, other regions became incorporated as territories. That territorial status allowed for almost total federal control of those regions for an indefinite period. Such was the case with the region that came to be known as Utah. Contemporary with California's petition, the Mormon settlement in the Great Basin had applied for admittance to the Union as a state under the name of Deseret by 1849. Mormon leaders well recognized the importance of statehood, which brought with it the promise of full citizenship and incorporation within the federal government, including two senators and proportional representation in the House of Representatives. Perhaps of even greater importance, statehood brought with it a state government and high levels of local sovereignty, limiting the reach of the federal government into the area. While California was admitted as a state under the auspices of the Compromise of 1850, the Mormon settlement of Deseret was granted only territorial status and was renamed Utah. Similarly, the well-established region of New Mexico was denied statehood and became a territory.

The formation of Utah and New Mexico as territories rather than as states was both significant and calculated. In terms of racial and religious demographics, the two territories posed challenges for the governance of a white Protestant nation. In 1850, both regions likely boasted nearly as many Native Americans as American citizens. In addition, both territories were religiously distinctive. A growing Mormon population, for which the United States had long manifested complex feelings of pity, suspicion, and antipathy, populated Utah's valleys. Similarly, the Catholic Nuevo Mexicanos populated New Mexico. Although the government deemed these former Mexicans to be white

citizens in accordance with the Treaty of Guadalupe-Hidalgo, in reality they were treated largely as non-white, non-Protestant, foreigners. Expansion had, therefore, “triggered an American race crisis,” with the West becoming a key epicenter of the new challenges.⁵⁴

By establishing Utah and New Mexico as territories rather than granting them statehood, the federal government claimed the right to control the two territories and their non-Protestant populations. With that control, Congress was free to enact strict laws and implement reconstructive polices that neither state populace would ever have passed by democratic vote. The limited democracy in the two territories was part of a purposeful effort to legislate and govern perceived un-American cultural behaviors out of the two regions. As such, the government withheld statehood from both regions awaiting sufficient Americanization. The two territories thus became focal points of a nineteenth-century federal policy for the West which often “focused on extending dominion over racial and exotic ‘others,’ or those groups whose identity appeared to be the antithesis of the mainstream group’s identity.”⁵⁵

By withholding statehood from Utah federal officials created a prolonged power struggle that demonstrated the limits of popular sovereignty during the 1850s, and which continued to fester until the Mormon renunciation of polygamy in 1890. Competing for control over the territory, Rogers argues that Mormon and federal officials created policies that were “often in reciprocal relationship to one another” to assert their sovereignty over the territory.⁵⁶ Even after the Civil War and the Fourteenth Amendment

⁵⁴ West, “Reconstructing Race,” 8.

⁵⁵ Brent M. Rogers, *Unpopular Sovereignty: Mormons and the Federal Management of Early Utah Territory* (Lincoln: University of Nebraska Press, 2017), 15.

⁵⁶ Rogers, *Unpopular Sovereignty*, 1.

had firmly established the superiority of federal sovereignty, struggles for control continued to mark history of the western territories.

Although western reconstruction did affect territorial governance in New Mexico and Utah, its true purposes were aimed at specific groups that were not characterized as being white, Protestant, and American. Catholics, Native Americans, Chinese immigrants, and Mormons specifically failed to live up to the requirements of whiteness, Protestantism, and Americanism. Accordingly, in various ways, these groups became the targets of policy makers and legislation throughout the latter half of the nineteenth century.

In stating that the government worked to reconstruct these groups, however, one should by no means assume that they were either passive participants or recipients. Similar to the postbellum white Southerners, and later Jim Crow Era blacks, each of these groups found their own ways to push back against federal reconstructive policies. Whether it was through open warfare, economic resistance, constructing independent schools, creating paper families, willfully accepting prison sentences, or simply continuing to speak their own native languages, America's reconstructed peoples consistently manifested a doggedness and moxie in the face of assimilative mandates. Even when diminutive size and strength forced measures of acceptance, each group staged their own private revolutions against federal assaults upon their community's cultural distinctiveness. As such, despite the ideologies that declared their groups to be un-American, through their opposition to such policies, each added to the tradition of resolve and independent spirit that Americans had claimed to distinguish the country since its revolutionary founding.

Reconstructing Catholic Americans

David Emmons has suggested that “true Americanism” was founded not only on “ethnicity or color,” but also upon Protestantism, with the wages of whiteness being tied as intricately to conversion as they were to color.⁵⁷ Accordingly, in the minds of the nation’s reconstructionists, race and religion were frequently conflated, with non-Protestantism often defining the religion of those who fell outside the borders of the American pale. In this regard, America’s Catholic populations were frequently the recipients of nineteenth-century reconstructive measures.

Throughout the 1840s, the country received a heavy influx of Catholic immigration from Ireland, leading to a growth of nativist feeling. This growth in nativism built upon the already strong anti-Catholic sentiment that pervaded the United States. Manifesting their anti-Catholicism, several states passed strict laws regarding Sabbath activities and alcoholic consumption.⁵⁸ Politically, the new emigrants tended to gravitate toward the Democratic Party, which was generally far less concerned with “waging cultural warfare over matters of schooling, drinking, workplace demeanor, and forms of entertainment” than were the Whigs. The allegiance of Catholic immigrants gave Democrats significant electoral advantages in the nation’s urban centers, where the new citizens tended to congregate.⁵⁹

Even more significantly, the decade’s U.S.-Mexican War became a kind of crusade against Catholicism. As one historian has suggested, the war “revealed the

⁵⁷ Emmons, *Beyond the American Pale*, 6.

⁵⁸ Kyle G. Volk, *Moral Minorities and the Making of American Democracy* (New York: Oxford University Press, 2014), 37-45.

⁵⁹ Hahn, *A Nation Without Borders*, 171-172, 469.

universality of a peculiarly American anti-Catholicism” in that anti-Catholicism informed “nearly every major argument for or against the war.”⁶⁰ The outcome of the war and the Treaty of Guadalupe-Hidalgo added a substantial Catholic population to the United States who, by treaty, were legal citizens, but by practical reality constituted racial and religious minorities.

The arguments leading up to the Civil War cemented the place of American Catholics as a problematic group. As the anti-slavery rhetoric grew more strident in the years preceding the Civil War, some Americans drew connections between slavery and Catholicism, claiming that the two went “hand in hand in their diabolical works of inhumanity and desolation.”⁶¹ Such rhetoric established in antebellum minds that the coming reconstruction would be not only a Christian reconstruction, but specifically a Protestant reconstruction. Even Christians who failed to conform to the mores and beliefs systems of white Northern Protestants were subject to reconstructive measures.

Following the Civil War, as non-Protestant minorities, American Catholics were subjected to additional reconstructive measures. Public schools in the West and throughout the nation included Bible instruction from the King James Version as a critical part of their curriculum. Catholics saw such measures as an assault upon their religion and an undisguised effort to evangelize their children with the use of public funds.⁶² In response, they turned to parochial schools, where they could ensure that their children would not be proselytized to other faiths. Justifying their actions, anti-Catholics

⁶⁰ John C. Pinheiro, *Missionaries of Republicanism: A Religious History of the Mexican-American War* (New York: Oxford University Press, 2014), 1.

⁶¹ Emmons, *Beyond the American Pale*, 55-56.

⁶² Ward M. McAfee, *Religion, Race, and Reconstruction: The Public School in the Politics of the 1870s* (Albany: State University of New York Press, 1998), 3.

charged that the Catholics had demonstrated “open sympathy for the Confederate cause” during the Civil War.⁶³ Northern anti-Catholics believed that public schools were critical to the safety of the nation, in that they would help to Americanize Catholic children, thus ensuring that they would become productive citizens of American society.

In the Southwest, both Arizona and New Mexico boasted strong Catholic populations that concerned American officials. Admitted to the United States as a part of the Treaty of Guadalupe-Hidalgo, the two territories posed challenges not only due to their Latino and Indian populations, but also due to their strong Catholic presence that stretched back to the 1500s. For government officials, the strength of the region’s Catholicism became a cause for concern. As New Mexico attempted to establish public schools, it became clear that members of the Catholic clergy formed the largest portion of the teaching force. As such, American officials doubted the extent to which these schools were “secular, public, or [even] American.”⁶⁴ Such circumstances led Republicans to conclude that the region’s Catholics were not sufficiently Americanized by the late 1890s, fearing that statehood would result in “a Spanish-American government.”⁶⁵

On the whole, Catholics created a problem for reconstruction-minded Americans, in that they were often highly integrated into American society. Whether by immigration or treaty, they generally held status as citizens of the United States. Accordingly, the reconstructive aims of the nation were often focused on public institutions, such as the

⁶³ McAfee, *Religion, Race, and Reconstruction*, 29.

⁶⁴ Lamar, *The Far Southwest*, 144.

⁶⁵ Lamar, *The Far Southwest*, 164.

schools. In the Southwest, the government used the elusive status of statehood as a means of limiting the power of the Catholic church in America.

Reconstructing Native Americans

While Catholics and other groups were the recipients of reconstructive policies, no group in the West was more consistently victimized by reconstructive policies than were the Native American populations. As white settlers expanded further and further west, the question of how to handle what was seen as the “Indian problem” became more pressing. White desires for additional arable lands, water, gold, and other resources created continual sources of conflict with the Native peoples who inhabited those lands. In California, the response to these questions resulted in the genocidal decimation of the Indigenous populations.⁶⁶ Whereas some advocated either for annihilation or complete segregation, reform-minded Americans viewed the Native groups as “culturally retrograde,” but capable of being civilized through literacy, Christianity, and agrarianism; in short, through the processes of cultural assimilation and Americanization.⁶⁷

It must be acknowledged that Native peoples were members of independent tribes and Native nations. As such, they were the only group that was formally excluded from the benefits of the Fourteenth Amendment.⁶⁸ Hence, they were uniquely different from the other reconstructed groups in the West, and in a sense, it is inaccurate to speak of them as reconstructed peoples. Their differences from other reconstructed groups,

⁶⁶ Albert L. Hurtado, *Indian Survival on the California Frontier* (New Haven, Connecticut: Yale University Press, 1988), 100-192; Robert F. Heizer, ed., *The Destruction of California Indians* (Lincoln, Nebraska: Bison Books, 1993); West, “Reconstructing Race,” 13.

⁶⁷ Hahn, *A Nation Without Borders*, 280.

⁶⁸ Stephen Kantrowitz, “‘Not Quite Constitutionalized’: The Meanings of ‘Civilization’ and the Limits of Native American Citizenship,” in Gregory P. Downs and Kate Masur, eds., *The World the Civil War Made* (Chapel Hill: University of North Carolina Press, 2015), 89.

however, did not preclude other Americans from viewing the various Indian tribes as peoples in need of reconstruction. Although some Americans feared that the Indian “will neither reconstruct nor exterminate,” others believed it was the right and duty to impose reconstructive measures upon Native peoples.⁶⁹ Interpreting the Fourteenth Amendment differently, Arkansas’ *Daily Republican* declared unequivocally that Native Americans were citizens of the United States and should therefore abide by the laws that governed other citizens. The editorial stated that the time had come “when it is the obvious duty of Congress . . . to reconstruct the Indian relations in harmony with the principles extended to other territories.”⁷⁰ The *Weekly Arizona Miner* similarly bemoaned the supposed additional rights that “the noble red man” enjoyed “to swing around the circle, and do as he pleases.” The paper hoped for Congressional committees to be “appointed to reconstruct him” with troops being sent “to overawe and force him to obey the laws of God and man.”⁷¹ Accordingly, while white Protestant Americans saw differences in the Native peoples, they nevertheless viewed them through the lens of reconstruction.

Between 1848 and 1877, the army forcefully attempted to reconstruct Native peoples. Indeed, in the language of one early editorialist, some Americans hoped to “reconstruct the red miscreants” at the point of a bayonet.⁷² The U. S. army played a critical role in removing Native Americans from desired lands, imposing treaties, and the

⁶⁹ “The Squaw as a Chambermaid,” *Inter Ocean* (Chicago, Illinois), September 14, 1876, page 4, column 2.

⁷⁰ “The Revenue Troubles in the Indian Territory,” *Daily Republican* (Little Rock, Arkansas), February 25, 1870, page 2, column 1.

⁷¹ “The Indian Question,” *Weekly Arizona Miner* (Prescott, Arizona), April 30, 1870, page 2, column 1.

⁷² “From Southern Arizona,” *Weekly Arizona Miner* (Prescott, Arizona), July 9, 1870, page 2, column 3.

regulating Native lives upon the reservations. Resisting these efforts toward compulsion, Native groups resoundingly pushed back against this armed reconstruction during the 1860s, leading Colorado governor John Evans to conclude that ““the tribes of the plains are nearly all combined in this terrible war,”” with violent repercussions stretching from the Canadian border to Texas.⁷³ Armed forces responded to this pushback with even greater force, resulting in massacres at locations like Sand Creek, carried out by Colorado volunteers, and on the Bear River in present-day Idaho where a group of California volunteers led the attack.⁷⁴ Despite years of cooperation and friendly relationships with the government, even the Nez Perce became the object of militaristic reconstruction, prompting a prolonged military campaign and a march of more than a thousand miles to enforce compliance with the nation’s demands.⁷⁵ Many aspects of military reconstruction, and particularly the Sand Creek Massacre, drew public outcry, as Protestant northerners denounced the excessive use of force rather than attempts at peace.⁷⁶

Through the means of military compulsion, indigenous tribes across the nation were forcibly confined to reservations throughout the West, with the reservations becoming the not-so-tame compromise between annihilation and acceptance. Francis Prucha has noted that from the beginning these reserves were designed to ensure ““that the Indians should be made as comfortable on, and uncomfortable off, their reservations

⁷³ John Evans to William Dole, quoted in Hahn, *A Nation Without Borders*, 283.

⁷⁴ Hahn, *A Nation Without Borders*, 283; Elliott West, *The Contested Plains: Indians, Goldseekers, and the Rush to Colorado* (Lawrence: University of Kansas Press, 1998), 297-307; Brigham D. Madsen, *The Shoshoni Frontier and the Bear River Massacre* (Salt Lake City: University of Utah Press, 1985).

⁷⁵ West, *Last Indian War*, xvii, 169-300.

⁷⁶ Francis Paul Prucha, *The Great Father: The United States Government and the American Indians, Abridged Edition* (Lincoln: University of Nebraska Press, 1986), 153.

as it was in the power of the Government to make them.”⁷⁷ Reservations accordingly became locations where the government intended to carry out a “peace policy” initiated with the presidency of U.S. Grant that would move Native Americans toward assimilation. In 1873, Secretary of Interior Columbus Delano highlighted the five aims of the peace policy, First, the government would continue its efforts to situate Native groups on reservations where they “could be kept from contact with frontier settlements and could be taught the arts of agriculture and other pursuits of civilization.” Second, they would punish those who rebelled against the reservations in order to teach subservience to the federal government. Third, they would paternalistically govern the supplies sold on the reservations to ensure that the funds appropriated for the reservations were not squandered. Fourth, they would utilize religious organizations to distribute goods among the Indians. And finally, they would use those same organizations to establish churches and schools that would help to Christianize the Native Americans, thus preparing them for the responsibilities of American citizenship.⁷⁸

Corresponding with these efforts, the government commenced other efforts beyond the borders of the reservations that were aimed at eliminating any reasons why Native Americans would want to leave the reservations. Throughout the 1860s and 1870s, the government abetted a massive effort to eradicate the buffalo population, which was crucial to the autonomy and survival of the plains Indians.⁷⁹ The expansion of railroads throughout the West, together with an increased public demand for buffalo-

⁷⁷ Prucha, *The Great Father*, 167.

⁷⁸ Prucha, *The Great Father*, 153.

⁷⁹ Prucha, *The Great Father*, 179-180.

derived products, and a growth of national interest in hunting for sport, coincided with the federal policies regarding the buffalo and contributed to the near extinction of the species.⁸⁰ Such measures aimed to keep Native peoples confined within their various reservations.

While the government hoped to keep recalcitrant Indians confined to the reservations, the ultimate hope was to move the country's Indigenous peoples toward a renunciation of Nativeness and an eventual acceptance of assimilation. On the whole reservations segregated Native Americans from the broader national population, complicating the assimilative aims. The 1887 Dawes Severalty Act attempted to accelerate assimilation by enforcing privatized landownership among Native Americans.⁸¹ The act divided the reservations up into lots consisting of one hundred and sixty acres, which could then be given to individual Native families. Those who accepted their allotment "separate and apart from any tribe of Indians therein," and "adopted the habits of a civilized life," were granted citizenship with "all the rights, privileges, and immunities of such citizens."⁸² By dividing reservation lands, the government hoped to lessen or eliminate the tribal influence, thereby establishing loyalty only to the United States.

⁸⁰ The 1873 establishment of Yellowstone National park included provisions to protect the bison herds within the park, but even these measures functioned to limit the autonomy of Native American peoples by prohibiting them from hunting within the park. William Cronon, *Nature's Metropolis: Chicago and the Great West* (New York: W. W. Norton and Company, 1991), 215-218; Jacoby, *Crimes Against Nature*, 83-90.

⁸¹ Prucha, *The Great Father*, 226-227.

⁸² "An Act to Provide for the Allotment of Lands in Severalty to Indians on the Various Reservations, and to Extend the Protection of the Laws of the United States and the Territories Over the Indians, and for Other Purposes," *U.S. Statutes at Large* 24 (1887): 390.

Similarly, Native reconstruction also included efforts to Protestantize and Americanize Native American children through educational means. Most notably the establishment of the Carlisle Boarding School in 1879, furthered the efforts of reform-minded Christians to establish a series of boarding schools throughout the nation aimed at helping Native children to transition from Indianness toward Americanness.⁸³ Richard H. Pratt, founder of the Carlisle school, openly admitted the assimilative purposes of the schools, noting that they aimed to “Kill the Indian” within the child, “and save the man.” So thorough was his belief in such efforts that Pratt believed “all the Indian there is in the race should be dead,” and education was the “civil” means of accomplishing that end.⁸⁴ Far from a matter of parental choice, attendance at boarding schools was often mandatory, with some children being forcibly removed from their homes.⁸⁵ Once there, students were subjective to white American rules regarding their grooming, conduct, and speech, all designed to subjugate Native culture to white Americanism.⁸⁶ Furthermore, education at the schools included a steady inculcation of Protestantism, again with the aim of undermining Indigenous religious beliefs and practices.⁸⁷

⁸³ David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence: Kansas University Press, 1995).

⁸⁴ Richard H. Pratt, “The Advantages of Mingling Indians with Whites,” *Americanizing the American Indians: Writings by the “Friends of the Indian,” 1880-1900* (Cambridge, Massachusetts: Harvard University Press, 1973), 260-271.

⁸⁵ Margaret D. Jacobs, *White Mother to a Dark Race: Settler Colonialism, Maternalism, and the Removal of Indigenous Children in the American West and Australia, 1880-1940* (Lincoln: University of Nebraska Press, 2009).

⁸⁶ Adams, *Education for Extinction*, 101-112.

⁸⁷ Adams, *Education for Extinction*, 166-170.

Reconstructing Chinese Immigrants

Like the Native Americans, Chinese immigrants were “doubly marked as inferior” owing to the fact that they were both racial others and generally non-Christians in their beliefs. Indeed, as the historian Joshua Paddison noted, “Firmly located outside both whiteness and Christianity in the public imagination, Indians and the Chinese both tested the limits of national belonging like no other groups.” These likenesses resulted in each group’s marginalization within the United States.⁸⁸ The two peoples, however, were not entirely comparable in the minds of white Americans. Unlike the Indians who appeared to be caught in the throes of inevitable declension and threatened extinction, by the 1860s, the Chinese appeared to be arriving in the West in ever greater numbers that threatened America’s Protestantized manifest destiny.⁸⁹ The growing Chinese presence in the West was all the more complicated by the fact that it was occurring during the height of China’s “century of humiliation,” a 110-year span (1839-1949) in which the long-venerated Chinese empire seemed to crumble under the growth of European power in the Pacific.⁹⁰ Such events caused Americans and others to see the Chinese as a weakened people, with the immigrants to America being “hopelessly pagan coolies, without families or morals, the diametrical opposite of the free Christian, wage-laboring, married men.”⁹¹

⁸⁸ Joshua Paddison, *American Heathens: Religion, Race, and Reconstruction in California* (Berkeley: University of California Press, 2012), 3, 123.

⁸⁹ Paddison, *American Heathens*, 4.

⁹⁰ Alison Adcock Kaufman, “The ‘Century of Humiliation,’ Then and Now: Chinese Perceptions of the International Order,” *Pacific Focus: Inha Journal of International Studies* 25, no. 1 (April 2010): 4-5.

⁹¹ Paddison, *American Heathens*, 49

Despite these perceptions and concerns, Chinese immigrants were vital to the growth and development of the American West during the 1860s. In particular, they played a critical role in the construction of Transcontinental Railroad. Because they could be employed at wages significantly less than white workers, Chinese immigrants became the major portion of the workforce for the Central Pacific Railroad Company.⁹² For reconstruction era Protestant Americans, the continuous arrival of Chinese immigrants within the United States accordingly became a perplexing challenge. As with many other minority groups, white Americans relied upon Chinese immigrants to construct the West, but also hoped to deny them the full rights of citizenship, and particularly those accorded through the Fourteenth Amendment.⁹³

Consistent with other reconstructive measures, efforts to reconstruct Chinese Americans included a strong component of Protestant evangelization. Throughout the 1860s and 1870s, several Protestant groups reached out to immigrants with Protestant schools, boarding houses, and missions, all hoping to convert the new population to Protestant Americanism. Additionally, churches wrote, translated, and distributed missionary pamphlets among the immigrant communities.⁹⁴ Christian reformers hoped that these efforts would lead to conversion and then to full citizenship.⁹⁵

As railroad construction was completed and the nation slipped into a depression following the Panic of 1873, however, the apparent advantages that had led Americans to

⁹² Richard White, *Railroaded: The Transcontinentals and the Making of Modern America* (New York: W. W. Norton and Company, 2011), 30.

⁹³ D. Michael Bottoms, *An Aristocracy of Color: Race and Reconstruction in California and the West, 1850-1890* (Norman: University of Oklahoma Press, 2013), 167.

⁹⁴ Paddison, *American Heathens*, 35.

⁹⁵ Paddison, *American Heathens*, 36-37.

accept immigrant labor seemed to give way to the deeper anti-Chinese sentiments that pervaded throughout nineteenth-century America. These perceptions resulted in concerted efforts to curb the arrival of Chinese immigrants in the United States. The 1882 Chinese Exclusion Act explained that “the coming of Chinese laborers to this country endanger[ed] the good order” of various places within the nation. The act accordingly suspended legal Chinese immigration to the United States for a minimum of ten years. Immigrants who violated this law were subject to a term of imprisonment “not exceeding one year.” Those laborers who were previously in the country were to have their names “entered in registry-books” that kept a detailed record of “the name, age, occupation, last place of residence, physical marks or peculiarities, and all facts necessary for the identification of each of such Chinese laborers” already residing within the nation. The laws further provided for the free transportation of any Chinese Americans who wished to “leave the United States by water.” Finally, the law specified that it applied to both “skilled and unskilled laborers,” with a particular application to any Chinese immigrants “employed in mining.”⁹⁶ In California, such exclusive measures extended to the schools, which prohibited attendance even by the wealthiest of Chinese families during the 1870s.⁹⁷

Significantly, by the 1882 passage of the Chinese Exclusion Act, Americans had come to the conclusion that Chinese immigrants were incapable of reconstruction and Americanization. Through such measures, Americans deemed the West’s growing Chinese population to be “racially unworthy of participation in American society,” and

⁹⁶ “An Act to Execute Certain Treaty Stipulations Relating to Chinese,” *U.S. Statutes at Large* 24 (1882): 58-61.

⁹⁷ Bottoms, *An Aristocracy of Color*, 126-135.

therefore incapable of even reconstructive change.⁹⁸ Accordingly, the Greater Reconstruction was not without its limits in application. The combination of racial distinction and non-Christian faith created significant problems for reconstructive policy that could only be solved by exclusion.

Reconstructing Mormons

Like the Native American tribes and the other groups of racial and ethnic minorities, Mormons found themselves to be the targets of sustained efforts toward reconstruction from 1856 to 1890. By the time they arrived in Utah in 1847, the Mormon community had already been compelled to vacate settlements in Ohio, Missouri, and Illinois, the latter two being vacated under force. In many regards, problems had followed the Mormons, whose unique social, religious, economic, and political beliefs had created friction throughout each of those states. Following these three exoduses and the assassination of the faith's founder, Joseph Smith, the Latter-day Saints had determined to entirely vacate the United States, seeking refuge and political independence within the northernmost borders of Mexico.⁹⁹ Two years after the Mormons had vacated Illinois, however, Mexico had ceded the isolated regions of the Great Basin to the United States. Three years after that cession, credible reports of Mormon polygamy would begin to turn Utah into a religious and ideological battleground regarding the extents, boundaries, and meanings of American citizenship.¹⁰⁰

⁹⁸ Bottoms, *An Aristocracy of Color*, 167.

⁹⁹ Thomas Ford to Brigham Young, April 8, 1845, in Council of Fifty Minutes, April 15, 1845, in Matthew J. Grow, et al., eds., *Council of Fifty Minutes, March 1844-January 1846*, First volume of the Administrative Records series of *The Joseph Smith Papers*, edited by Ronald K. Esplin, Matthew J. Grow, and Matthew C. Godfrey (Salt Lake City: Church Historian's Press, 2016), 428-429; Council of Fifty Minutes, March 18, 1845, in Grow, et al., eds., *Council of Fifty Minutes*, 328-329.

Following the official report and the subsequent Mormon acknowledgement of the territory's polygamous practices, Utah became the subject of sustained reconstructive efforts.¹⁰¹ As with the efforts to reshape Native Americans, the efforts to reconstruct Mormonism were multifaceted and varied in their application. The backbone of this reconstruction was legislative in nature. Throughout the 1860s, 1870s, and 1880s, Congress debated and passed a number of reconstructive bills that were aimed at stamping out polygamy.¹⁰² The most notable of these acts were the 1862 Morrill Anti-Bigamy Act, the 1882 Edmunds Act, and the 1887 Edmunds-Tucker Act. Working in conjunction with each other, these bills progressively increased the penalties for polygamous marriages, while narrowing the range of rights afforded to Mormons who engaged in the practice. Although generally in favor of the anti-polygamy legislation, the editors of the *New York Tribune* drew connections between the laws and Southern reconstruction, briefly worrying that Utah's Mormon settlers would be "crushed or driven out" of the territory with their own version of "carpet-baggers reveling in the plunder of their property."¹⁰³ These bills were, for Mormons, similar to what the Dawes Allotment Act was for Native Americans and what the Chinese Exclusion Act was for Chinese immigrants, narrowly directed pieces of legislation, designed to legislate away Mormonism's most distinctive practices. Although legislative measures formed the

¹⁰⁰ Ronald W. Walker, "The Affair of the 'Runaways': Utah's First Encounter with the Federal Officers," *Journal of Mormon History* 39, no. 4 (Fall 2013): 1-43; Matthew J. Grow and Ronald W. Walker, "The People are 'Hogaffed or Humbugged': The 1851-52 National Reaction to Utah's 'Runaway' Officers," *Journal of Mormon History* 40, no. 1 (Winter 2014): 1-52.

¹⁰¹ See: Gordon, *The Mormon Question*; Gustive O. Larson, *The "Americanization" of Utah for Statehood* (San Marino, California: Henry E. Huntington Library and Art Gallery, 1971).

¹⁰² The preeminent work on these legislative acts is Gordon, *The Mormon Question*.

¹⁰³ "More Reconstruction," *New York Tribune*, June 4, 1874, page 4, columns 3-4.

backbone of these reconstructive efforts, they were hardly the only means of reconstruction within the territory.

Antedating the passage of the Morrill Anti-Bigamy Act and the other bills legislating polygamy, the government attempted to reshape Utah through federal appointments and a use of military power. Throughout the 1850s, many of Utah's federal officials attempted to use their positions to effect reconstructive changes in the territory.¹⁰⁴ Such efforts led to frequent clashes with the Mormon community, and ultimately to the 1857-1858 Utah War, wherein U.S. President James Buchanan sent a detachment of the army to install a new governor in the territory.¹⁰⁵ Although significant open hostilities never ignited between the Mormon community and the army, the armed presence in Utah served as a tangible threat of what awaited the territory if the Mormons resisted federal laws too vigorously.¹⁰⁶ In the view of Mormon officials, Utah was subjected to a militaristic reconstruction that, at points, was akin to the armed occupation of the South during Southern reconstruction.

¹⁰⁴ Walker, "The Affair of the 'Runaways'," 1-43; Grow and Walker, "The People are 'Hogaffed or Humbugged'," 1-52; Ronald W. Walker, "'Proud as a Peacock and Ignorant as a Jackass': William W. Drummond's Unusual Career with the Mormons," *Journal of Mormon History* 42, no. 3 (July 2016): 1-34; Ronald W. Walker, "The Tintic War of 1856: A Study of Several Conflicts," *Journal of Mormon History* 42, no. 3 (July 2016): 35-68.

¹⁰⁵ William P. MacKinnon, *At Sword's Point, Part 1: A Documentary History of the Utah War to 1858* (Norman, Oklahoma: Arthur H. Clark, 2008); William P. MacKinnon, *At Sword's Point, Part 2: A Documentary History of the Utah War, 1858-1859* (Norman, Oklahoma: Arthur H. Clark, 2016).

¹⁰⁶ Although the Utah War contained no major battles, its connection to the Mountain Meadows Massacre and the murder of more than 120 emigrants from Arkansas and Missouri precludes any notion that the war was bloodless. Although the massacre was not formally a part of the Utah War, it is impossible to comprehend the event outside of the context of the Utah War and its militaristic and violent rhetoric. The principal histories of the massacre are Juanita Brooks, *The Mountain Meadows Massacre*, 2d ed. (Norman: University of Oklahoma Press, 1962); Will Bagley, *Blood of the Prophets: Brigham Young and the Massacre at Mountain Meadows* (Norman: University of Oklahoma Press, 2002); Ronald W. Walker, Richard E. Turley, Jr., and Glen M. Leonard, *Massacre at Mountain Meadows* (New York: Oxford University Press, 2008). While the authors debate the extent to which the Massacre can be considered a military engagement of the Utah War, they all place the event squarely within the broader context of the Utah War.

With the outbreak of the Civil War pushing Utah and the Mormons to the background, military officials and federal appointees turned to additional means of reconstructing Utah that might function without a sizable army to enforce it. These other measures functioned in connection with the contemporary pieces of anti-polygamy legislation, but emphasized reconstruction in different aspects of Mormon culture. Between 1860 and 1890, the government relied on both economic and educational measures to reinforce the message of its Mormon-directed legislative acts.

Both government officials and American businessmen encouraged mining and railroad developments in Utah, believing that the free hand of commerce would undercut the cultural distinctiveness of Mormondom. Commanding Utah's army post throughout the course of the Civil War, Brigadier General Patrick Edward Connor came to the conclusion that discovering gold, silver, and minerals in Utah was "of the highest importance" because it would induce a substantial non-Mormon immigration to the territory. Connor accordingly believed that mining successes represented "the only sure means of settling peaceably the Mormon question."¹⁰⁷ They proposed to bring Mormonism more fully within the mainstream of the American economic system, and, therefore, closer to the cultural norms that defined the emerging concepts of white Protestant American citizenship. Ohio Congressman Robert C. Schenck verbalized this view in stating his belief that "the advance of railroads and the progress of the tide of immigration" would ultimately prove "more effectual than all the enactments of Congress" in bringing an end to polygamy.¹⁰⁸ Such efforts matched the similar uses of

¹⁰⁷ Patrick Edward Connor to Richard C. Drum, October 26, 1863, in Kenneth L. Alford, ed., *Utah and the American Civil War: The Written Record* (Norman, Oklahoma: Arthur H. Clark, 2017), 339.

the railroad and hunting reforms to reconstruct the Native American populace by attempting to remove the means by which Mormons might remain independent from the larger national economy.

Similarly, government officials and other Americans championed educational measures that would lessen the Mormon influence upon the education of Utah's children. In 1870, Republican William F. Prosser of Tennessee bemoaned the fact that of all the bills that had been offered by the House and the Senate "to reconstruct the chronic troubles in Utah," no one had yet proposed to educate the children.¹⁰⁹ For Prosser, federally supported education was the surest path to reconstruction in Utah. With hearty support from Utah's federal appointees, as well as their own eastern parishioners, Protestant denominations began establishing schools throughout Utah, each with the aim of offering free education to Mormon children in exchange for the opportunity to proselytize Protestant Americanism. Through such efforts, Protestant Utahns felt assured they were "putting our clutches to [Young's] very throat," and, as a result, to the whole of Mormondom.¹¹⁰ Being made aware of the first such efforts, William Seward was cheered by such prospects, reportedly commenting that "'the church and schools undertaken by the Episcopalian church would do more to solve the Mormon problem than the army and Congress of the United States combined.'"¹¹¹ In creating such schools, they followed—

¹⁰⁸ "House of Representatives," *New York Tribune*, March 23, 1870, page 8, column 2; George Q. Cannon to Brigham Young, 23 March 1870, Brigham Young Office Files, CR 1234 1, reel 51, box 38, folder 12, CHL.

¹⁰⁹ U.S. Congress, *Cong. Globe*, 41st Cong., 2nd sess., 761 (1870).

¹¹⁰ Daniel S. Tuttle to Harriet Tuttle, July 10, 1867, in Daniel S. Tuttle, *Reminiscences of a Missionary Bishop* (New York: Thomas Whittaker, 1906), 114.

¹¹¹ Thomas W. Haskins to Mrs. Haskins, December 10, 1891, in Tuttle, *Reminiscences of a Missionary Bishop*, 365.

though did not entirely replicate—the pattern of the Indian Boarding Schools, the Freedmen’s schools in the postbellum South, and the educational measures aimed at Catholic children throughout nineteenth-century America.

Although differences persist in the manner in which Americans applied these reconstructive efforts to various groups, the experiences of these minority groups in the West demonstrate a concerted pattern that pervaded nineteenth-century America. Together with the corresponding efforts to reconstruct the South, these reconstructive actions in the West had repercussions that reverberated throughout the entire nation. Throughout the latter half of the nineteenth century, the United States began the process of a national reconstruction. But rather than a postwar rebuilding of national ties, this reconstruction was an ideological reformulation of the very notion of Americanism and the stipulations that accompanied American citizenship. In addition to increasing the power of the federal government in the West, these reconstructive efforts helped to establish a precedent which allowed the government to regulate, reform, and even exclude specific groups through legislation and other means. Through such legislation, the government redefined the fundamental notions of American citizenship and dramatically increased the power of the federal government.

Reconstructing Westward

Historian Richard White has suggested that two Americas were born out of the national crucible of the Civil War. The first embodied “some of the noblest instincts and ambitions of the triumphant republic.” The second demonstrated the limits of an ideology that demanded “a homogeneous citizenship.”¹¹² Much of this duality has emerged

¹¹² Richard White, *The Republic For Which It Stands: The United States During Reconstruction and the Gilded Age, 1865-1896* (New York: Oxford University Press, 2017), 1.

through the rich historiographical insights yielded by the reevaluation of the federal interactions in the West and the reconstructionist impulse that motivated those interactions. Although complicating the hagiography of the Civil War and Reconstruction eras, this growing body of literature reminds us that the national narrative was defined as much by the military massacres at Bear River and Sand Creek as it was by the Union victories at Antietam and Gettysburg.¹¹³

Eugene Berwanger's *The West and Reconstruction* was the original monograph to consider the question of how Westerners had reacted to the policies and politics of Southern reconstruction.¹¹⁴ Berwanger's book is a useful starting place in that it largely still considers reconstruction as having been about the South, but that others, including Westerners, had opinions about those policies that they shared through newspapers, speeches, and other means. His introduction did, however, suggest a map for new ways in looking at the period by suggesting that historians have traditionally taken too narrow a view of reconstruction, confining it solely to the South. He suggests that "When the term is broadened, more realistically, to include the reforms of the era and the changing Republican concept of federal-state and territorial relations, it becomes apparent that Republican Reconstruction ideals had implication for the whole nation, not just the South alone."¹¹⁵ Although Berwanger suggested important new venues for research and study, historians of the period mostly ignored its contributions to the historiography.¹¹⁶

¹¹³ Ari Kelman, *A Misplaced Massacre: Struggling Over the Memory of Sand Creek* (Cambridge, Massachusetts: Harvard University Press, 2013), 278-279.

¹¹⁴ Eugene H. Berwanger, *The West and Reconstruction* (Urbana: University of Illinois Press, 1981).

¹¹⁵ Berwanger, *The West and Reconstruction*, 10.

Moving beyond a mere discussion of how Southern reconstructive policies were interpreted in the West, several historians have noted similarities between those policies and the federal laws policies for the West. In his pioneering work on Western history, Howard Lamar cursorily noted the similarities between the Southern policies and those implemented in Utah, Colorado, and New Mexico.¹¹⁷ Describing measures in Utah, Lamar even argues that “scores of antipolygamy and anti-Mormon bills depended heavily on Reconstruction measures as precedents.”¹¹⁸ Similarly, historians Ronald Walker and Sarah Gordon have argued that various aspects of the government’s polygamy policies constituted reconstructions in Utah. While Walker argued that the 1870 Cullom Bill was “Utah’s version of Southern Reconstruction,” Gordon goes further to suggest that the entire “campaign against polygamy created a second reconstruction in the West.”¹¹⁹ Unlike Lamar, however, Walker and Gordon failed to recognize the similarities of these policies to other government efforts across the West. And indeed, each of these historians failed to recognize the broader reconstructive ideals that motivated the government’s interactions throughout the West, and, indeed, the reconstructive policies that dominated the whole of America during the latter half of the nineteenth century.

In 2002, Gaines Foster’s monograph *Moral Reconstruction* suggested some new historiographical directions for the study of reconstruction. Whereas Berwanger, Lamar,

¹¹⁶ Adam Arenson, “Introduction,” in Adam Arenson and Andrew R. Graybill, eds., *Civil War Wests: Testing the Limits of the United States* (Berkeley, University of California Press, 2015), 5.

¹¹⁷ Lamar, *The Far Southwest*, 113, 223, 318-319.

¹¹⁸ Lamar, *The Far Southwest*, 353.

¹¹⁹ Ronald W. Walker, *Wayward Saints: The Social and Religious Protests of the Godbeites Against Brigham Young* (repr., 1998; Salt Lake City: University of Utah Press, 2009), 215; Gordon, *The Mormon Question*, 14.

Walker, and Gordon, each identified some limited manifestations of reconstructive policies in the West, Foster's book identified a broader sense in which reconstructive policies had been implemented throughout the United States during the late nineteenth and early twentieth centuries. Foster discusses the role of Christian lobbyists in pursuing various forms of moral reconstruction throughout the nation. Beginning with a discussion of polygamy and the efforts to reconstruct American morality, Foster goes on to describe reconstructive efforts to govern the lottery, Sabbath activities, and alcoholic consumption. In short, Foster suggests that Christian lobbyists had taken the reconstructive impulses that had reshaped the South in the immediate aftermath of the Civil War and redirected those efforts towards various other Protestant Christian causes.¹²⁰

Whereas Foster emphasized the efforts to reconstruct American morality, historians Heather Cox Richardson, Elliott West, and Stephen Hahn have suggested that this larger national reconstruction was an effort to reconstruct the entire national character and the boundaries of American citizenship during the late-nineteenth and early twentieth centuries.¹²¹ Their works demonstrate a concerted effort on the part of Americans to reconstruct not only the practices, but also the peoples of the nation. Accordingly, the moral causes that Foster spoke of, were not necessarily attempts to reform and reconstruct certain practices, so much as they were attempts to reconstruct the peoples that white Protestant Americans most commonly associated with those particular

¹²⁰ Gaines M. Foster, *Moral Reconstruction: Christian Lobbyists and the Federal Legislation of Morality, 1865-1920* (Chapel Hill: University of North Carolina Press, 2002).

¹²¹ Heather Cox Richardson, *West from Appomattox: The Reconstruction of America After the Civil War* (New Haven, Connecticut: Yale University Press, 2007); West, *Last Indian War*; Hahn, *A Nation Without Borders*.

practices. Their works accordingly move the historiography beyond a mere discussion of different instances of reconstructive policies outside the South, and rather provide us with a framework to contextualize why those occurrences happened with such regularity.

Richardson's book draws upon her earlier work on reconstruction, which had demonstrated the political and economic reasons why white Northerners had both supported and then rejected reconstruction, to show how reconstruction had functioned in the West. She suggests that it is impossible to understand the reconstruction era without acknowledging the critical importance of the West. Indeed, Richardson suggests that these years constituted "the literal reconstruction of North, South, and West into a nation," with effects that would reverberate into the Progressive Era and even down to the present.¹²² The West in particular was crucial to this postwar restructuring as it represented the country's "region of inexhaustible resources."¹²³ Beyond providing the natural resources that powered America's postwar growth, the West had provided the mentality of rugged individualism that accompanied the national transformation. The quest for wealth and national prestige helped to create a nation governed by "middle-class individualism" that was united by commerce and laissez-faire capitalism rather than equality and civil rights.¹²⁴

Like Richardson, West argues that the West is critical to understanding reconstruction, in that western expansion and the Civil War had both raised similar issues for the nation. Although focusing specifically on the Nez Perce War of 1877, West's

¹²² Richardson, *West from Appomattox*, 1-2, 4.

¹²³ Richardson, *West from Appomattox*, 37.

¹²⁴ Richardson, *West from Appomattox*, 343, 346.

book makes a significant contribution to historiography of the period by suggesting that this was an era of “Greater Reconstruction,” embracing the nation as a whole, rather than just a period of localized Southern reconstruction. In dealing with and resolving those questions, this national reconstruction “essentially remade the nation,” creating policies that reverberated throughout the nation and have had “rippled ahead to the present day.”¹²⁵ West then proceeded to place the Nez Perce story within this framework, demonstrating how they and other Native American tribes found themselves the victims of reconstructive policies and legislation.

Drawing upon these historiographical developments, Steven Hahn’s *A Nation Without Borders* places this national reconstruction within a narrative that encompasses the nation’s history from 1830 to 1910. Hahn argues that this period manifested a significant number of rebellions within its borders, each constituting in one way or another a civil war. He therefore suggests that we must broaden our understanding of the Civil War, seeing it as the largest in a consistent pattern of wars of rebellion within the United States.¹²⁶ He further argues that reconstructive measures formed an integral part of the national response to these wars of rebellion. These reconstructions, which lasted through the 1890s, worked to “reconfigure the authority of the state, the property relations of industrial ownership and investment, the organization of work, the universe of political participation, the nature of social responsibility, and the reach of the nation’s imperial arms.”¹²⁷ Hahn accordingly demonstrates that this was a period marked by

¹²⁵ West, *Last Indian War*, xx.

¹²⁶ Hahn, *A Nation Without Borders*, 4.

¹²⁷ Hahn, *A Nation Without Borders*, 7.

rebellions and reconstructions that went well beyond the narrow confines of the conflicts that affected the Northern and Southern states from 1861-1877.

Taken together, these recent additions to the historiography reveal a reconstruction that was complex, multi-faceted, and diverse. Reconstruction ideology and policy could be and were applied in various different ways, locations, and amongst differing groups of people. Indeed, in many regards, the whole of America was reconstructed, with no single group remaining untouched by the period's dramatic changes.

The Dunning School Revisited?

Although providing added clarity about the history of the West, the assertion that there was a reconstruction of minority groups in the region is not without complications for the historiography of reconstruction. Whereas most would now agree with Eric Foner's lament that southern reconstruction was abandoned far too early and left unfinished, opinions regarding the reconstructive measures in the West would vary significantly. By proposing that both of these policies were derived from essentially the same line of thinking is by nature problematic, in that the policies must be both praised and condemned at the same time. Accordingly, to what degree does a consideration of the Greater Reconstruction return historians to a "Dunning-School-like" interpretation of the period and the Radical Republicans who proposed many of these policies?

To be certain, historians who examine the reconstructive policies of the West would not wish to return to the racist and now bygone narratives of southern reconstruction. But just as race is a vital consideration in understanding the value and importance of southern reconstruction, it must also be considered in any evaluation of the

greater reconstruction of the American West. As Foner has demonstrated, reconstruction-era politicians admirably worked to bring about an end of slavery and to establish the beginnings of racial equality in the South. During that same period, however, reconstructionist politicians advocated policies that undermined the distinctiveness of the West's racial, ethnic, and religious minorities. Under such policies, American laws displaced Native Americans, stripped Chinese immigrants of many of their rights, marginalized Mexican-Americans, and disenfranchised Mormons. Accordingly, historian Joshua Paddison has suggested that historians must reconsider just how radical the Radical Republicans actually were, noting that while Republicans insisted that "the negro's hour' had come," reconstruction policies demonstrated that there were others "whose hour had not yet arrived."¹²⁸ Reconstructive policies, therefore, both challenged and augmented marginalization within the United States. The story of western reconstruction thus complicates the greater narrative of the reconstruction era and begs historians to reexamine the racial heritage of reconstruction, balancing the racially progressive policies championed for the South against the more damaging racial policies implemented in the West.

The racial heritage of period, however, is not the only topic that must be reconsidered under the framework of a larger national reconstruction. The inclusion of western reconstruction into the larger narrative of the period allows historians to ask broader questions about the idea of national reconstruction in general. Importantly, historians must consider the entire notion of reconstruction as a national policy.

¹²⁸ Paddison, *American Heathens*, 6.

As Elliott West has explained, the policies of reconstruction in part originated out of a larger national effort to determine how the United States could survive the racial, ethnic, religious, and political plurality that had increased dramatically with the national expansion of the late 1840s.¹²⁹ The country had defined large subsets of the population as others who were variously un-American, uncivilized, savage, heathen, or pagan.¹³⁰ In order to fit within the nation at large, these others and their cultures, of necessity, had to be reconstructed after a manner that would conform to white Protestant Americanism.

In many regards, these questions of the feasibility and appropriateness of reconstructive policies continue to find applicability in contemporary America. The back and forth politics of the nation asks us to consider the extent to which “elections have consequences” and the extent to which the victorious party can expect its opposition to conform to policy changes that occur with a transfer of power. The endless debates over immigration policies and politics beg questions regarding the extent to which newcomers to the United States should conform to the linguistic and cultural norms of the nation. Furthermore, the expanded American influence across the globe compels us to ask to what extent other nations and cultures can or ought to be reconstructed to conform to American influence.

The Greater Reconstruction of the West must accordingly be viewed as “much more than a simple supplement to the ‘real’ Southern story.”¹³¹ Indeed, this framework constitutes far more than a quaint narrative that allows the West to appear on more than a

¹²⁹ West, *The Last Indian War*, xx.

¹³⁰ Paddison, *American Heathens*, 184.

¹³¹ Bottoms, *An Aristocracy of Color*, 7.

few pages within the story of the nation's most dynamic social and political crisis. Properly considered, the Greater Reconstruction of the West is a narrative that allows historians to rethink the narrative of nineteenth century America, and the arbitrary boundary that we have constructed through the use of the terms antebellum and postbellum.

Agency and Reconstruction

In discussing the efforts of the government to reconstruct various peoples and groups, there is a danger that such notions will unwittingly convey the idea that those peoples were powerless within their circumstances. Nothing, however, could be further from the truth. One of the seldom noted, but vital, aspects of reconstructive efforts was their ability to spawn counter movements. As the communities targeted by reconstruction saw their ideas and practices come under attack, they traditionally responded by retrenching their own communities further within the practices that the broader nation deemed objectionable. Southerners responded to efforts to increase the liberties of African Americans by turning to the Ku Klux Klan's lynching culture, and later to Jim Crow laws and state-sponsored segregation. Native Americans responded to the challenge of assimilative education with silent forms of resistance and efforts to reaffirm their commitment to traditional dress and culture.

As the following dissertation will demonstrate, Mormons similarly responded to each reconstructive effort by retrenching themselves further into core Latter-day Saint beliefs and practices, most notably polygamy. Most notably, when the Republican Party condemned slavery and polygamy as the "twin relics of barbarism," Mormonism responded by establishing their own reformation that reemphasized the importance of

polygamy for Mormons. Particularly throughout Brigham Young's life, Mormons regularly retrenched themselves more strongly into Latter-day Saint doctrine and practice, with such reformations particularly coming during moments of significant reconstructive actions. Whether the challenges were militaristic, economic, educational, or prosecutorial, Young's Mormonism seemed to check each with its own strong countermovement. But it was not just Young that moved these movements. By 1872, such responses to outside influence were ingrained within the Mormon community, constituting a core aspect of their identity as a people.¹³² In 1890, when Mormon church president Wilford Woodruff announced his manifesto discontinuing the practice of plural marriage, his announcement was met with criticisms within the Mormon community, as many struggled with the abandonment of what had been a core practice of Mormonism. While most of the critics begrudgingly accepted the change, others formulated new faith communities where they continued to practice this key aspect of their faith.¹³³ Accordingly, it is vital to glimpse these reconstructive aims not only from the perspective of the national government, but also from the perspective of those they aimed to

¹³² Grantsville School of Prophets, Minutes, 6 May 1872, Leonard J. Arrington Collection, LJAHA MSS 1, Series 9, Box 17, Folder 2, page 40-43, Special Collections, Merrill-Cazier Library, Logan, Utah.

¹³³ While some Mormons leaders expressed positive attitudes about Woodruff's plural marriage manifesto, and felt it would "result in good," others like John W. Taylor expressed uncertainty. Hearing of the announcement, Taylor noted he "felt to say, Damn it." A year after the Manifesto was issued, Woodruff's secretary, L. John Nuttall wrote in his diary, "I find there is much feeling among the people" in regard to Woodruff's manifesto. Mormon Apostle Abraham H. Cannon similarly noted, "There is considerable comment and fault-finding among some of the Saints because of the manifesto." Abraham H. Cannon, Diary, 26 and 30 September and 1 October 1890, in Abraham H. Cannon Diaries, Vault MSS 62, box 5, folder 17, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah (hereafter Special Collections, BYU); L. John Nuttall Diary, October 26, 1891, in Jediah S. Rogers, ed., *In the President's Office: The Diaries of L. John Nuttall, 1879-1892* (Salt Lake City: Signature Books, 2007), 477-478; Ronald W. Walker, "B.H. Roberts and the Woodruff Manifesto," *BYU Studies* 22, no. 3 (Summer 1982): 363-366; B. Carmon Hardy, *Solemn Covenant: The Mormon Polygamous Passage* (Urbana: University of Illinois Press, 1992), 135-138.

reconstruct. The stories of both the reconstructionists and the reconstructed are vital to this period's reconstructing of American citizenship. Both impulses helped to shape the makeup of American history during the years that followed.

Placing Utah within a Larger National Narrative

Nearly twenty years ago, Historian Jan Shipps argued that frequently Mormonism was largely left out of the larger narratives of the West, given only “shallow coverage,” and in many ways “consigned to the western history ghetto.” Shipps suggested that the field treated the west as something like a doughnut, covering all of the outlying regions, but leaving a significant hole in the middle when it came to Mormonism, Utah, and the Great Basin. According to Shipps, the reason for this hole was that Mormons had seemingly created their own separate space, utilizing language that drew sharp distinctions between themselves and non-Mormons, whom they dubbed Gentiles. The community's distinctiveness crafted a unique narrative, which in many ways defied the other narratives of the West.¹³⁴ Accordingly, for historians, dealing with Utah required dealing with a completely separate and distinct subgroup whose history defied many of the other traditional narratives of the West. Where self-interested adventuring and fortune seeking defined the other parts of the West, self-sacrifice and cooperative economics seemed to define the Mormon narrative.

Seeking to correct this omission, historians of Mormonism have unduly focused on Mormon narratives. Considering Shipps's doughnut-themed analogy, a fellow-western historian remarked that Shipps and others who write about Mormonism “[write] about the

¹³⁴ Jan Shipps, *Sojourner in the Promised Land: Forty Years Among the Mormons* (Urbana: University of Illinois Press, 2000), 21.

hole.”¹³⁵ While intended as a compliment, the comment illuminated one of the failings of Mormon history. In writing about the hole, historians of Mormonism have often filled in a missing narrative, but without connecting it to the larger surrounding stories of the West and the United States. Mormon history, therefore, has often been a provincial antiquarianism rather than a significant strand in the larger story of American history.

Ultimately Shipps’s critique requires historians to find ways, not only address the hole of Mormon history, but also its place within broader narratives. In recent years, historians not only of Mormonism, but of America have begun to do just this, recognizing the place of Mormonism within the larger themes. This work seeks to accomplish those larger aims, by placing Mormonism within the broader discussions of nineteenth-century America. By re-envisioning the government’s policies in Utah as reconstructive measures that shared commonalities with the policies directed toward other minority groups, this dissertation addresses the problems of both Shipps’s doughnut-hole theory, and the tendencies of Mormon historians toward parochialism.

Drawing upon the work of the historians who have described the reconstruction of various other groups in the West, this dissertation emphasizes the reconstructive efforts that were aimed at the Mormon community between 1856 and 1890. I argue that while Southern reconstruction was cut short in the South, the reconstruction of Mormonism demonstrates that the reconstruction of the American West was a sustained and protracted process. A study of the reconstruction of Utah illuminates the modes and methods that fueled the Greater Reconstruction of America’s racial, ethnic, and religious minorities. Although certain peculiarities mark the Mormon story and distinguish it from the nation’s

¹³⁵ Shipps, *Sojourner in the Promised Land*, 21.

other reconstructed groups, the general patterns and purposes of reconstructive actions were consistent with the government's other reconstructive projects. The Mormon story of reconstruction thus helps to illustrate the broader principles and patterns upon which this national reconstruction was carried out in the latter-half of the nineteenth century.

I further argue that in many regards, Mormonism represented the most profoundly successful undertaking of the reconstruction era. While reconstructive policies left an enduring mark upon each of the communities specifically targeted for transformation, few if any of those communities were as profoundly changed as was Mormonism, which moved from American exiles to examples of Americanism between 1850 and 1950. Facilitating this odyssey, federal officials employed a variety of policies that worked to reconstruct nearly every segment of Mormon Society.

The following chapters will examine both the circumstances that led to these reconstructive actions and the various methods employed in the quest to transform Utah. Chapter 1 describes the tumultuous circumstances of the 1850s that led federal officials to conclude that there was a significant need for reconstructive action. It examines the experiences of many of the federal officials sent to Utah during that decade, and suggests that the reconstruction of Mormonism grew out of the interactions of those officials with the Mormon community. Chapter 2 discusses the first major effort to reconstruct Utah. During 1857 and 1858, a detachment of the U.S. Army, traditionally known as the Utah Expedition, was sent to the territory to help replace Brigham Young with a non-Mormon governor and to ensure obedience to federal law. In response to this effort, the Mormon community took up arms against the approaching army, resulting in an uncomfortable standoff and escalating federal concerns about the territory. Although resolved

peacefully, the interaction heightened both the federal resolve to instill change and the Mormon resolve to resist. Chapter 3 focuses upon the federal efforts federal efforts to utilize mining, railroads, and laissez-faire capitalism to reconstruct Mormonism with Gilded Age economics. This chapter suggests that commerce was at least as vital to the reconstructive impulse as was military action, and in many regards more so. Whereas the Utah Expedition had placed the Mormons at crossed swords with the government, economic reconstruction placed a significant contingent of Mormons at odds with the faith's leadership structure. Still, under the leadership of Brigham Young and others, Mormons established their own counter-programs of cooperation that tried to insulate the community against the capitalist impulse. Similarly, Chapter 4 examines the role that educational measures and schools played in the efforts to reconstruct Utah. Just as integration within the economy had appealed to business-minded Mormons, government and religious programs to offer superior educational opportunities attracted many within the Mormon community. Such efforts compelled Mormons to accentuate and reinvent their own educational offerings in the name of community self-survival. Finally, Chapter 5 discusses the steady role of congressional legislation and the criminal justice system in the effort to reconstruct Mormonism. Beginning with the first calls for anti-polygamy legislation in 1856, this chapter traces the role of Congress in combatting polygamy up through the 1887 Edmunds-Tucker Act, which finally crippled Mormonism's peculiar institution of polygamy.

Beyond the Pale of Human Sympathy

Two equally concerning tragedies dominate the story of American history during the latter half of the nineteenth century. Eric Foner and others have ably demonstrated the

tragic results that arose from the failure of Southern reconstruction. Left unfinished, Southern reconstruction left the nation a litany of unsettled problems that continued to plague the nation down to today. At the same time, the successes of reconstructionist policies in the West left an equally detrimental legacy for the nation. By seeking to create a uniform definition of American citizenship, the Greater Reconstruction of the West fundamentally influenced the ways that nineteenth-century Americans thought about the nation's racial, ethnic, and religious minorities. Rather than viewing those minorities as important threads in the tapestry of American citizenship, the Greater Reconstruction called for a kind of uniformity that eschewed a plurality of races, cultures, ideas, and religions.

A study of Utah during the period from 1856 to 1890 helps to illuminate both the extents of these reconstructionist policies and the multifaceted ways in which they were implemented throughout the West. Although many of the details of this reconstruction were peculiar to Mormonism, the modes and methods of these reconstructionist actions found important similarities in the other reconstructions that were carried out across the American West. In the eyes of many nineteenth-Americans, Mormonism was “as despotic, dangerous, and damnable” an organization “as has ever been known to exist in any country.” If properly reported to the nation, the affairs in Utah would “startle the conservative people of the States, and create a clamor” that would “not be readily quelled.”¹³⁶ For such citizens, many of the differences within the Mormon community amounted “open and undisguised treason” against the United States. Such observations

¹³⁶ W. M. F. Magraw to Franklin Pierce, October 3, 1856, U. S. Department of State, Miscellaneous Letters of the Department of State, 1789-1906, RG 59 2, National Archives and Records Administration, Washington D. C. (hereafter cited as Misc. Letters).

provided “proof positive” that the Mormons were an uncivilized and un-American community, which was “beyond the pale of human sympathy,” and that only the hard hand of the government could reform the territory.¹³⁷ In their minds, only government intervention and “the correction of outrage” could adequately protect the endangered rights of those who met the period’s full criteria for citizens of the United States.¹³⁸

The suggestion that Mormons were “beyond the pale of human sympathy” did more than make a simple argument against some of the beliefs and practices of nineteenth-century Mormonism. It declared that Mormons were, by their very nature, different than other Americans, and that these differences justified Americans in disregarding any potential abuses against that community. It was under these circumstances and assumptions that the nation began a long process of reconstructing Utah in the hopes of “merg[ing] them into the more wholesome social elements” of the nation, specifically white Protestant Christianity.¹³⁹

¹³⁷ N. W. Green to James Buchanan, 4 August 1857, Misc. Letters. Emphasis in original.

¹³⁸ Magraw to Pierce, October 3, 1856, Misc. Letters, NARA.

¹³⁹ *Speech of John A. McClernand of Illinois, on Polygamy in Utah*, 12-13.

CHAPTER 1

“IN CONSEQUENCE OF THE LAWLESS ACTS AND SEDITIOUS FEELINGS”: TERRITORIAL OFFICERS AND THE ORIGINS OF UTAH’S RECONSTRUCTION, 1848-1856

On September 9, 1850, Congress passed an act establishing the territory of Utah. The encompassed region was enormous, encompassing the land-locked desert regions known as the Great Basin. It was “bounded on the west by the State of California, on the north by the Territory of Oregon, and on the east by the summit of the Rocky Mountains, and on the south by the thirty-seventh parallel of north latitude.”¹ Populated largely by Native peoples and by Mormons, it hardly represented the white Protestant ideals embodied in the doctrine of Manifest Destiny.² Despite a variety of past challenges and low public opinion, however, Mormons were Americans. Furthermore, their willingness to settle in the Great Basin was a significant benefit for the United States, as it created a waystation along the overland trail. Likely as an effort to appease the Mormon populace, U.S. President Millard Fillmore agreed to a territorial government that allowed for both Mormon and federal appointees—with no appointment being more significant than designation of Mormon leader Brigham Young as governor of the territory.³

¹ “An Act to Establish a Territorial Government for Utah, September 9, 1850,” *U.S. Statutes at Large* 9 (1851): 453-458.

² Steven Hahn, *A Nation Without Borders: The United States and Its World in an Age of Civil Wars, 1830-1910* (New York: Viking Press, 2016), 125.

³ Brent M. Rogers, *Unpopular Sovereignty: Mormons and the Federal Management of Early Utah Territory* (Lincoln: University of Nebraska Press, 2017), 46.

While Young's appointment as governor appeased the Mormon community, however, other federal appointments ultimately proved odious to the Great Basin Saints. Throughout the summer of 1851, a number of these federally appointed officers began to filter into Salt Lake City from the eastern states. The journey across the overland trail had been an arduous one for the new officials. High waters on the Elk Horn River had delayed the travel of several of the new officers for two weeks, the kind of delay that could prove disastrous for westward-bound pioneers. Although it did not prove disastrous or deadly, it provided the new officers with tangible reminders of the West's untamed natural forces and Utah's isolated position within Great Basin. En route to Utah, territorial justice Perry Brocchus experienced another Western reality. During July, a party of some three hundred Pawnee Indians raided Brocchus's wagon train, leaving without virtually all their supplies. The raiding party left Brocchus "with nothing but his drawers," and even those had reportedly been desired.⁴ More problematic than the natural dangers of the West, the combined weight of Brocchus-like experiences convinced U.S. officials that, while profitable, the West was a region in need of strong governance and control.⁵ Hence, when the officers began to arrive in Utah toward the end of July and August, they had become thoroughly acquainted with some of the perils of the American West and its westward trails. But harrowing as these experiences must have been for

⁴ Brocchus was an associate justice on Utah's Territorial Supreme Court. LDS Church Historian's Office, History of the Church, 1839-circa 1882, entry for July 11, 1851, CR 100 102, volume 21, pages 54-55, LDS Church History Library, Salt Lake City, Utah (hereafter cited as CHL); George W. Kendall to *New Orleans Picayune*, September 18, 1851, in R. Eli Paul, ed., "George Wilkins Kendall, Newsman, and a Party of Pleasure Seekers on the Prairie, 1851," *Nebraska History* 64 (Spring 1983): 56.

⁵ Anne F. Hyde, *Empires, Nations, and Families: A History of the North American West, 1800-1860* (Lincoln: University of Nebraska Press, 2011), 410.

Brocchus and his fellow officers, within a few months they had become all-but-forgotten anecdotes of an abbreviated trip to the Great Basin.

During their brief stay in Utah, Judge Lemuel Brandebury and territorial secretary B. D. Harris, along with Brocchus, each a non-Mormon, both noticed and accentuated a growing conflict between the federal government and the Mormon church. Less than two months after arriving in Salt Lake City, Brocchus attended a meeting of the Mormon general conference on September 8, 1851. After being introduced by Brigham Young, Brocchus addressed the gathering. Withholding little in his criticisms, he chastised the Mormon leaders and people from the stand, stating that he had heard them make treasonable comments about the federal government during the short time he had been in Utah. Brocchus then set the community on fire as he turned his attention towards the community's women and strongly urged them to "become virtuous." Offended by his remarks, Utah governor and Mormon leader Brigham Young cut the meeting short, stating that if Brocchus had been allowed to continue his remarks the meeting was liable to have ended with "either a pulling of hair or a cutting of throats." Young then further inflamed the situation by informing the congregation that while he loved the government and the constitution, he did "not love the damned rascals who administer the government," including former U.S. president Zachary Taylor, who was "dead and damned" and could not be helped.⁶ Together with the threats of vigilantism, in the eyes of the three officials, Young's irreverent statements regarding the recently deceased president and war hero were proof positive of the very kind of seditious comments which

⁶ Perry E. Brochus, Remarks, in Minutes, September 8, 1851, Historian's Office General Church Minutes, CR 100 318, box 2, folder 32, CHL.

had first motivated Brocchus's reproach. Embodied in a federally appointed governor was evidence of the antipathy between Mormonism and the federal government.⁷

In an effort to calm the situation eleven days later, Young invited Brocchus to clarify his remarks to the congregation, but Brocchus demurred and by September 28, Brocchus, Brandebury, and Harris had started back toward the States. Upon reaching the American settlements in Missouri, they began publishing a message throughout the national newspapers that portrayed the Mormon community as a significant threat to national sovereignty and as a significant problem in the American West.⁸ The experience among the Mormons had served as yet another reminder of the unruly nature of the nation's newly acquired territories, an unruliness which would need to be curbed.

In an effort to assuage the national outrage, the Mormon community began its own public affairs effort to recast the situation in a more positive light. Drawing upon one of the period's most loaded terms and images, Mormons dubbed the officials "runaways," a term that placed the blame for the incident wholly upon the heads of the judges. Then, in an effort to further minimize the potential problems that the new officials could create for Utah, Mormon officials began making a concerted effort to define themselves to the American public, using newspapers to explain their own narrative of the runaway crisis and even going so far as to publicly announce and explain the faith's practice of polygamy.⁹ The situational transparency, and efforts to cultivate relationships with

⁷ For more information on the Brocchus affair, see, Rogers, *Unpopular Sovereignty*, 46-50.

⁸ Significantly, Young did not offer to amend his own remarks that had contributed to the conflict. Brigham Young to Perry Brocchus, September 19, 1851, Brigham Young Office Files, CR 1234 1, box 53, folder 17, CHL; Perry E. Brocchus to Brigham Young, September 19, 1851, Brigham Young Office Files, box 53, folder 18, CHL; Historian's Office, History of the Church, entry for September 28, 1851, volume 21, page 99, CHL.

members of Congress and U.S. president Millard Fillmore, ultimately helped to prevent the Brocchus affair from resulting in disaster for Utah.

But while Mormonism's apologetic defense of the runaway affair did alleviate the short-term effects of the runaway crisis, the event raised significant questions that would plague the community throughout the latter half of the nineteenth century and particularly during the 1850s. Throughout the 1850s, Utah Mormons consistently found themselves at odds federally appointed officers, and hence with the entirety of the national government. Widespread concerns about Mormon violence, polygamy, and theocratic rule led national leaders to believe that the Mormon community posed a significant threat to federal sovereignty in the West and therefore needed to be subjugated to American law and order.

Growing out of the interactions between Mormons and federal officials during the 1850s, the federal government began to implement a series of reconstructive policies that would target Mormonism between 1856 and the Mormon renunciation of polygamy in 1890. Government efforts to reconstruct the region each grew out of these early experiences between Mormons and federal officials. While polygamy, and, to a lesser extent, theocratic rule, persisted into later decades, the experiences of federal officials in Utah after 1858 held little resemblance to the experiences of the 1850s that had shaped government policy. Indeed, in later decades, Mormons often proved quite cooperative with said officials on many matters, with the notable exception of polygamy. But the

⁹ For a detailed analysis of the "Runaway" affair, see: Ronald W. Walker, "The Affair of the 'Runaways': Utah's First Encounter with the Federal Officers, Part 1," *Journal of Mormon History* 39, no. 4 (Fall 2013): 1-43; Ronald W. Walker and Matthew J. Grow, "The People are 'Hogaffed and Humbugged': The 1851-52 National Reaction to the 'Runaway' Officers, Part 2," *Journal of Mormon History* 40, no. 1 (Winter 2014): 1-52.

terse interactions between the two groups in the 1850s led the nation's elected officials to believe that Utah lacked the requisite loyalty and patriotism necessary for admission into the union of the states.

Pre-Utah Conflicts with the Government

Mormonism's tenuous relationship with the federal government had a long history that predated the 1850 establishment of Utah as a territory. From the faith's founding moments, Mormonism had espoused a doctrine that relied heavily upon cultural and religious separatism.¹⁰ In relating the first and founding vision upon which Mormonism was established, Joseph Smith noted that he had been specifically instructed to "join none" of the prevailing Christian sects.¹¹ Coupled with other doctrines and communitarian economic practices, the faith's separatist impulses had created immediate rifts within the wider American community. These rifts eventually culminated in the militarization of the Mormon and non-Mormon communities, creating armed conflicts between the two groups and the governor-sanctioned forced expulsion of Mormons from their settlements in northwestern Missouri.¹² While the event created lasting rifts between Mormons and Missourians, it also created a lasting distrust between Mormons and the

¹⁰ To suggest that Mormons were completely separatist would be an erroneous assertion. Even though aspects of their faith eschewed connections with other faiths, Mormons simultaneously espoused a devotion to Americanism and a willingness to defend the religious liberties of those of other faiths. J. Spencer Fluhman, "*A Peculiar People*": *Anti-Mormonism and the Making of Religion in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2012), 82-83; Joseph Smith, sermon, July 9, 1843, in Andrew F. Ehat and Lyndon W. Cook, eds., *The Words of Joseph Smith: The Contemporary Accounts of the Nauvoo Discourses of the Prophet Joseph Smith* (Provo, Utah: Religious Studies Center, 1980), 229.

¹¹ Joseph Smith, History Drafts 1838-1841, in Karen Lynn Davidsen, et al., eds., *The Joseph Smith Papers Histories Volume 1: Joseph Smith Histories, 1832-1844*, vol. 1 of the Histories series of *The Joseph Smith papers*, edited by Dean C. Jessee, Ronald K. Esplin, and Richard Lyman Bushman (Salt Lake City: church Historian's Press, 2012), 214.

¹² Warren Abner Jennings, "The Expulsion of the Mormons From Jackson County," *Missouri Historical Review* 64 (October 1969): 41-63; Hyde, *Empires, Nations and Families*, 361-68.

federal government. Following their expulsion from the state, Mormons applied to U.S. President Martin Van Buren for redress. Upon hearing Smith's request, Van Buren reportedly responded, "Gentlemen, your cause is just, but I can do nothing for you." Then, noting the political realities of his troubled presidency and the election of 1840, Van Buren added, "If I take up for you, I shall lose the Vote of Missouri."¹³ Despite the intricate contemporary questions of state and federal sovereignty which likely motivated Van Buren's response, this experience led many Mormons to believe that they could place little trust in either the ability or the willingness of the federal government to protect their community. These experiences left lasting memories that profoundly shaped the Mormon psyche and complicated the community's relationship with the United States.¹⁴

Feeling that neither the state nor federal governments would protect them, the Mormons attempted to maximize local power in their Illinois settlement of Nauvoo from 1839 to 1846. With a state-sanctioned city charter as its basis, the community raised a substantial militia and appointed community officers who likewise doubled as Mormon leaders.¹⁵ Beyond this, Smith introduced dramatic social and religious innovations to the

¹³ Historian's Office, History of the Church, entry for February 6, 1840, box 3, volume C-1, page 1016, CHL.

¹⁴ Historian David Grua has offered the most comprehensive analysis of the way that the memories of events in Missouri and Illinois shaped the Mormon community in Utah. David W. Grua, "Memoirs of the Persecuted: Persecution, Memory, and the West as a Mormon Refuge," (MA Thesis, Brigham Young University, 2008).

¹⁵ For a discussion of the Nauvoo City Charter, see: Glen M. Leonard, *Nauvoo: A Place of Peace, A People of Promise* (Salt Lake City, Utah: Deseret Book Company, 2002), 91-119. For details regarding the Nauvoo Legion, see: Richard E. Bennett, Donald Q. Cannon, and Susan Easton Black, *The Nauvoo Legion in Illinois: A History of the Mormon Militia, 1841-1846* (Norman, Oklahoma: Arthur H. Clark Company, 2010); Hamilton Gardner, "The Nauvoo Legion, 1840-45: A Unique Military Organization," in Rodger D. Launius and John E. Hallwas, eds., *Kingdom on the Mississippi: Nauvoo in Mormon History* (Urbana: University of Illinois Press, 1996), 48-61.

faith that further separated Mormonism from the larger body of American Christianity and ultimately set the stage for the conflicts with the government that would mature in Utah. Two developments in particular seemed to ensure future conflicts with the federal government: the introductions of polygamy and “theodemocracy” to Mormon theology and practice. Although Smith had made some intimations to a doctrine of polygamy, and had reportedly made some limited efforts to practice it, during the 1830s, its significance to Mormonism did not become apparent until the early 1840s, as he expanded the institution to include many of his closest followers.¹⁶ Although the teaching and practice was intended to remain private, rumors of its implementation filtered throughout the city and played a critical role in Smith’s 1844 assassination.¹⁷ Despite protests and significant divisions within the faith over the question of polygamy, Brigham Young and the largest segment of the population held onto the idea and carried it with them across the plains to the Great Basin.

In addition to privately introducing the practice of polygamy among many of his closest followers, Smith began teaching a principle that Latter-day Saints should support the establishment of “theodemocracy,” a governmental system in which God and men

¹⁶ Several Mormons later suggested that Joseph Smith had privately taught the practice of polygamy as early as 1831. In another later reminiscence, William Phelps used his memory to textually recapitulate an unrecorded revelation given by Joseph Smith in 1831 that sanctioned the practice. William W. Phelps to Brigham Young, August 12, 1861, Revelations Collection, MS 4583, box 1, folder 78, CHL; Orson Pratt, discourse, October 7, 1869, in *Journal of Discourses*, 26 vols. (London: Latter-day Saint’s Book Depot, 1871), 13:192-93; Lyman Johnson, quoted in Orson Pratt, “Report of Elders Orson Pratt and Joseph F. Smith,” *Millennial Star* 40, no. 50 (December 16, 1878): 788. Todd Compton, *In Sacred Loneliness: The Plural Wives of Joseph Smith* (Salt Lake City, Utah: Signature Books, 1997) discusses Joseph Smith’s practice of polygamy, including his earliest efforts to implement the practice prior to the Nauvoo period. George D. Smith, *Nauvoo Polygamy: “But We Called It Celestial Marriage”* (Salt Lake City, Utah: Signature Books, 2008), 573-656, includes an extensive list of those who practiced polygamy during the Nauvoo period.

¹⁷ Richard Lyman Bushman, *Joseph Smith, Rough Stone Rolling: A Cultural Biography of Mormonism’s Founder* (New York: Alfred A. Knopf, 2005), 539.

cooperated to govern the world according to divine principles and ideals.¹⁸ In accordance with this principle, Smith campaigned for the American presidency and established a political organization known as the Council of Fifty on March 11, 1844.¹⁹ The purposes of the council were to assist with the governance of Nauvoo and to set up a millennialistic political organization that would prepare a government for the earth in preparation for Christ's return.²⁰ While Smith's candidacy for the presidency was short-lived, terminating in Smith's murder by an armed mob, the Council of Fifty continued to sporadically influence the Mormon community up through the 1880s, achieving its greatest level of influence between 1848 and 1851. Though it never approached the influence that Smith seemed to have planned, and as some have tended to believe, the Council evinced the antagonistic feelings that the Latter-day Saint community had begun to feel toward the government in the aftermath of the Missouri expulsion.

The autonomy and religious peculiarity of Smith's Nauvoo raised concerns among Mormonism's Illinois neighbors, necessitating yet another Mormon exodus, this time to the mountains and valleys of the Great Basin, which at the time were part of the territorial holdings of Mexico. Although the community readily raised a battalion of volunteers to assist in the U.S.-Mexican War, its 1846-1847 determination to relocate

¹⁸ Joseph Smith to the Editor of the *Times and Seasons*, March 24, 1844, in *Times and Seasons*, (Nauvoo, Illinois), 15 April 1844, 510.

¹⁹ Council of Fifty, Minutes, March 11, 1844, in Matthew J. Grow, et al., eds., *Council of Fifty, Minutes, March 1844-January 1846*, First Volume of the Administrative Records series of *The Joseph Smith Papers*, edited by Ronald K. Esplin, Matthew J. Grow, and Matthew C. Godfrey (Salt Lake City, Utah: Church Historian's Press, 2016), 40-45.

²⁰ For a discussion of the Council of Fifty and its role in Mormon history, see: Grow, et al., eds., *Council of Fifty*, xiii-xlv; Klaus J. Hansen, *Quest for Empire: The Political Kingdom of God and the Council of Fifty in Mormon History* (East Lansing: Michigan State University Press, 1967); D. Michael Quinn, "The Council of Fifty and Its Members, 1844 to 1945," *BYU Studies* 20, no. 2 (Winter 1980): 163-97; Andrew F. Ehat, "'It Seems Like Heaven Began on Earth': Joseph Smith and the Constitution of the Kingdom of God," *BYU Studies* 20, no. 3 (Spring 1980): 253-79.

beyond the boundaries of the United States demonstrates the extent to which Mormon confidence in American rule had degenerated by the end of the faith's Nauvoo period. In the aftermath of the Treaty of Guadalupe Hidalgo, the Great Basin changed hands from Mexican to American possession, compelling Mormon officials to evaluate the community's relationship with the government as Americans.

Drawing upon the ideas of Smith's doctrine of theodemocracy and wanting to ensure self-governance, Young and other leaders began meeting to determine the political future of the Mormon settlements in the Great Basin. Within days of the signing of the Treaty of Guadalupe Hidalgo, and less than a year after the founding of Salt Lake City, Mormon officials began preparing to establish a territorial government.²¹ In December 1848, Mormon leaders crafted a Memorial calling upon members of the House and Senate to authorize "a Territorial Government of the most liberal constitution."²² The petition called for the new territory to be designated "Deseret," a Book-of-Mormon-term meaning "honeybee."²³ In addition to a liberal constitution, the petitioners asked for the territory to be composed of enormous tracks of land stretching from the middle of present-day Colorado on the east to San Diego on the west (see figure 1). Although the

²¹ The Treaty of Guadalupe Hidalgo was formally signed on February 2, 1848. The Senate and the President subsequently ratified the treaty later that year, with the treaty becoming effective on July 4. Dale L. Morgan, *The State of Deseret* (Logan: Utah State University Press, 1987), 23-2; Brigham Young to Thomas L. Kane, February 9, 1848, Brigham Young Office Files, box 16, folder 15, CHL; Treaty of Guadalupe Hidalgo, February 2, 1848, <http://www.ourdocuments.gov/doc.php?flash=true&doc=26&page=transcript>, (accessed 14 October 2014);

²² Memorial for a Territorial Government, December 16, 1848, Brigham Young Office Files, box 47, folder 33, CHL.

²³ Joseph Smith, Jr., *The Book of Mormon: An Account Written By the Hand of Mormon, Upon Plates Taken from the Plates of Nephi* (Palmyra, New York: E. B. Grandin, 1830), 540.

sizeable tract of land was intended to facilitate shipping and trade, it also demonstrated the depth of the Mormon beliefs in a political as well as religious kingdom of God.²⁴

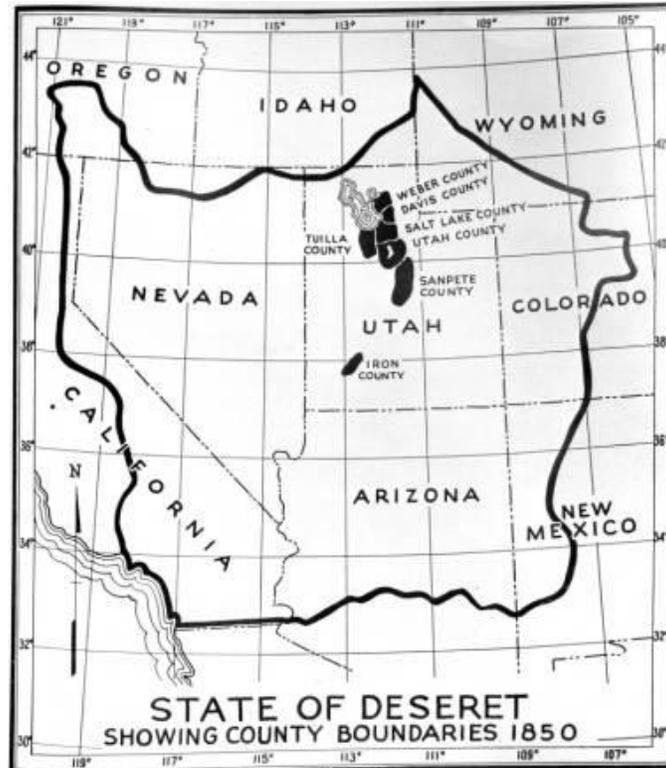


Figure 3 Map of the proposed boundaries for the State of Deseret, 1850. Courtesy of the Utah Historical Society, Salt Lake City, Utah.

While Mormons petitioned tentatively for a territorial government, some questioned the wisdom of pursuing territorial status rather than statehood. Foremost among those who questioned the decision was Apostle Willard Richards who privately questioned the decision to go to the expense and trouble of forming a territorial government only to repeat the same process in an effort to achieve statehood. Richards confided to his non-Mormon friend and prominent Philadelphia philanthropist, Thomas L. Kane, “a state & union is the thing, and any thing should would be unnecessary trouble

²⁴ Willard Richards to Thomas L. Kane, December 12, 1848, Willard Richards Papers, MS 1490, box 3, folder 9, CHL.

expense delay.”²⁵ Drawing upon his memories of Missouri, Richards further explained his fears that none but office seekers and sycophants would govern the Latter-day Saints, with each responding to rumors of Mormon wrongs, “that’s enough; they must be exterminated. . . . Extirpate all.” In the face of such concerns, Richards proclaimed, “We want good men for our rulers, and will have none others, we want men of our own Election; if we cannot have these, we want them of our own nomination.”²⁶ In the mind of Willard Richards, as well as in the minds of many Latter-day Saints, the past had provided sufficient evidence that Mormons could not place implicit confidence in outsiders to govern the Mormon community. Although a non-Mormon, Kane concurred with this opinion and subsequently counseled Mormon officials to push for statehood.²⁷ Relating the details of a private interview with James K. Polk, Kane stated that prior to leaving office, Polk had picked “men of his own stamp” to fill the offices in Deseret. Using this as an example, Kane argued that under territorial status, the Mormons would perpetually be subjected to officers that would think nothing of oppressing the community “to fill their own pockets.” Only through statehood would the Mormons be able to be governed by men of their own choosing.²⁸

²⁵ Willard Richards to Thomas L. Kane, June 5, 1848, Willard Richards Papers, box 3, folder 9, CHL. For a discussion of Thomas L. Kane’s relationship with the Mormons, and his role as a political advisor and philanthropist, see: Matthew J. Grow, *“Liberty to the Downtrodden”: Thomas L. Kane, Romantic Reformer* (New Haven, Connecticut: Yale University Press, 2009).

²⁶ Richards to Kane, December 12, 1848, CHL.

²⁷ Ronald W. Walker, “Thomas L. Kane and Utah’s Quest for Self-Government, 1846-1851,” *Utah Historical Quarterly* 69, no. 2 (Spring 2001): 100-19, describes Kane’s rationale for strongly advocating Mormon self-governance.

²⁸ Wilford Woodruff, journal, November 26, 1849, in Scott G. Kenney, ed., *Wilford Woodruff’s Journals: Typescript, 1834-1898*, 9 vols. (Midvale, Utah: Signature Books, 1983-1985), 3:513-16.

Kane's warning immediately shifted Mormon desires for territorial status. As Richards had previously demonstrated in his private letter to Kane, the mere suggestion of being governed by politicians similar to those that Mormons had encountered in Missouri during the 1830s was enough to set the community on high alert.²⁹ Hoping to ensure that they would be governed by "officers of [their] own nomination," the Council of Fifty met and organized a provisional government for the State of Deseret on March 5, 1849.³⁰ The Council selected Brigham Young to be the governor and a host of other ranking Mormons to fill the "state's" other appointments.³¹ In July, Deseret's General Assembly met and authored a petition to seek admission to the Union as a full-fledged state, including the all-important right to elect and be governed by its own officers.³²

The proposal for statehood received almost immediate opposition at the national level. William Smith, the younger brother of Joseph Smith, and a number of other non-Utah Mormons sent affidavits to Congress remonstrating against the creation of a state government for Deseret and calling for the body to provide some other form of government for Utah, perhaps suggesting a territorial government. The writers warned that Great Basin Mormonism was diametrically opposed to "the pure principles of virtue, liberty, and equality," and that an intention to unite church and state under a scheme of "political popery" motivated the campaign for statehood. Given such assumptions, Smith

²⁹ Walker, "Thomas L. Kane and Utah's Quest for Self-Government," 111-12.

³⁰ Peter Crawley, "The Constitution of the State of Deseret," *BYU Studies* 29, no. 4 (Fall 1989): 7-22, argues that the March meetings were fabricated at a later date to justify the inconsistency between the efforts to secure both a state and territorial government.

³¹ John D. Lee, diary, December 9, 1848, in Robert Glass Cleland and Juanita Brooks, eds., *A Mormon Chronicle: The Diaries of John D. Lee, 1848-1876*, 2 vols. (San Marino, California: Henry E. Huntington Library and Art Gallery, 2003), 1:80; Morgan, *State of Deseret*, 30-31.

³² Morgan, *State of Deseret*, 36-39.

and his followers believed their former friends and co-religionists to be incapable and unworthy of the democratic rights of self-governance.³³ Having been marginally acquainted with the Mormons during the U.S.-Mexican War, Zachary Taylor similarly worried about granting statehood to Deseret. While speaking with two congressmen about the question of Deseret's statehood, Taylor privately expressed his feeling that the Mormons were "a Pack of Out Laws," and were completely unfit for self-government.³⁴

Beyond the concerns of Smith and Taylor, however, Deseret was applying for statehood at the height of the vigorous national debate over slavery in the newly expanded American West. A discussion of statehood, therefore, would have necessarily delved the nation into yet another uncomfortable discussion about the numbers of free and slave states in the Union. In hopes of averting a crisis, Taylor suggested that the country admit California and Deseret as a combined state, suggesting that if the new state became unmanageable, the government could divide it into smaller states in the future. In addition to limiting further debates over slavery, Taylor's plan would undermine the Mormon desires for self-government, placing Deseret at the mercy of California's larger populace. Ultimately Taylor's plan unraveled as Californians opted to reject the enlarged borders and instead pursued statehood as a free state with the state's present-day borders. Rather than admitting the Great Basin settlement as a state, the Thirty First Congress admitted Deseret as a federal territory, under the Native American name of Utah.³⁵ In

³³ U. S. Congress, House of Representatives, *Remonstrance of William Smith et al., of Covington, Kentucky, Against the Admission of Deseret into the Union, December 31, 1849*, 31st Congress, 1st sess., 1849, H. doc 43.

³⁴ Almon W. Babbitt to Brigham Young, July 7, 1850, Brigham Young Office Files, box 21, folder 18, CHL.

³⁵ Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War* (New York: Oxford University Press, 1999), 437-39.

changing the name from “Deseret” to “Utah,” and granting territorial status rather than statehood to the Mormon community, the government asserted its sovereignty over the region. Additionally, in establishing Utah, Congress dramatically reduced Deseret’s audacious geographic borders to a land-locked region, with no legitimate trade access to the Pacific ports (see Figure 2).

Under the Compromise of 1850, the nation balked at the question of slavery in Utah, allowing the popular will to determine the question. Not wanting to cause problems for the tenuous alliances between Northerners and Southerners, the authors of the Compromise had created a system of popular sovereignty which allowed each territory to make its own decisions regarding the increasingly divisive issue. But by relying upon popular sovereignty as an answer to the question of slavery in the territories, the Thirty First Congress unwittingly created an opportunity for the Mormon institution of polygamy to thrive. As historian Brent Rogers has demonstrated, throughout the 1850s Mormons grasped onto the potential powers of popular sovereignty, consistently asserting their rights to self-government, and used to defend their own peculiar institution. As a result, Rogers argues that “managing sovereignty in Utah proved to be explosive and far reaching in its consequences.”³⁶ In using the notion to defend their right to practice polygamy, Mormons further exposed the metastasizing limitations and debilitations of the longstanding American tradition of political compromise.³⁷

³⁶ Rogers, *Unpopular Sovereignty*, 19. Also see: Nathaniel R. Ricks, “A Peculiar Place for the Peculiar Institution: Slavery and Sovereignty in Early Territorial Utah,” (MA Thesis, Brigham Young University, 2007).

³⁷ Rogers, *Unpopular Sovereignty*, 57-64. For a discussion of key American compromises, see: David Brian Robertson, *The Original Compromise: What the Framers Were Really Thinking* (New York: Oxford University Press, 2013); Robert Pierce Forbes, *The Missouri Compromise and Its Aftermath: Slavery and the Meaning of America* (Chapel Hill: University of North Carolina Press, 2009); Holman Hamilton, *Prologue to Conflict: The Crisis and Compromise of 1850* (New York: W. W. Norton and

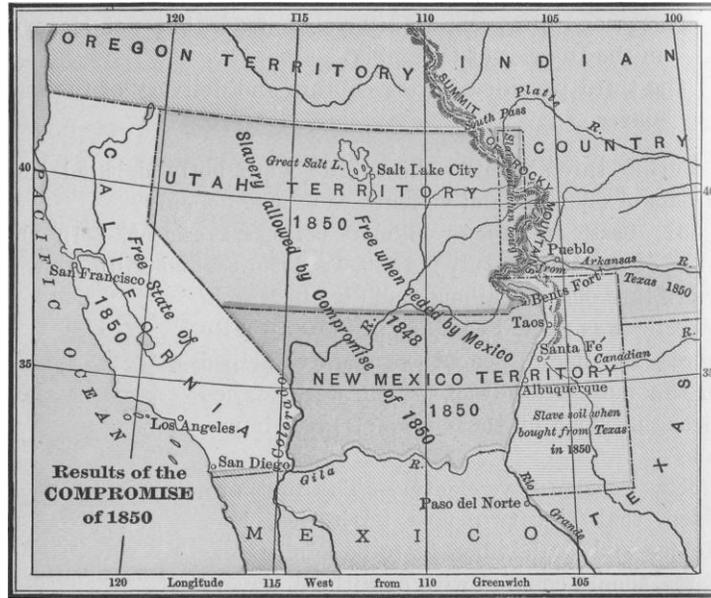


Figure 4 Utah Borders 1850. Courtesy of http://www.marysrosaries.com/collaboration/images/9/9d/Results_of_the_Compromise_of_1850_A.D._001.JPG

Runaway Officials and Publicized Polygamy

Although several government officials hoped to use Utah's territorial status to assert federal sovereignty in the region, Taylor's successor in the presidency, Millard Fillmore, simultaneously hoped to placate the Mormon community by including Mormons among his territorial appointments. The territory's appointees, therefore, were a unique mixture of officials drawn from both Utah's Mormon populace and also Washington's body of career politicians and office seekers who depended on government appointments for their livelihood. Most notable among the Mormon appointments was Fillmore's decision to select Young as the territorial governor. The well-intentioned mixture of appointments, however, created difficulties almost immediately as Brochus,

Company 1966); Roger L. Ransom, *Conflict and Compromise: The Political Economy of Slavery, Emancipation, and the American Civil War* (New York: Cambridge, University Press, 1989); Kenneth M. Stampp, *And the War Came: The North and the Secession Crisis, 1860-1861* (Baton Rouge: Louisiana State University Press, 1950); C. Vann Woodward, *Reunion and Reaction: The Compromise of 1877 and the End of Reconstruction* (New York: Oxford University Press, 1966).

Brandenburg, and Harris, clashed publicly with Young over the relationship of Utah to the federal government. According to Brocchus, he had learned of the community's "intolerant sentiments . . . towards government officers and the government itself" almost immediately after he had arrived in the territory. He further reported that such sentiments pervaded throughout the entire community to a greater or lesser degree.³⁸

Convinced of Mormon disloyalty, the three officials deserted their posts and began returning to Washington D.C. less than two and a half months after their arrival. Upon arriving in the states, the officials immediately began explaining their actions to the public and warning the nation of the dangers that they believed Mormonism posed to the American West.³⁹ Justifying their departure, Brocchus explained, "most gladly will I go, for I am sick and tired of this place, of the fanaticism of the people, followed by their violence of feeling towards the 'gentiles,' as they style all persons not belonging to their church."⁴⁰ The news was electric, generating a host of rumors that questioned Mormon loyalty. The *New York Herald* reported that Young had forcibly expelled the officials from the territory, and declared Utah's state of affairs to be actions of "practical nullification."⁴¹ Philadelphia's *North American and United States Gazette* painted an even more desperate picture, declaring Utah to be in a state of imperium in imperio (a government within a government or sovereignty within a sovereignty), which, if unresolved would lead to "jealousies, dissensions, seditions, treasons, and civil war, and

³⁸ "The Mormon Outrages at Salt Lake," *New York Herald*, November 20, 1851, page 5, column 6.

³⁹ "The Latter-day Saints and the Government—Practical Nullification," *New York Herald*, November 8, 1851, page 4, column 3.

⁴⁰ "The Mormon Outrages at Salt Lake," *New York Herald*, November 20, 1851, page 5, column 6.

⁴¹ "This Morning's News," *New York Herald*, November 5, 1851, page 2, column 1; "The Latter-day Saints and the Government," *New York Herald*, November 8, 1851.

even an attempt . . . to dismember the republic.” The community’s very existence threatened the political power of the government within Oregon, California, and New Mexico.⁴² Although not as dire as either the *Herald* or the *Gazette*, Horace Greeley’s *New York Tribune* similarly concluded that the events had signaled Utah’s intentions to “secede from our glorious confederacy and set up for themselves.”⁴³ But whereas Greeley’s paper advocated allowing the Mormons to secede and save the country the trouble of governing the Mormons, both the *Herald* and the *Gazette* advised the government to respond to the threat with force, believing that “a squadron of dragoons, with a light field piece or two” would persuade Mormons to regain their senses.⁴⁴

Upon their arrival in Washington, the three officials authored a damning report detailing what they described as the “extraordinary state of affairs” in Utah that had made performing their assigned duties in the territory “not only dangerous, but impracticable.”⁴⁵ Accordingly, the officers defended their departure by arguing that they had been compelled to withdraw from the territory “in consequence of the lawless acts and the hostile and seditious feelings” manifested by both Young and the Utah Saints.⁴⁶ The officials wrote that upon their arrival in Utah, they had discovered that the public

⁴² “Utah and the Troubles There,” *North American and United States Gazette*, (Philadelphia, Pennsylvania), November 6, 1851, page 2, column 1. For a larger discussion of *imperium in imperio* in Utah, see: Rogers, *Unpopular Sovereignty*, 20-64.

⁴³ “More Secession,” *New York Tribune*, November 6, 1851, page 5, column 3.

⁴⁴ “The Latter-day Saints and the Government,” *New York Herald*, November 8, 1851; “Utah and the Troubles There,” *North American and United States Gazette*, November 6, 1851.

⁴⁵ “Report of Messrs. Brandebury, Brochus, and Harris, to the President of the United States,” December 19, 1851, in Message of the President of the United States Transmitting Information in Reference to the Condition of Affairs in the Territory of Utah, 32d Cong., 1st sess., H.R. Ex. Doc. 25, p. 8.

⁴⁶ “Highly Important and Extraordinary Development of Mormonism,” *New York Herald*, January 5, 1852, page 2, column 4.

institutions were almost entirely dominated by the Mormon church, jeopardizing America's democratic institutions in the area. Taking advantage of the mixture of church and state, Mormon officials were reportedly "usurping and exercising the functions of legislation and the judicial business of the Territory; organizing and commanding the military; disposing of the public lands upon its own terms; coining money," and, most damning of all, "openly sanctioning and defending the practice of polygamy, or plurality of wives."⁴⁷ For Brocchus, Brandebury, and Harris, the "natural result" of these circumstances would be to create a "feeling of deep-seated hostility towards the Government and people of the United States" among the Mormon populace that, at the very least, bordered on sedition.⁴⁸ For some Americans, the runaway crisis and the details contained in their report seemed to provide incontrovertible evidence that the Mormons were on the precipice of armed revolt.⁴⁹ For at least some, Utah's runaway crisis seemed to justify the prevalent American fears about the volatile, and at times lawless, nature of the frontier West and those who settled there.⁵⁰

A month and a half after writing their report, the officials directed a letter to Fillmore, making suggestions of how the government ought to respond to the

⁴⁷ "Report of Mssrs. Brandebury, Brocchus, and Harris," in *Message of the President of the United States*, p. 8-9.

⁴⁸ "Report of Mssrs. Brandebury, Brocchus, and Harris," in *Message of the President of the United States*, p. 14.

⁴⁹ Around this time, one anonymous American, who claimed to have a long association with the Mormons, wrote to John J. Crittenden to warn of a Mormon plot to induce racial warfare throughout the nation, beginning with a plan to have Indians "butcher and wound all in their power" along the overland trail, then inducing slaves to turn the South into "a field of blood." Anonymous to John J. Crittenden, March 1, 1852, John J. Crittenden Correspondence 1851-1852, MS 8190 1, CHL.

⁵⁰ Concerns about a volatile and lawless West had a long history in the United States. See: Peter J. Kastor, *William Clark's World: Describing America in an Age of Unknowns* (New Haven: Yale University Press, 2011), 222-223; John Van Atta, *Securing the West: Politics, Public Lands, and the Fate of the Old Republic, 1785-1850* (Baltimore, Maryland: Johns Hopkins University Press, 2014), 174-181.

circumstances in Utah. First they suggested that Fillmore should remove Young and every other Mormon from the territory's political offices. Correspondingly, they felt that the Congress should revoke Utah's right to a territorial legislature, believing that as long as Mormons were in power, a legislature would "entirely defeat the whole end and aim of the Territorial organization, by a negative influence." Most dramatically, however, they suggested that the government should establish a military post in Utah "to ensure a faithful execution of the laws."⁵¹ These suggestions clearly implied that Mormons were unfit for the privileges of democratic self-government and therefore would need to be governed by American fiat and force.

Sensing the gravity of the situation and hoping to preserve their rights of self-government, the reaction of Mormon representatives in Washington, New York, and Philadelphia to the runaway crisis was swift. Utah's representative to Congress, John M. Bernhisel, and fellow Mormon, Jedediah M. Grant, began an apologetic publicity campaign to try to calm the situation. While Bernhisel wrote letters to Fillmore and discussed the situation with fellow members of Congress, Grant provided the *New York Herald* with an exclusive op-ed that explained the Mormon position from a believer's point of view.⁵² In these efforts, they found ready assistance from the well-connected non-Mormon, Thomas Kane. Through their efforts, Bernhisel, Grant, and Kane managed to gain a hearing for the Mormons and prevented the government's implementation of the

⁵¹ B. D. Harris, Lemuel G. Brandebury, and Perry E. Brocchus to Millard Fillmore, January 31, 1852, United States Department of State, Miscellaneous Letters of the Department of State 1789-1906, U. S. National Archives, Washington D.C., microfilm copy, LDS Church Family History Library, Salt Lake City, Utah (hereafter FHL).

⁵² John M. Bernhisel to Millard Fillmore, December 1, 1851, Department of State, Miscellaneous Letters, National Archives, Washington D.C., microfilm copy, FHL; "Defense of the Mormons," *New York Herald*, March 9, 1852, page 6, columns 3-6.

suggestions proposed by the runaway officials.⁵³ In this they were assisted by the national newspapers, most prominently the *New York Herald*, which began to question the integrity of the official report. Upon receiving documents from Utah, the Herald printed copies of the correspondence between Brocchus and Young that revealed a more complex series of events. The printed correspondence persuaded the editor of the paper to conclude that the charges of Mormon disloyalty were “utterly unfounded” and the report of the officials was “a tissue of misrepresentations, distortions, and falsehood.”⁵⁴

Although the runaway crisis eventually faded into the forgotten past, it raised serious questions about the ultimate loyalties of the Mormon community. Foremost among these questions was the strong evidence of Mormonism’s polygamous practices. The officers had stated that the most “prominent men in the church,” including Young, were all involved in polygamy. In a statement likely intended to induce shock, the officers described having seen in the streets of Salt Lake City accompanied by “a large company of his wives, more than two-thirds of whom had infants in their arms.”⁵⁵ While the officers had fabricated some aspects of their report, the evidence of Mormon polygamy was undeniable, prompting Mormons to make a public announcement of the practice just a few months later on August 29, 1852.⁵⁶ The reality of Mormon polygamy drew immediate comparisons to slavery, with the London Chronicle describing polygamy

⁵³ For a detailed discussion of the political discussions surrounding the runaway crisis, see: Walker and Grow, “The People are ‘Hogaffed and Humbugged’,” 1-52.

⁵⁴ “The Defence of the Mormons,” *New York Herald*, June 18, 1852, page 4, column 4.

⁵⁵ “Report of Mssrs. Brandebury, Brocchus, and Harris,” in *Message of the President of the United States*, p. 19.

⁵⁶ David J. Whittaker, “The Bone in the Throat: Orson Pratt and the Public Announcement of Plural Marriage,” *Western Historical Quarterly* 18, no. 3 (July 1987): 293-314.

as Mormonism’s “peculiar social institution;” a rhetorical link that American papers picked up and began to readily employed.⁵⁷

Despite, and perhaps because of, the country’s long tradition of irregular sexual practices—including polygamy—Americans were deeply troubled by the rise of Mormon polygamy.⁵⁸ Racializing sexuality, Antebellum Americans viewed the practice as an emblem of lesser cultures, and believed that it was unanimously regarded as “a high and revolting crime” in civilized countries.⁵⁹ Because the nation readily drew connections between the health of American society and its sexual practices, most citizens believed that those who embraced irregular sexual practices such as polygamy had, at the very least, descended from civilization to barbarism—and perhaps even to savagery. Such a descent, particularly among a community heavily populated by people who had been born in both the United States and Great Britain, seemed to threaten the moral wellbeing of the entire nation. Accordingly, even as Americans allowed the explosive circumstances of the runaway crisis to settle down, they remained dubious of the Mormon community and its peculiar institution.

⁵⁷ “The Effect in England of the Manifest of the Mormon Judges,” *New York Herald*, March 2, 1852, page 3, column 3-4; “Polygamy among the Mormons—Savage Defence of Elder Grant,” *New York Herald*, May 27, 1852, page 4, column 4.

⁵⁸ For a discussion of America’s history of irregular sexual practices, see: Timothy J. Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790-1920* (New York: W. W. Norton, 1992); Nancy Isenberg, *Sex and Citizenship in Antebellum America* (Chapel Hill: University of North Carolina Press, 1998); Mark M. Carroll, *Homesteads Ungovernable: Families, Sex, and the Law in Frontier Texas, 1823-1860* (Austin: University of Texas Press, 2001); Richard Godbeer, *Sexual Revolution in Early America* (Baltimore: Johns Hopkins University Press, 2002); Clare A. Lyons, *Sex Among the Rabble: An Intimate History of Gender & Power in the Age of Revolution, Philadelphia, 1730-1830* (Chapel Hill: University of North Carolina Press, 2006);

⁵⁹ “Report of Mssrs. Brandebury, Brocchus, and Harris,” in *Message of the President of the United States*, p. 19.

1854, The Critical Year

Following the runaway crisis, relations between Utah and the federal government remained relatively calm. Although there was an undercurrent of concern about Mormon polygamy and Brigham Young's political influence in Utah, peace and calm prevailed from July 1852 throughout the most of 1854. Despite this calm, however, no year was more critical in determining the political fate of Utah than was 1854. Although the year itself was relatively peaceful, the political events at both the national and territorial levels would have significant implications for the reconstruction era as a whole and for the government's Utah policy in particular. On a national level, Congress passed the Nebraska-Kansas Act, which established the territories of Kansas and Nebraska and provided for both to determine whether they were free or slave states by popular sovereignty. As both territories fell north of the line established by the Missouri Compromise to determine free and slave territories, the act created outrage among Northerners.⁶⁰ Building upon that outrage, anti-slavery Northerners established a new political party, known as the Republican Party, whose political aims and ideology would undergird a period of intensive national reconstruction. With regards to Utah, during the year U.S. President Franklin Pierce would issue new appointments for three of the most significant federal posts in the territory; the governorship and the three justices on Utah's Territorial Supreme Court. Ultimately, the critical events of 1854 would each play a role in convincing federal officials that the Mormon community was fundamentally incapable

⁶⁰ See: Phillip S. Paludan, "Lincoln's Firebell: The Kansas-Nebraska Act," in John R. Wunder and Joann M. Ross, eds., *The Nebraska-Kansas Act of 1854* (Lincoln: University of Nebraska Press, 2008), 93-112; Frederick Douglass and the Kansas-Nebraska Act: From Revolutionary to Reformer," in Wunder and Ross, eds., *The Nebraska-Kansas Act*, 113-128.

to peaceful submission to federal authority, and was therefore in need of fundamental reforms in order to enjoy the full privileges of American citizenship.

On December 14, 1853, Augustus Dodge of Iowa presented a bill to organize the Territory of Nebraska to the Senate, which was subsequently referred to the Senate Committee on Territories.⁶¹ Less than three weeks later, Stephen A. Douglas returned the bill to the Senate with emendations and additions.⁶² Among the additions made to the bill was a provision specifying that when the territory was “admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission.”⁶³ In principal, the bill allowed for the expansion of slavery into regions that would have been clearly earmarked as free territories under the Missouri Compromise. Disregarding the earlier agreements, the bill provided slaveholders with “a detour around the Missouri Compromise” and facilitated the potential expansion of slavery throughout the whole of the Western territories.⁶⁴

The bill sent shockwaves throughout the already divided nation. It emboldened pro-slavery Southerners and filibusters, like William Walker, who felt that slavery had been unduly “hemmed in” by the Missouri Compromise.⁶⁵ At the same time, the bill

⁶¹ U.S. Congress, *Cong. Globe*, 33rd Cong., 1st sess., 44 (1853).

⁶² U.S. Congress, *Cong. Globe*, 33rd Cong., 1st sess., 115 (1854).

⁶³ U.S. Congress, Senate, *A Bill to Organize the Territory of Nebraska*, 33rd Cong., 1st sess., 1853-1854, S. 22.

⁶⁴ Freehling, *The Road to Disunion, Volume II: Secessionists Triumphant* (New York: Oxford University Press, 2007), 61-62.

⁶⁵ William Walker, quoted in Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge, Massachusetts: Belknap Press, 2013), 373, 393.

created a heretofore unimaginable growth in political anti-slavery, as more and more Northerners became convinced of a slaveholding cabal intent upon extending the South's peculiar institution throughout the nation.⁶⁶ Disregarding earlier traditions of political compromise and efforts to keep the topic of slavery out of Congressional discussions, enraged Northerners turned Washington D.C. into a battle ground for control over the national feeling with regards to the divisive issue.⁶⁷

The Nebraska-Kansas Bill did more than create disagreement, however; it likewise facilitated the formation of a legitimate anti-slavery party, that came to be known as the Republican Party. Unified by ideological leanings, a coalition of anti-slavery northerners met in Ripon, Wisconsin during March 1854, and established the party in the middle of the debates over the Nebraska-Kansas bill.⁶⁸ The gathering included a coalition of disgruntled Free-Soilers, northern Whigs, and a significant number of anti-slavery Democrats, who abandoned their party in the wake of the Nebraska-Kansas bill.⁶⁹ Simultaneously calling for "free soil, free labor, and free men," the Republican Party began to distinguish itself ideologically as a party of reconstruction, aiming to undermine would become the party of national reconstruction.⁷⁰ The initial questions of slavery, would ultimately expand to include questions about plural marriage,

⁶⁶ Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (repr. 1972; New York: Oxford University Press, 1995), 93-94.

⁶⁷ Johnson, *River of Dark Dreams*, 399.

⁶⁸ A. F. Gilman, *The Origin of the Republican Party* (Wisconsin: circa 1914), 6.

⁶⁹ Jonathan H. Earle, *Jacksonian Antislavery and the Politics of Free Soil, 1824-1854* (Chapel Hill: University of North Carolina Press, 2004), 194-98; David Goldfield, *America Aflame: How the Civil War Created a Nation* (New York: Bloomsbury Press, 2011), 491.

⁷⁰ For a history of the ideological origins of the Republican Party, see Foner, *Free Soil, Free Labor, Free Men*.

the settlement of the west, national education, and other issues. In each case, the aim would be to systematize and codify the boundaries of Americanism and national citizenship.⁷¹

The passage of the Nebraska-Kansas Act on May 30, 1854, further strengthened the new party, providing it with a resolve and staying power that would likely not have been possible prior to that act.⁷² The actual act went further than Douglas's initial revisions, officially declaring the slavery regulations of the Missouri Compromise to be "inoperative and void," and declaring that the people of the territory were "perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."⁷³ Such language not only opened up opportunities for the extension of slavery, but it unwittingly provided Mormons with a political defense of plural marriage by providing legal justifications for each state and territory to maintain and regulate its own domestic institutions.⁷⁴ Noticing the similarities between the Southern and Mormon domestic institutions, members of the newly founded party began turning their attention to Mormonism as a part of their focused assault upon the slaveholding empire.

Whereas the Republican Utah policy would come to be dominated by the question of polygamy, the ruling Democrats were generally more concerned with ensuring the ultimate sovereignty of the federal government in the territory. In this regard, the

⁷¹ For a discussion of the antislavery activities of Democrats, see Earle, *Jacksonian Antislavery*.

⁷² Foner, *Free Soil, Free Labor, Free Men*, 125-126; "An Act to Organize the Territories of Nebraska and Kansas," May 30, 1854, *U.S. Statutes at Large* 10 (1855):277-290.

⁷³ "An Act to Organize the Territories of Nebraska and Kansas," May 30, 1854, *U.S. Statutes at Large* 10 (1855): 282-283.

⁷⁴ Rogers, *Unpopular Sovereignty*, 60-64.

appointment of territorial judges and other officers was critical to Democratic aims. Following the runaway crisis, Utahns had maintained a peaceful cooperation with the territorial justices. But as the judges in question were Fillmore appointees, Pierce was anxious to select new justices for the territory. In selecting John F. Kinney of Iowa, during late December 1853, Pierce easily found a Chief Justice for the Territory.⁷⁵ But the other appointments came far less easily.

Filling the appointments for the associate justices proved far more difficult than filling the post of Chief Justice. In October 1853, Attorney General Caleb Cushing appointed Georgian John W. Underwood and George Edmonds of Illinois to be the territory's associate justices.⁷⁶ Edmonds in particular was a favorable choice for service in Utah, as he was a resident of Quincy and a former resident of Nauvoo who maintained a close association with Emma Smith, widow of Joseph Smith.⁷⁷ Additionally, he seemed to maintain a relatively cordial association with Bernhisel.⁷⁸ In March 1854, Edmonds informed Bernhisel that he intended "to proceed to the scene of his official duties in the Spring" providing his nomination was confirmed by the Senate, but his failing health

⁷⁵ Augustus Dodge to William L. Marcy, June 4, 1853, MSS 4046, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah; George W. Jones to Caleb Cushing, August 24, 1853, MSS 4046, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah; John M. Bernhisel to Brigham Young, December 12, 1853, Brigham Young Office Files, box 60, folder 14, CHL.

⁷⁶ John M. Bernhisel to Brigham Young, September 15, 1853, Brigham Young Office Files, box 60, folder 14, CHL; John M. Bernhisel to Brigham Young, October 12, 1853, Brigham Young Office Files, box 60, folder 14, CHL; Bernhisel to Young, December 12, 1853, Brigham Young Office Files, CHL.

⁷⁷ John M. Bernhisel to Brigham Young, December 20, 1855, Brigham Young Office Files, box 60, folder 17, CHL.

⁷⁸ John M. Bernhisel to Brigham Young, March 11, 1854, Brigham Young Office Files, box 60, folder 15, CHL.

prevented him from ever making the journey to the territory and forced his resignation in October 1854.⁷⁹

In addition to the problems created by the poor health of George Edmonds, efforts to fill the other seat on the court also became a source of controversy, when Underwood “declined or resigned” his appointment in April 1854. Hoping to secure the appointment of a Mormon to the court, Bernhisel suggested the names of Seth M. Blair and Zerubbable Snow as possible candidates for the post. Then, expecting that it was unlikely to secure a Mormon appointment, Bernhisel suggested that James W. Woods, brother-in-law to one of Brigham Young’s most prominent advisors, would also be well received by the community as a judge.⁸⁰ Perhaps due to Woods’s rather sore feelings about Wells’s conversion to Mormonism and his departure for the West, Woods declined to apply for a position on Utah’s court, leading Bernhisel and fellow Utahn, Almon Babbitt, to suggest that the post be given to William I. Appleby, who had served as a judge in New Jersey and as a clerk for Utah’s Supreme Court. He reported to Young that when he suggested the appointment to Pierce, Pierce had “rather favorably received” the idea.⁸¹ Despite Bernhisel’s efforts and optimism, however, Pierce declined to appoint Appleby due to an undisclosed “accident.”⁸²

⁷⁹ Bernhisel to Young, March 11, 1854, Brigham Young Office Files, CHL; John M. Bernhisel to Brigham Young, July 14, 1854, Brigham Young Office Files, box 60, folder 16, CHL; John M. Bernhisel to Brigham Young, October 10, 1854, Brigham Young Office Files, box 60, folder 17, CHL.

⁸⁰ Daniel H. Wells, a counselor to Brigham Young in Mormonism’s highest governing body, was Woods’s brother-in-law. John M. Bernhisel to Brigham Young, April 15, 1854, Brigham Young Office Files, box 60, folder 15, CHL.

⁸¹ James W. Woods to Daniel H. Wells, May 16, 1850, Daniel H. Wells Papers, USU_COLL MSS 302, box 1, folder 8, Merrill-Cazier Library, Utah State University, Logan, Utah (hereafter as USU); James W. Woods to Daniel H. Wells, September 15, 1850, Daniel H. Wells Papers, box 1, folder 8, USU; John M. Bernhisel to Brigham Young, April 17, 1854, Brigham Young Office Files, box 60, folder 15, CHL; John M. Bernhisel to Brigham Young, April 18, 1854, Brigham Young Office Files, box 60, folder 15, CHL.

These challenges in finding appointments for Utah ultimately proved to be highly problematic for Utah as they paved the way a volatile two years of conflict between Mormons and federal judges. Nearly a year after the original appointments had been made, Pierce appointed Iowa politician George Stiles to the seat that John Underwood had declined and appointed Illinois judge William W. Drummond to fill the seat vacated by Edmonds's illness.⁸³ The two appointments were both intriguing decisions that seemed to bode well for the Mormon community. Stiles himself was a baptized Mormon who had at one time been the city attorney for the Mormon settlement at Nauvoo. Demonstrating his prominence in the faith during the Nauvoo period, Stiles was numbered among the earliest Mormon participants in polygamy, taking two plural wives on January 19, 1846. It is doubtful that anyone in Washington was aware of Stiles's early participation in polygamy.⁸⁴ While most Mormons, including his own parents, had followed Brigham Young to Utah, however, Stiles had remained in Iowa where he was pursuing a political career.⁸⁵ Drummond similarly came to the Utah court with past connections to Mormonism. In 1830 he had married Jemima McClenahan in Kentucky. During the late 1830s and early 1840s, four of her siblings became associated with

⁸² John M. Bernhisel to Brigham Young, May 15, 1854, Brigham Young Office Files, box 60, folder 15, CHL.

⁸³ John M. Bernhisel to Brigham Young, August 7, 1854, Brigham Young Office Files, box 60, folder 16, CHL; Bernhisel to Young, October 10, 1854, Brigham Young Office Files, CHL.

⁸⁴ George P. Stiles and Sophia J. Schofield, Marriage certificate, February 4, 1843, CHL; *Sophia J. Stiles v. George P. Stiles*, 1847, Adams County, Selected court files, 1840-1852, CHL; Smith, *Nauvoo Polygamy*, 627; Norman S. Furniss, *The Mormon Conflict, 1850-1859* (New Haven, Connecticut: Yale University Press, 1960), 57; Nauvoo City Council Minutes, April 13 and June 10, 1844, in John S. Dinger, ed., *The Nauvoo City and High Council Minutes* (Salt Lake City: Signature Books, 2011), 234, 258.

⁸⁵ George P. Stiles to Jeremiah S. Black, February 26, 1858, Records relating to the appointment of Federal Judges, Attorneys, and Marshalls for the Territory and State of Utah 1853-1901, U.S. National Archives, microfilm copy, HBLL.

Mormonism.⁸⁶ According to one of her siblings, Jemima had also expressed early interest in Mormonism, but her husband reportedly prevented her from doing so.⁸⁷ Nonetheless, Drummond's familial connections to Mormonism seemed encouraging to Bernhisel, who described the judge as "a pleasant gentlemanly man."⁸⁸ The *Chicago Weekly Times* concurred, describing the new judge as a man who "has stood high at the Illinois bar" and who was "a gentleman of the highest manners, strict integrity, and high legal and literary attainments" with the potential to be "of the greatest value in Utah."⁸⁹ But while these two appointments likely seemed to be at least favorable, and perhaps even providential, for Utah, it would be these very appointees that ultimately would ignite the 1857-1858 Utah War, the territory's most dramatic conflict with the federal government.

At the same time as the Pierce administration was trying to identify viable candidates for Utah's Territorial Supreme Court, Brigham Young's term as governor of Utah came to a close. The question of whether to retain or replace Young as governor was even more delicate than the questions regarding who should be appointed to Utah's territorial courts because of his immense popularity among Utah's Mormon community. Millard Fillmore had appointed him to the position in 1850 in hopes of appeasing the desires of the community, but by the end of 1851 and the runaway crisis, he regretted the complications the appointment had created. Less than a year and a half into Young's

⁸⁶ Silas Richards, *Reminiscences 1872*, MS 8232, CHL.

⁸⁷ Silas Richards to Brigham Young, January 15, 1866, Brigham Young Office Files, box 31, folder 11, CHL.

⁸⁸ John M. Bernhisel to Brigham Young, December 14, 1854, Brigham Young Office files, box 60, folder 17, CHL

⁸⁹ "Judge W. W. Drummond," *Chicago Weekly Times*, April 19, 1855, page 1, column 5.

term, Fillmore began contemplating a change in governors.⁹⁰ The idea, however, was easier contemplated than carried out. He recognized that widespread complaints from Utah would accompany any change in Young's official status. At the same time, the national uproar created by the runaway officials was such that Young's continued governance would result in an equally persistent flow of complaints from non-Mormon Utahns and other interested citizens. Hoping for an easy solution to the problem, Fillmore had asked Bernhisel whom the people of Utah would prefer as a governor instead of Young. Bernhisel responded that "there was no man living" that was preferable to Young in the Territory.⁹¹ Heightening the question, a steady list of aspirants wrote to the White House soliciting an appointment to the post.⁹² Ultimately Fillmore determined to retain Young as governor and the question passed on to the newly elected Franklin Pierce in 1853.

Toward the end of 1853, Pierce met with Bernhisel to discuss the governorship of Utah. After Bernhisel had reiterated the desires of Utah's Mormon community to retain Young as their governor, Pierce promised that he would not remove Young before the end of his gubernatorial term without first consulting the representative. He added, however, that any efforts to reappoint Young to the office would face significant

⁹⁰ John M. Bernhisel to Brigham Young, January 7, 1852, Brigham Young Office Files, box 60, folder 12, CHL; John M. Bernhisel to Brigham Young, March 10, 1852, Brigham Young Office Files, box 60, folder 12, CHL.

⁹¹ John M. Bernhisel to Brigham Young, April 9, 1852, Brigham Young Office Files, box 60, folder 12, CHL.

⁹² The list of aspirants included John W. Latson, Perry E. Brocchus, and Wisconsin Mormon, James J. Strang. John M. Bernhisel to Brigham Young, May 8, 1852, Brigham Young Office Files, box 60, folder 12, CHL; John M. Bernhisel to Brigham Young, December 11, 1852, Brigham Young Office Files, box 60, folder 13, CHL; John M. Bernhisel to Brigham Young, March 10, 1853, Brigham Young Office Files, box 60, folder 14, CHL.

obstacles to his reappointment.⁹³ A half a year later, Bernhisel informed Young that the opposition that Pierced had referred to came about because of opposition to Young's numerous polygamous wives. Despite this obstacle, however, Bernhisel vowed to make his efforts to secure his reappointment.⁹⁴ Although Young's term of service was scheduled to end on September 29, 1854, Pierce was operating under the assumption that the term did not expire until the fall of 1855.⁹⁵ Hoping to prevent a barrage of attacks from those who opposed Young's reappointment, Bernhisel determined it prudent to allow the president to continue operating under his erroneous assumption.⁹⁶ In August, Bernhisel wrote to Pierce, again urging that Young be retained as territorial governor, assuring the president that Young had the "full confidence" of the citizens of the territory.⁹⁷

Hoping to secure Young's reappointment, Bernhisel pled with the governor to give "polite attention" to the newly appointed Chief Justice John Kinney and the territory's other federal officers.⁹⁸ Two months later, upon informing Young that the government was sending Colonel Edward Steptoe, Bernhisel reiterated his desires that

⁹³ John M. Bernhisel to Brigham Young, December 12, 1853, Brigham Young Office Files, box 60, folder 14, CHL.

⁹⁴ John M. Bernhisel to Brigham Young, May 15, 1854, Brigham Young Office Files, box 60, folder 15, CHL.

⁹⁵ "Governor of Utah," *Evening Star*, (Washington D.C.), October 9, 1854, page 2, column 4.

⁹⁶ John M. Bernhisel to Brigham Young, September 8, 1854, Brigham Young Office Files, box 60, folder 17, CHL

⁹⁷ John M. Bernhisel to Franklin Pierce, August 8, 1854, Brigham Young Office Files, box 60, folder 17, CHL.

⁹⁸ John M. Bernhisel to Brigham Young, March 11, 1854, Brigham Young Office Files, box 60, folder 15, CHL; John M. Bernhisel to Brigham Young, May 16, 1854, Brigham Young Office Files, box 60, folder 15, CHL.

visiting officials be shown kindnesses and receive the governor's "special attention."⁹⁹ Conscious of Utah's tenuous national position, these admonitions were not the first times that the representative had sent this kind of warning to his constituents. Although believing that the new appointees would be well received, he was nonetheless firm in his belief that if further difficulties arose, his efforts for Utah would "be utterly ruined."¹⁰⁰ That Bernhisel was privately concerned about how federal officials would be treated by Young and the larger community adds credence to the arguments of the runaways that Utah was often a hostile and uninviting location for non-Mormons and particularly for federal officials. Combined with the strong national sentiments in opposition to polygamy, the reality of such hostility to outsiders fueled national feelings that the government ought to do something to counteract the Mormon power in Utah.

Intriguingly, despite Bernhisel's near obsession with Young's reappointment, Young's letters to the representative remained silent on the issue. Despite his silence in letters, however, his published discourses revealed a high level of confidence that he would retain the office. Young's statements during a June 1853 discourse would prove particularly unnerving to the American public, adding new dimensions to the questions surrounding Utah's governorship. With unabashed confidence Young had stated that he possessed "no fears whatever" that Pierce would remove him from office. Then, even more boldly, he had declared, "We have got a Territorial Governor, and I am and will be Governor, and no power can hinder it, until the Lord Almighty says, 'Brigham, you need

⁹⁹ John M. Bernhisel to Brigham Young, May 12, 1854, Brigham Young Office Files, box 60, folder 15, CHL.

¹⁰⁰ John M. Bernhisel to Brigham Young, May 19, 1852, Brigham Young Office Files, box 60, folder 12, CHL; John M. Bernhisel to Brigham Young, August 31, 1852, Brigham Young Office Files, box 60, folder 13, CHL.

not be Governor any longer,' and then I am willing to yield to another."¹⁰¹ Although Young later attempted to clarify the statement, the damage of his declaration was irreparable in the national mind.¹⁰² In October 1854, the eastern press caught wind of Young's statement and began publishing it. Savannah's *Daily Morning News* used the statement as a clear indication of the territory's opposition to federal authority, stating that Young had "virtually refused to recognize the government" and that any governor appointed in his stead would find "Judge Lynch" waiting to welcome him to the territory.¹⁰³ For much of the country, Young's statement furthered the sentiment that the issues surrounding the appointment of Utah's governor held explosive and potentially violent ramifications for the nation. Indeed, the *Washington D.C. Evening Star* theorized that no non-Mormon could govern the territory "without the material aid of one or two well-appointed regiments," and the *Glasgow Weekly Times* in Missouri concurred, that any non-Mormon appointment would need to be "backed by a strong Military force," as troubles were sure to arise in the region.¹⁰⁴ Hence, after a period of relative calm following the runaway crisis of 1852, the topics of Utah and Mormonism had again begun to become a cause of concern among many citizens of the nation.

¹⁰¹ Brigham Young, discourse, June 19, 1853 and February 18, 1855, Richard S. Van Wagoner, ed., *The Complete Discourses of Brigham Young*, 5 vols. (Salt Lake City: Smith Pettit Foundation, 2009), 2:680.

¹⁰² Brigham Young, discourse, February 18, 1855, in Van Wagoner, ed., *Complete Discourses*, 2:908.

¹⁰³ "The Governor of Utah," *Daily Morning News*, (Savannah, GA), October 31, 1854, page 1, column 2; "The Governor of Utah," *Baltimore Daily Sun*, [undated], copy in Brigham Young Office Files, box 60, folder 17, CHL.

¹⁰⁴ "Governor of Utah," *Evening Star*, (Washington, D.C.), October 9, 1854, page 2, column 4; "Utah," *Glasgow Weekly Times*, (Glasgow, MO), October 26, 1854, page 1, column 4.

Bernhisel sensed the change from his position in Washington D.C. and became increasingly apprehensive about the possibilities of Young's reappointment.¹⁰⁵ In November, Pierce informed Bernhisel that he had, as yet, not made any definitive decisions as to what he would do about the governorship of Utah.¹⁰⁶ The following month, the president again reiterated that he had not determined what to do about to position. This assurance, however, was followed with Pierce's affirmation that he would "appoint none but a man of the highest character" to the office, indicating that he was planning to appoint a new governor for the territory. Following the interview, an unnamed friend of the president informed Bernhisel that it was impossible for the representative to understand just how deep the opposition to Young's reappointment ran in the nation's capital.¹⁰⁷ Within four days, Pierce had appointed Colonel Edward J. Steptoe to take Young's place as the governor of Utah. Though disappointed, Bernhisel saw the decision as an opportunity to prove Utah's patriotic fidelity to the United States, therefore dismissing the anxieties that many Americans felt concerning the territory. He therefore urged that Steptoe continue receiving "kind and courteous treatment," refraining from any activities that might be considered treasonous.¹⁰⁸

¹⁰⁵ John M. Bernhisel to Brigham Young, October 16, 1854, Brigham Young Office Files, box 60, folder 17, CHL; John M. Bernhisel to Brigham Young, November 17, 1854, Brigham Young Office Files, box 60, folder 17, CHL.

¹⁰⁶ John M. Bernhisel to Brigham Young, November 18, 1854, Brigham Young Office Files, box 60, folder 17, CHL.

¹⁰⁷ John M. Bernhisel to Brigham Young, December 14, 1854, Brigham Young Office Files, box 60, folder 17, CHL.

¹⁰⁸ John M. Bernhisel to Brigham Young, December 18, 1854, Brigham Young Office Files, box 60, folder 17, CHL.

At the time of Steptoe's appointment, he was wintering in the Salt Lake Valley with a detachment of about 325 troops that had been ordered to a post in California in May.¹⁰⁹ Despite some concerns that the soldiers would pursue Mormon women, Steptoe's initial experiences in the territory were positive.¹¹⁰ Young's clerk, Thomas Ellerbeck, seemed to describe the community's feeling in describing the Colonel as "quite gentlemanly in his deportment" and "anxious that his men should conduct themselves with propriety."¹¹¹ George A. Smith, and even the hard-to-please Heber C. Kimball, concurred with Ellerbeck's assessment of Steptoe, seeing him as both a gentleman and a friend.¹¹² Steptoe was likewise impressed with Young and the Mormons and reportedly praised them in a report to Pierce.¹¹³ The letter spoke so highly of the territory that it caused Bernhisel to believe the president had undergone "a favorable change in regard to the people of Utah. Indeed, Pierce informed Bernhisel that he was becoming increasingly incredulous about the validity of the prevalent rumors of Mormon disloyalty. Perhaps due to Steptoe's letter, Pierce had begun to believe that a non-Mormon governor could do more good for Utah than Young. In Pierce's opinion, a non-Mormon governor would do

¹⁰⁹ As a part of their assignment, Steptoe and his men were assigned to assist with the trial of a number of Ute Indians who had been arrested for the 1854 murder of U.S. Captain John W. Gunnison in Utah. Rogers, *Unpopular Sovereignty*, 67-71. For additional details regarding Gunnison's murder and its influence upon Utah Territory, see: R. Kent Fielding, *The Unsolicited Chronicler: An Account of the Gunnison Massacre, Its Causes and Consequences, Utah Territory, 1847-1859* (Brookline, Massachusetts: Paradigm Publications, 1993).

¹¹⁰ For a detailed analysis of the Steptoe Expedition, see: William P. MacKinnon, "Sex, Subalterns, and Steptoe: Army Behavior, Mormon Rage, and Utah War Anxieties," *Utah Historical Quarterly* 76, no. 3 (Summer 2008): 227-46.

¹¹¹ Thomas W. Ellerbeck to Joseph A. Young, December 1, 1854, Brigham Young Office Files, box 2, volume 1, page 722, CHL.

¹¹² George A. Smith to Editor of *The Luminary*, December 22, 1854, Historian's Office, Letterpress Copybooks, CR 100 38, volume 1, page 26, CHL; Heber C. Kimball to William Kimball, December 21, 1854, quoted in MacKinnon, "Sex, Subalterns, and Steptoe," 233.

¹¹³ It is unknown whether Steptoe's report to Pierce is still extant.

much to alleviate the prevailing national prejudices against Mormonism, a feat that Young could not have accomplished.¹¹⁴

By appointing Steptoe, therefore, Pierce seems to have been attempting to find a “middle ground” that appeased both Utah’s Mormon constituents and the larger national opinion that demanded Young’s removal.¹¹⁵ Whether intended or not, the selection of Steptoe was a shrewd decision. A non-Mormon and an army official, Steptoe possessed the ability to placate those who had demanded that the new governor be a non-Mormon supported with military power.¹¹⁶ At the same time, by the time of his appointment, Steptoe had already had several interactions with the Mormon community, most of which Young and others had deemed positive. Indeed, by one account Young declared that if Steptoe were appointed Governor of Utah, he “would be the first to bow to [Steptoe’s] authority.”¹¹⁷ Although Pierce was yet unaware of Steptoe’s rather positive relationship with the Latter-day Saints, he likely appointed the captain, at least in part, because he was someone with whom the Mormons were already acquainted. Given the positive nature of

¹¹⁴ John M. Bernhisel to Brigham Young, November 18, 1854, Brigham Young Office Files, box 60, folder 17, CHL; John M. Bernhisel to Brigham Young, December 14, 1854, Brigham Young Office Files, box 60, folder 17, CHL.

¹¹⁵ I have borrowed this phrase from Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (Cambridge, England: Cambridge University Press, 1991). In his book, White examined the interactions between French traders and Native peoples, and suggested that the two groups created spaces of middle ground where the needs of both the Native peoples and the French traders could be adequately addressed. In terms of Pierce’s interactions with Utah and his federal appointments for the territory operated upon this same principle, attempting to use the federal appointments to meet the needs of both the federal government and the Mormon constituency in Utah.

¹¹⁶ “Governor of Utah,” *Evening Star*, October 9, 1854; “Utah,” *Glasgow Weekly Times*, 26 October 1854; [Untitled Article], *Green-Mountain Freeman*, (Montpelier, VT), October 26, 1854, page 2, column 5.

¹¹⁷ William I. Appleby, the leader of the Mormon congregations in New York City made this statement before a gathering of Latter-day Saints in Norwalk Connecticut on July 4, 1857. “Mormon Celebration of the Fourth at Norwalk,” *The Mormon*, (New York), July 11, 1857, page 2, column 3.

his relationship with Young and others, Steptoe was likely the perfect candidate to fill the precarious political position.

Steptoe's appointment underscores important aspects of the federal government's Utah policy during the early 1850s. Although anxious to assert and maintain federal sovereignty over the territory, government officials were simultaneously anxious to maintain peaceful relations with the territory. Wherever possible, government officials tried to select candidates who had existing relationships with the Latter-day Saints. Perpetually challenging this policy, however, was the Mormon notion of popular sovereignty, which highlighted the importance of self-determination and self-rule in matters of governance.

Only days after his appointment, and well prior to Steptoe's knowledge of it, the ability of Steptoe's soldiers to peacefully coexist with the Mormon community came into question as a Christmas party organized by Kinney erupted into a brawl. According to Mormon leaders, several drunken soldiers "kicked up a fight among themselves," and were then joined by several young Mormons, most of whom were apparently under sixteen years of age. Ultimately, both Steptoe and Young worked together to quell the violence. While Young placed the Nauvoo Legion, a private Mormon militia dating back to 1841, on patrols throughout the city and ordered citizens to remain in their homes during the evenings, Steptoe momentarily ordered his soldiers to their quarters and threatened to move them away from the city if the troubles persisted.¹¹⁸ Noting the

¹¹⁸ Joseph Smith had organized the Nauvoo Legion on February 3, 1841, as the militia the city of Nauvoo. Smith had organized the Legion, at least in part, because of concerns about the extent to which they could rely upon state and county militias for protection. As early as April 22, 1849, Brigham Young reconstituted the Nauvoo Legion in Utah in order to protect Mormon settlements against problems with the Native peoples of the Great Basin. Hosea Stout, Diary, April 22, 1849, in Juanita Brooks, ed., *On the Mormon Frontier: The Diary of Hosea Stout, 1844-1889*, 2 vols. (repr., 1964; Salt Lake City, Utah: University of Utah Press, 2009), 2:351. For additional information regarding the Nauvoo Legion's Illinois

cooperation, Lieutenant LaRhett L. Livingston praised the friendly feelings then existing “between the Army Officers & Civil officers.”¹¹⁹ Less than a week after the problems, Steptoe signed a petition urging Pierce to reappoint Young as Governor, stating that Young would “better sub-serve the Territorial interest than the appointment of any other man.”¹²⁰ Despite the violence, the situation seemed to affirm Pierce’s belief that Steptoe could successfully work with and govern Utah.

While Young and Steptoe skillfully cooperated to deescalate tensions, the affair revealed the still powerful undercurrents of opposition that Mormons felt toward federal officials. Attempting to minimize the Mormon involvement, George A. Smith blamed the Mormon participation upon the fact that the participants had been “bred and born in the midst of mobs and rows.”¹²¹ Considering that most of the participating youth would have been no older than eight at the time of Mormonism’s most recent experiences with mob violence, as well as the significant percentage of Utah’s population that had emigrated from England after the exodus to the West, the violent outburst almost certainly grew out of other causes. Historian William MacKinnon has argued that the scuffle was related to widespread community fears about the relationships between the soldiers and Salt Lake’s

origins and the implementation of the Legion in Utah, see: Richard E. Bennett, Susan Easton Black, and Donald Q. Cannon, *The Nauvoo Legion in Illinois: A History of the Mormon Militia, 1841-1846* (Norman, Oklahoma: Arthur H. Clark Company, 2010); Ralph Hansen, “Administrative History of the Nauvoo Legion in Utah” (MA thesis, Brigham Young University, Provo, Utah, 1954); Brandon J. Metcalf, “The Nauvoo Legion and the Prevention of the Utah War,” *Utah Historical Quarterly* 72, no. 4 (Fall 2004): 300-321.

¹¹⁹ Brigham Young to Edward J. Steptoe, December 25, 1854, Brigham Young Office Files, box 47, folder 43, CHL; LaRhett L. Livingston to James G. Livingston, December 27, 1854, in MacKinnon, “Sex, Subalterns, and Steptoe,” 234-35.

¹²⁰ John F. Kinney, et al. to Franklin Pierce, December 30, 1854, “To his Excellency Franklin Pierce, President of the United States,” *St. Louis Luminary*, May 26, 1855, page 3, column 2.

¹²¹ George A. Smith to Franklin D. Richards, December 28, 1854, Historian’s Office, Letterpress Copybooks, volume 1, pages 31-32, CHL.

female population.¹²² That these fears developed into a violent outburst by young Mormon males is perhaps significant due to the occasionally diminished numbers of potential spouses created by polygamy.¹²³ In socializing with the body of single Latter-day Saint women, Steptoe's troops posed more than an imagined threat to the marital hopes of young Mormon men. Hence, in addition to demonstrating the community's uncomfortable relationship with American officials, the willingness of Mormon young men to participate in the Christmas Day brawl of 1854 may have likewise been a show of frustration towards a family system that seemed to offer limited marital opportunities to adolescent boys on the verge of manhood.

Regardless of the reasons underlying the violence, the event brought 1854 to a foreboding close. During the year, Pierce had managed to issue appointments for each of the four most controversial federal posts in Utah. And in each of the cases, he had somehow managed to appoint individuals that seemed to occupy a middle ground, appeasing the people of both the nation and the territory. After meeting both Kinney and Drummond, Bernhisel had endorsed them to Young as gentlemen with no apparent prejudices, and at least a measure of friendliness, toward Utah.¹²⁴ Steptoe's friendliness toward the Latter-day Saints had manifested itself in both private letters to Washington and public efforts to work with Young in maintaining peace during an apparent riot. And

¹²² MacKinnon, "Sex, Subalterns, and Steptoe," 234-36.

¹²³ The diminished numbers of potential spouses became a particular problem during the Fall of 1856 when Mormon men entered into polygamous marriages en mass, in order to prove their devotion to Mormonism. David Cazier, "A Copy of the Sketch of the Life of David Cazier as Written by Himself," <http://cazier.org/biographies/david-cazier/> (accessed, October 7, 2014); Wilford Woodruff to George A. Smith, April 1, 1857, George A. Smith Collection, MS 1322, box 5, folder 13, CHL.

¹²⁴ Bernhisel to Young, March 11, 1854, Brigham Young Office Files, CHL; Bernhisel to Young, December 14, 1854, Brigham Young Office Files, CHL.

George Stiles had been a baptized member of the church since at least the early 1840s. By all accounts, it must have seemed that Pierce had done the impossible. Nevertheless, in spite of Kinney's friendliness toward Young and the Mormons, the year had ended in violence and an imposed separation between Mormons and the army. For all of Pierce's efforts to make Utah appointments that occupied a middle ground of acceptance, within two years the divide between Mormons and non-Mormons in Utah would reach a boiling point, due in part to some of the men that Pierce appointed during 1854.

Emerging Difficulties

Throughout 1855 and early 1856, Pierce's efforts to issue appointments that would placate both the national public and Utah's populace steadily degenerated into an unmitigated disaster. Steptoe, Pierce's seemingly perfect appointment, shockingly declined Utah's governorship, and both Mormon and non-Mormon officials grew continually more suspect of each other. Finally, sensing the danger of continued governance by federal appointments, Utahns again set their sights upon statehood and the promise of relative autonomy.

Due to Utah's isolation and the difficulty of delivering the mail during the winter months, Steptoe didn't learn of his appointment until March 1855. His initial reaction to the news was anything but positive. Mormon Dimick Huntington reported that upon learning of the commission, Steptoe had turned "light as a buckskin" and almost immediately fell ill, being afflicted with severe headaches for two days.¹²⁵ Despite his personal friendship with the president, Steptoe found the post undesirable for at least a few different reasons. Noting that territorial governorships were often thankless positions

¹²⁵ Dimick B. Huntington, quoted in Historian's Office, General Church Minutes, March 25, 1855, General Church Minutes Collection, CR 100 138, box 3, folder 1, CHL.

and political dead ends, Dale Morgan theorized that Steptoe saw the appointment as being significantly inferior to a continued military career.¹²⁶ But while personal ambition was likely a factor in Steptoe's reaction, his reticence likely also reflected a growing wariness of Brigham Young and the Mormon community that he had earlier endorsed. Most prominently, his feelings about the community had seemed to shift when it failed to convict four Pahvant Indians for the murder of Captain John W. Gunnison's exploring party in 1853. Following their exoneration, Steptoe bemoaned the "want of sympathy" that Mormons held toward the nation and their "undue sympathy . . . for the Indians."¹²⁷ In a strong letter to Pierce, Steptoe rescinded his earlier endorsement of Young as governor, explaining that his experiences since December had proved that Young was not the "national man" Steptoe had thought him to be. Steptoe sent a carefully worded letter to Pierce that all-but-declined the appointment. He told Pierce that the appointment had embarrassed him and had left him uncertain as to what course to pursue. Hoping that Pierce would interpret his reticence as a declination, Steptoe informed the president of his intentions to continue travelling with his company to California without turning a single "regretful look" towards Utah.¹²⁸ Two and a half months later Steptoe wrote to Pierce from Fort Benicia near San Francisco, informing him of his company's arrival at the

¹²⁶ When Bernhisel asked Pierce if Steptoe had declined the position, Pierce responded that he had and then added, "he could not expect [Steptoe] to resign his position in the army," suggesting that the loss of his military career and rank did indeed influence Steptoe's decision. Dale L. Morgan to Madeline R. McQuown, September 11, 1951, Madeline R. McQuown Papers, MS 0143, box 2, folder 8, Special Collections, J. Willard Marriott Library, University of Utah (hereafter ML); John M. Bernhisel to Brigham Young, December 18, 1855, box 60, folder 18, CHL.

¹²⁷ Edward J. Steptoe to Franklin Pierce, April 25, 1855, MS2/0278, Idaho State Historical Society, Boise, Idaho (hereafter ISHS); Edward J. Steptoe to George W. Manypenny, April 5, 1855, Letters Received by the Office of Indian Affairs 1824-1881, reel 897, National Archives, Washington D.C., microfilm copy, HBLL.

¹²⁸ Steptoe to Pierce, April 25, 1855, ISHS.

Pacific and providing Pierce with firm evidence of his decision not to accept the Utah appointment.¹²⁹ Although there was some discussion of appointing Kinney in his stead, Steptoe's refusal left Young as governor upon an interim basis, as Pierce considered the situation in Utah to be filled with difficulties.¹³⁰ Perhaps wanting to shift the challenging decision to the subsequent administration, Pierce vowed to retain Young as interim governor unless the American public compelled him to issue a new appointment before the end of his term.¹³¹

While Steptoe complicated the government's relationship with Utah through his refusal to accept the territorial governorship, Drummond, and later Stiles, complicated the relationship through their decisions to accept government posts in Utah. While Stiles had arrived in Utah toward the end of September 1854, Drummond did not arrive in the territory until the following year.¹³² Prior to departing for Utah in the spring of 1855, Drummond travelled to Washington D.C. While there he met with U.S. President Franklin Pierce, who reportedly vested him with "instructions and powers above any other Judge who had previously been sent to Utah," including "special instructions to catch and punish" the Indians who had murdered Captain John Gunnison's surveying party in 1853.¹³³ During his time in Washington, Drummond also made the acquaintance

¹²⁹ Edward J. Steptoe to Franklin Pierce, July 10, 1855, MS2/0278, ISHS.

¹³⁰ John F. Kinney to Caleb Cushing, April 1, 1855, Madeline R. McQuown Papers, box 35, folder 6, ML.

¹³¹ Bernhisel to Young, December 18, 1855, CHL.

¹³² Hezekiah Mitchell, journal, July 28, August 17, and September 29, 1854, MS 6827, CHL.

¹³³ Samuel P. Hoyt to Brigham Young, November 19, 1855, Brigham Young Office Files, box 24, folder 5, CHL; George A. Smith to John Taylor, April 14, 1857, Jeremiah S. Black Papers, MS 12849, reel 3, box 5, Manuscript Division, Library of Congress, Washington, D.C. (hereafter LC).

of a prominent prostitute who went by the name of Ada Carroll.¹³⁴ Abandoning his wife and children in Illinois without a formal divorce, Drummond travelled to Utah with Carroll, claiming her to be his wife.¹³⁵ Ironically, while in Utah Drummond would use his claimed special dispensation from Pierce not only to pursue and prosecute Native Americans, but also to vigorously oppose Mormon polygamy.

Drummond's initial tenure in Utah seemed positive. In late August 1855 he wrote a letter to the *Chicago Daily Times* in which he lauded the Mormon community for his cordial reception in the territory. He further praised the Mormon community for its industry, stating that it was "the most industrious community [he] ever saw." In addition to his laudatory praise, however, Drummond also took the opportunity to increase the public's skepticism of the community, stating that "far too many" of the Mormon community were composed of men and women who were "basely corrupt."¹³⁶ Despite the minor barbs, Drummond's letter drew praise from Mormons who called it "a tolerably fair report" and skepticism from non-Mormons who believed that it was part of an effort to conceal Mormon disloyalties for political ends.¹³⁷

¹³⁴ Carroll's real name was Mary Fletcher. She was the wife of Charles Fletcher, a schoolteacher in Baltimore, Maryland. William I. Appleby to John Taylor, April 25, 1857, Jeremiah S. Black Papers, reel 3, box 6, LC.

¹³⁵ Jemima Drummond to Dear Brother and Sister, September 1856, in "Impositions Upon Utah," *Deseret News*, May 20, 1857, page 5, column 1; Jan MacKell, *Red Light Women of the Rocky Mountains* (Albuquerque: University of New Mexico Press, 2009), 296.

¹³⁶ The issue of the *Chicago Weekly Times* containing Drummond's letter is no longer extant, but the letter was reprinted by other national newspapers. "Interesting from Utah," *Boston Daily Advertiser*, October 24, 1855, page 2, column 3; "Judge Drummond's Letter," *The Mormon*, (New York), October 27, 1855.

¹³⁷ "From Utah—All Sorts of Opinions," *The Mormon*, (New York), October 27, 1855, page 2, columns 1-2; "Utah," *North American and United States Gazette*, (Philadelphia, Pennsylvania), page 2, column 3.

Despite Drummond's positive comments, he quickly garnered a reputation as someone who posed significant problems for the territory. Not specifying the reasons, Young's top advisor, Heber C. Kimball, warned a fellow leader that Drummond was quickly becoming "a bitter enemy" of the Latter-day Saint community in the autumn of 1855.¹³⁸ At least by early October, Drummond had begun to justify Kimball's concerns, calling for dramatic changes in the territory. Writing to U.S. Attorney General Caleb Cushing, Drummond declared, "such a state of things does not exist on the face of the Earth as exist in this Territory." He argued that by allowing Mormons to serve in federal offices, the government had allowed the affairs in the territory to become unmanageable, making it impossible to enforce American laws. Drummond called for Young's immediate replacement as governor, and for a ban on all future appointments for Mormon officers.¹³⁹ Taking matters into his own hands, he had begun using his position to limit the powers of the territorial legislature over "water, timber, mill sites" and land grants.¹⁴⁰ For a community that was determined to be governed by "officers of [its] own nomination," Drummond's actions seemed to signal an attack upon Utah's territorial sovereignty.

Throughout the winter of 1855-1856, Drummond began vigorously prosecuting the Gunnison murder case, raising posses to pursue the culprits throughout central Utah. While Mormon leaders wanted to see Gunnison's murderers punished, they worried that

¹³⁸ Heber C. Kimball to Franklin D. Richards, August 31, 1855, Heber C. Kimball Papers, MS 627, box 4, folder 5, CHL.

¹³⁹ W. W. Drummond to Caleb Cushing, October 1, 1855, WA MSS 147, Beinecke Rare Book and Manuscript Library, Yale University, New Haven, Connecticut (hereafter BL).

¹⁴⁰ Hosea Stout, Short Sketch of the History of W. W. Drummond, undated, Brigham Young Office Files, box 53, folder 23, CHL.

Drummond would ultimately fail in the effort and punish innocent Indians in the place of the guilty.¹⁴¹ Sensing the danger of such a result, one resident wrote that Drummond “appear[e]d to be in something of a hurrey [sic].” Feeling that the Mormons were uncooperative in the search, Drummond threatened to send for U.S. General William S. Harney to bring troops to the territory “to scour the country and bring the Indians to Justice.”¹⁴² Given the previous year’s Christmas Day brawl with Steptoe’s troops, Mormons saw the insinuation of further military intervention in Utah affairs as nothing short of a veiled threat that the government was willing to institute marshal law in the territory. The search for Gunnison’s murderers ultimately proved fruitless, as the posse returned to their homes having “gone several days . . . not having seen an Indian” and expending “thousands of dollars” in the effort.¹⁴³

Responding to Drummond’s efforts to raise posses, Young responded with characteristic passion and force. In addressing the territory’s legislative assembly, Young asserted that the role of the territory’s governing officers was “to act for us, to do what we wish to have done.” He then went on to assert that the powers of the legislative assembly were to “control each of us and all the inhabitants of this Territory, including the Governor, the Judge, the Secretary, the Supreme Court, the District Court and probate Courts.” Then, solidifying his point, Young declared that “the judges are not here as kings or monarchs” and should therefore “be made to keep the laws of this territory as

¹⁴¹ George A. Smith to Editor of the Mormon, October 31, 1855, Historian’s Office, Letterpress Copybooks 1854-1879, 1885-1886, CR 100 38, box 1, volume 1, page 283, CHL; “From Our Utah Correspondent,” *The Mormon*, (New York), December 29, 1855, page 2, column 7.

¹⁴² Hoyt to Young, November 19, 1855, Brigham Young Office Files, CHL.

¹⁴³ Hoyt to Young, November 19, 1855, Brigham Young Office Files, CHL; Samuel Pitchforth to John Taylor, February 7, 1856, John Taylor Collection, MS 1346, box 1, folder 8, CHL.

well as other citizens.”¹⁴⁴ While never specifically naming Drummond in his speech, Young’s message left no question as to its intent in the minds of those who heard it. Describing the sermon a few weeks later, Fillmore resident Samuel Pitchforth noted that Young “preached on the conduct of the judges and lower[e]d the feathers of his Royal Highness Drummond the first.”¹⁴⁵ Significantly, the legislative assembly clearly understood the implications of Young’s message and his assertion of territorial sovereignty. The day following the address, George A. Smith—a member of the Territorial Legislature and the Legislative Council—wrote to Kinney, Drummond, and Stiles requesting their input regarding redrafting the boundaries of the territory’s district courts.¹⁴⁶ Three days later, the legislature officially redrew the boundaries, assigning Kinney to Utah’s northern counties, Drummond to the southern counties, and Stiles to Salt Lake County.¹⁴⁷ The new boundaries pushed non-Mormons Kinney and Drummond to the margins of the territory, while elevating Mormon George Stiles to power within Utah’s de facto capital of Salt Lake City. Both Kinney and Drummond later demonstrated their extreme dissatisfaction for the new boundaries.

In addition to the legislature’s efforts to define the powers of the Territorial Supreme Court, private citizens similarly helped Young undermine the judges by

¹⁴⁴ Brigham Young, Discourse, January 13, 1856, in Richard S. Van Wagoner, ed., *The Complete Discourses of Brigham Young*, 2:1031; Wilford Woodruff, diary, January 13, 1856, in Scott G. Kenney, ed., *Wilford Woodruff’s Journal*, 9 vols. (Midvale, Utah: Signature Books, 1983-1985), 4:394.

¹⁴⁵ Pitchforth to Taylor, February 7, 1856, John Taylor Collection, CHL.

¹⁴⁶ George A. Smith to John F. Kinney, William W. Drummond, and George P. Stiles, January 14, 1856, in *Journal History*, 14 January 1856, CHL.

¹⁴⁷ Resolution Defining the Judicial Districts for the United States Courts, in the Territory of Utah, January 17, 1856, and Resolution Assigning the United States Judges for Utah to the Several Judicial Districts, January 17, 1856, *Resolutions, Acts and Memorials Passed at the Fifth Annual Session of the Legislative Assembly of the Territory of Utah: Convened at Fillmore City, Dec. 11, 1855* (Salt Lake City, Utah: George Hales, 1855), 12-13.

bringing criminal charges against both Drummond and Kinney in the probate courts. On January 26, the Salt Lake probate court charged Drummond with arresting and imprisoning a man on false charges.¹⁴⁸ Then two days later, Drummond was brought before the same court on charges of lewdness and unlawful cohabitation with Ada Carroll, his mistress from Washington D.C.¹⁴⁹ Finally, two days later, the court heard charges against Chief Justice John Kinney.¹⁵⁰ Although each of the charges was ultimately dismissed, this six-day barrage of criminal charges made it clear that Mormons were not anxious to abdicate their territorial sovereignty to federal officers, particularly those that seemed to be anxious to assert the authority of the national government.

Wittingly or unwittingly, Young's remarks to the legislative assembly had created a desperate power struggle between Mormons and non-Mormon officials that highlighted the larger conflict between local sovereignty and federal control in the territory. The following month, the divide between the officials became even more dramatic as Drummond and Kinney clashed with Young over the handling of additional Indian depredations. While Young and others feared that efforts to raise new posses to prosecute the crimes would "be attended with a loss of life and result in difficulties to the scattered settlements," Drummond and Kinney immediately ordered posses to take up arms against the offending Indians.¹⁵¹ The policy immediately led to increased tensions between white

¹⁴⁸ People of the United States in the Territory of Utah v. William W. Drummond, January 26, 1856, Salt Lake County Probate Court Civil and Criminal Files, Series 373, box 3, folder 109, Utah State Archives, Salt Lake City, Utah (hereafter Utah State Archives).

¹⁴⁹ People of the United States in the Territory of Utah v. William W. Drummond & Woman, January 28, 1856, Salt Lake County Probate Court Civil and Criminal Files, box 3, folder 110, Utah State Archives.

¹⁵⁰ Elias Smith, journal, January 30, 1856, Elias Smith Journals, MS 1319, box 1, folder 4, page 102, CHL.

settlers and Native Americans, prompting Mormon leader George A. Smith to worry that if the president appointed a man like Drummond to be governor, the territory would “soon be deluged with blood” from Indian wars.¹⁵² Concerned with the potential ramifications of these policies for Indian relations, Young used his positions as governor and church president to countermand the orders given to raise posses.¹⁵³

While the purpose of Young’s opposition to the Indian policies of the judges was intended to maintain peaceful relations with Native Americans, his opposition simultaneously created a breaking point in the power struggle between himself and Utah’s non-Mormon officials. In early March 1856, Drummond and other officials wrote to Pierce and Cushing. The letter described Young as one of the most terrible “tyrants ever on Earth” and “a hostile and bitter assailant of the present administration.” In their view, the only solution to these problems was for the government to remove all Mormons from federal offices, replacing them with individuals who were “wholly disconnected with Mormonism.” Taking their charges against the Mormon community to a whole new level, federal officials, led by Kinney and Drummond, argued that unless the government removed all Mormons from political office, non-Mormon officials would be subjected to “violence at the hands of . . . assassins.”¹⁵⁴ Throughout the next year, government officials would consistently accuse the Mormons of engaging in extralegal violence

¹⁵¹ Smith to Taylor, April 14, 1857, Jeremiah S. Black Papers, LC.

¹⁵² George A. Smith to John Taylor, April 16, 1857, Jeremiah S. Black Papers, reel 3, box 5, LC.

¹⁵³ Ronald W. Walker, “The Tintic War of 1856: A Study of Several Conflicts,” *Journal of Mormon History* 42, no. 3 (July 2016): 35-68.

¹⁵⁴ William W. Drummond, David H. Burr, and Garland Hurt to Franklin Pierce and Caleb Cushing, March 1, 1856, United States Department of Justice Files Relating to Utah, MS 18871, box 3, folder 3, CHL; John F. Kinney, et al., to Caleb Cushing, circa 1856, Department of Justice Files Relating to Utah, box 3, folder 18, CHL.

against government officials to assert Mormon sovereignty in Utah, occasionally with troubling validity. While the accusations of Mormon theocracy and the evidences of Mormon polygamy had been disconcerting for the nation, accusations of extralegal violence against federal officials created a deeply troubling situation that demanded national action.

Underscoring their displeasure, Kinney took his family and returned to the states, while Drummond moved his court several hundred miles west to Carson Valley in July.¹⁵⁵ Kinney explained his departure, noting that the redrafted districts had left him to officiate in a district was “sparsely inhabited except by Indians, and destitute of the necessary comforts of life.” He viewed the act as “an insult” to himself and his family, which had “legislated [him] out of office” and compelled both Kinney and his family to return to Iowa.¹⁵⁶ Among Utahns in the know, Drummond’s move had been anticipated since at least February, with one person predicting to “see the an[n]ouncement of his exit to fair[er] climes” as soon as the snows of early 1856 had melted.¹⁵⁷ Drummond’s move to Carson Valley similarly demonstrated his personal disgust with the situation in Utah, particularly the redrafting of the legislative districts. Although a part of Utah’s territorial boundaries at the time, the region fell well outside Drummond’s assigned judicial district. His Carson Valley court therefore served as a protest against the power of Utah’s territorial legislature to regulate the federal judges, as well as providing him with an

¹⁵⁵ “Departures from Utah,” *The Mormon*, (New York), June 21, 1856, page 2, columns 3-4; John F. Kinney to James Buchanan, circa 1857, United States Department of Justice Files Relating to Utah, box 3, folder 18; W. W. Drummond to Joseph L. Heywood, April 10, 1856, Brigham Young Office Files, box 53, folder 23, CHL.

¹⁵⁶ John F. Kinney to Jeremiah S. Black, circa July 1857, United States Department of Justice Files Relating to Utah, box 3, folder 18, CHL.

¹⁵⁷ Pitchforth to Taylor, February 7, 1856, John Taylor Collection, CHL.

opportunity to eventually abandon his post and move to California.¹⁵⁸ Indeed, Young suspected and even hoped that Drummond's move to Carson Valley was precursory to a move to California. Speaking as the acting governor, Young stated that if Drummond failed to return to Utah, he "should be removed from office." The prospects of Drummond's dismissal delighted Young who wrote to Bernhisel that Drummond had "often and in various ways transcended his authority and demeaned himself very much like a dog or wolf, vicious and brutal." The hated judge was, in Young's estimation, "proud as a peacock and ignorant as a jackass," and his removal could only be a benefit to Utah.¹⁵⁹

Either ignoring or reinterpreting the new boundaries, Drummond stated that he would "hold court under the new law" upon his arrival in Carson Valley. Although questioning Drummond's jurisdiction in the region under both the old and new laws, Mormon Apostle Orson Hyde concluded that it was best to "allow the court to go on," in hopes of preventing further conflicts with the judge.¹⁶⁰ Although Hyde's response and his willingness to clerk for Drummond drew Young's ire, Hyde later reported that he had hoped by his participation to positively sway the court decisions.¹⁶¹

¹⁵⁸ Resolution Defining the Judicial Districts for the United States Courts, in the Territory of Utah, 17 January 1856, and Resolution Assigning the United States Judges for Utah to the Several Judicial Districts, 17 January 1856, *Resolutions, Acts and Memorials*, 12-13.

¹⁵⁹ Brigham Young to John M. Bernhisel, October 29, 1856, Brigham Young Office Files, box 60, folder 6, CHL.

¹⁶⁰ Orson Hyde to Brigham Young, July 2, 1856, Brigham Young Office Files, box 39, folder 23, CHL.

¹⁶¹ Woodruff, journal, October 20, 1856, in Kenney, ed., *Wilford Woodruff's Journal*, 4:477; Orson Hyde to Brigham Young, October 12, 1856, Brigham Young Office Files, box 39, folder 23, CHL.

Prior to his departure for California, however, Drummond held court in Carson Valley, hearing his first trials in July 1856. Participating Mormons felt that Drummond had gone too far in bringing his own biases and opinions into the courtroom and instructing the participating attorneys regarding how to proceed with their cases.¹⁶² Further, the Mormon populace was incensed at Drummond's threat to "iron" the members of the grand jury unless they complied with his demands for the court.¹⁶³ These perceptions, however, were likely misguided, as traditionally the standard for disqualifying a judge was limited to "pecuniary interest."¹⁶⁴ And although the Mormon members of the jury were angered by his threat to "iron" or jail them for not complying with his requests, Drummond was likely exercising his judicial powers to hold members of the court in contempt for uncooperative behavior.

The chief purpose of the Carson Valley Court, however, was to issue forth a stinging indictment of Mormon polygamy and the "open defiance and sportive rebellion against the federal authority of the United States" that he believed characterized Utah.¹⁶⁵ He seemed determined "to break up the Mormons, root and branch."¹⁶⁶ Speaking to the jury, Drummond denounced all of the marriages or "sealings" performed in the territory, stating that they were "anything other in the law than a legal marriage ceremony." As there was no law in Utah concerning marriage, Drummond instructed the jury to utilize

¹⁶² Stout, Short Sketch of the History of Judge W. W. Drummond, undated, CHL.

¹⁶³ Sam P. Davis, ed., *The History of Nevada* (Reno, Nevada: Elms Publishing Co., 1913), 276.

¹⁶⁴ Richard E. Flamm, "The History of Judicial Disqualification in America," *The Judges Journal*, 52, no. 3 (Summer 2013): 13.

¹⁶⁵ "From Utah," *Daily Union* (Pittsburgh, Pennsylvania), December 20, 1856, page 2, column 2.

¹⁶⁶ Orson Hyde to Brigham Young, September 12, 1856, Brigham Young Office Files, CR 1234 1, box 39, folder 23, CHL.

Utah's statute punishing "open lewdness" as "a remedy for the correction of that crying and most loathsome, barbarous, cruel, black and degrading evil" of polygamy. He then ordered the jury members to use their citizenship to "cast off all priestly yokes of oppression." Closing his charge, he told the jury members that it was their duty to use their positions "in all walks of life" both at home and at the ballot box to fight against polygamy and Mormon theocracy; to sue "in thunder tones, for relief at the hands of the law."¹⁶⁷ As expected, sometime after delivering the charge, Drummond and Carroll made their way to California, where Drummond began campaigning for Democrats for the upcoming election of 1856.¹⁶⁸

Twin Relics and Political Change

Despite, and perhaps because of, the emerging difficulties between the Mormons and the federal judges, Mormon officials determined to pursue statehood during the spring of 1856. Early in that year, Mormon officials were convinced that Utah's petition would receive "a favorable reception . . . throughout the country," particularly among Democrats, whom they believed would be either supportive of or ambivalent toward the idea of Utah statehood.¹⁶⁹ Given the increasingly problematic nature of America's sectional divisions and the ascendancy of the Republican Party as a legitimate competitor to the Democrats, admission of the heavily Democratic Utah made national sense for the party of Jackson. Indeed, despite the strong national opposition to Mormonism, a few

¹⁶⁷ "From Utah," *Daily Union* (Pittsburgh, Pennsylvania), December 20, 1856, page 2, column 2.

¹⁶⁸ W. W. Drummond to Stephen A. Douglas, 18 January 1857, Stephen A. Douglas Papers, box 5, folder 14, Special Collections Research Library, University of Chicago Library, University of Chicago, Chicago, Illinois (hereafter UCL); "Democrat Rally," *Los Angeles Star*, 25 October 1856, page 2, column 1.

¹⁶⁹ Taylor, Smith, and Bernhisel to Young, July 12, 1856, Brigham Young Office Files, CHL.

Democratic national newspapers pushed for Utah statehood. The *Chicago Weekly Democratic Press* argued that Utah's admission as a full state was "very proper" in spite of "the social peculiarities of Mormon life," because the territory boasted both "the requisite population" and the "energy and capacity to manage their own affairs."¹⁷⁰ Similarly, the prestigious *New York Herald* advocated Utah Statehood. To justify the paper's position, the editor drew upon a comparison between Utah and Kansas, both of which were "preparing to knock at the doors of Congress for admission" in 1856. The paper noted that while Kansas approached the Capitol "with hands stained with blood, murder and arson, and fresh from the conflicts between the pro-slavery and anti-slavery settlers," Deseret presented "an example of industry, sobriety and piety." Still the editor of the Herald seemed doubtful of Utah's admission, suggesting that the territory's petition would be "set down by the present Congress as an immoral, dangerous and wicked community" while Kansas would be "fought for, quarreled about, and probably admitted to a co-partnership with the rest of the States."¹⁷¹ While such articles likely had more to do with Democratic hopes and concerns about the worsening situation in Kansas, they nevertheless bolstered Mormon hopes for success.¹⁷² Accordingly, on April 22, 1856, apostles George A. Smith, Orson Pratt, Ezra T. Benson, and Erastus Snow left Salt Lake City along with fifty missionaries to carry the territory's petition for statehood to the nation's capital.

¹⁷⁰ *The Chicago Weekly Democratic Press*, quoted in "Two New States Coming Into the Union," *Deseret News*, August 6, 1856, page 8, column 2.

¹⁷¹ "Two New States Coming into the Union," *New York Herald*, June 1, 1858, page 4, column 2.

¹⁷² "Two New States Coming Into the Union," *Deseret News*, August 6, 1856, page 8, column 2.

The effort to secure Utah statehood was short-lived. A presidential election year, 1856 provided an opportunity for the nation's different political parties to draft their political platforms. While slavery was clearly the most volatile issue of the election, the Republican platform also placed pressure on the nation to deal with the issue of Mormon polygamy. Party representatives had gathered in Philadelphia during the middle of June to nominate a candidate for the presidency and to propose the party's first official platform. John A. Willis, a delegate from San Francisco, pressed for the platform to include a firm statement against polygamy. Willis later explained that he had not been given any "special instructions . . . on the subject of polygamy" but had seen the moment as an opportunity to "make war upon polygamy, and at the same time strengthen the case against slavery as much as possible, by associating the two together." Willis argued that polygamy and slavery both "rested precisely on the same constitutional basis" and could therefore be attacked upon the same legal and political rationale.¹⁷³ With Willis's urging, the Republican platform included a resolution declaring it "both the right and the imperative duty of Congress to prohibit in the Territories those twin relics of barbarism—Polygamy, and Slavery."¹⁷⁴

This resolution placed immediate pressure upon the Mormon community and all-but-killed the territory's bid for statehood. News of the platform spread across the United States as the delegation headed by Smith and Pratt travelled toward Washington D.C. A year later Smith recalled that while journeying toward St. Louis upon a steamboat, he had

¹⁷³ John A. Willis, "The Twin Relics of Barbarism," *Publications of the Historical Society of Southern California* 1, no. 1 (1890): 41.

¹⁷⁴ Republican Party Platform of 1856, reproduced in full at http://www.ushistory.org/gop/convention_1856republicanplatform.htm (accessed January 21, 2013).

made the acquaintance of U.S. representative Mordecai Oliver of Missouri, as well as several other congressmen. Smith recalled, “Mr. Oliver spoke very favorably of our admission, and pronounced it good, and said he would give me any suggestions he could to aid me, at Washington.” The next day after news of the Republican platform and its denunciation of polygamy had reached the travelers, the warm acquaintances that Smith had developed with the representatives from Congress had dissolved into thin air. According to Smith, the formerly supportive representatives became “very distant in a manner, and began to raise objections to the admission of Utah” to the Union as a state.¹⁷⁵ While the volatile events of the following year’s Utah War doubtless influenced Smith’s memory of the event, it is clear that Utah’s political climate changed dramatically in the wake of the 1856 Republican convention.¹⁷⁶

Upon arriving in Washington, the delegation consulted with Utah Representative John Bernhisel, who confirmed that the Republican platform had changed the political climate for Utah. Bernhisel advised Smith to forego the petition for statehood, fearing that bringing further attention to Utah in 1856 “would be doing more hurt than good.”¹⁷⁷ Although Smith privately questioned Bernhisel’s reluctance, he was compelled to acknowledge that the bitter feelings throughout the country. Even more damning was the

¹⁷⁵ Smith’s account of this exchange was written sometime after his return to Utah in the Spring of 1857. His journal mentions his meeting Representatives Oliver, John Sherman, and William Howard on the boat, but does not mention this particular exchange. George A. Smith, “Account of His Mission to Washington, 1856-1857,” George A. Smith Papers, MS 1322, box 3, folder 5, CHL; George A. Smith, diary, June 10, 1856, George A. Smith Papers, MS 1322, box 2, folder 9, CHL.

¹⁷⁶ Ronald W. Walker, “Buchanan, Popular Sovereignty, and the Mormons: The Election of 1856,” *Utah Historical Quarterly* 81, no. 2 (Spring 2013): 108-32.

¹⁷⁷ George A. Smith, “Account of His Mission to Washington,” George A. Smith Papers, MS 1322, box 3, folder 5, CHL; George A. Smith, diary, June 30, 1856, George A. Smith Papers, MS 1322, box 2, folder 9, CHL.

fact that Utah’s friends in Congress had become unwilling to support a petition for Utah statehood fearing that such actions would damage their political standing and lead to “a Political Grave.”¹⁷⁸ Most notably, Stephen A. Douglas, a long-time friend of Mormonism, advised Smith and other Mormon leaders against pursuing statehood at the time. Douglas warned that the Republicans were “all pledged against [Utah]” and any effort to pursue statehood “would result in dissolving [Utah] Territory; and attaching it to some of the adjacent states and territories.” Accordingly, he urged the Utah delegation to “lay still” and wait for a less tumultuous moment to apply for statehood.¹⁷⁹

By the fall of 1856, the idea of Utah statehood found virtually no support in Congress among either Democrats or Republicans, and a growing hostility toward Utah was spreading throughout the nation. Indeed, when the Utah legislature asked Smith to explain the decision not to apply for statehood, Smith and fellow-apostle John Taylor cited the bipartisan opposition toward Utah that had developed following the Republican convention in Philadelphia. Smith and Taylor stated that the idea of Utah statehood had have received “nearly as much opposition . . . from the Democrats as from the Republicans.”¹⁸⁰ Whereas the idea of Utah statehood had at one time been a proposal

¹⁷⁸ George A. Smith to Brigham Young, November 12, 1856, Brigham Young Office Files, CR 1234 1, box 42, folder 5, CHL; George A. Smith to Brigham Young, December 19, 1856, Brigham Young Office Files, CR 1234 1, box 42, folder 5, CHL.

¹⁷⁹ Intriguingly, less than a year later, Douglas urged Congress to repeal the act that had established Utah Territory, thus removing what he termed a “loathsome, disgusting ulcer” from the Union. John Taylor, George A. Smith, and John M. Bernhisel to Brigham Young, July 12, 1856, Brigham Young Office Files, CHL; Smith, “Account of His Mission to Washington,” George A. Smith Papers, CHL; Stephen A. Douglas, *Remarks of the Hon. Stephen A. Douglas, on Kansas, Utah, and the Dred Scott Decision: Delivered at Springfield, Illinois, June 12th 1857* (Chicago: Daily Times Book and Job Office, 1857), 12-13.

¹⁸⁰ “Report,” *Deseret News*, January 20, 1858, page 8, column 1.

with the potential to strengthen the Democratic Party, by the fall of 1856, the idea had become politically toxic for American politicians.

By calling for the eradication of slavery and polygamy in the territories, the Republican platform had redefined American politics and had ushered in an ideological era of reconstruction. Whereas America had previously been defined by political compromises, the Republican platform of 1856 eschewed compromise and took an unabashed stance against compromises upon both slavery and polygamy. In rejecting these two practices, the platform similarly took issue with the notion of popular sovereignty, unequivocally declaring that certain practices were wholly un-American in their nature, regardless of popular support. Further, the platform placed upon the federal government a mandate to ensure that such practices be both abolished and eradicated from the territories in order to preserve the strength of the American Union.

The Mormon Reformation

Like the runaway affair of 1851-1852, the summer of 1856 and the Republican convention in Philadelphia and the platform emanating from it had once again brought Mormon polygamy near the forefront of America's political consciousness. Although the Republicans would ultimately lose the presidential campaign of 1856, the upstart party's growing ascendancy in national politics had spelled doom for any hopes that Utahns had for statehood without a renunciation of plural marriage. But while political expediency perhaps should have dictated an abandonment of Mormon polygamy in order to secure statehood and territorial sovereignty, Mormons responded by clinging even more tightly to the practice during the fall of 1856. Whereas the Republican platform had advocated federally mandated monogamous reforms for Utah, Young and his fellow leaders pushed

for a Mormon brand of reformation that not only supported, but expanded, Utah polygamy. Among other factors, this Mormon Reformation would ultimately bring down the strong arm of the government upon Utah and the Mormon population in 1857.

During the middle of Young's power struggle with Drummond and Kinney early in 1856, Young had taken to the pulpit to reprove the Mormon community. He stated that in his view the people were "not ownly [sic] asleep, but working wickedness" and that the time had come for leaders to "put away their velvet lips and smooth things and preach sermons like pitch forks . . . that the people might wake up."¹⁸¹ While Drummond was finishing his court term in Carson Valley and urging the Mormons there to reform themselves in accordance with the laws of the land, a different kind of reformation was beginning near Salt Lake City.

Between September 1856 and spring 1857, Young and his fellow leaders preached numerous fiery sermons with an uncommon enthusiasm, urging Latter-day Saints to reform themselves to comply more completely with the doctrines of Mormonism.¹⁸² Young's counselor, Jedediah Grant, took the lead in the defining the movement, preaching a number of strong sermons at Kaysville, Utah, on September 13, 1856.¹⁸³ Grant used as his text a statement from Young: "'Saints, live your religion.'"

¹⁸¹ Woodruff, journal, March 2, 1856, in Kenney, ed., *Wilford Woodruff's Journal*, 4:405.

¹⁸² See Howard C. Searle, "The Mormon Reformation of 1856-1857" (MA thesis, Brigham Young University, 1956); Paul H. Peterson, "The Mormon Reformation" (PhD dissertation, Brigham Young University, 1981); Paul H. Peterson, "The Mormon Reformation of 1856-1857: The Rhetoric and the Reality," *Journal of Mormon History* 15 (1989): 59-87; Thomas G. Alexander, "Wilford Woodruff and the Mormon Reformation of 1855-57," *Dialogue: A Journal of Mormon Thought* 25, no. 2 (Summer 1992): 25-39.

¹⁸³ Jedediah M. Grant, Remarks, September 13, 1856, in "Great Reformation," *Deseret News*, September 24, 1856, page 4, column 2. For more on Grant's role in the Mormon Reformation, see Gene A. Sessions, *Mormon Thunder: A Documentary History of Jedediah Morgan Grant* (Urbana: University of Illinois Press, 1982), 203-242.

Grant's suggestions were, for the most part, simple appeals to religious habits, "holding sacred their covenants, observing cleanliness in their persons and dwellings, setting their families in order, carefully cultivating their farms and gardens, and not to feel so anxious to have more land than they could attend to themselves."¹⁸⁴ Following his fiery morning sermon on September 13, Grant "called upon the people to repent and be baptized for the remission of their sins." The following morning at 7 a.m., the congregation reconvened and 500 saints were rebaptized and reconfirmed into the faith, including the local bishop and his counselors.¹⁸⁵ Building upon these themes, Grant wrote a catechism that was to be shared throughout Utah. On the whole, the catechism reinforced self-explanatory aspects of Mormonism, including questions like "Have you shed innocent blood or assented thereto? Have you committed adultery?," and "Have you stolen?" Beyond these asking about these more significant acts of sin, the catechism also included more mundane questions, such as "Have you lied? . . . Have you labored faithfully for your wages?" It also included more inclusive questions such as "Have you ever picked up anything that did not belong to you and kept it without seeking to find out the owner?" and "Do you wash your bodies once in each week, when circumstances will permit?"¹⁸⁶ Such questions revealed the profundity with which Mormon leaders expected the faith's

¹⁸⁴ Jedediah M. Grant, Remarks, September 21, 1856, in "Remarks," *Deseret News*, October 1, 1856, page 3, columns 1-2.

¹⁸⁵ "Great Reformation," *Deseret News*, September 24, 1856, page 4, columns 1-3.

¹⁸⁶ Gustive O. Larson, "The Mormon Reformation," *Utah Historical Quarterly* 26, no. 1 (January 1958): 53-54; Sessions, *Mormon Thunder*, 220-221; Jedediah M. Grant, Remarks, October 2, 1856, in Samuel W. Richards, ed., *Journal of Discourses: By Brigham Young, President of the Church of Jesus Christ of Latter-day Saints, His Two Counselors, and the Twelve Apostles*, 26 vols. (Liverpool, England: S. W. Richards, 1857), 4:188-189.

doctrine to influence the lives of its membership. Mormonism was to influence even the most mundane aspects of a Latter-day Saint life.

Although unstated in the catechism, it was clear to Mormons that among the principles of Mormonism to which they were to recommit was the principle of polygamy. Two poems published during the era drove this point home. A November 1856 poem written by a woman identified only as Harriet included these lines:

Hearken, O ye Saints of God!
Hear with joy a Prophet's word:
The commandment of our Lord
 Is 'Live your religion.'
Some of God's commands impart
Peace and comfort to our hearts,
But from others we depart
 And spurn our religion.¹⁸⁷

The implication of the last lines was clear: in failing to take plural wives, Mormons were spurning their religion and were thus not living up to the theme that Grant had established for the Mormon Reformation. Importantly, however, the poetess did not include plural marriage among the commandments that "impart peace and comfort to our hearts." For most Latter-day Saint women plural marriage was a Mormon commandment to be endured rather than enjoyed. Male poet Phillip Margetts emphasized the importance of polygamy to the Mormon Reformation even more strongly in the fifth stanza of a poem entitled "The Reformation."

Now, sisters, list to what I say,—
 With trials this world is rife,
You can't expect to miss them all,
 Help husband get a wife!
Now, this advice I freely give,
 If exalted you would be,
Remember that your husband must
 Be blessed with more than thee.

¹⁸⁷ "'Live Your Religion,'" *Deseret News*, November 26, 1856, page 2, column 1.

Then, O, let us say,
God bless the wife that strives
And aids her husband all she can
T' obtain a dozen wives.¹⁸⁸

While both poems emphasized the Mormon Reformation's call for an increased adherence to the faith's polygamous practices, they also highlighted the important gender dynamics of the institution and the differing ways in which men and women saw polygamy.

Despite the reticence of Latter-day Saint women, the Mormon Reformation witnessed a dramatic uptick in the numbers of plural marriages performed in Utah.¹⁸⁹ Mormon David Cazier recalled that during the Mormon Reformation "the doctrine of poligamy ran high and every woman was saught in marriage young and old."¹⁹⁰ Toward the end of the Mormon Reformation in April 1857, with a measure of mixed hyperbole and seriousness, Wilford Woodruff reported that "there is hardly a girl 14 years old in Utah, but what is married, or just going to be."¹⁹¹

For the most part, Young approved of the increased numbers of plural marriages. Just prior to the beginning of the Mormon Reformation, he had pushed back against the rhetoric of the republican party by declaring that it was "not [the] prerogative" of the

¹⁸⁸ "The Reformation," *Deseret News*, November 26, 1856, page 6, column 1.

¹⁸⁹ Kathryn M. Daynes, *More Wives Than One: Transformation of the Mormon Marriage System, 1840-1910* (Urbana: University of Illinois Press, 2001), 117-118; Thomas G. Alexander, *Things in Heaven and Earth: The Life and Times of Wilford Woodruff, a Mormon Prophet* (Salt Lake City, Utah: Signature Books, 1993), 186-187; Laurel Thatcher Ulrich, *A House Full of Females: Plural Marriage and Women's Rights in Early Mormonism, 1835-1870* (New York: Alfred A. Knopf, 2017), 332.

¹⁹⁰ David Cazier, Autobiography, MSS 666, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah (hereafter Special Collections, BYU).

¹⁹¹ Wilford Woodruff to George A. Smith, April 1, 1857, George A. Smith Papers, MS 1322, box 5, folder 13, CHL.

government to “meddle with it.”¹⁹² Then as the reformation began he used the opportunity to remind the Latter-day Saints that plural marriage was a vital part of the Latter-day Saint experience. He told his followers, “there are multitudes of pure and holy spirits waiting to take tabernacles” and it was the duty of the Latter-day Saints to marry and “prepare tabernacles for them.” It was for this reason, Young explained, that “the doctrine of plurality of wives was revealed.”¹⁹³ In response to the teaching, Young’s office was flooded with “applications for permission to take wives.”¹⁹⁴ Observing the events in Salt Lake City, Ellen C. Clawson wrote to a Ellen Pratt McGary in San Bernardino, “the girls dont think of refusing, but take the first one that asks them.”¹⁹⁵ Young himself encouraged the increased numbers, performing many of the marriages himself.¹⁹⁶ While Young approved many of the requests, he rejected some others, stating that the applicants “would not be equally yoked” due to dramatic age differences.¹⁹⁷

While the number of plural marriages increased dramatically in Utah during the Reformation, that same increase did not occur in the Mormon settlements outside the territory. Although many of those settlements participated in the Mormon Reformation’s

¹⁹² Brigham Young, Sermon, August 31, 1856, in Richards, ed., *Journal of Discourses*, 4:40.

¹⁹³ Brigham Young, Sermon, September 21, 1856, in Richards, ed., *Journal of Discourses* 4:56.

¹⁹⁴ Brigham Young, Office Journal, January 14, 1857, Brigham Young Office Papers, CR 1234 1, box 72, folder 3, CHL.

¹⁹⁵ Ellen C. Clawson to Ellen Pratt McGary, February 5, 1857, in S. George Ellsworth, ed., *Dear Ellen: Two Mormon Women and Their Letters* (Salt Lake City, Utah: University of Utah Tanner Trust Fund, 1974), 39.

¹⁹⁶ Woodruff reported to George A. Smith, “President Young has hardly time to eat, drink or sleep, in consequence of marrying the people and attending to the endowments.” Woodruff to Smith, April 1, 1857, CHL.

¹⁹⁷ Wilford Woodruff, Journal, June 14, 1857, in Wilford Woodruff Journals and Papers, MS 1352, box 3, folder 1, CHL.

call for improved devotion to the faith, they did not participate in the rush to solemnize new marriages. Writing from Salt Lake, Clawson revealed her true feelings regarding plural marriage, asking McGary, “I wonder if the reformation has taken as much effect where you are, as it has here in regard to getting more wives. If it has, . . . I might possibly be obliged to send the comforting words of ‘grin and bear it’ to you.”¹⁹⁸ McGary responded, “The reformation has not made any change here in regard to plurality of wives, neither do I think it will very soon, for those who have more than one are threatened pretty strongly by the opposers, so I think you will not have to write me any words of consolation on that point while we stay here, at least.” Fearing that in time her husband would take a plural wife, McGary commented, “I suppose ‘grin and bear it’ or in other words ‘suffer and be strong’ would be all the consolation I should have reason to expect.”¹⁹⁹ Predictably, many of the hasty marriages entered into during this period ended soon thereafter as the couples “divorced in a few months.”²⁰⁰

Violent Reformation

At the end of his September 13, 1856, sermon that began the Mormon Reformation, Grant prayed that “all those who did not feel to do right might have their way opened to leave this people and Territory” with the community rejecting those who did not comply “as heathen men and publicans, and not numbered among the Saints.”²⁰¹ Eight days later, Grant addressed any who felt convicted by such statements, stating, “If

¹⁹⁸ Clawson to McGary, February 5, 1857, in Ellsworth, ed., *Dear Ellen*, 38.

¹⁹⁹ Ellen Pratt McGary to Ellen Spencer Clawson, April 12, 1857, in Ellsworth, ed., *Dear Ellen*, 41.

²⁰⁰ David Cazier, Autobiography, MSS 666, Special Collections, BYU.

²⁰¹ “Great Reformation,” *Deseret News*, September 24, 1856, page 4, column 2.

the arrows of the Almighty ought to be thrown at you we want to do it, and want to make you feel and realize that we mean you.”²⁰² Grant’s statements sent a clear and chilling message to non-Mormons and less-orthodox Latter-day Saints. Utah was for believing and practicing Mormons, and all others were not welcome in the territory. Unless they reformed to meet the community’s standards, they were subject to be ushered out by vigilantism. According to federal surveyor, David A. Burr, such preaching led to daily threats “by the Bishops and other leaders of this people against the lives of all ‘Gentiles,’” the Mormons warning that none would “be permitted to remain in the Territory after the spring opens.”²⁰³

Grant and the other preachers of the Mormon Reformation, however, occasionally taught a doctrine known as blood atonement that was even more chilling than the invitation to leave the valleys. For some Latter-day Saints, who according to Grant were “full of all manner of abominations,” for whom rebaptism would not be sufficient. In Grant’s words, their sins were “of too deep a dye,” and could only be redeemed by having “their blood shed.”²⁰⁴ Young echoed Grant’s words, stating that “there are sins that men commit for which they cannot receive forgiveness in this world, or in that which is to come, and if they had their eyes open to see their true condition, they would be perfectly willing to have their blood spilt upon the group . . . as an offering for their sins.”²⁰⁵ Months later, Young tempered the statement, stating that the day was coming

²⁰² Jedediah M. Grant, Remarks, September 21, 1856, in “Remarks,” *Deseret News*, October 1, 1856, page 3, column 1.

²⁰³ David A. Burr to Thomas A. Hendricks, December 31, 1856, MSS A 1839, Utah State Historical Society, Salt Lake City, Utah (hereafter USHS).

²⁰⁴ Grant, Remarks, September 21, 1856, in “Remarks,” *Deseret News*, October 1, 1856, page 3, column 1.

when the guilty would be “hewn down,” but that if the people would “sin no more, but faithfully live their religion, their sins would be forgiven them without taking life.”²⁰⁶

Young’s later statement makes clear that Mormon leaders had employed such statements as rhetorical devices to encourage spiritual change within the lives of Latter-day Saints.²⁰⁷ Indeed, in some ways, the rhetoric of the reformation was similar to Jonathan Edwards’ fiery sermons during the First Great Awakening, with strong language serving to encourage reformed behaviors. Some Mormons, however, took the rhetoric as license for vigilante violence against non-Mormons and recalcitrant Mormons.²⁰⁸

Both non-Mormons and non-reformed Mormons took note of the dangerous rhetoric and problems created by the Mormon Reformation. Soon after the reformation had begun, federal mail contractor W. M. F. Magraw wrote to U.S. President Franklin Pierce, informing him of the conditions created by the Reformation.²⁰⁹ Magraw stated that there was “no vestige of law and order, no protection for life or property” left in the Utah. He warned that the state of affairs in Utah were destined to “result in indiscriminate bloodshed, robbery and rapine,” leaving the territory desolate. Magraw’s letter was a call to action on behalf of the American citizens of Utah who were “patiently awaiting the correction of outrage” by the government.²¹⁰ While no response is extant, Magraw’s letter

²⁰⁵ Brigham Young, Sermon, September 21, 1856, in Richards, ed., *Journal of Discourses*, 4:53.

²⁰⁶ Brigham Young, Sermon, February 8, 1857, in Richards, ed., *Journal of Discourses*, 4:219.

²⁰⁷ Peterson, “The Mormon Reformation of 1856-1857, 59-87.

²⁰⁸ Ardis E. Parshall, “‘Pursue, Retake & Punish’: The 1857 Santa Clara Ambush,” *Utah Historical Quarterly* 73, no. 1 (Winter 2005): 64-86.

²⁰⁹ William P. MacKinnon, “The Buchanan Spoils System and the Utah Expedition: Careers of W. M. F. Magraw and John M. Hockaday,” *Utah Historical Quarterly*, 31, no. 2 (Spring 1963): 127-150.

evidently left a strong impression on the minds of America's governing officials. Despite being addressed to Pierce, copies of the letter found their way into the papers of James Buchanan, the U.S. Department of State, and ultimately the 1858 report of the executive branch to the House Committee on Territories concerning the Utah War.²¹¹

Such threats gained even greater significance when the law offices of Associate Justice George P. Stiles and lawyer Thomas S. Williams were "broken open" and the contents thereof stolen and presumably burned in a privy in late December 1856. Unappalled by the event, Mormon Hosea Stout wrote in his diary, "Sic transit Lex no Scripti" or "Thus passeth away the unwritten law."²¹² Two days later, David A. Burr described the incident to a friend, explaining, "we think the object is to break up the US Courts if possible and to drive the US Officers out of the Territory."²¹³ Accordingly, non-Mormons saw the event as an unveiled attack upon the sovereignty of the federal government. Rather than Stiles's position as a federal judge, however, the attack on the Stiles and Williams office likely had more to do with the two being unreformed Mormons.

Early during the Mormon Reformation, Stiles mirrored many of his fellow Mormons. Although admitting that "he was not naturally religious" and others were

²¹⁰ W. M. F. Magraw to Franklin Pierce, October 3, 1856, U. S. Department of State, Miscellaneous Letters of the Department of State, 1789-1906, NARA RG 59 2, M179 (hereafter Misc. Letters).

²¹¹ W. M. F. Magraw to Franklin Pierce, October 3, 1856, Misc. Letters, NARA; James Buchanan, Reports from the Secretaries of State, of War, of the Interior, and of the Attorney General, Relative to the Military Expedition Ordered into the Territory of Utah, 35th Cong., 1st sess., House Executive Document 71, 2-3 (Washington, D.C., 1858).

²¹² Hosea Stout, Diary, December 30, 1856, in Juanita Brooks, ed., *On the Mormon Frontier: The Diary of Hosea Stout, Volume Two, 1848-1861* (repr. 1964; Salt Lake City: University of Utah Press, 1982), 2:613.

²¹³ Burr to Hendricks, December 31, 1856, USHS.

“more Religiously & devoutly inclined than himself” Stiles declared that “he was on hand to respond to the counsel of those in authority.” He further claimed that “he had invariably endeavoured . . . to rebuke any that spoke against the work in his presence.”²¹⁴ On another occasion prior to the reformation, he had spoken about his judgeship, stating that he “car[ed] but little for its advantage apart from his religion.”²¹⁵

In mid-December 1856, however, circumstances altered dramatically. On December 21, in a Sunday meeting, Young’s counselor Heber C. Kimball warned that there were “men now sitting close by this Stand” who were “as wicked as hell, who associate with apostates, with whore masters and with whores and gamblers” who would destroy the Latter-day Saints “if they had the power.” Kimball specifically identified the Seventies, an ecclesiastical body of Mormon leaders, as having this kind of men in their midst. He directed the leadership of the Seventies to “rise up and trim [their] quorums” or be “trimmed off” themselves.²¹⁶ Pursuant to Kimball’s instructions, the following day the leaders seventies took action during a meeting of their group. As a seventy, Stiles attended the meeting and heard Mormon leader Albert P. Rockwood announced that some in the body were “guilty of atrocious crimes.” Rockwood then named Stiles as one of those he referred to, stating that he had credible information that Stiles was “guilty of adultery.” Hearing the charge, Stiles immediately denied the charges and, recognizing the similarities of the proceedings to Kimball’s sermon, stated that he “did not wish to have it

²¹⁴ Eighth Quorum of Seventy, Minutes, November 30, 1856, Seventies Quorum Records, CR 499, reel 24, CHL.

²¹⁵ Eighth Quorum of Seventy, Minutes, 3 February 1856, Seventies Quorum Records, CR 499, reel 24, CHL.

²¹⁶ Heber C. Kimball, Sermon, December 21, 1856, in “Sermon,” *Deseret News*, December 31, 1856, page 4, column 1.

intimated to him” that he was among those of whom Kimball had spoken. Contradicting Stiles, a variety of witnesses testified that he had had sexual relations with a number of women and had “been caught in the very act.” Following the deliberations, the assembled leaders formally excommunicated Stiles from the faith.²¹⁷

The excommunications did not stop with Stiles. During that same meeting, apostle Orson Hyde had asked those assembled, “Shall we cut off Adulterers and save the Adulteress?” The question was met with cries of “No!” to which Hyde responded that he believed “the Adulteress should not escape,” but should likewise “be severed from the church” s that “Adulterers and Adulteresses [could] go to hell together.”²¹⁸ Three days later, Mary Collins of the Salt Lake Fifteenth Ward was brought before the ward leadership and asked if she was guilty of adultery. Ward records indicate that “she confessed that Judge Stiles had lived with her as a husband,” following which she was excommunicated.²¹⁹ Other women were likewise excommunicated between December 22 and December 29, the matter being reported at the next meeting of the seventies.²²⁰ Although the minutes for December 29 do not indicate any suggestions regarding Stiles’s office, that night a mob ransacked his law offices, stealing books and papers, some of which were then thrown into a nearby privy and burned.

²¹⁷ Minutes, December 22, 1856, First Council of Seventy Records, CR 3 51, box 2, folder 9, CHL.

²¹⁸ Minutes, December 22, 1856, First Council of Seventy Records, CR 3 51, box 2, folder 9, CHL.

²¹⁹ Salt Lake Fifteenth Ward, Minutes, December 25, 1856, Salt Lake Fifteenth Ward Record of Members and Minutes of Meetings, Film 26675, LDS Church Family History Library, Salt Lake City, Utah.

²²⁰ Minutes, December 29, 1856, First Council of Seventy Records, CR 3 51, box 2, folder 9, CHL.

The following Spring, Stiles followed the example of his fellow associate justices and left Utah, citing the destruction of the law volumes and papers as his reason. In reporting the ransacking of his office to the government, Stiles opted to describe the event as an attack on a federal officer, omitting any reference to his former faith. Although ultimately admitting that his parents had become “infatuated with the religion of [Utah]” early in the days of Mormonism, Stiles never admitted his own membership, and stated that he mourned that his parents, “together with so many others, [were] duped, led, and lulled into carnal security by the syren [sic] song of the arch-deceiver, Brigham Young.”²²¹ Explaining his unexcused absence from his federal post, Stiles wrote that “the conduct of the Governor and church authorities had been such as to make it too apparent that the officers of the U.S. Government could not remain there in security.” A victim of the reformation’s vigilantism, his accusations matched those of Magraw and others. “An important crisis,” he wrote, “has arrived in the affairs of the Territory of Utah, which will require prompt and energetic action upon the part of the Government. Having early pledged allegiance to his Mormon leaders, following his experiences in the Mormon Reformation, Stiles sharply condemned Brigham Young, stating that he had “set at defiance the United States authorities . . . and has permitted crimes of the deepest dye to be committed, in many instances committed at his own instigation.”²²² When news of the

²²¹ George P. Stiles to Jeremiah S. Black, February 26, 1858, Records Relating to the Appointment of Federal Judges, Attorneys, and Marshalls for the Territory and State of Utah, RG 60, reel 1, NARA. Despite his efforts to downplay his former religious identification with the Mormons, government officials were well aware of the Stiles’s Mormonism. See: John F. Kinney to Jeremiah S. Black, March 20, 1857, in William P. MacKinnon, *At Sword’s Point, Part 1: A Documentary History of the Utah War to 1858* (Norman, Oklahoma: Arthur H. Clark Company, 2008), 109.

²²² George P. Stiles to Jeremiah S. Black, June 22, 1857, Records Relating to the Appointment of Federal Judges, Attorneys, and Marshalls for the Territory and State of Utah, RG 60, reel 1, NARA.

Stiles affair reached Washington D.C. the following year, it furthered the growing motivation among American politicians to take action in Utah.

Publicizing the Mormon Rebellion

As the Mormon Reformation moved forward and raised additional questions regarding Mormon loyalty, W. W. Drummond renewed his campaign against Brigham Young's governorship of Utah. Beginning in the late fall, he began writing letters critical letters about Mormonism that were published in various California newspapers. His first of the letters touched on the nature of the boundary line between California and Utah, a discussion that had taken on added significance among Californians in late 1856.²²³ On November 18, Drummond addressed a letter to California's representatives in Congress regarding the contested boundary between California and Utah. The letter was subsequently published in the San Francisco Herald and the Sacramento Daily Union. He stated that the Mormons believed that the whole region pertained to Utah, and that even he had operated under that assumption when he had held court in Genoa during the previous summer. Since leaving Utah, however, he had come to see the region as a part of California and urged the matter to be settled. Although declining to give a detailed explanation of the reasons why California should claim the valley, the letter made clear that his feelings toward Mormonism lay at the root of the change. Drummond hoped that California would subsume Carson Valley, and accordingly keep the region's tax dollars out of the hands of Brigham Young and the Utah State legislature. Although the letter's references to Mormonism were limited and mild, he implied that Mormons had usurped the political control and tax dollars of the contested region. The letter thus contributed to

²²³ "El Dorado County," *Sacramento Daily Union*, October 20, 1856, page 1, columns 4-6; Surveyor's Report, Placer County," *Sacramento Daily Union*, December 10, 1856, page 1, columns 4-6.

the growing opinion that Utah was a lawless territory that threatened the United States with its rebellion.²²⁴ In Drummond's mind, the Utah problem required government solutions.

In writing these initial letters, he used the penname *Amicus Curiae*, a Latin term meaning "friend of the court," that underscored his declared commitment to law and order. In a November 1856 letter to San Francisco's *Daily Herald* Drummond provided a detailed list of the polygamous practices of each member of Utah's territorial legislature. Within days of its publication, other California newspapers picked the story up quickly and began republishing it.²²⁵ By early January, portions of the article began to appear in papers throughout the eastern states.²²⁶ Similarly, a printed version of Drummond's charge to the Carson Valley grand jury began to appear in eastern newspapers.²²⁷ Drummond had evidently begun sending copies of the charge to eastern newspapers in the hopes that they would publish it, raising public outrage against Utah and the Mormons.²²⁸

²²⁴ "Carson Valley and the State Boundary," *Sacramento Daily Union*, November 22, 1856, page 4, column 1.

²²⁵ "Matrimony in Mormondom," *Daily Evening Bulletin* (San Francisco, California), November 24, 1856, page 3, column 3; "Matrimony Among the Mormons," *Marysville Daily Herald* (Marysville, California), November 26, 1856, page 3, column 1.

²²⁶ "Polygamy in Utah," *Lowell Daily Citizen and News* (Lowell, Massachusetts), January 2, 1857, page 2, column 2; "Polygamy in Utah," *Daily Chronicle & Sentinel* (Augusta, Georgia), January 2, 1857, page 2, column 2; "The 'Other' Peculiar Institutions," *Daily Chronicle & Sentinel* (Augusta, Georgia), January 9, 1857, page 2, column 2; "Judge Drummond and the Mormons," *Newark Advocate* (Newark, Ohio), January 14, 1857, page 1, columns 1-2.

²²⁷ "From Utah," *Daily Union* (Pittsburgh, Pennsylvania), December 20, 1856, page 2, column 2; "Extraordinary News from Utah," *North American and United States Gazette* (Philadelphia, Pennsylvania), December 16, 1856, page 1, column 5; "Polygamy Attacked in Utah," *Ripley Bee* (Ripley, Ohio), December 27, 1856, page 3, column 1; "Judicial Charge Against Polygamy in Utah," *The Weekly Herald* (New York, New York), January 3, 1857, page 2, column 6.

²²⁸ "Judge Drummond and the Mormons," *Newark Advocate* (Newark, Ohio), January 14, 1857, page 1, columns 1-2.

It was an opportune moment for Drummond to begin such efforts. The rhetoric of “twin relics of barbarism” had raised the national concern about Mormons to a fever pitch. In the midst of all this, the Mormon Reformation had provided a significant number of new evidences that the nation had a cause to be concerned about Utah, culminating with an attack upon the offices of a federal judge. In spite of the larger national issues that would eventually reach a boiling point, erupting into Civil War, by the end of 1856 the nation had become convinced that Utah had become a problem that could not be ignored.

Conclusion

Between 1848 and 1856, the circumstances in Utah had fostered a significant distrust between Utah and federal government. Although Mormonism had been a problem prior to their exodus from Illinois, the 1851 report of the runaway officials and the faith’s formal acknowledgment of polygamy in September 1852 had revealed the significant depth of that problem. Conversely, the runaway crisis had deepened the already strong Mormon suspicions regarding the U.S. government. Between 1853 and 1855, those issues only deepened amidst efforts to replace Brigham Young as Utah’s governor.

While the period from 1848 to 1855 demonstrated the growing difficulties, the events of 1856 set into motion a duel between Mormonism and the federal government that would last until 1890 and the official Mormon renunciation of polygamy. The emergent Republican Party’s national platform began to turn anti-polygamy into a national policy, while the Mormon Reformation afforded the country with numerous examples of the importance of enacting such policies.

Over the course of the next thirty-four years, the federal government would enact policies in Utah on a variety of different fronts, including, among others, policies of force, economics, education, and legislation. Each of these policies was intended to effect reconstructive and reformative change in the territory, with the principle purposes being the extermination of polygamy and the undermining of the church's political influence in Utah. Viewed from close range, it was a battle of contested sovereignty. But it also illustrated the larger battle to define the regulations and confines of Americanism citizenship during the latter half of the nineteenth century.

CHAPTER 2

“THE LAWS MUST BE ENFORCED”: MILITARY RECONSTRUCTION IN UTAH, 1857-1858

During the latter part of July in 1857, nearly the whole Mormon community in the Salt Lake Valley retired to the nearby Little Cottonwood Canyon for a celebration commemorating the tenth anniversary of the group’s arrival in the Great Basin. Over 2500 people attended the event, which was marked by “music, singing, praying, [and] addresses.”¹ Coming on the heels of a harsh winter and a period of intense religious reformation, the anniversary was meant to serve as something of a recreational escape and triumphal commemoration for the community. On the evening of the twenty-third, Brigham Young spoke to the camp, extolling the virtues of areas isolated mountain valleys and “the mercies of God to this people in delivering them from the power of their enemies.”² Although the celebratory events proved to be successful and “every body seemed happy,” Young’s short discourse served as a potent reminder of the abrasive and potentially explosive nature of Utah’s relationship with the United States.³ Young’s combative term “enemies” not only referred to the mobs that had driven the community from Missouri and Illinois, but also encapsulated the Latter-day Saint feelings toward the

¹ Hosea Stout, diary, July 23, 1857, in *On the Mormon Frontier: The Diary of Hosea Stout, 1844-1889*, ed. Juanita Brooks, 2 vols. (1964; repr., Salt Lake City: University of Utah Press, 2009), 2:633-34; Wilford Woodruff, diary, July 24, 1857, in *Wilford Woodruff’s Journal*, ed. Scott G. Kenney, 9 vols. (Midvale, Utah: Signature Books, 1985), 5:69.

² “The 24th of July in the Tops of the Mountains,” *Deseret News*, July 29, 1857.

³ Stout, diary, July 24, 1857, in *On the Mormon Frontier*, 2:634.

numerous federal judges and other officials that they had driven from Utah throughout the 1850s.

The enthusiasm of this anniversary and the feeling that the group had been divinely delivered from their American enemies, however, were destined to be short-lived expressions of optimism. Following a morning of “hilarity and mirth” and continued optimism, Abraham O. Smoot, Judson Stoddard, Porter Rockwell, and Elias Smith rode into the camp around noon amidst music by the band and “deaf[e]ning cheers.” In a private tent, the four men privately informed Young and other leaders that U.S. President James Buchanan had appointed a new governor and a number of new federal judges for Utah.⁴ Given the long-stated determination of the Mormon community for Young to retain his position as governor and to be governed by “officers of [their] own nomination,” this news came as a significant disappointment to the assembled leaders.⁵

Even more problematic than the news of new territorial officials, however, was the revelation that a detachment of 2500 troops under the command of General William S. Harney would accompany those officials to Utah. Prior experiences with militias and the military had convinced Mormons that they could not trust the army. Further, a rash of increasingly inflammatory newspaper articles and the recent murder of Mormon Apostle Parley Pratt convinced the community that the “feeling of Mobocracy [was] rife”

⁴ Woodruff, diary, July 24, 1857, in *Wilford Woodruff's Journal*, 5:69; Brigham Young, diary, July 24, 1857, in Everett L. Cooley, ed., *Diary of Brigham Young, 1857* (Salt Lake City, Utah: Tanner Trust Fund, 1980), 49.

⁵ John D. Lee, diary, December 9, 1848, in Robert Glass Cleland and Juanita Brooks, eds., *A Mormon Chronicle: The Diaries of John D. Lee, 1848-1876*, 2 vols. (San Marino, California: Henry E. Huntington Library and Art Gallery, 2003), 1:80.

throughout the country and it was directed towards the Mormon community.⁶ The news of an approaching military force seemed to make “the intention of [the] gover[n]ment,” with regard to Utah, quite clear to Young, whose response was immediate. The governor and other officers would be “well treated” if they “wished to come and would behave themselves properly.” But Young was adamant that the army was not to enter the Valley under any circumstances. Indeed, he vowed that “if Harney crossed the South Pass the buz[z]ards Should pick his bones.” Rather than taking time to consider a variety of responses to the approaching threat, Young immediately proposed an armed resistance in the canyons that line the route to Utah. Importantly, Young received unanimous support from his subordinate leaders gathered in that meeting.⁷ Falling in line with their ecclesiastical leaders, the entire Mormon community went on high military alert and began making preparations for a winter campaign against the U.S. Army, which Brigham Young designated as “a hostile force” that was “attempting to accomplish [their] overthrow and destruction.”⁸

Such immediate support evidenced the dynamism of Young’s power within the community, the widespread distrust that Mormons held toward the federal government, and the community’s willingness to defend their territorial solidarity with arms. In many

⁶ Terry L. Givens and Matthew J. Grow, *Parley P. Pratt: The Apostle Paul of Mormonism* (New York: Oxford University Press, 2011), 366-391.

⁷ Young, diary, July 24, 1857, in Cooley, ed., *Diary of Brigham Young*, 49; Woodruff, diary, July 24, 1857, in *Wilford Woodruff’s Journal*, 5:69.

⁸ Andrew Jackson Allen, journal, August 15, 1857, LDS Church History Library, Salt Lake City, Utah (hereafter cited as CHL); John Bennion, diary, August 17, 1857, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah (hereafter cited as Perry Special Collections); Brigham Young, “Proclamation of Governor Young,” in LeRoy R. Hafen and Ann W. Hafen, eds., *Mormon Resistance: A Documentary Account of the Utah Expedition, 1857-1858* (1958; repr., Lincoln: University of Nebraska Press, 2005), 63.

regards, it was the unquestioned support of Young's subordinates that created the trepidation that most Americans of the mid-1850s felt toward the Mormon community and precipitated the conflict commonly known as the "Utah War." The Republican Party had used the election of 1856 to stoke the fires of the nation's moral concerns about polygamy; however, fears about a Mormon theocracy, the power of Brigham Young, and Mormon militarism and violence were the primary concerns that precipitated the Utah War. For many Americans, such issues provided clear evidence that Mormonism was an anti-democratic faith that, left unchecked, would undermine the virtues of the American republic. The concerns about Mormon militarism, in particular, seemed to necessitate a show of force in efforts to reconstruct Utah territory and rid it of theocratic rule.

Although the Utah War was a short-lived conflict involving no major battles and ended peacefully with a treaty brokered by federal peace commissioners, it is nevertheless an important event in understanding the history of the American West and the reconstruction efforts in Utah.⁹ After several years of taking a soft "middle ground" approach to Utah, in 1857 and 1858, the federal government asserted its sovereignty in the territory, beginning a process of reconstructive change.¹⁰ Taking a much stronger

⁹ Although the Utah War contained no major battles, its connection to the Mountain Meadows Massacre and the murder of more than 120 emigrants from Arkansas and Missouri precludes any notion that the war was bloodless. Although the massacre was not formally a part of the Utah War, it is impossible to comprehend the event outside of the context of the Utah War and its militaristic and violent rhetoric. The principal histories of the massacre are Juanita Brooks, *The Mountain Meadows Massacre*, 2d ed. (Norman: University of Oklahoma Press, 1962); Will Bagley, *Blood of the Prophets: Brigham Young and the Massacre at Mountain Meadows* (Norman: University of Oklahoma Press, 2002); Ronald W. Walker, Richard E. Turley, Jr., and Glen M. Leonard, *Massacre at Mountain Meadows* (New York: Oxford University Press, 2008). While the authors debate the extent to which the Massacre can be considered a military engagement of the Utah War, they all place the event squarely within the broader context of the Utah War.

¹⁰ Historian Brent Rogers similarly suggests that the Utah War was part of a concerted effort to assert federal sovereignty in Utah. Brent M. Rogers, *Unpopular Sovereignty: Mormons and the Federal Management of Early Utah Territory* (Lincoln: University of Nebraska Press, 2017), 182.

position than he would hold to in the late months of 1860 and early 1861, Buchanan unequivocally demonstrated the limitations of local power and the relationship of the territories to the federal government.¹¹ Despite Buchanan's attempts protect the doctrine of popular sovereignty by distancing the Utah War from any federal reproach of polygamy, the episode could hardly evade being connected to Utah's peculiar institution. Accordingly, the event demonstrated that the Western territories were not "perfectly free to form and regulate their domestic institutions in their own way," as the Nebraska-Kansas Act had suggested in 1854.¹² Accordingly, although Buchanan and the Democrats believed implicitly in popular sovereignty, his efforts in Utah helped to define the limits of popular sovereignty and to establish the boundaries upon which the full rights of Americanism were to be made available to the citizenry.

Although Young and the Mormons were ultimately pardoned for the armed resistance to federal authority, Utah was never the same after the summer of 1858. Contrary to the early 1850s which had seen Young hold both the post of church president and territorial governor, following the Utah War, Mormons were compelled to accept federal sovereignty in the form a non-Mormon governor and a permanent encampment of federal troops some fifty miles southwest of Salt Lake City, perpetually poised to enforce obedience to federal law. While the Utah War failed to institute the wholesale changes to Mormonism that many Americans hoped for, it provided a basis upon which further reconstructive actions would be taken during and after the Civil War. The successes of

¹¹ For a discussion of James Buchanan's later role during the Secession Crisis, see: John Quist and Michael J. Birkner, eds., *James Buchanan and the Coming of the Civil War* (Gainesville: University of Florida Press, 2014).

¹² "An Act to Organize the Territories of Nebraska and Kansas," May 30, 1854, *U.S. Statutes at Large* 10 (1855): 283.

the Utah War further affirmed that the Mormon responses to further assertions of federal sovereignty and future reconstructive actions were more often met with sermons, petitions, and benign programs rather than with armed resistance. Accordingly, the Utah War transformed both the government interactions with the Mormons and the Mormon responses.

The Utah War thus demonstrated the power of force in both the assertion of federal sovereignty and in the furtherance of reconstructive and assimilative processes. Although Buchanan's foremost concerns were in the territory seem to have centered on matters other than polygamy, the Utah War provided the nation with a fertile opportunity to begin a long crusade against the practice that would last through 1890. While Mormons would remain unassimilated for several more decades, the Utah War reinforced nineteenth century concepts of American citizenship and of the need for religious minorities to conform to those ideas.

The Tumultuous Year of 1857

It is impossible to separate the decisions and events that precipitated the Utah War from the larger national contexts of 1857. As historian Kenneth Stampp has ably demonstrated, 1857 was a year of immense political turmoil. Surveying the events of the year, Stampp argues that "1857 was probably the year when the North and South reached the political point of no return—when it became well nigh impossible to head off a violent resolution of the differences between them."¹³ On March 4, James Buchanan was inaugurated as the nation's fifteenth president. Two days later, Roger B. Taney's U.S. Supreme Court delivered one of the most shocking and influential decisions in American

¹³ Kenneth M. Stampp, *America in 1857: A Nation on the Brink* (New York: Oxford University Press, 1990), viii.

history in *Dred Scott v. Sandford*. A “breathtaking example of judicial activism,” the Dred Scott decision gave national sanction to the idea that slaves were the private property of their owners, and could therefore be transported to any location throughout the United States—effectively annulling the anti-slavery laws of the non-slaveholding states.¹⁴ Accordingly, the Dred Scott decision built upon the inroads established by the Nebraska-Kansas Act, in providing the possibility of the extension of slavery not only throughout the Western territories, but throughout the Northern States.¹⁵ Coming immediately after the presidential inauguration, the decision threw the nation and Buchanan’s presidency into immediate chaos from which it never recovered.¹⁶

Contemporaneous with the Dred Scott decision, the Buchanan administration grappled with the increasingly violent struggle over the issues created by popular sovereignty in Kansas. How Buchanan handled the situation in Kansas was critical to the future hopes of the Democrats in national elections.¹⁷ Kansas created special problems for Buchanan and the Democrats as it took the divisive national issue of slavery and made it into a party question. During the election, Buchanan had promised northern voters that the principles of popular sovereignty would ensure that Kansas would come

¹⁴ Stampp, *America in 1857*, 93-96. William Freehling argues against the traditional interpretation of the ruling, stating that the judges actually “sought to save the Union from sectional storms, partly in hopes that pacified slaveholders might incrementally reform and perhaps end absolute power.” Evidencing his supposition, he notes that the majority of the judges remained loyal to the Union throughout the Civil War. William W. Freehling, *The Road to Disunion, Volume II: Secessionists Triumphant* (New York: Oxford University Press, 2007), 109.

¹⁵ Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (repr. 1970; New York: Oxford University Press, 1995), 97.

¹⁶ William Freehling suggests that the decision may have been at least partially Buchanan’s own fault, as he secretly “urged the judges to eliminate the issue that could destroy his administration” two weeks prior to the inauguration. Freehling, *The Road to Disunion, Volume II*, 109.

¹⁷ Stampp, *America in 1857*, 48-49.

into the Union as a free state.¹⁸ Following his election, however, Buchanan was compelled to deal with the complexities of the Kansas question and the various party constituencies. Debates over the leadership and proposed state constitutions plagued Buchanan. During the summer of 1857, the Kansas problems reached a boiling point when, in an effort to appease pro-slavery southerners, territorial governor Robert J. Walker called on the U.S. army that Buchanan had sent to the region to act as a posse comitatus to quell a rebellion by anti-slavery northerners. Making matters worse for himself, Buchanan contradicted his own belief in the importance of popular sovereignty and argued that on the basis of the Dred Scott decision, slavery had always been legal in Kansas.¹⁹

Together the Dred Scott decision and the Kansas affair helped to escalate the national preoccupation with slavery and cemented Buchanan, in the minds of many northerners, as an unabashed supporter of slavery. During the late summer and early fall of 1857, one more crisis struck the nation, as a financial panic created widespread chaos throughout the financial markets.²⁰ Together, these three crises created an impossible situation for the nation, as a whole, and the Buchanan administration in particular. It was in this setting of political chaos and crisis that the Utah problems came to a head. Whereas the questions regarding slavery and the economy seemed to be problems without forthcoming solutions, most Americans believed that there were simple and

¹⁸ Stampp, *America in 1857*, 121.

¹⁹ Stampp, *America in 1857*, 180-181; James A. Rawley, *Race and Politics: "Bleeding Kansas" and the Coming of the Civil War* (Lincoln: University of Nebraska Press, 1969), 227; Eric Foner, *The Fiery Trial: Abraham Lincoln and American Slavery* (New York: W. W. Norton and Company, 2010), 98.

²⁰ Stampp, *America in 1857*, 213-238. For additional information regarding the Panic of 1857, see: James L. Huston, *The Panic of 1857 and the Coming of the Civil War* (Baton Rouge: Louisiana State University Press, 1999).

ready solutions to issues in Utah. Those solutions invariable included the might of the U.S. Army.

Growing Concerns About Mormonism

The firestorm that had started with the Republican denunciation of polygamy as one of the “twin relics of barbarism” continued to grow into a national call for change in the territory. The complaints about Utah and the Mormons further increased when associate justice William W. Drummond of the Utah Territorial Supreme Court had used his court in Carson Valley to issue a public denunciation of Mormonism and polygamy. Soon after making his statement, Drummond had gone to California where he began publishing and speaking against the Mormons.²¹ By late December 1856, Drummond’s statement against polygamy began to appear in newspapers in the eastern states. The widespread publication of the statement evidenced the growing public sentiment against polygamy.²² Several papers commended Drummond’s “firmness, decision, and honesty in the performance of his duty,” while Philadelphia’s *North American Advertiser and United States Gazette* praised Drummond for being “the first judge who has ever undertaken to recommend” that U.S. laws be enforced in Utah.²³ Response to the charge

²¹ For additional information on the Drummond’s efforts in Utah during 1855 and 1856, see Chapter 1.

²² “Extraordinary News from Utah,” *Daily Dispatch* (Richmond, Virginia), December 19, 1856, page 1, column 3; “From Utah,” *Daily Union* (Pittsburgh, Pennsylvania), December 20, 1856, page 2, column 2; “From Utah,” *Belmont Chronicle* (St. Clairsville, Ohio), December 25, 1856, page 2, column 6; “Polygamy in Utah,” *Orleans Independent Standard* (Irasburgh, Vermont), December 26, 1856, page 2, column 5; “Judicial Charge Against Polygamy in Utah,” *The Weekly Herald* (New York), January 3, 1857, page 2, column 6; “Judicial War Against Polygamy,” *Nashville Union and American*, January 4, 1857, page 2, column 3.

²³ “Judge Drummond and the Mormons,” *Weekly North Carolina Standard* (Raleigh, North Carolina), January 7, 1857, page 2, column 4; “Judge Drummond and the Mormons,” *Newark Advocate* (Newark, Ohio), January 14, 1857, page 1, column 1; “Judge Drummond and the Mormons,” *The Carolina Spartan* (Spartanburg, South Carolina), January 15, 1857, page 1, column 2; “Carson Valley,” *North*

was not limited to the newspapers. In mid-January 1857, Bernhisel reported to Young that the charge had “provoked a good deal of remark, and revived much prejudice,” including in Bernhisel’s interactions with the members of Congress.²⁴ Both the members of Congress and the American public were clamoring for Utah to be brought into greater compliance with the national laws and statutes.

On January 18, while still in California, Drummond wrote to Steven A. Douglas. Largely an appeal for political favors, Drummond explained that he was an “ardent admirer” of the senator and that he had left his appointed position in Utah to campaign for Douglas-friendly candidates in California in anticipation of the Senator’s impending presidential campaign in 1860. Closing the letter, Drummond explained that he intended to return home to Illinois in February or March and that he wanted “nothing unless you make me Gov. of Utah instead of B. Young.”²⁵ Emblematic of Washington’s spoils system, Drummond was attempting to parlay relationship with Douglas into a more significant political position, and a new federal policy for Utah. The offer was intriguing, as Douglas had maintained a long relationship with the Latter-day Saint community, dating back to the early 1840s and Joseph Smith.²⁶ Furthermore, the Senator had maintained a close relationship with Brigham Young since the removal of the removal of

American Advertiser and United States Gazette (Philadelphia, Pennsylvania), January 6, 1857, page 2, column 2.

²⁴ John M. Bernhisel to Brigham Young, January 17, 1857, Brigham Young Office Files, box 61, folder 1, CHL.

²⁵ W. W. Drummond to Stephen A. Douglas, January 18, 1857, Stephen A. Douglas Papers, box 5, folder 14, Special Collections Research Library, University of Chicago Library, University of Chicago, Chicago, Illinois (hereafter, University of Chicago).

²⁶ An early Mormon periodical had praised Douglas, stating that “no man stands more deservedly high in the public estimation, as an able and profound jurist, politician, and statesman.” “Nauvoo Legion,” *Times and Seasons*, May 15, 1841, 2:417.

the Latter-day Saints to Utah.²⁷ But in the aftermath of the 1856 Republican platform and the growing “deep settled prejudice against Utah” in the East, January 1857 found a Douglas who was beginning to distance himself from his old Mormon friends.²⁸ Although it is unclear to what extent Drummond played a role in that change, it is likely that his dim appraisal of Mormonism, together with the political toxicity of Mormonism in 1857, contributed to Douglas’s rapidly changing perceptions of the Great Basin community.

Near the end of February, Drummond wrote a more public letter to the *San Francisco Herald* discussing the state of affairs in Utah. In the letter, he charged the Mormons with having stolen and burned the “books, records and other things belonging to the office of the Clerk of the Supreme Court” during 1856. The accusations corresponded with the similar accusations made his fellow associate justice, George W. Stiles.²⁹ Concluding the short letter, Drummond compared circumstances in Utah to the much larger national issue in Kansas. Hoping to raise even greater national ire towards Utah, Drummond surmised, “I very much doubt . . . whether an outrage of that character was ever thought of in ‘bleeding Kansas.’” He then asked for the letter to be published, so that the public could know “the whole history of that infamous insult.”³⁰ As Drummond had hoped, the *San Francisco Herald* published the letter, facilitating its wider

²⁷ In an 1854 letter, Young referred to Douglas as “Friend Douglas.” Brigham Young to Stephen A. Douglas, April 29, 1854, Brigham Young Office Files, CR 1234 1 box 2, volume 1, page 517, CHL.

²⁸ John Taylor to Brigham Young, December 20, 1856, Brigham Young Office Files, box 43, folder 5, CHL.

²⁹ Bagley, *Blood of the Prophets*, 76.

³⁰ W. W. Drummond to *San Francisco Herald*, February 25, 1857, in “Mormon Abuses,” *New York Herald*, March 29, 1857, page 2, column 4.

publication throughout the United States, with it appearing in the *New York Herald* little more than two months later. In even his private letters, Drummond wrote with a view to publication, sending copies to various national newspapers during the early months of 1857. Presumably to facilitate a wider audience for his accusations, Drummond left California sometime after February 25, travelling by boat to Panama and from thence to New Orleans, where he arrived around March 17.³¹ Upon arriving in New Orleans, Drummond again began writing letters about the Mormons to both government officials and newspapers.

Two weeks before Drummond's arrival in New Orleans, James Buchanan was officially inaugurated as president. Anxious to calm the growing troubles related to Utah, Bernhisel met with Buchanan five days after the inauguration. Although often pessimistic in his assessment of circumstances, Bernhisel reported to Young that he believed Buchanan to be "free of prejudice" and largely disinterested in eliminating the practice of polygamy. He had found the exchange to be as "pleasant" and "as satisfactory as could be expected."³² But while this initial meeting was positive, Buchanan had also indicated that he had not yet made any substantive decisions about a Utah policy. Indeed, as the interview had occurred only a short time after the inauguration and just three days after the Dred Scott decision, it is highly unlikely that Buchanan had given more than a passing thought to Utah.

Much of the visit centered around a discussion of the territory's federal officials, and especially concerning Young's position as the governor of the territory. Bernhisel

³¹ "Later from Nicaragua," *New Orleans Daily Crescent*, March 28, 1857, page 5, column 6.

³² John M. Bernhisel to Brigham Young, March 17, 1857, Brigham Young Office Files, CHL

forthrightly explained the hopes of Utah's Mormon citizenry that Young would be reappointed as governor, or at least that he be allowed to continue in the position with no replacement being appointed in his stead. Given their history with non-Mormon federal governors in Missouri and Illinois, and non-Mormon judges in Utah, Mormons were particularly anxious for Young to be retained.³³ Deflecting the immediacy of Bernhisel's requests, Buchanan instructed him to submit a written request to the appropriate federal department, where it could be duly considered. Despite his diplomacy, the request evidently troubled Buchanan, who knew that if he sent Young's name to the Senate he "would raise a storm." Buchanan accordingly asked Bernhisel if there was any other governor that would be equally acceptable to the Mormon populace. Bernhisel replied that Young held the "the entire confidence of the people" and accordingly "there was no other man living that would be as acceptable" for the post. In giving the answer, he likely assumed that this was merely a simple affirmation of the desires of Utah's Mormon populace. Indeed, following what he had seen as a "satisfactory" interview, Bernhisel followed Buchanan's instructions and submitted a "lengthy communication" to the Department of State asking for Young's reappointment.³⁴ But Bernhisel's response left Buchanan wary of the Mormon population, and had unwittingly convinced him of the arguments that the Mormons were in a state of rebellion, being more loyal to Young than to the federal government. If Buchanan had not thought much about a Utah policy prior to the meeting, he likely began contemplating one after speaking with Bernhisel.

³³ Hyde, *Empires, Nations, and Families*, 362-367; "Volume 6 Introduction," in Mark Ashurst-McGee, et al., eds., *Documents Volume 6: February 1838-August 1839*, vol. 2 of the Documents series of *The Joseph Smith Papers*, edited by Ronald K. Esplin, Matthew J. Grow, and Matthew C. Godfrey (Salt Lake City, Utah: Church Historian's Press, 2017), ix-xxix.

³⁴ Bernhisel to Young, March 17, 1857, Brigham Young Office Files, CHL.

Buchanan's new concerns about Utah were reinforced on March 17, when Bernhisel received a copy lengthy memorial to Congress strongly urging Young's reappointment as territorial governor.³⁵ The petition condemned the federal officials as "corrupt and base" men who aimed to subject the community to "base and hellish purposes." The memorialists further complained that the federal officials had boasted they would bring the army to the territory, threatening the community "with death and destruction." Then, in what was likely the most offensive part of the memorial, they wrote that despite their respect for the government and their willingness to obey just laws, they would "resist any attempt of the Government officials to set at naught [the] Territorial laws" and vowed to oppose any who tried "to bring against [them] the forces of the United States to [their] destruction."³⁶ The memorial was a defiant assertion of local sovereignty. In the eyes of the national leaders to whom it was addressed, it was a confirmation of the country's worst fears about Utah and the Mormons. In an age of civil wars and other wars of rebellion, the defiant memorial seemed to be proof of insurrection in Utah.³⁷

Beyond providing proof of the potential severity of the Utah problem, the memorial demonstrated inherent problems in a large nation governed and regulated by the ideas of popular sovereignty. If a small group like the Mormons were allowed to

³⁵ William P. MacKinnon, *At Sword's Point, Part I: A Documentary History of the Utah War to 1858* (Norman, Oklahoma: Arthur H. Clark, 2008), 101; John M. Bernhisel to Brigham Young, March 18, 1857, Brigham Young Office Files, CR 1234 1, box 61, folder 1, CHL.

³⁶ "Memorial and Resolutions to the President of the U. S.," January 5, 1857, Brigham Young Office Files, CR 1234 1, box 54, folder 7, CHL; "Expedition Against Utah," *Deseret News* (Salt Lake City), October 7, 1857.

³⁷ Steven Hahn, *A Nation Without Borders: The United States and Its World in an Age of Civil Wars, 1830-1910* (New York: Viking, 2016), 4.

effectively assert their own sovereignty, then other groups of larger constituencies might likewise claim similar power by similar means. Although on a far lesser scale, the circumstances in Utah illuminated the larger issues that erupted into the Civil War four years later.

The day after the memorial arrived in Washington, Bernhisel visited the White House to deliver the document to Buchanan and to once again urge Young's retention as governor. Upon arriving at the White House, he found the president "overwhelmed with crowds of office hunters." Informed of Bernhisel's purposes, Buchanan impatiently told him, "you see how it is, that I can do nothing" and instructed him to deliver the documents to the Secretary of the Interior, Jacob Thompson. Buchanan's statement referred not only to the demands of his position, but also to the office-seeking purposes of those who took up his time.³⁸ For Buchanan, Bernhisel representation of Young constituted merely one more office seeker; and one who, unlike many of the others, brought almost no political advantages to the administration. From a political standpoint, the president could ill afford to allow the Mormons to select their own territorial officials. Even more importantly, Buchanan could ill afford to allow Mormon sovereignty to continue uncontested in Utah.

According to the president's instructions, Bernhisel delivered the documents to Thompson, who requested a day to review them before responding. The representative remained optimistic following his meeting with Thompson. He wrote to Young, "He

³⁸ Describing circumstances at the White House, Bernhisel wrote that Buchanan was "constantly surrounded by crowds of office seekers during office hours except when the Cabinet is in session which is daily from 10 to 2." John M. Bernhisel to Brigham Young, March 18, 1857, Brigham Young Office Files, CHL.

seems disposed to do us justice.”³⁹ Shocked by the contents of these documents, however, Thompson had a long conversation with Bernhisel the following day, during which he forthrightly denounced the memorial from Utah. Rather seeing the Mormon citizenry’s request to enjoy the democratic rights of selecting their own governing officials, the document alarmed Thompson, who saw it as “a declaration of war” and “breathed a defiant spirit.” Thompson particularly objected to the idea that the Mormons would drive unwanted officials from the territory, and told Bernhisel, “when you tell a man that he must do a think, it excites in him a feeling to resist.” He assured the representative that “the Government desired to live in peace with us,” but warned that if the Mormons “got into trouble with the General Government” they would only have themselves to blame. When Bernhisel responded that the Mormons were anxious to be good Americans and for Utah to become a State, Thompson replied that “it would be slandering God to say that he approved of polygamy and that the Government intended to put it down.” Closing the interview, Bernhisel pleaded for Thompson to “use his best efforts to prevent any troops being sent” to Utah. But Thompson made no promises, only warning that if the memorial made its way into the newspapers, the Saints would not be able to avoid a collision with the government.⁴⁰

While Buchanan consistently stated that he had little or no interest in polygamy, such was clearly not the case for most Americans. For the majority of the country’s citizenry, Thompson’s intentions to “put [polygamy] down” registered far more clearly

³⁹ John M. Bernhisel to Brigham Young, April 2, 1857, Brigham Young Office Files, box 61, folder 1, CHL.

⁴⁰ John M. Bernhisel to Brigham Young, April 2, 1857, Brigham Young Office Files, box 61, folder 1, CHL.

than did Buchanan's lack of interest.⁴¹ Given the importance of popular sovereignty to the Democratic policies of the 1850s, it is possible that Buchanan's assertions likely had more to do with protecting popular sovereignty than they had to do with his personal feelings regarding polygamy. Further evidencing the national sentiment, the first major Congressional efforts to reconstruct Mormonism and eradicate polygamy with legislation began in 1856 and 1857.⁴² More than a few Americans in 1857 "thoroughly detested and publicly denounced" Young and the Mormons. They believed that "the Utah question [had] been kept out of sight too long" and was in need of Congressional attention.⁴³

Understandably, Bernhisel was considerably less optimistic in his reports to Young following this exchange with Thompson. Writing to Young, he summarized his feelings by warning that "dark and lowering" clouds were beginning to appear on Utah's horizon.⁴⁴ There were unspoken limits to both the extents of local sovereignty and a territory's ability to regulate its own domestic institutions. Detrimental as the memorial was to the Buchanan administration's perceptions of Utah, the Thompson interview proved to be only a foreshadowing of the damning documents that would flood into Washington during March and April 1857, ultimately pushing the administration toward the use of reconstructive force.

⁴¹ John M. Bernhisel to Brigham Young, April 2, 1857, Brigham Young Office Files, box 61, folder 1, CHL.

⁴² U.S. Congress, *Cong. Globe*, 34th Cong., 1st sess. 1491 (1856); U.S. Congress, House, *A Bill to Punish and Prevent the Practice of Polygamy in the Territories of the United States, and Other Places*, 34th Cong., 1st sess., 1856, H.R. 433. For additional information regarding these efforts, see Chapter 5 herein.

⁴³ George F. Houghton to Justin S. Morrill, April 17, 1857, Justin S. Morrill Papers, MSS 33555, box 2, Manuscript Division, Library of Congress, Washington, D.C.

⁴⁴ Bernhisel to Young, April 2, 1857, Brigham Young Office Files, CHL.

Reports and Rumors of Mormon Rebellion

Shortly after Bernhisel delivered the memorial to Buchanan, other reports from territorial officials began to appear in Washington that seemed to confirm both the unwillingness of Mormons to accept the authority of non-Mormon officials and the militant rebellion of the community against American officers and institutions. The officials testified that violence, lawlessness, and theocratic rule prevailed throughout Utah, making it virtually impossible for them to fulfill their appointments to ensure lawful behavior in the territory. Combined with Utah's memorial and Bernhisel's efforts to secure Young's reappointment, these reports increased federal concerns about the loyalties of Utah's population. From Buchanan's perspective, these reports provided ample evidence of the need of and justification for federal reforms in Utah and of the important role the military had to play in said reforms.

On March 20, territorial chief justice, John F. Kinney, wrote to U.S. Attorney General Jeremiah S. Black regarding the Utah situation.⁴⁵ Although not a Mormon, Kinney had generally maintained the support of Brigham Young and the larger body of the Latter-day Saints to the extent that the legislature would later appoint him to serve as Utah's delegate to Congress.⁴⁶ Hence his accusations that the Mormons were "inimical to

⁴⁵ John F. Kinney to Jeremiah S. Black, March 20, 1857, in MacKinnon, *At Sword's Point, Part 1*, 110.

⁴⁶ The people of Utah later elected Kinney to be the territory's delegate to Congress. Similar to several other federal officials, however, Mormon officials occasionally suspected Kinney of conspiring to overthrow Mormonism's power in the territory and was criticized as "a drinking, excitable, swearing young man" who was "totally unfit" to be appointed as one of Utah's Indian agents. William MacKinnon argues that given Kinney's later election as Utah's representative to Congress, it is highly unlikely the Mormons ever knew about Kinney's letter to Black. MacKinnon, *At Sword's Point, Part 1*, 109; Brigham Young to John M. Bernhisel, July 17, 1856, Brigham Young Office Papers, CHL; Brigham Young to George A. Smith, July 30, 1856, Brigham Young Office Papers, CHL. Kinney's correspondence with Young while Kinney was Utah's representative in Congress is in Brigham Young Office Files, CR 1234 1, box 63, folders 1-9, CHL.

the Government of the U.S. and to all its officers who are not of their peculiar faith” came as a startling indictment. Kinney accused Mormons of violent actions against the territory’s non-Mormon inhabitants, suggesting that “Innocent and helpless men have been most cruelly murdered for no other reason than that they were gentiles or dissatisfied Mormons.” He specifically cited a purported attempt to incite the Indians to murder Dr. Garland Hurt, one of the territory’s Indian agents, as evidence of the violence against federal officials. The incident further confirmed worries that Americans had long held about the potential of Mormon-Indian collusions and the possibilities for violence such relationships might create.⁴⁷ Kinney concluded that the only option was for “a reliable man to be immediately appointed Governor, in place of Brigham Young,” and that the new governor be “accompanied by a regiment of the Army.”⁴⁸

Whereas Kinney’s statement was a “private and confidential” expression of concern, Drummond published two critical indictments of Mormonism after arriving in the east. Around March 19, the *New York Herald* published an article from Washington D.C. stating that a letter from Drummond had been received in the city that day, and that the letter “gives a sad and deplorable picture of matters” in Utah. Although the full letter is no longer extant, the *Herald* published a short excerpt from the letter. Hoping that

⁴⁷ These particular fears dated back to the early 1830s, and had persisted throughout the faith’s twenty-seven year history. An 1852 letter to John J. Crittenden serves as an example of these fears. An anonymous letter writer, claiming to be the wife of a Mormon, had written to Crittenden warning that the Mormons were hoping to goad the government into sending “troops to bring them [the Mormons] to order and then make the rush simultaneously when none are expecting any thing of the sort.” Together with the Mormons, the Indians would “rush on, butcher and wound all in their power.” The rumored collusion was to culminate with a tripartite alliance of Mormons, Native Americans, and Slaves razing the United States and proclaiming Brigham Young to be king in Washington. Anonymous to John J. Crittenden, March 1, 1852, Papers of John J. Crittenden, Library of Congress, copy in Library of Congress Papers Relating to Mormonism, MS 8190 1, CHL; W. Paul Reeve, *Religion of a Different Color: Race and the Mormon Struggle for Whiteness* (New York: Oxford University Press, 2015), 52-105.

⁴⁸ Kinney to Black, March 20, 1857, in MacKinnon, *At Sword’s Point, Part I*, 110-11.

Buchanan would read the letter, he complained that the Mormon leaders were “more traitorous than ever,” leaving the federal officials in Utah “without protection” and subject to acts of violence. He accordingly called upon the nation to “crush out one of the most treasonable organizations in America.”⁴⁹ This letter accordingly outlined key aspects of the Mormon Problem and suggested a solution for those problems, namely military intervention. Although abhorrent to the Mormons, Drummond’s rhetoric appealed to many throughout the nation. In the assessment of the nation in 1857, the emerging information about Mormonism placed it “*beyond the pale of human sympathy*,” making military intervention not only justifiable but necessary.⁵⁰

Drummond’s partially published letter had an immediate effect. Three days after its publication, Mormon William Appleby wrote to Young about the effects of Drummond’s letter in Washington D.C. Assessing the emerging sentiments, Appleby explained that since the letter’s publication an almost “deadly hatred . . . against the Mormons” was spreading within the city. For Appleby, a Mormon since 1840, the “spirit of malignity” exceeded anything he had ever seen before. Grasping onto the hopes that the emerging crisis was all a misunderstanding, Appleby queried whether it was “possible that Judge Drummond ever wrote such an article.”⁵¹

⁴⁹ “Dreadful State of Affairs in Utah—Brigham Young to be Superseded, and a Military Force Sent into the Territory—the Philadelphia Appointments, Health of the President—His First Dinner Party, Etc.,” *New York Herald*, March 20, 1857, page 4, column 5.

⁵⁰ N. W. Green to James Buchanan, August 4, 1857, United States Department of State, Miscellaneous Letters of the Department of State, Film 1,842,007, LDS Family History Library, Salt Lake City, Utah.

⁵¹ William I. Appleby to Brigham Young, March 23, 1857, Brigham Young Office Files, CR 1234 1, box 25, folder 10, CHL.

Despite Appleby's hopes that it was a misunderstanding, Drummond's public crusade against the Mormons had only begun. On March 30, Drummond penned an even more damaging letter to Attorney General Jeremiah S. Black. Published as a letter of resignation, Drummond took the opportunity to levy numerous charges against the Mormons. He argued that Mormons "look to [Brigham Young], and to him alone, for the law by which they are to be governed," and considered no federal laws to be "binding in any manner." He stated that Young had ordered the arrests and murders of various non-Mormons in the state, including Captain John W. Gunnison of the army, Justice Leonidas Shaver of Utah's Supreme Court, and federal appointee Almon W. Babbitt. Drummond then stated that the "lives and property" of those who questioned the authority of the church were in constant peril, and even the records and papers of federal officials were not safe. Given such conditions Drummond had felt it impossible to remain in the territory and resigned his federal appointment as an associate justice of Utah's Supreme Court. Closing the letter, he again offered his solution to the Utah problem, explaining that if a non-Mormon were "supported with a sufficient military aid," the territory could be brought to order and "much good would result." Only in this way could "the withering curse" that rested upon the nation "by virtue of the peculiar and heart-rending institutions of the Territory of Utah" be successfully eradicated.⁵² But hoping to participate in reforming the territory, Drummond informed the Buchanan administration of his

⁵² W. W. Drummond to Jeremiah S. Black, March 30, 1857, in *The Utah Expedition: Message from the President of the United States, Transmitting Reports from the Secretaries of State, of War, of the Interior, and of the Attorney General, Relative to the Military Expedition Ordered into the Territory of Utah*, 35th Cong., 1st sess., 1858, H. Ex. Doc 71 (212-214), Serial 956.

willingness to serve as governor of Utah, so long as he could administer the laws with the backing of “a Military force.”⁵³

Likely before it had even reached the desk of the attorney general, Drummond’s letter of resignation found its way into the nation’s newspapers. Published in New Orleans as early as April 8, by April 13 it had reached the front pages of both the *New York Herald* and Philadelphia’s *North American and United States Gazette*.⁵⁴ The *Herald* lauded the letter, stating that it was “entitled to belief” because it had emanated “from one whose official position among the Mormons was such as to afford the most reliable information.”⁵⁵

The widespread publicity that Drummond’s letters garnered forced both government officials and private citizens to think about how the nation would solve the Mormon problem. Beyond the clear need for a change in the territorial executive, military intervention seemed to be the most obvious answer to the Mormon Question. Although legislative efforts were underway in Congress, and other suggestions were offered, a show of force was perhaps the most time-tested American method of dealing with rebellion.

A day after Drummond had authored his resignation, and prior to its publication, the *Boston Investigator* reported rumors that Buchanan had decided to appoint a new governor for Utah and to send the governor with “a sufficient military force to cause his

⁵³ W. W. Drummond to Jeremiah S. Black, April 18, 1857, in MacKinnon, *At Sword’s Point, Part I*, 117.

⁵⁴ “Crushing Out the United States Authorities by the Mormons,” *New York Herald*, April 13, 1857, page 1, columns 5-6; “Resignation of Judge Drummond,” *North American and United States Gazette* (Philadelphia, Pennsylvania), April 13, 1857, page 1, column 7.

⁵⁵ “The News,” *New York Herald*, April 13, 1857, page 4, column 1.

authority to be respected.” The paper specifically credited Drummond with these developments, stating that “the Administration [had] been forced to this action” by the concerns raised in Drummond’s published communications.⁵⁶ The *Daily Cleveland Herald* editorialized that “if a Governor goes to Utah, a man of moral courage should be selected, for in Mormondom there is actual danger.”⁵⁷ Citing Drummond’s letter of resignation, the *Boston Advertiser* suggested an even more radical political solution to the Mormon problem. Rather than suggesting a change in governor, or even that the new governor ought to govern the territory with military force, the *Advertiser* advocated the revoking of Utah’s status as an American territory, explaining that “such a community ought not to be acknowledged, in any sense, as a member of the Union.”⁵⁸

While various newspapers suggested political solutions, the growing sense among the American public was that ultimately an active display of military force seemed more likely to take care of the problem than political maneuvers. Stating that the “Mormonism had every where shown itself to be a collection of lazzaroni [the beggar community of Naples, Italian], fornicators, horse thieves, pirates, and murderers with whom no civilized community can live either in peace or safety,” the *Cleveland Daily Herald* concluded that “nothing short extirpation” would be a workable solution to the Mormon problem.⁵⁹ The *Bangor Whig and Courier* concurred, arguing that “gunpowder and cold steel [were] needed in this case” because “brave words” would never solve the problem.⁶⁰ Thus, by

⁵⁶ “The Mormon Despotism,” *Boston Investigator* (Boston, Massachusetts), April 1, 1857, page 3, column 3.

⁵⁷ “Who Shall Be Governor of Utah,” *Daily Cleveland Herald*, April 14, 1857, page 2, column 1.

⁵⁸ “The Government of Utah,” *Boston Daily Advertiser*, April 14, 1857, page 2, column 1.

⁵⁹ “Mr. Buchanan and the Mormons,” *Daily Cleveland Herald*, April 16, 1857, page 2, column 1.

mid-April, the national opinion surrounding Utah began to expect and call for an armed solution to the Mormon problem. Reconstructive change in Utah was thus demanded not only by elected officials in the federal government and federal appointees, but was likewise motivated by the nation's citizenry at large.

No one was more influential in cultivating this national call for an armed response in Utah than was Drummond, who publicized the Mormon problem throughout cities and towns all along the Mississippi River. With effectiveness he portrayed the Mormons as an un-American community that lacked any sense of patriotism and regarded any as enemies who fell "without the pale of the Church of Latter-Day Saints."⁶¹ Additionally, he aligned them with other marginal groups, warning that Mormon leaders intended to invite the Native peoples of the West to join in their rebellion by baptizing them and indoctrinating them with beliefs that were "hostile to all Americans."⁶² By mid-April 1857, he had become "one of the most popular men of the Nation."⁶³ Viewing the situation as being personally advantageous, he fully expected to reap the political benefits of his involvement. Indeed, Drummond wrote to a friend, "I have stirred the waters of the Saints and shall keep up the war in all time to come. . . . I may go to Utah as Governor if so look out for a merry time." If offered, he was determined to accept the position, on the

⁶⁰ [Untitled Article], *Bangor Whig and Courier*, April 18, 1857, page 2, column 1.

⁶¹ "The Saints of Utah," *Felician Democrat* (Clinton, Louisiana), April 11, 1857, page 3, columns 1-2.

⁶² "Some Facts About Mormonism," *Houma Ceres*, (Houma, Parish of Terrebonne, Louisiana), 23 May 1857, page 2, column 3.

⁶³ George A. Smith to Brigham Young, April 15, 1857, Brigham Young Office Files, CR 1234 1, box 43, folder 6, CHL.

stipulation that an army would accompany him to the territory.⁶⁴ Upon arriving in Chicago, Drummond finally requested the desired appointment, bluntly writing, “if you have any difficulty in obtaining a man to take the office of Gov. of Utah Territory . . . you may give me the office which I will accept upon the condition that I can have the aid of a Military force [sic] sufficient to enable me to enforce obedience to the Laws.” No mere “temporising [sic] Policy” would suffice in Utah.⁶⁵ To govern and regulate Utah, bringing the territory into harmony with the federal government, would require force and the might of the American army.

As Mormon-sympathizer Thomas L. Kane read the letters, he became convinced that without intervention, war was inevitable in the territory.⁶⁶ While a change in governor seemed inevitable, Kane was anxious prevent Drummond’s appointment to the position. At Kane’s request, Mormon apostle John Taylor began collecting affidavits and other information regarding Drummond’s tenure in Utah, thus hoping to undermine any his bid for governor. Apostle George A. Smith variously accused Drummond of profligate spending, creating troubles with the Ute population, raising unwarranted posses to hunt down offending Indians, and having been “nearly frantic for the privilege of hanging somebody” from the time he took office in Utah. Smith warned that if the territory was turned over to Drummond and his Indian policies, “the whole Territory . . .

⁶⁴ William W. Drummond to D. J. Thompson, April 2, 1857, quoted in Donald R. Moorman and Gene A. Sessions, *Camp Floyd and the Mormons: The Utah War* (repr. 1992; Salt Lake City: University of Utah Press, 2005), 12.

⁶⁵ William W. Drummond to Jeremiah S. Black, April 18, 1857, Jeremiah S. Black Papers, MS 12849, reel 3, box 5, Manuscript Division, Library of Congress, Washington D.C. (hereafter LOC).

⁶⁶ Thomas L. Kane to John Taylor, April 1857, Jeremiah S. Black Papers, MS 12849, reel 3, box 6, LOC.

would soon be deluged with blood.”⁶⁷ Whereas Smith had focused on Drummond’s governing policies, Appleby wrote a detailed account of his private relations, noting that Drummond had abandoned his wife and children in Oquawka, Illinois, in favor of a relationship with a Washington D.C. prostitute who went by the alias of Ada Carroll.⁶⁸ After receiving the letters and affidavits from Taylor, Kane forwarded them to Black, hoping the information would dissuade Buchanan from appointing Drummond as governor of Utah.⁶⁹

While Kane pursued the diplomatic channels to undermine Drummond’s narrative, Taylor and others published articles attempting to refute the judge in Mormonism’s New York City organ, the *Mormon*, declaring that Drummond’s accusations were “as false as he is corrupt.”⁷⁰ Given the paper’s relatively small readership, the hope of such articles was presumably that the editors of larger papers like the *New York Herald* would take an interest in them and republish them.⁷¹ The paper criticized the extent to which the government was allowing itself to be influenced by Drummond and the “irresponsible rabble who seek nothing but the gratification of vindictive feelings for imaginary wrongs.”⁷²

⁶⁷ George A. Smith to John Taylor, April 14, 1857, Jeremiah S. Black Papers, MS 12849, reel 3, box 5, LOC; George A. Smith to John Taylor, April 16, 1857, Jeremiah S. Black Papers, MS 12849, reel 3, box 5, LOC.

⁶⁸ William I. Appleby to John Taylor, April 25, 1857, Jeremiah S. Black Papers, MS 12849, reel 3, box 6, LOC.

⁶⁹ Thomas L. Kane to Jeremiah S. Black, April 27, 1857, Jeremiah S. Black Papers, MS 12849, reel 3, box 6, Manuscript Division, LOC.

⁷⁰ Feramorz Little to Editor of the *New York Herald*, April 15, 1857, in “Elder Feramorz Little,” *The Mormon* (New York), April 18, 1857, page 2, column 7.

⁷¹ “The New York Herald,” *The Mormon* (New York), May 2, 1857, page 2, column 3.

⁷² “Governorship of Utah,” *The Mormon* (New York), May 2, 1857, page 2, column 3.

Buchanan's Orders

Despite the Mormon efforts to undermine Drummond's accusations, the Buchanan administration moved steady toward assembling an armed restructuring of Utah. As early as mid-April, the Buchanan administration was preparing to send an army to Utah that would be "fully equipped and prepared for distant service."⁷³ On April 25, Buchanan's friend Robert Tyler had written to him observing that the public was "greatly excited on the subject of Mormonism" and that the Mormons should accordingly be "put down and utterly extirpated." Tyler suggested that the circumstance might prove politically advantageous to the administration. He wrote, "I believe that we can supercede the Negro-Mania with the almost universal excitements of an Anti-Mormon Crusade." Tyler saw an opportunity for the administration to divert the attention of the nation away from the problems with bleeding Kansas by focusing the public on Utah. Tyler hoped that as Utah captivated "the eyes and hearts of the Nation," perhaps some would "forget Kansas."⁷⁴ That same day, James C. Van Dyke similarly advised Buchanan that the circumstances in Salt Lake City "might easily be turned to an advantage to our Government."⁷⁵

Both Utah and Kansas had raised questions regarding the nature and extents of popular sovereignty.⁷⁶ But where Kansas was a politically explosive topic, liable to ignite a civil war, most Americans fundamentally agreed that Utah was a problem. But where

⁷³ George Dashiell Bayard to Samuel J. Bayard, April 15, 1857, in MacKinnon, *At Sword's Point, Part 1*, 126-127.

⁷⁴ Robert Tyler to James Buchanan, April 27, 1857, in MacKinnon, *At Sword's Point, Part 1*, 124.

⁷⁵ James C. Van Dyke to James Buchanan, April 27, 1857, in MacKinnon, *At Sword's Point Part 1*, 125.

⁷⁶ For additional information regarding the role of popular sovereignty in the Utah War, see Rogers, *Unpopular Sovereignty*, 156-229.

Tyler and Van Dyke saw an opportunity to distract the nation from Kansas and the slave question, Buchanan may have seen an opportunity to clarify the intentions of popular sovereignty without broaching the topic of slavery. The armed enforcement of federal sovereignty in Utah would not only correct a glaring national issue, but it provided Buchanan with an opportunity to clarify that even the most liberal readings of the Nebraska-Kansas Act did not allow territories to resist the federal government.

By mid-May, the administration had largely determined to send an army to “enforce the laws in Utah.”⁷⁷ Convinced that only a large display of force would be “sufficient to enforce the Laws and coerce the Mormons into fear,”⁷⁸ Buchanan and his cabinet determined to send at least a thousand soldiers to the territory. Buchanan’s plans, however, conspicuously omitted any participation by the volatile Drummond. Angered by the decision not to appoint him as governor, Drummond wrote to Stephen A. Douglas that administration officials like Black were “as ignorant as a man can be” and utterly incapable of understanding “the power of the Mormons.”⁷⁹ He was convinced that under Buchanan’s leadership “nothing of value will be done” in Utah.⁸⁰ Such views likely influenced Douglas’s own public comments regarding Utah on June 12, when the architect of popular sovereignty finally weighed in on “the condition of things in Utah, and the appropriate remedy for existing evils.” Referencing Drummond’s published

⁷⁷ William W. Drummond to Stephen A. Douglas, May 16, 1857, Stephen A. Douglas Papers, box 7, folder 11, University of Chicago.

⁷⁸ William W. Drummond to Stephen A. Douglas, May 22, 1857, Stephen A. Douglas Papers, box 7, folder 14, University of Chicago.

⁷⁹ William W. Drummond to Stephen A. Douglas, May 16, 1857, Stephen A. Douglas Papers, box 7, folder 11, University of Chicago.

⁸⁰ William W. Drummond to Stephen A. Douglas, May 22, 1857, Stephen A. Douglas Papers, box 7, folder 14, University of Chicago.

letters, Douglas expressed his willingness to “place credence in the rumors and reports from that country” and stated his belief that it was “the duty of the President . . . to remove Brigham Young and all his followers from office, . . . and to use all the military force necessary to protect the officers in the discharge of their duties, and to enforce the laws of the land.” He then offered a mild criticism of the administration, stating that “no temporizing policy—no half-way measure” could resolve the government’s problems in Utah. The time had come to “apply the knife and cut out this loathsome, disgusting ulcer.”⁸¹ Only by excising Utah from the Union, could the idea of popular sovereignty be preserved as Douglas had originally intended.⁸²

After more than two months of deliberation, discussion, and public outrage, Buchanan ordered a detachment of the army to Utah toward the end of May 1857. On May 28, 1857, less than three months after taking office and even before he had named a new governor, Buchanan authorized General Winfield Scott to issue orders to troops at Fort Leavenworth, Kansas to march to Utah “as soon as assembled,” with a force of “not less than 2,500 men,” to be dubbed “The Utah Expedition.”⁸³ The purpose of the force was to “impress the minds of the people with the hopelessness of resistance,” thus effecting the desired transformation of the territory. Underscoring these plans some continued to believe that Buchanan ought to appoint a new governor who would operate

⁸¹ Stephen A. Douglas, *Remarks of the Hon. Stephen A. Douglas, on Kansas, Utah, and the Dred Scott Decision: Delivered at Springfield, Illinois, June 12th 1857* (Chicago: Daily Times Book and Job Office, 1857), 11-13.

⁸² Rogers, *Unpopular Sovereignty*, 164-180.

⁸³ Winfield Scott to the Adjutant General, Quartermaster General, Commissary General, Surgeon General, Paymaster General, and Chief of Ordnance, May 28, 1857, in Hafen and Hafen, eds., *Mormon Resistance*, 27-28.

as a “civil and military governor” with power to govern the territory with martial law.⁸⁴ Two week after issuing orders to army to make preparations to go to Utah, Buchanan appointed Colonel Alfred Cumming of Georgia to be the new governor of Utah Territory.⁸⁵ A veteran of the U.S.-Mexican War, Cumming’s selection reinforced the militaristic nature of the reforms that the federal government hoped the expedition would instill in Utah.⁸⁶

Buchanan would later explain that the responsibility for the action rested solely upon the shoulders of the people of Utah and the “fanatical spirit” that caused them to believe Young was “governor of the Territory by divine appointment.”⁸⁷ The unyielding support for Young and the numerous reports of extra-legal violence had proved to Buchanan that “a state of substantial rebellion against the laws and authority of the United States” existed in Utah. This was sufficient justification for Young’s removal and for the new governor to be accompanied by “a military force to aid him as a posse comitatus” in governing the territory.⁸⁸ By designating the military as a posse comitatus, with both civil and military power, Buchanan authorized the forced reconstruction of Utah territory.

⁸⁴ William S. Harney to John B. Floyd, June 7, 1857, in MacKinnon, *At Sword’s Point, Part I*, 154-55.

⁸⁵ “Governor of Utah,” *Daily Chronicle and Sentinel* (Augusta, Georgia), June 14, 1857, page 2, column 3. At the time of his appointment, Cumming was the Superintendent of Indian Affairs for the state of Missouri. “Letter from New York,” *Daily Evening Bulletin* (San Francisco, California), July 1, 1857, page 2, column 2.

⁸⁶ “Letter from New York,” *Daily Evening Bulletin* (San Francisco, California), July 1, 1857, page 2, column 2.

⁸⁷ Buchanan, “First Annual Message,” in Moore, ed., *The Works of James Buchanan*, 10:152.

⁸⁸ George W. Lay to William S. Harney, June 29, 1857, in Hafen and Hafen, eds., *Mormon Resistance*, 30-31.

Given the far more significant levels of violence and lawless prevailing in Kansas Territory at the same time, historians must ask why Buchanan responded with such an overwhelming display of force in Utah and not elsewhere. Doubtless there is merit to the idea that Utah simply posed a less complicated problem to the federal government than did Kansas. While valid, that assessment is likely incomplete. Although Buchanan's Utah policy seems to have been heavier than that employed in Kansas, it was in line with similar policies for the governance of regions populated by "unruly" Native peoples. In these early years of westward expansion and settlement, detachments of the army preceded the imposition of American rule.⁸⁹ Noting the theory, a federal Indian agent in New Mexico wrote in 1852, "No civil Government emanating from the Government of the United States can be maintained here without the aid of a military force; in fact, without its being virtually a military government."⁹⁰

Although never treated with close to the same severity as the Native peoples experienced, many 1850s Americans drew connections between Mormons and Indians, and believed that Mormons needed to be regulated with the same hard hand as were the Native Americans.⁹¹ Thus while more severe problems persisted contemporaneously in Kansas during 1857, they were the problems of peoples whose Americanness had never been called into question. Despite Buchanan's assertions that plural marriage was not at the root of the Utah Expedition, polygamy had convinced the American public that there

⁸⁹ Ned Blackhawk, *Violence Over the Land: Indians and Empires in the Early American West* (Cambridge, Massachusetts: Harvard University Press, 2006), 191-200; Francis Paul Prucha, *The Great Father: The United States Government and the American Indians, Abridged Edition* (Lincoln: University of Nebraska Press, 1986), 120-121.

⁹⁰ Edwin Vose Sumner, quoted in Howard R. Lamar, *The Far Southwest: A Territorial History, 1846-1912* (repr., 1966; Albuquerque: University of New Mexico Press, 2001), 83.

⁹¹ Reeve, *Religion of a Different Color*, 75-105.

was something different and distinctly un-American within the Mormon identity.

Accordingly, larger displays of force were implemented in its regulation than were utilized in Kansas.

Martial Law and the Mormon Defense

News of the impending invasion greeted the Latter-day Saints on July 24, 1857, the tenth anniversary of their first arrival in the Salt Lake Valley. Although Drummond had prominently suggested that an army ought to accompany the new governor to Utah, the news shocked the population, which saw the maneuver within the context of their own violent past. Young immediately began to mobilize the Mormon communities in preparation for an armed resistance to the approaching army. Among the preparations they made was to send troops out onto the plains to conduct a guerrilla-style campaign, burning the grasses and supply wagons in an effort to slow the army until the winter snows set in.⁹²

Despite the constant assertions that Mormons were a habitually violent population, the extent of the Mormon militaristic response caught the government by surprise. Government officials first learned of the Mormon response in September 1857 during the visit of Captain Stewart Van Vliet to Salt Lake City. A member of the Quartermaster department, Van Vliet went to Utah to arrange for supplies for the army. Van Vliet was instructed to meet personally with Young to discuss the object of his mission and that of the approaching army. He was to carry with him a letter from William S. Harney to Brigham Young, notifying Young that the army had established a military department for Utah, but not apprising Young of the change in governor, nor of law-

⁹² Bigler and Bagley, *The Mormon Rebellion*, 129-155.

enforcement purposes of the army.⁹³ As the first official visitor to Utah from the army following the formation of the Utah Expedition, Van Vliet functioned as the forerunner and unofficial emissary of the changes coming to Utah. His official mission was to facilitate the posse comitatus by locating “a suitable location for the troops in the vicinity of Salt Lake City,” optimally a location which would be close enough to the city to allow the army to help maintain law and order in the city.⁹⁴

When Van Vliet arrived in Salt Lake City on September 8, the community was engaged in active and obvious preparations for an armed defense against the Army. Evidencing the community’s preparations for the war, some two hundred and fifty miles to the south the initial deaths were occurring at Mountain Meadows—the most lasting and tragic outcome of the war.⁹⁵ The following day he met with Young and others, with the majority of the questions relating to the availability of supplies for the army. According to the records of the exchange, there was only one moment when the interview took a turn toward more volatile issues. Mormon leader and Nauvoo Legion commander Daniel H. Wells asked Van Vliet to give the group some additional understanding regarding the objectives of the army, Van Vliet replied that he “had no information further than the order published for the troops in this direction.” Responding to the evident apprehensions of the community, Van Vliet assured the group of his belief that, “no instructions [had] been given . . . to violate all law and right.” Perhaps hoping to

⁹³ William S. Harney to Brigham Young, July 28, 1857, in Hafen and Hafen, eds., *Mormon Resistance*, 39-40; Furniss, *The Mormon Conflict*, 119-147.

⁹⁴ A. Pleasanton to Stewart Van Vliet, July 28, 1857, in Hafen and Hafen, eds., *Mormon Resistance*, 37.

⁹⁵ Walker, Turley, and Leonard, *Massacre at Mountain Meadows*, 166-167.

avoid having a larger discussion in that setting, Young quickly moved the conversation back to logistical matters.⁹⁶

Three days later, during a private meeting in Young's office, Van Vliet, Young, and others finally began discussing the larger issues surrounding the Utah Expedition. Young opened the conversation with a bombastic statement, telling Van Vliet, "I do not want to fight the United States but if they drive us to it we shall do the best we can & I will tell you as God lives that we shall Come off Conquerer [sic]." Young called the character of the entire nation into question, stating that for the government "to array their armies" against the Latter-day Saints was an act "to[o] despisable & damnable for any honorable Nati[o]n." Trying to ease the tensions of the interview, Van Vliet agreed that the Mormons had been "lied about the worst of any people [he] ever saw." He then assured Young of his belief that it was not "the intention of the Goverment [sic] to take [Young]" into custody, but simply to install a new governor in his place.⁹⁷ Despite expressing his general respect for Van Vliet's sincerity, the following day, Young explaining that if the government persisted in their efforts, the Saints would defend themselves with a scorched earth policy. Should the army make it to the Mormon settlements, Young promised that they would "find nothing but a Barran [sic] waste" as Saints would "burn everything that was wood & every acre of grass that would burn" while the Latter-day Saints would once again take their departure to find a new settlement.⁹⁸

⁹⁶ Minutes, September 9, 1857, in Historian's Office Collected Historical Documents, CR 100 397, box 1, folder 72, CHL.

⁹⁷ Wilford Woodruff, Diary, September 12, 1857, Wilford Woodruff Journals and Papers, MS 1352, box 3, folder 1, CHL.

Van Vliet left Salt Lake City the following day and began making his way toward Washington D.C. Two days after his departure, he wrote a report of the visit. Rather complimentary in nature, the first portion of the report noted that Young had “received [him] most cordially, and treated [him] . . . with the greatest hospitality and kindness.” Van Vliet then noted, however, that he had sternly warned Young that while their defensive efforts might prevent the arrival of the immediate expedition, it would precipitate a much larger conflict and the arrival of a much larger army the following year. The warning had prompted Young’s threat that the Mormons would vacate their lands, “take to the mountains, and bid defiance to all the powers of government.” Coming away from the visit, Van Vliet was eminently convinced of the Mormon determination to strenuously resist the army, and with it the forced imposition of federal authority. While he was certain that the troops could eventually “force their way in,” Van Vliet warned his superiors that such an effort would be “fraught with considerable danger, arising from the filling up of the can[y]ons and passes with snow.”⁹⁹ A rather balanced assessment of the circumstances, Van Vliet seemed to grasp the actual difficulties and nuances that characterized the Utah Expedition and the resistance that the government would face in its plans to regulate and reconstruct the territory by force.

In the wake of Van Vliet’s visit, Young made a formal declaration of martial law on September 15, 1857. Contextualizing the announcement through past events, Young described the approaching army as “a hostile force” and a nationally legitimated mob

⁹⁸ Wilford Woodruff, Diary, September 13, 1857, Wilford Woodruff Journals and Papers, MS 1352, box 3, folder 1, CHL.

⁹⁹ Steward Van Vliet to A. Pleasanton, September 16, 1857, in Hafen and Hafen, eds., *Mormon Resistance*, 50-55.

with orders to destroy the Mormon community. Speaking of that history, he declared that for twenty-five years, the Latter-day Saints had “trusted officials of the government, from constables and justices to judges, governors, and Presidents, only to be scorned, held in derision, insulted, and betrayed.” Buchanan’s order was only the latest in a long line of such interactions with the federal government and the American citizenry. Rather than submit to an “armed mercenary mob,” sent to Utah “at the instigation of anonymous letter writers,” Young announced that the Latter-day Saints would “resort to the great first law of self-preservation, and stand in [their] own defense.” While most Americans would have scoffed at the idea, Young appealed to the constitution in his declaration of martial law, proclaiming that the privilege of self-defense was “a right guaranteed to us by the genius of the institutions of our country, and upon which the government is based.”¹⁰⁰ Thus, in many regards, Young and the Mormon community cast themselves in the image of earlier resistance movements such as Shay’s Rebellion and the Whiskey Rebellion.

Although most Americans would have vehemently disagreed with Young’s characterization of the army as a mob, Mormons were not the only people to see the Utah Expedition in this way. At least one non-Mormon resident of Chicago, identifying himself as James H., mailed letters to Young in July 1857 making this same claim. Evidently a relative of several Mormons, but not a Mormon himself, he wrote to Young and stated that in sending the army to Utah, the government had “[fallen] upon the old plan of late that is to mob.” He characterized the expedition as “a company of devils . . . with the promis of eight dollars per month . . . to go to psalt Lake to Bring the Citizens of

¹⁰⁰ Brigham Young, “Proclamation of Governor Young,” in Hafen and Hafen, eds., *Mormon Resistance*, 63.

Utah in subjectin [*sic*] to the Law.”¹⁰¹ He encouraged Young that if the army came against them “in mob shape” the Mormons ought to “ralley the red men from the rocky mountains to south America and send them aganst mobocherey [*sic*] like the rising sun upon the morning dew.”¹⁰² Young likely never received these letters, which ended up in Cumming’s possession, but they demonstrated an American undercurrent of which Mormonism was a part: namely a population of Americans who maintained strong feelings of mistrust toward the motives and actions of the federal government. Such feelings, as Steven Hahn has noted, generated numerous “wars of rebellion” throughout the nineteenth-century.¹⁰³ Conversely, the very attitudes that motivated that undercurrent and those “wars of rebellion” fueled the federal impulses to impose order and to reconstruct the expanded United States.

Soldier Attitudes

The desires of the nation’s populace and the federal government to transform Utah were reflected in the feelings of the soldiers toward the Mormon people. The extensive records left by Captain John W. Phelps are emblematic of the attitudes that pervaded the army.¹⁰⁴ In many regards, Phelps and those assigned to go to Utah knew little about Mormonism beyond what they had heard in the newspapers. Asked by his family what he could say about the Mormons, he responded “There is not much to say.”

¹⁰¹ Original spelling maintained. James H. to Brigham Young, July 21, 1857, Alfred Cumming Papers, MS 17697, reel 1, CHL.

¹⁰² Original spelling maintained. James H. to Brigham Young, July 28, 1857, Alfred Cumming Papers, MS 17697, reel 1, CHL.

¹⁰³ Hahn, *A Nation Without Borders*, 4.

¹⁰⁴ For more on Phelps, see: Todd M. Kerstetter, *God’s Country, Uncle Sam’s Land: Faith and Conflict in the American West* (Urbana: University of Illinois Press, 2006), 67.

As for the land, Phelps reported that it was “little else than a desert,” and that it was only that environmental reality that had allowed “the Mormons to exist as a distinct community” in the first place.¹⁰⁵ In his mind, a barren desert was the only place where Mormonism could ever have thrived and persisted. For Phelps, as for many Americans, Mormonism was the antithesis of civilization, and was easily stamped out by superior ideas and culture. Maintaining such feelings, Phelps believed intrinsically in the purposes of the Utah expedition and proclaimed the decision to send an army to Utah to be “a good one.” Its chief value was that it raised the alarm against the faith and engendered “a community of interest in all parts of the union against Mormonism.”¹⁰⁶

Despite his enthusiasm for the mission, however, Phelps was critical of the government’s management of the army’s military affairs. Prior to the Army’s departure from Fort Leavenworth, he confided to a General that he had doubts about the ability of the expedition to succeed that season, as there was “not that activity or state of forwardness here that seems to promise any immediate departure for Utah.”¹⁰⁷ Similarly, he wrote to his brother Charles that politicians knew and cared little of “how the improper uses they make of the military establishment lead it to demoralisation [*sic*] and ruin.”¹⁰⁸ The Utah expedition had turned the army into “a mere pawn in the hands of an

¹⁰⁵ John W. Phelps to John and Eunice Hickman, June 20, 1857, John Wolcott Phelps Papers, MS 18624, reel 2, volume 1, pages 165-168, CHL.

¹⁰⁶ John W. Phelps to John Hickman, July 12, 1857, John Wolcott Phelps Papers, MS 18624, reel 2, volume 1, pages 199-200, CHL.

¹⁰⁷ John W. Phelps to Dear General, June 18, 1857, John Wolcott Phelps Papers, MS 18624, reel 2, volume 1, pages 158-159, CHL.

¹⁰⁸ John W. Phelps to Charles Edward Phelps, July 3, 1857, John Wolcott Phelps Papers, MS 18624, reel 2, volume 1, page 187, CHL.

inexperienced chess-player.”¹⁰⁹ Phelps’s criticisms, however, emanated not from questions regarding the validity of the cause, but from the profound importance of the cause. The enforcement of American law and order in Utah demanded that the expedition be characterized by better planning, efficiency, and execution.

His complaints were not unfounded. Despite the assumed expediency of the situation, many felt that preparations for the Utah Expedition moved too slowly and was a victim of poor timing. Originally charged with responsibility for the expedition, General William S. Harney believed that even under the most favorable of circumstances the troops could not reach Fort Bridger prior to December 1.¹¹⁰ As snow commonly began to fall on the high plains of Wyoming during mid to late October, Harney worried that the army’s delayed departure time would result in limited supplies of grass for the animals and limited amounts of fuel for the soldiers to kindle fires.¹¹¹ The delays in the army’s progress toward Utah were not only costly in terms of the environment, but in the health of the soldiers as some began suffering from scurvy even before the army’s departure.¹¹²

The potential of armed resistance from the Mormons had the potential to further complicate matters. “If they fight,” Phelps confided to his sister, “they ought to defeat us, for they outnumber us five to one.” But for Phelps, even the prospects of such a defeat

¹⁰⁹ John W. Phelps to John Hickman, July 12, 1857, John Wolcott Phelps Papers, MS 18624, reel 2, volume 1, pages 199-200, CHL.

¹¹⁰ Harney to Floyd, June 7, 1857, in MacKinnon, *At Sword’s Point, Part 1*, 155.

¹¹¹ William S. Harney to Winfield Scott, June 14, 1857, in MacKinnon, *At Sword’s Point, Part 1*, 159.

¹¹² John W. Phelps to John Hickman, July 12, 1857, Phelps Papers, reel 2, volume 1, pages 199-200, CHL.

might prove useful to the nation. “But if we fall,” he noted, “the sacrifice will prove sufficient. . . . [to] unite the sense of duty and the propriety of the North with the gallantry of the South against victorious Mormonism.” Such a war would not only stamp out polygamy and Mormon rule in the West, but Phelps hoped it would cause union to prevail for a time, as both Northerners and Southerners forgot “all old discords . . . for a while at least” in their campaign against the Utah faith.¹¹³ Embodied in Phelps’s words was a national justification for military action against the Mormons. The nature of Mormonism was so virulently opposed to Americanness in Phelps’s mind that it had the potential to create a common enemy with the power to temporarily replace sectionalism with union.

With so much on the line, Phelps and his men spent their time making preparations for a strong show of force in Utah, using 6 and 12 pound balls and shells to convey the ideas of American democratic order.¹¹⁴ Shells and gunpowder were, in his mind, the most transformative messages of Americanism. Young was well aware of the effectiveness of such messages. As the army neared Utah, he informed the commanding officers that he was “still governor of Utah” and ordered the troops “to return by the way they came.” He then suggested that they might have “permission to remain” in the territory until the spring if they would surrender their arms and ammunition.¹¹⁵ Later, as the army’s supplies began to run short, Young offered to supply them with provisions

¹¹³ John W. Phelps to Helen Phelps, September 13, 1857, John Wolcott Phelps Papers, MS 18624, reel 2, volume 1, page 249, CHL.

¹¹⁴ Phelps to Dear General, June 18, 1857, CHL.

¹¹⁵ John W. Phelps to Lily DePeyster, October 7, 1857, John Wolcott Phelps Papers, MS 18624, reel 2, volume 1, page 257, CHL.

“provided [they] delivered up [their] arms and amunition.”¹¹⁶ Indeed, Young’s orders to the members of the Nauvoo Legion strictly demanded that they not fire upon the army “except in absolute self-defense.”¹¹⁷ Although determined to protect his community against the encroaching army, Young knew full well that the Mormons were outgunned, and hoped to avoid receiving the messages sent by the army’s loaded shells.

As 1857 wore on, Phelps became more and more set in his assumptions about Mormonism and the need for reform. Toward the end of November he wrote to his sister, “Mormonism is a horrid, deathly, clammy fungus of despotism, springing from the overvigorous trunk of free institutions [*sic*]. . . . Here, cradled amidst the loneliness and barrenness of the Rocky Mountains, man is precisely the same that he was . . . [in] the primitive cradle of his existence.”¹¹⁸ While the previous year’s rhetoric of “twin relics of barbarism” may have served useful political purposes in the formulation of the Republican Party, for Phelps and other Americans, the rhetoric was reality. Mormonism and particularly polygamous marriages had struck at the very heart of civilization and had resulted in the unmitigated devolution of its adherents.¹¹⁹ In describing the faith, he drew an illusion to a snake. Mormonism was, he believed, “the very make—embodiment of American cunning coiled up here in the midst of a desert among lone and distant

¹¹⁶ John W. Phelps to John and Eunice Hickman, October 24, 1857, John Wolcott Phelps Papers, MS 18624, reel 2, volume 1, pages 264-266, CHL.

¹¹⁷ Daniel H. Wells to Thomas McCallister, March 30, 1858, Nauvoo Legion Adjutant General Records, MS 1370, box 1, volume 1, pages 264-266, CHL; Daniel H. Wells, John Taylor, and George A. Smith to Brigham Young, October 15, 1857, Brigham Young Office Files, CR 1234 1, box 47, folder 51, CHL.

¹¹⁸ John W. Phelps to Helen Phelps, November 23, 1857, John Wolcott Phelps Papers, MS 18624, reel 2, volume 1, page 284, CHL.

¹¹⁹ Kerstetter, *God’s Country, Uncle Sam’s Land*, 63.

mountains, it rears its arrogant head and thrusts forth its forky, double tongue against the very Heavens themselves.” It was high time and a duty owed to patriots past that the country “should strike at the slimy monster and rid [itself] of its reproach.”¹²⁰

By crushing the Mormon rebellion, Phelps believed that the nation would not only eliminate a source of national reproach, but would send an important message to other would be rebels. “The destruction of this Mormon spirit of rebellion has become necessary to our people as a lesson; for the majority of foreigners among us have no idea of stopping short of anything but a hedge of bayonets.” He believed that if the government were to show leniency to the Mormons, it would show that the nation had lost its love of liberty. Accordingly, in Phelps’s mind, the very underpinnings of Americanism were at stake in Utah. He hoped that Congress had finally come to the opinion that “the character of our liberties requires land-marks—certain limits beyond which personal freedom cannot go.” Establishing these landmarks in Utah would serve “for future reference” not only among the Mormons but in the nation as a whole.¹²¹ Reform and reconstruction in Utah, even at the point of a bayonet, was essential not only in maintaining order in Utah, but in the preservation of the national character and the establishment of the boundaries and regulations of American citizenship.

Other soldiers shared Phelps’s view of the surrounding events. Like Phelps, commanding general Albert Sidney Johnston intrinsically believed in the army’s purposes. While Johnston maintained that the military and its weapons were “designed

¹²⁰ John W. Phelps to John and Eunice Hickman, December 11, 1857, John Wolcott Phelps Papers, MS 18624, reel 2, volume 1, pages 305-309, CHL.

¹²¹ John W. Phelps to John and Eunice Hickman, January 18, 1858, John Wolcott Phelps Papers, MS 18624, reel 2, volume 1, pages 336-340, CHL.

for the preservation of the peaceful condition of society, and not for its disturbance,” he was nevertheless committed to military action in Utah against the Mormons.¹²² Writing to his friend and West Point classmate, N. J. Eaton, Johnston outlined his perspective on the events. “The Mormons have declared, as fully as words and actions can manifest intentions, that they will no longer submit to the Government, or to any government but their own. The people of the Union must now submit to a usurpation of their territory . . . [and] must allow them to ingraft [*sic*] their social organizations upon us and make it a part of our system, or they must act with vigor and force to compel them to submit.”¹²³ Johnston was adamant that the “treasonable temper and feeling” that pervaded among the Mormons would not allow for “the slightest concessions being made to them.” Their rebellion required unconditional submission to the sovereignty of the United States and anything less would have constituted a needless leniency on the part of the government.

Similar to Phelps and Johnston, Fitz John Porter was appalled by the circumstances in Utah and believed the situation would require the government to demonstrate a use of extreme force in the territory. “They are armed for the fight,” he wrote to Adjutant General Samuel Cooper, “and no gentle action will quell them.” Porter believed, however, that the circumstances required more than a simple show of American military power. The Mormon could “only be quenched by thorough extermination,” for “unless exterminated, the country will be infested with highway robbers and assassins.” Porter believed that even children should be included in such an extermination,

¹²² Albert Sidney Johnston to Samuel Cooper, November 5, 1857, Letters Received by the Office of the Adjutant General, Film #1182562, LDS Family History Library, Salt Lake City, Utah (hereafter FHL).

¹²³ Albert Sidney Johnston to N. J. Eaton, February 5, 1858, in MacKinnon, *At Sword's Point*, Part 1, 399.

explaining that they were “worthy of their sire” and were “familiar with murder, robbery, and crimes of the darkest kind” from their youth. Whereas Phelps and Johnston believed that the Mormon populace could be brought to loyalty by a heavy show of force, Porter was dubious of the idea that the Latter-day Saints could ever actually be reformed into loyal Americans. At best the country would be left with “a large collection of paupers” that would need to be fed and who would therefore demand “mercy at the hands of the Government” without any merit to their cause.¹²⁴ For Porter, the Mormons constituted a populace that was beyond redemption. To allow them to remain within the confines of Americanness polluted the very makeup of American citizenship.

Months later, Porter softened his own stance as he wrote in his journal, writing that the army was seeking “to compel a peace,” and explaining “God knows we do not wish to shed the blood of this people.” But while “the calamity [was] much to be dreaded,” Porter was determined to prosecute war upon the Mormons and any who advocated the Mormon case. He was determined not to have the nation create a picture for foreign nations of “a powerful nation made too weak by dissensions to subdue a band of robbers & assassins.”¹²⁵ Like Phelps, Porter believed that it was essential to make an example out of the Mormons, thus sending a resounding message to the nation and the international community about the strength and integrity of the United States. For both men, there was more at stake than just the allegiance of the territory of Utah. At issue was the very vitality of the nation and how it was perceived by the international world.

¹²⁴ John Fitz Porter to Samuel Cooper, December 31, 1857, Letters Received by the Office of the Adjutant General, Film #1182566, FHL.

¹²⁵ Fitz John Porter, Diary, April 16, 1858, Fitz-John Porter Papers, MS 12074, CHL.

While it is impossible to know how each member of the Utah Expedition felt about the Mormons and the circumstances in Utah, the letters written by Johnston, Porter, and Phelps provide valuable insights into the general opinion of the expedition's command structure. To a man, the upper ranks of the army of Utah saw the Mormons as an unruly segment of the American populace that was either beyond reform or could only be reformed at the point of rifles and bayonets. Such ideas, including even the possibility of extermination or banishment, reflected the broader perspective of the American populace.¹²⁶ Even some Americans who knew and were related to members of the Mormon community believed that the Government would "have to wage a war of extermination" against the community, "let the cost (blood and treasure) be what it may."¹²⁷ Indeed, as the possibility of a large-scale conflict in Utah seemed to become more certain, many Americans scattered throughout the nation's communities willingly volunteered to participate in the impending war.¹²⁸ Whether for adventure or vendettas, there was a large supply of Americans who hoped to "engage in the War against the Mormons."¹²⁹

Executive and Judicial Conflict at Camp Scott

In early December 1857, while encamped in the mountains near Fort Bridger, the army and the accompanying federal officers began the process of reconstructing

¹²⁶ "Light Wanted on the Mormon Difficulty," *New York Times*, January 28, 1858, page 4, column 2.

¹²⁷ A. R. Burbank to Alfred Cumming, December 12, 1857, Alfred Cumming Papers, MS 17697, reel 1, CHL.

¹²⁸ William P. MacKinnon, *At Sword's Point, Part 2: A Documentary History of the Utah War, 1858-1859* (Norman, Oklahoma: Arthur H. Clark Company, 2016), 255-259.

¹²⁹ John H. Kehler to James Buchanan, February 18, 1858, in MacKinnon, *At Sword's Point, Part 2*, 256.

Mormonism by holding a term of the Utah State Supreme Court at Camp Scott. Together with Alfred Cumming and other officials, new supreme court justice Delano Eckels began holding court with the intention to “try some few Mormons” held as prisoners on the crime of treason.¹³⁰ Eckels’ determination pleased Phelps, who was convinced that the judge was so committed to the measures that if “there were enough troops here to bring him,” Eckels would have issued a federal summons on Young himself.¹³¹ The Eckels court demonstrated that the government was committed to action and unafraid to use the army as the orders had directed, employing the force as a posse comitatus in more than just exceptional circumstances.¹³² The proceedings at Eckels’s court made it seem as though the army would function as the federal marshals on a regular basis.

Despite the inability to compel Young’s attendance at the proceedings, on December 30, 1857, Eckels brought federal charges against Brigham Young, Heber C. Kimball, Daniel H. Wells, and several others on charges of “insurrection, rebellion, and war against the said United States.” The indictment was open ended, explaining that the conspirators included “a great multitude of persons, (whose names to the Grand Jurors aforesaid are at present unknown.)” Providing for the unknown conspirators, the official court records left several blank lines where their names could be added to the official indictment. Eckels’s indictment anticipated that at least “one thousand persons and more” might ultimately be tried for having been “armed and arrayed in a warlike manner . . .

¹³⁰ John W. Phelps to Lily DePeyster, December 9, 1857, John Wolcott Phelps Papers, MS 18624, reel 2, volume 1, pages 304-305, CHL.

¹³¹ John W. Phelps to Charles Edward Phelps, December 12, 1857, John Wolcott Phelps Papers, MS 18624, reel 2, volume 1, pages 309-310, CHL.

¹³² James Buchanan, “First Annual Message,” December 8, 1857, in John Bassett Moore, ed., *The Works of James Buchanan: Comprising his Speeches, State Papers, and Private Correspondence* 12 vols. (Philadelphia, Pennsylvania: J. B. Lippincott Co., 1910), 10:151-153.

with rifles, pistols, swords, and other warlike weapons, as well offensive and defensive,” all “contrary to the duty of their said allegiance and fidelity” to the United States of America.¹³³

In creating a grand jury, Eckels selected a number of individuals with known prejudice toward Mormonism and the Utah community. Although it would have been virtually impossible to impanel an impartial jury at Camp Scott, Eckels made little effort to find either arguments or jurors who could consider the Mormon perspective without partiality.¹³⁴ In his proceedings against the Mormons, Eckels was willing to utilize whatever means were at his disposal to bring charges against Young and the Latter-day Saints. Recognizing that there were no official federal or territorial statutes available upon which he might charge Moromon polygamists, Eckels suggested that they might be tried under Mexican laws, as “the Mexican law [had] never been repealed” in Utah.¹³⁵ Although there is no evidence that this suggested course of action was ever utilized, its suggestion by a federally appointed justice and the appraisal of military officers of the proposed course demonstrates the extents to which some American officials were willing to go in their efforts to reconstruct Mormonism.

Seeing the court proceedings as an important part of the Utah Expedition, military officials championed the efforts of the Eckels court. Throughout 1857 and early 1858, Cumming similarly approved of the work of Eckels court. As efforts to resolve the

¹³³ *The United States v. Brigham Young, Heber C. Kimball, Daniel H. Wells, et al.*, December 30, 1857, Utah Third District Court Case Files, Series 9802, box 1, folder 11, Utah Division of Archives and Record Services, Salt Lake City, Utah (hereafter State Archives).

¹³⁴ MacKinnon, *At Sword's Point, Part 1*, 468-470.

¹³⁵ John W. Phelps, Diary, April 2, 1858, John Wolcott Phelps Papers, MS 18624, reel 1, volume 19, pages 52-53, CHL. See Chapter 5 for a discussion of polygamy and federal law.

conflict peacefully began during March, however, the new governor a noticeable distance developed between Cumming and the other federal and military officials.¹³⁶ Ultimately Cumming's criticisms developed a significant rift in the relationship between the governor's office and the territorial supreme court, with Johnston and the army taking the side of Eckels.

The peace efforts were largely the work of Young's non-Mormon confidante, Thomas L. Kane. Sensing the precariousness of the situation, Kane had approached Buchanan during December 1857, explaining that he was "willing to make an expedition to Salt Lake . . . at his own expense" in order to "accomplish an amicable peace."¹³⁷ Somewhat reluctantly, Buchanan provided Kane with a letter recommending him "to the favorable regard of all officers of the United States," but without the official sanction of the government. Although hoping for peace, Buchanan was skeptical of the idea that the Mormons had in any way misunderstood the intentions of the government in sending the expedition to Utah.¹³⁸ Despite the lack of official sanction from Buchanan, Kane made his way to California by boat and then traveled to Utah, arriving in Salt Lake City on February 27, 1858, where he immediately met with Young and began "pleading for peace" and urged Young not to attack the soldiers.¹³⁹

¹³⁶ MacKinnon, *At Sword's Point, Part 2*, 281-282.

¹³⁷ James C. Van Dyke to James Buchanan, December 9, 1857, in MacKinnon, *At Sword's Point, Part 1*, 486.

¹³⁸ James Buchanan to Thomas L. Kane, December 31, 1857—A, in MacKinnon, *At Sword's Point, Part 1*, 504; James Buchanan to Thomas L. Kane, December 31, 1857—B, in MacKinnon, *At Sword's Point, Part 1*, 504.

¹³⁹ Andrew Jackson Allen, Journal, February 27, 1858, MS 20194, page 10, CHL. For additional information regarding Kane's efforts to effect a peaceful resolution to the Utah War, see: Matthew J. Grow, *"Liberty to the Downtrodden": Thomas L. Kane, Romantic Reformer* (New Haven, Connecticut: Yale University Press, 2009), 149-206; MacKinnon, *At Sword's Point, Part 1*, 479-512; MacKinnon, *At Sword's Point, Part 2*, 187-243, 275-308, 347-381.

After meeting with Young and the Latter-day Saints, Kane made his way to Camp Scott, arriving there on the evening of March 12. Manifesting the urgency of the circumstances, Kane immediately requested meetings with both Johnston and Cumming. Johnston and others were less than impressed, and perceiving Kane to be a Mormon sympathizer, believed that he ought to be hung.¹⁴⁰ Kane was similarly unimpressed with the gathering at Camp Scott, describing it to Buchanan as “a mixed society of about 2,000 womanless men—soldiers officers teamsters & camp followers,” including “professional gamblers, and professional anti-Mormons.” Given the makeup of the camp, Kane wrote to Buchanan that he had two concerns. First, he was worried that the army officers would not “be able to control their soldiers—much less their disorderly retinue of Camp follower and attendants.” Secondly, he was concerned that the Mormons would face anything but impartial juries when the courts took the Utah War under legal consideration. Kane particularly considered Eckels to be “an over eager prosecutor” who was determined to see that neither Young nor the other leaders “escape ‘his halter,’” or noose, when he finally arrived in Salt Lake City. Although charged with executing the law, in Kane’s view, Eckels was determined to see Mormon “blood . . . freely flow.”¹⁴¹

Whereas Johnston was perturbed by Kane’s presence, Cumming gradually became convinced of the merits of Kane’s efforts. Early in the expedition, Cumming had been convinced, like Johnston, that the Mormons “exhibit[ed] a rebellious spirit,” being

¹⁴⁰ John W. Phelps, Diary, 13 March 1858, John Wolcott Phelps Papers, MS 18624, reel 1, volume 19, pages 3-8, CHL; Jesse A. Gove to Maria Gove, March 14, 1858, in Otis G. Hammond, ed., *The Utah Expedition 1857-1858: Letters of Capt. Jesse A. Gove, 10th Inf., U.S.A., of Concord, N.H., to Mrs. Gove, and Special Correspondence of the New York Herald* (Concord: New Hampshire Historical Society, 1928), 134.

¹⁴¹ Thomas L. Kane to James Buchanan, ca. March 15, 1858, in MacKinnon, *At Sword’s Point, Part 2*, 290.

motivated by the “insane movements of the leaders.”¹⁴² But while Cumming continued to believe that the Young and the Mormons had acted unwisely, his interactions with Kane during March 1858 moved him toward a preference for a peaceful resolution to the conflict. Kane’s efforts with Cumming left the soldiers “incensed” and believing that “the Governor [was] completely fooled by him.”¹⁴³ With the onset of spring, Cumming began to sense that without intervention, disaster was imminent. Although determined to fulfill his “duty to enforce unconditional submission to the authority of the United States,” the governor wrote to Kane that he hoped to “temper justice with mercy and prevent the unnecessary effusion of blood.”¹⁴⁴ As a part of this effort, Cumming determined to visit Salt Lake City before the advance of the army in order to urge peace among the people.¹⁴⁵ Unlike his fellow leaders at Camp Scott, Cumming was not convinced of the merits, effectiveness, or necessity of reconstructive force and bloodshed. Whereas Johnston, Phelps, Porter, and Eckels saw a community in need of strong displays of military force, Cumming was willing to entertain the possibility of peace. Accordingly, on April 5, he left Camp Scott with Kane to visit the Mormon communities.¹⁴⁶

While Cumming’s efforts toward peace began to endear him to the Latter-day Saints, those same efforts widened the growing rift between himself and his fellow U.S.

¹⁴² Alfred Cumming to Lewis Cass, March 28, 1857, Alfred Cumming Papers, MS 17697, reel 1, CHL.

¹⁴³ Gove to Gove, March 14, 1858, in Hammond, ed., *The Utah Expedition 1857-1858*, 135.

¹⁴⁴ Alfred Cumming to Thomas L. Kane, March 23, 1858, in MacKinnon, *At Sword’s Point, Part 2*, 299.

¹⁴⁵ Alfred Cumming to Lewis Cass, March 24, 1858, in MacKinnon, *At Sword’s Point, Part 2*, 308.

¹⁴⁶ John W. Phelps, Diary, April 5, 1858, John Wolcott Phelps Papers, MS 18624, reel 1, volume 20, page 5, CHL.

officials, including both Johnston and Eckels.¹⁴⁷ After spending the evening with Eckels, Phelps recorded in his diary that the judge was “very much opposed to the course pursued [sic] by the Governor in going into the City.”¹⁴⁸ Demonstrating his disapproval of Cumming’s course of action, Eckels held court the day that Cumming left for Salt Lake City and delivered a charge to the grand jury that mirrored Drummond’s charge at Carson Valley.¹⁴⁹ Kane was convinced that Eckels “desired to embarrass the peace negotiations, to which he is opposed.”¹⁵⁰ Addressing the jury, Eckels declared that there were “certain domestic arrangements” in Utah that were “at war with those which pertain to all other Christian communities,” and which were “destructive of the peace and good order of society.” He accordingly instructed the members of the jury to “find the facts and return the indictments, without fear, favor, affection, reward, or any hope thereof.” They were to use the law to “punish the lawless and disobedient.”¹⁵¹ Such statements, particularly made to a body largely composed of soldiers, had the potential to undermine Cumming’s efforts to restore peaceful relations.¹⁵²

Eckels’s criticisms of Cumming’s efforts did not fall on deaf ears among the soldiers, who likewise considered the peace efforts to be a betrayal of their original orders. Phelps believed that Cumming’s decision to go to Salt Lake City was a “very

¹⁴⁷ James A. Little, “A Biographical Sketch of William Rufus Rogers Stowell,” MS 506, pages 75-76, L. Tom Perry Special Collections, HBL (hereafter Special Collections, HBL).

¹⁴⁸ John W. Phelps, Diary, April 21, 1858, John Wolcott Phelps Papers, MS 18624, reel 1, volume 20, page 7, CHL.

¹⁴⁹ For more on Drummond’s charge, see Chapter 1 herein.

¹⁵⁰ Thomas L. Kane to John K. Kane, April 4, 1858, in MacKinnon, *At Sword’s Point, Part 2*, 385.

¹⁵¹ “Important from Utah,” *New York Times*, June 24, 1858, quoted in MacKinnon, *At Sword’s Point, Part 2*, 386.

¹⁵² MacKinnon, *At Sword’s Point, Part 2*, 386-387.

impolitic measure” that gave the appearance of the government expressing a policy of conciliation “when the ruling spirit of the occasion should be an offer on the part of the Mormons to submit without conditions.” To make peace with the Mormons smacked of anarchy and weakness rather than “the character of an established government.”¹⁵³ Phelps became increasingly incensed with each day that Cumming spent among the Mormons, and feared that politics and a politician were interfering with the Army’s mission to enforce American sovereignty and principles among the Mormons. He wrote bitterly, “Our Governor is still in Great Salt Lake City with his friends the Mormons. . . . It is a strange state of things, isn’t it?—to have our Governor in the City while we remain in a hostile altitude out-side.”¹⁵⁴

Such statements reveal the vastly different purposes that Cumming and the army officers had seen in the Utah Expedition. According to the general orders that had created the Utah Expedition, the army was to act in Utah only if the governor “should make requisition upon [them] for a military force to aid him as a posse comitatus,” in maintaining law and order. The orders to the army further specified that the army was to strive to maintain peaceful relations with the Mormons, stating, “and in no case will you, your officers or men, attack any body of citizens whatever, except on such requisition or summons, or in sheer self-defence.”¹⁵⁵ Accordingly, the Utah Expedition was to engage the Mormons only at Cumming’s call. As the letters and diaries of those in the army

¹⁵³ John W. Phelps to Helen Phelps, April 5, 1858, John Wolcott Phelps Papers, MS 18624, reel 2, volume 1, pages 414-415, CHL.

¹⁵⁴ John W. Phelps to Lily DePeyster, April 26, 1858, John Wolcott Phelps Papers, MS 18624, reel 2, volume 1, pages 438-439.

¹⁵⁵ George W. Lay to William S. Harney, June 29, 1857, in Hafen and Hafen, eds., *Mormon Resistance*, 31.

reveal, however, many military officials were anxious for an armed engagement against the Mormons regardless of the feelings or orders of the newly appointed governor. Camp Scott thus became its own smaller version of the questions of sovereignty and power as Cumming and Johnston struggled to determine whether executive or military position held preeminence.

The Move South

Arriving in Salt Lake City, Cumming discovered a Mormon population on the move. In the light of various reports that new army regiments and volunteers would soon be marching to Utah, Young had ordered a move southward in the name of self-preservation. Similar to many of the men under Johnston's command, some Mormon leaders favored hawkish approaches to the impending dangers that included armed attacks on Johnston's camp in the name of self-preservation. Despite the prevalent characterizations of Young as a hawkish traitor, during the early months of 1858, Young became a temporizing agent in the Mormon community, working with Kane and then Cumming to secure a peaceful resolution to the difficulties. Writing to his father, Kane noted that while some of the Mormons believed he had tied their hands with the efforts toward peace, Young was not among them, he having "been opposed to the effusion of blood from the beginning."¹⁵⁶ As reports of additional troops—both regular and volunteer—and federal indictments began to filter into Utah, Young became even more aware of just how desperate the situation he had created had become.¹⁵⁷

¹⁵⁶ Thomas L. Kane to John K. Kane, April 4, 1858, in MacKinnon, *At Sword's Point, Part 2*, 367.

¹⁵⁷ As early as February 4, 1858, there were rumors of an additional 4000 troops being sent to Utah. Levi Savage, diary, 4 February 1858, Levi Savage Jr. Diaries, MSS 417, box 2, folder 3, Special Collections, HBLL.

Although Young had contemplated moving as early as Captain Van Vliet's visit in September 1857, and had sent parties to Utah's west desert to search for possible places to move during February and early March 1858, he does not seem to have made the firm decision to move the people until mid-March. Young invited a number of military officials to "a Council of Officers of the [Nauvoo] Legion" to be held on March 18.¹⁵⁸ In addition to the First Presidency and several members of the Twelve, thirty military officers attended the meeting to consider "the best plan of operations [sic] . . . to counter act the purposes of our enemies." Given the militaristic makeup of the meeting's participants at what Wilford Woodruff designated as "a Council of war," it is likely that several in attendance favored a preemptive attack upon the army. After a number of deliberations, Young announced a plan to "go into the desert and not war with the people," believing that in time they would "destroy themselves." Young rightly worried that an assault on the troops would ultimately result in a disaster for the Mormon community.¹⁵⁹ Accepting Young's advice, the council determined to urge the Latter-day Saints to "leave their homes and go south, as it was thought wiser to do this than to fight the Army."¹⁶⁰

Three days later, Young ordered the Saints to move south, vacating the Salt Lake Valley and all of the settlements to the north. In explaining the decision, Young made an

¹⁵⁸ James Ferguson to Charles C. Rich, 16 March 1858, Charles C. Rich Papers, MSS 889, box 2, folder 8, CHL; James Ferguson to George A. Smith, George A. Smith Papers, MS 1322, box 5, folder 15, CHL.

¹⁵⁹ Wilford Woodruff, diary, 18 March 1858, in Scott G. Kenney, ed., *Wilford Woodruff's Journal*, 9 vols. (Midvale, Utah: Signature Books, 1983-1985), 5:177; Hosea Stout, diary, 18 March 1858, in Juanita Brooks, ed., *On the Mormon Frontier: The Diary of Hosea Stout, 1844-1889*, 2 vols. (Salt Lake City: University of Utah Press, 2009), 2:654.

¹⁶⁰ The Smiths had just completed a new home when they learned of the decision to move south. Bathsheba W. Bigler Smith, *Autobiography 1844-1906*, MSS 920, page 37, Special Collections, HBL.

appeal to peace, rhetorically asking the assembled group, “Should I take a course to waste life?” Responding to his own query, Young answered that the Latter-day Saints were “duty bound to preserve life,” and should therefore follow the outlined counsel. He further explained that if they fought, the Latter-day saints would invariably see the time that they would have to flee their own homes and “leave the spoil” to the coming armies. Young had become convinced that any attack upon Johnston’s troops would lead to a fierce retaliation, leaving the saints, at best homeless.¹⁶¹

For the Latter-day Saint community, Young’s declaration was anything but encouraging. Salt Lake City resident David Candland noted that only 25 out of the 500 families that Young had asked to be ready to move were prepared to meet the deadline.¹⁶² A week after the orders to move had been given, the Bishop of the North Cottonwood Ward in Farmington chastised some who were “finding fault with Pres. Young’s course.”¹⁶³ Hoping to quell the discontent, Young quipped during an April sermon that if the Latter-day Saints had to continue their wanderings “as long as the Israelites of old,” they would only have twelve more years before they were “landed in the promised land.”¹⁶⁴ For many Mormons, however, the move south was anything but a joke and in later years seemed to have been a costly and unnecessary exercise that derived little benefit.¹⁶⁵

¹⁶¹ Brigham Young, Discourse, 21 March 1858, in Van Wagoner, ed., *Complete Discourses of Brigham Young*, 1413-14.

¹⁶² David Candland, Journal, 21 March 1858, MS 1891, page 34, CHL.

¹⁶³ North Cottonwood Ward, Minutes, 28 March 1858, North Cottonwood Ward Minutes 1856-1859, LR 2816 21, CHL.

¹⁶⁴ Brigham Young, discourse, 6 April 1858, General church Minutes Collection, CR 100 318, box 3, folder 18, CHL.

Despite the misgivings of the people, by the time Cumming and Kane arrived in Salt Lake on April 9, the preparations for the move were well under way. The move concerned Cumming who urged the people not to move, assuring them, “you shall not be hurt.” Apostle Wilford Woodruff scoffed at the “would be governor” and his promise, noting that he had “Come with an armed force to force himself as a governor [sic] upon a people who did not want him.”¹⁶⁶ Other Mormon leaders were similarly put off by Cumming’s appearance. And even the mollifying Young took a nonchalant approach to the visit, stating that if Cumming “was anxious to have a meeting with the people, to ascertain if they wanted him for governor, he thought it might be good to have the Tabernacle filled with women for the occasion.”¹⁶⁷ Meeting with Young, Cumming virtually commanded Young to reverse the policy and “forbid the people leaving their homes.” Convinced that the move south was a policy of self-preservation in the face of an approaching army, however, Young took exception to Cumming’s plea and left the conversation “fully satisfied” that new governor “desired the destruction of the Saints.”¹⁶⁸

Despite Young’s misgivings, however, Cumming interpreted his meetings with the Mormons in a positive light. He wrote to Johnston, “I have been everywhere recognized as the governor of Utah, and so far from having encountered insults or indignities, . . . I have been universally greeted with such respectful attentions as are due

¹⁶⁵ Brigham Young, discourse, 25 July 1870, in Richard S. Van Wagoner, ed., *The Complete Discourses of Brigham Young*, 5 vols. (Salt Lake City: Smith-Pettit Foundation, 2009), 5:2276-77.

¹⁶⁶ Wilford Woodruff, Journal, April 12, 1858, Wilford Woodruff Journals and Papers, MS 1352, box 3, folder 1, CHL.

¹⁶⁷ Historian’s Office, Journal, April 9, 1858, CR 100 1, box 2, volume 20, page 266, CHL; MacKinnon, *At Sword’s Point, Part 2*, 377.

¹⁶⁸ Historian’s Office, Journal, April 9, 1858, CR 100 1, box 2, volume 20, page 285, CHL.

to the representatives of the executive authority of the United States in the Territory.”¹⁶⁹ Cumming’s assessment was not without purpose. By suggesting that the Mormons gave due regard to federal authority, he was attempting to convince Johnston and the other military officials that as the new governor he had matters fully in hand and that for the time being, the army need not act as a posse comitatus in Utah. Johnston, however, was unconvinced believing that the letter meant there had been “some stipulation or promise on the part of the Mormons to disband.” Absent such any evidence of a change in the Mormon forces, however, Johnston believed his orders with regards to the Mormons remained unaltered.¹⁷⁰

While Johnston saw no movement among the Mormon troops in Echo Canyon, a mass migration was underway among the Latter-day Saint communities that signaled Young’s changing policy. Despite Cummings’ pleadings, and misgivings among many Latter-day Saints, every Latter-day Saint community north of Utah County moved south during March and April 1858, leaving only a small contingency of Mormons in the northern settlements. Wards from Utah County and as far south as Cedar City were asked to send wagons, animals, and men to assist with the resettlement.¹⁷¹

¹⁶⁹ Alfred A. Cumming to Albert Sidney Johnston, April 15, 1858, in “Report of the Secretary of War,” in Message of the President of the United States to the Two Houses of Congress at the Commencement of the Second Session of the Thirty-Fifth Congress, 35th Cong., 2d sess., Ex. Doc. 2 (Washington, DC, 1858), 72; MacKinnon, *At Sword’s Point, Part 2*, 381.

¹⁷⁰ Albert Sidney Johnston to Irvin McDowell, April 22, 1858, in “Report of the Secretary of War,” in Message of the President of the United States to the Two Houses of Congress at the Commencement of the Second Session of the Thirty-Fifth Congress, 35th Cong., 2d sess., Ex. Doc. 2 (Washington, DC, 1858), 71-72.

¹⁷¹ John D. Lee, diary, 31 March 1858, in Robert Glass Cleland and Juanita Brooks, eds., *A Mormon Chronicle: The Diaries of John D. Lee, 1848-1876* 2 vols. (Salt Lake City: University of Utah Press, 1983), 1:156.

Owing to the exigencies of the circumstances, a lack of proper planning plagued the move south.¹⁷² At least a portion of the poor planning could be attributed to the pervading fears about the intentions of the Utah Expedition. Despite the efforts to have entire wards settle in the same general location, some people chose to move further south as a means of protecting their families from what they feared to be an imminent attack from Johnston's army.¹⁷³ Upon reaching Provo, Mary Cruickshank Morrison asked the driver of her team if they could transport her and her infant son another hundred miles further south to Ephraim, wanting to be as far away from the army as possible.¹⁷⁴ Similarly, rather than choosing to stay with the majority of the Smith family in Provo, George A. Smith's wife Susan opted to go to Parowan.¹⁷⁵ For some, even the assurances from Young and other leaders did hold little sway when compared with the rumors of an impending invasion and thousands of new reinforcements en route to Utah.

For those who stayed in Utah Valley, available housing was almost non-existent. While a few families managed to find housing in well-built homes with friends and family, most lived in makeshift homes constructed from whatever materials they could find.¹⁷⁶ In Lehi, families established quarters in dugouts arranged in a long row "along a

¹⁷² Richard Poll, "The Move South," *BYU Studies* 29, no. 4 (Fall 1989): 79.

¹⁷³ Milton Datus Hammond, journal, 8 May 1858, Richard Douglas Poll Papers, MS 674, box 77, folder 4, Special Collections, J. Willard Marriott Library, University of Utah, Salt Lake City, Utah (hereafter Special Collections, UU).

¹⁷⁴ Mary Margaret Forquhar Cruickshank Morrison, Autobiography, in Kate B. Carter, comp., *Our Pioneer Heritage* (Salt Lake City: Daughters of Utah Pioneers, 1969), 12:82-84.

¹⁷⁵ Bathsheba W. Bigler Smith, Autobiography 1844-1906, MSS 920, page 37-38, Special Collections, HBLL.

¹⁷⁶ Alexander F. and Elizabeth Graham MacDonald divided their home with "a couple of families from Salt Lake." Elizabeth Graham MacDonald, Autobiography 1875, MS 31, page 19, CHL.

mud wall,” housing “20 or more Tooele families.”¹⁷⁷ While shanties and dugouts were clearly not optimal, others fared even more poorly. Andrew Jackson Allen, on the other hand, housed his family in a wagon, “without any covering” excepting the wagon cover.¹⁷⁸ Still others spent the duration of the move living in “houses made of willows and canes grass” that closely resembled Native American wigwams.¹⁷⁹

Young established his offices in Provo, making the city the de-facto capital of Utah between April and June 1858, with the city’s population swelling to nearly four times its size.¹⁸⁰ In an effort to keep the desperate circumstances from overwhelming the community, Young established a variety of public works projects to occupy the refugee settlers and benefit the burdened communities.¹⁸¹ Such efforts similarly helped to quell the impact of the pervading rumors growing out of the Utah War.¹⁸²

The Peace Commission

Unbeknownst to Cumming, Kane, or Young, contemporary with their efforts to restore peaceful relations, in the spring of 1858, Buchanan decided to make a formal offer of peace and amnesty to the Mormon community. The impetus for Buchanan’s sudden

¹⁷⁷ Thomas Atkin Jr., *Autobiography of Thomas Atkin Jr.*, MSS A 65, page 13, Utah State Historical Society, Salt Lake City, Utah (hereafter USHS).

¹⁷⁸ Andrew Jackson Allen, *Journal*, 10 June 1858, MS 20194, CHL.

¹⁷⁹ Andrew Jackson Allen, *Journal*, 25 May 1858, CHL.

¹⁸⁰ Leonard J. Arrington, *Great Basin Kingdom*, 81; Poll, “The Move South,” 80-81.

¹⁸¹ Charles Brent Hancock, *Autobiography* [ca. 1882], MS 5285, page 71, CHL; Historian’s Office, *Journal*, 17 and 26 May, 1858, CR 100 1, box 2, volume 21, pages 41 and 64, CHL; Historian’s Office, *Journal* 7 June 1858, CR 100 1, box 2, volume 21, page 77, CHL; Levi Savage, *Diary*, 22 May 1858, Levi Savage Jr. *Diaries*, MS 417, box 2, folder 3, Special Collections, HBLL.

¹⁸² Levi Savage and Milton Datus Hammond both noted the persistence of rumors before and during the move south. Levi Savage, *diary*, 4 February and 29 March 1858, Levi Savage Jr. *Diaries*, MS 417, box 2, folder 3, Special Collections, HBLL; Milton Datus Hammond, *journal*, 12 May 1858, Richard Douglas Poll Papers, box 77, folder 4, Special Collections, UU.

shift in policy grew out of struggles with Congress during the winter of 1857-1858. Learning that the Mormons had determined to resist the army, Buchanan had asked Congress to increasing funding for and increase the size of the nation's regular army. The proposition met with immediate resistance within Congress for a variety of reasons. While many were anxious to suppress the rebellion in Utah and were willing to approve temporary increases "to maintain the authority of the government in Utah," others questioned the motives surrounding a permanent increase to the standing army.¹⁸³ New Hampshire Republican John P. Hale was characteristic. Although determined not to allow the nation to "suffer its name to be tarnished, its power to be insulted, [and] the lives of its citizens to be destroyed by an enemy," he was hesitant about the implications of a permanent expansion.¹⁸⁴ William Seward tied his concerns directly to larger national issues, explaining that "the use of the Army [had] been abused in the Territory of Kansas" and in other areas "to enforce the execution of the fugitive slave law." Seward preferred expanding the military by volunteers which would not remain within the jurisdiction of the president after the conflict.¹⁸⁵ Republican James Dixon of Connecticut similarly opined that Buchanan wanted to increase the army so that he could "keep a very large portion of the troops" in Kansas.¹⁸⁶

Georgia Democrat Robert A. Toombs suggested Southern reasons for concern about the increase. Toombs was worried about the motives for the increase, stating that

¹⁸³ These comments were made by Republican Henry Wilson of Massachusetts. U.S. Congress, *Cong. Globe*, 35th Cong., 1st sess., 677 (1858).

¹⁸⁴ U.S. Congress, *Cong. Globe*, 35th Cong., 1st sess., 6-7 (1857).

¹⁸⁵ U.S. Congress, *Cong. Globe*, 35th Cong., 1st sess., 412-413 (1858).

¹⁸⁶ U.S. Congress, *Cong. Globe*, 35th Cong., 1st sess., 626 (1858).

the call to increase the Army was in response to “a supposed Mormon War—an anticipated Mormon war, rather than an existing one.” In the wake of the Panic of 1857, Toombs worried about the costs of financing a war “to carry vast bodies of troops over the Rocky Mountains, in order to murder those people who are called Mormons.”¹⁸⁷ More to the point, Toombs argued that the increase was merely “a pretext for permanently saddling the country with an enormously expensive military establishment,” that might later be used to enforce laws within the states. “I hope never to see the sole of the foot of a Federal soldier press the soil of Georgia,” he declared.¹⁸⁸ In this statement, Toombs reminded his fellow senators that while large standing armies could be used to control Utah, but they might also be used to control other regions. Indeed, in the minds of 1850s Americans, such unexpected expansions to other regions and other groups were among the most challenging problems with reconstructive powers and policies.

Among the few advocates of the measure was Mississippi Democrat Jefferson Davis, who defended the aims of the Utah War. Responding to Toombs, Davis explained that the increase in the army was not for war or to murder the Mormons, but “to execute the laws of the Union.” Davis then noted, “I regret, as much as any one, that a rebellion should exist in even the remotest Territory of the United States; but wherever rebellion does exist, wherever there is insurrection against State authority or invasion of the United States, the President has the power to repel such invasion, to suppress such insurrection, to put down such rebellion, if it be in a Territory.”¹⁸⁹ Save for the specification that the

¹⁸⁷ U.S. Congress, *Cong. Globe*, 35th Cong., 1st sess., 406-407 (1858). Maine Republican William Fessenden similarly worried about the costs of an increase, stating, “just at this time we are bankrupt; we cannot pay our debts.” U.S. Congress, *Cong. Globe* 35th Cong., 1st sess., 410 (1858).

¹⁸⁸ U.S. Congress, *Cong. Globe*, 35th Cong., 1st sess., 456 (1858).

¹⁸⁹ U.S. Congress, *Cong. Globe*, 35th Cong., 1st sess., 408 (1858).

rebellion be in a territory, Davis's words would ring with irony four years later as he developed a dramatically different view of the duties of the U.S. president to use force to quell a rebellion against federal authority.

Although criticized for doing nothing when "Civil war virtually exists within our borders," Buchanan's call for a permanent expansion of the U.S. army ultimately found little support within Congress.¹⁹⁰ The inaction of Congress necessitated Buchanan using a different policy in the territory: a policy of peace and amnesty. In the spring of 1858, he had appointed Major Ben McCulloch of Texas and former Kentucky governor Lazarus W. Powell to serve as peace commissioners to Utah.¹⁹¹ The selection of the two officers was balanced. While Powell had no known connections to the circumstances in Utah, McCulloch had been intimately involved with the Utah Expedition since its inception. As a military officer, McCulloch had been instrumental in the military decisions that precipitated the sending of the army to Utah and had later been considered for the post of governor.¹⁹² As late as February, McCulloch fully anticipated being sent to Utah in a military capacity, with his greatest worry being that Congress would be "too slow" to act because of the debates between "the Black Republicans of the North & the Ultra Filibusters [sic] of the South."¹⁹³ Far from advocating peace during the proceedings,

¹⁹⁰ The *New York Herald* criticized Congress and "its usual number of Buncombe speeches" for its unwillingness to make the needed additions to the army to deal with Utah. "The Utah Rebellion," *New York Herald*, January 21, 1858, page 4, column 4.

¹⁹¹ John M. Bernhisel to Brigham Young, April 3, 1858, Brigham Young Office Files, CR 1234 1, box 61, folder 2, CHL; MacKinnon, *At Sword's Point, Part 2*, 396.

¹⁹² Ben E. McCulloch to Francis F. Lenoir McCulloch, July 24, 1857, Benjamin McCulloch Papers, 3G37, folder 5, Dolph Briscoe Center for American History, University of Texas at Austin, Austin, Texas (hereafter Briscoe Center).

¹⁹³ Ben E. McCulloch to Francis F. Lenoir McCulloch, February 21, 1858, Benjamin McCulloch Papers, 3G37, folder 5, Briscoe Center; Ben E. McCulloch to Rush, January 31, 1858, Benjamin McCulloch Papers, 3G37, folder 5, Briscoe Center.

McCulloch advocated military action. Accordingly, while Powell ultimately handled the majority of the peace negotiations, McCulloch represented the perspectives and calls for displays of force that had originally motivated the Utah Expedition.¹⁹⁴

Prior to their departure, Buchanan authored a proclamation which they were to present to Young and the Mormons. Although ending with an offer of amnesty, the document was far from conciliatory and was written in such a way as to irritate the Mormon community to the core prior to granting them amnesty. Nothing would have angered the Mormons more than Buchanan's assignment of guilt, which he laid wholly on the shoulders of the Mormons. He declared unequivocally that the citizens of Utah were "levying war against the United States" and were therefore guilty of the crime of treason. He disclaimed any guilt on the part of the government, explaining that the Utah Expedition had not been a crusade against the Mormon religion and that the federal government had "never, directly or indirectly, sought to molest [them] in [their] worship."¹⁹⁵ The proclamation dismissed any notion on the part of Young and the Mormons that they had acted in self-defense against a violent mob and required the Mormons to similarly make a public disavowal of such ideas in order to secure a pardon. The Proclamation's wording was a calculated move on Buchanan's part in that its stipulations compelled the Latter-day Saints to make a fundamental acknowledgment of the superiority of federal sovereignty and their willingness to submit to it.

¹⁹⁴ By the President of the United States, A Proclamation," April 6, 1858, in MacKinnon, *At Sword's Point, Part 2*, 398-399.

¹⁹⁵ "By the President of the United States, A Proclamation," April 6, 1858, in MacKinnon, *At Sword's Point, Part 2*, 398-399.

On April 12, 1858, U.S. Secretary of War John B. Floyd provided Powell and McCulloch with a copy of Buchanan's proclamation and instructed them to "proceed with all practicable despatch to the Territory of Utah," where it was hoped they would arrive prior to the commencement of an armed engagement in order to "restore peace" and "spare the effusion of blood."¹⁹⁶ After arriving at Fort Leavenworth, Powell and McCulloch purchased supplies and then left the fort on the evening of April 25 to begin their journey to Utah.¹⁹⁷ They arrived at Camp Scott on May 29, and met with Johnston and Cumming to discuss the purpose of their mission. The meeting reflected the continuing attitudes against Mormonism among the Army. While Cumming reported his belief that the Mormons were making genuine overtures toward peace, Johnston and the two commissioners felt certain that he had been given false information by the Mormons. Despite their misgivings, however, Powell and McCulloch left Camp Scott on June 2 to make their way to Salt Lake City for a meeting with Young and the other Mormon leaders, hoping to induce them to "quietly submit to the control of the army in the Salt Lake valley." Both commissioners believed, as had Buchanan, that the presence of the army would be "the chief inducement" that would "cause this deluded people to

¹⁹⁶ John B. Floyd to Lazarus W. Powell and Ben E. McCulloch, April 12, 1858, in Message of the President of the United States to the Two Houses of Congress at the Commencement of the Second Session of the Thirty-Fifth Congress, 35th Cong., 2d sess., Ex. Doc. 2 (Washington, DC, 1858), 160-162.

¹⁹⁷ Lazarus W. Powell and Ben E. McCulloch to John B. Floyd, April 25, 1858, in Message of the President of the United States to the Two Houses of Congress, 163-164; Lazarus W. Powell and Ben E. McCulloch to John B. Floyd, May 3, 1858, in Message of the President of the United States to the Two Houses of Congress, 164-165.

submit.”¹⁹⁸ Arriving in Salt Lake City on June 7, they made arrangements to hold a conference with Young.¹⁹⁹

On June 10, Brigham Young and a party of Mormon leaders made their way from Provo to Salt Lake and arranged to meet with Powell and McCulloch the following day.²⁰⁰ The next morning, at Young’s invitation, Powell explained their purpose in coming to Utah, stating that they had been sent to inform the Mormons of the intentions of the Government in sending the army “before the effusion of blood.” He explained that the army had not been sent to “trammel your rights civil or religious,” but rather “to sustain the Government in executing the laws of the United States, to keep the emigration open, and to chastise the Indians.” Hoping to assuage Mormon concerns, he stated that Johnston’s army had been sent for their defense and would be as liable to protect the Mormons as it would be to protect the Gentiles. Similar to Buchanan’s proclamation, Powell’s remarks placed the majority of the blame for the circumstances upon the Latter-day Saint community, although acknowledging that the remoteness of Utah provided for difficulties in communication.²⁰¹

The conditions of amnesty had been carefully calculated to necessitate Young’s own self-negation of his position within the Mormon community. Perhaps noting this

¹⁹⁸ Lazarus W. Powell and Ben E. McCulloch to John B. Floyd, June 1, 1858, in Message of the President of the United States to the Two Houses of Congress, 165-167.

¹⁹⁹ Lazarus W. Powell and Ben E. McCulloch to John B. Floyd, June 12, 1858, in Message of the President of the United States to the Two Houses of Congress, 167.

²⁰⁰ Minutes, June 10, 1858, Historian’s Office General Minutes of the Church, CR 100 318, box 3, folder 20, CHL.

²⁰¹ Minutes, June 11, 1858, Historian’s Office General Minutes of the Church, CR 100 318, box 3, folder 21, CHL.

intention, Young challenged the validity of the criticisms noted in Buchanan's proclamation and those levied by Powell. "If I had nothing to do but plead guilty and ask for clemency, it would be easy," Young observed. But there was more on the line for Young than the simple matter of obtaining clemency for the rebellion. Despite the requirements of the amnesty proclamation, Young wanted it understood that he believed his declaration of martial law had been done in the name of self-preservation. Disputing the notion that the army had come "for peace," Young declared that he was ready "to prove from the newspapers" that "merciless soldiers" had been sent with the single goal of "mak[ing] war upon this people." Providing evidence for his claims, Young noted "the threats of the officers of the army."²⁰²

Young's arguments raised significant questions for Powell whose answers likely went well beyond his actual familiarity with the on-the-ground details and realities. In answer to Young, Powell tried to emphasize that neither the president, the secretary of war, nor Johnston had ever intended to "quarter [the] army in the settlements." He then assured Young of his confidence that the army would not move upon the Mormons. Powell further stated that any general "who would move under such circumstances deserves to have his commission torn from him." Given the official correspondence of the Utah expedition, it is unlikely that commanding officers Johnston, Porter, and Phelps would have agreed with or appreciated Powell's assertion. Finally, Powell went even further by restructuring the conditions of amnesty. Rather than requiring the admission of guilt that Buchanan had demanded, Powell stated that all that was required was that the Mormons allow the army to enter the territory and that they "submit to the civil

²⁰² Minutes, June 11, 1858, Historian's Office General Minutes of the Church, CR 100 318, box 3, folder 21, CHL.

authorities” sent to Utah and honor the laws and constitution of the nation. Beyond that, Powell maintained that the country had “no right to ask any more.”²⁰³

Under these revised arrangements, Young promised to sustain Cumming and any other federal official, so long as they did not trample upon the rights of the Saints. With regards to the army, Young and others still balked. Apostle Erastus Snow queried what guarantees they would have on their rights if the Latter-day Saints allowed the army to “come in as a posse commitatus.” Building off the comment, Young stated that if the Mormons were to sustain the public officers as agreed, there was “no need for the army” and therefore it ought to be withdrawn.²⁰⁴

While Snow and Young used the venue to voice their disapproval of the treatment of the Latter-day Saints and of their anxieties about the presence and purpose of the army, Young also understood the need for caution in such arguments. In a tense moment, when Mormon Gilbert Clements openly denounced the proclamation as “a tissue of misrepresentations,” Young publicly corrected Clements. He diplomatically stated that although they would not “submit to have that army quartered in [their] midst,” he believed that there were, indeed, “some truths in the report” and some conditions to which the Latter-day Saints could readily submit.²⁰⁵

Powell informed the group that the only promises he could offer the Mormons were the promises enumerated within the proclamation, and that they must either accept

²⁰³ Minutes, June 11, 1858, Historian’s Office General Minutes of the Church, CR 100 318, box 3, folder 21, CHL.

²⁰⁴ Minutes, June 11, 1858, Historian’s Office General Minutes of the Church, CR 100 318, box 3, folder 21, CHL.

²⁰⁵ Minutes, June 11, 1858, Historian’s Office General Minutes of the Church, CR 100 318, box 3, folder 21, CHL.

or reject the offer. Assured by both Cumming and the commissioners that the army would not encamp close to any settlements, Young and the Saints finally agreed to allow the army to come into the territory unimpeded, thus gaining the privileges of the pardon and restoring peace to the territory.²⁰⁶ Although contending that the Latter-day Saints had done nothing to necessitate a pardon, Young understood the need to accept it and avert the impending war. “I have no pride to gratify no vanity to please” Young proclaimed. “If a man comes from the moon & says he will pardon me for kicking them in the moon yesterday, I don’t care about it, i’ll [sic] accept of his pardon.”²⁰⁷

An Unsteady Truce

At the conclusion of the peace conference, Powell and McCulloch wrote to James B. Floyd to announce the peaceful resolution of the difficulties and granting permission to Johnston to “march his army to the valley whenever he desired to do so.”²⁰⁸ Less than two weeks later, Johnston and the army made their way through the Salt Lake Valley, eventually making their way to a location about forty miles southwest from Salt Lake City where they established their permanent post, dubbed Camp Floyd.²⁰⁹ Both groups remained apprehensive in the days up to the army’s entrance. A continued fear of the army kept the Mormons at their southern encampments, with a few men in Salt Lake City prepared to set fire to the city if the army manifested any signs of aggressiveness. Equally

²⁰⁶ Minutes, June 11, 1858, Historian’s Office General Minutes of the Church, CR 100 318, box 3, folder 21, CHL.

²⁰⁷ Minutes, June 12, 1858, Historian’s Office General Minutes of the Church, CR 100 318, box 3, folder 21, CHL.

²⁰⁸ Powell and McCulloch to John B. Floyd, June 12, 1858, in Message of the President of the United States to the Two Houses of Congress, 167-168.

²⁰⁹ Lazarus W. Powell and Ben E. McCulloch to John B. Floyd, July 3, 1858, in Message of the President of the United States to the Two Houses of Congress, 172-174.

apprehensive, the peace commissioners thought it best to “remain until the army [was] located in the valley” to ensure that the Mormons kept their word.²¹⁰ Although the accord had averted armed conflict, neither side had complete confidence that the other would abide by the terms of the agreement. Indeed, shortly before the army was to enter the valley, Young learned of potential plans to call out “a military posse to arrest ‘Brigham Young and 66 others,’” suggesting that the peace accord had not settled all of the issues.²¹¹ Powell and McCulloch remained adamant that the military was critical to the continued peace and governance in Utah. Writing to Floyd, they advised that the governor of Utah should always have a “force sufficient to protect them,” and that in this way the Mormon leaders would finally lose power within the territory.²¹²

The observations of the soldiers as they entered Salt Lake Valley reveal how little the peace accord had actually accomplished in creating mutual respect and understanding between the Mormon and non-Mormon communities. Phelps saw only “a waste region of the United States,” populated by a majority of people with “personal defects, such as lameness, shabismus [eye defect], hump-backs etc.”²¹³ The architecture of the city evidenced “the darkling meanness, cunning and ignorance of the mind that originates,

²¹⁰ “Important from Utah,” *New York Times*, July 19, 1858, page 1, columns 1-4; Powell and McCulloch to John B. Floyd, June 12, 1858, in *Message of the President of the United States to the Two Houses of Congress*, 167; MacKinnon, *At Sword’s Point, Part 2*, 566-567.

²¹¹ James Ferguson to Brigham Young, June 21, 1858, in MacKinnon, *At Sword’s Point, Part 2*, 576.

²¹² Lazarus W. Powell and Ben E. McCulloch to John B. Floyd, July 3, 1858, in *Message of the President of the United States to the Two Houses of Congress*, 172-174.

²¹³ John W. Phelps, *Diary*, June 26, 1858, in MacKinnon, *At Sword’s Point, Part 2*, 591.

leads, and controls Mormonism.”²¹⁴ Utah was “the most miserable place on the face of the earth,” peopled by a “most wretched” population befitting the geography.²¹⁵

As for the politics of the region, in the eyes of many Gentiles, no definitive changes had taken place. Porter bemoaned the relative lack of change, writing, “As for the war it is now at an end, tho’ this people are not conquered and never will submit to the authority of the U.S. Government so long as the present rulers are left among them.”²¹⁶ Army officials believed the fault laid with Cumming who they thought had been duped by the Mormons, so that Young was “still the tru [sic] Governor of Utah.”²¹⁷ The soldiers blamed the government, which had failed because it had “acceded virtually, to every demand made by the Mormons,” leaving Young “as omnipotent as ever.” By opting for peace and diplomacy rather than a show of military might and bloodshed, the Buchanan administration had “disgraced itself and acted most culpably.”²¹⁸

Mormons viewed the effected peace with a mixture of braggadocio and disappointment. Danish convert Christian A. Madsen wrote to a Mormon periodical in Denmark, “The States have to withdraw from the ‘Mormon War’ without losing face. . . . The entire army, including Cumming and others can thank Brigham Young that they are still alive today.” Although claiming that “the young lions of Zion were not bloodthirsty,”

²¹⁴ John W. Phelps to Eunice Phelps Hickman, June 30, 1858, in MacKinnon, *At Sword’s Point, Part 2*, 592.

²¹⁵ George Dashiell Bayard to Mother, August 2, 1858, in MacKinnon, *At Sword’s Point, Part 2*, 630.

²¹⁶ “From Incidents of the Utah Expedition of 1859 to 1860 under Genl. A. S. Johnston,” in MacKinnon, *At Sword’s Point, Part 2*, 624.

²¹⁷ William Duncan Smith to N. Wallace Smith, July 22, 1858, in MacKinnon, *At Sword’s Point, Part 2*, 629.

²¹⁸ Bayard to Mother, August 2, 1858, in MacKinnon, *At Sword’s Point, Part 2*, 631.

Madsen stated that they were “justifiably indignant and wanted to punish” the army.”²¹⁹ Although claiming military victory in the affair, Madsen unwittingly noted that some Mormons had been disappointed by the emergence of peace, preferring to have engaged in armed conflict than to submit to federal authority. Such perspectives assured continued hostilities between Utah and the federal government.

Conclusion

The Utah War of 1857-1858 represented the first federal efforts to effect reconstructive changes within Utah. Contrary to later approaches that would employ more benign policies of economics, education, and legislation, this first attempt to regulate the territory was reconstruction by force in response to a perceived rebellion within a federal territory. Despite the prominence of polygamy, Buchanan consistently maintained that his decision to send troops to Utah were not part of a moral crusade against Mormonism’s peculiar institution. Privately, Buchanan held that the institution was “deplorable . . . and revolting to the moral and religious sentiments of all Christendom,” but politically it was untenable for him to take a dramatic stance against Utah’s own unique “domestic institution” while at the same time supporting popular sovereignty.²²⁰ Such a crusade was the province of the newly founded Republican Party, which would go on to propose and pass several pieces of anti-polygamy legislation between 1862 and 1887.²²¹ For Buchanan, the principal motive behind sending troops to

²¹⁹ Christian A. Madsen to Brother Widerborg, July 25, 1858, in MacKinnon, *At Sword’s Point, Part 2*, 631.

²²⁰ James Buchanan, “First Annual Message,” December 8, 1857, in Moore, ed., *The Works of James Buchanan*, 10:152.

²²¹ Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth Century America* (Chapel Hill: University of North Carolina Press, 2001).

Utah was to reassert the power of the federal government within the territory through a change in governor and by sending a detachment of the army to act as a posse comitatus at the call of the governor.

While Buchanan seems to have been at least marginally sincere in his desire not to “interfere with the religion of the people of Utah,” he drew a line at the ability of Mormons to disregard the sovereignty of the federal government in preference to other ruling bodies. In doing so, however, he created numerous questions about the limits and advisability of popular sovereignty, a principle that had helped secure his victory in the election of 1856 and which had perpetuated the power of the Democratic Party in America. He was emphatic that while the people of the territory were free to practice their religion, they were not free to disregard the laws of the federal government.²²² The realities in both Utah and Washington in early 1858 compelled both Buchanan and Young to reexamine their original motivations, reorienting Utah away from bloodshed and toward peace under the umbrella of federal power.

At the same time, the peace commissioners demonstrated that there were deep and unresolved issues that would continue to divide the Mormons from the larger American citizenry. Writing back to Washington D.C. at the close of the Utah War, commissioners Powell and McCulloch praised Buchanan’s decisiveness in the Utah War. They wrote, “We are firmly impressed with the belief that the presence of the army here, and the large additional force that had been ordered to this Territory, were the chief inducements that caused the Mormons to abandon the idea of resisting the authority of the United States.” A show of force and the willingness to shed blood to enforce federal sovereignty had, in

²²² Bernhisel to Young, circa June 1859, Brigham Young Office Files, CHL.

their minds, been an effective means of reconstruction even if the peace process had ultimately averted an effusion of blood. Indeed, they declared with certainty, “A less decisive policy would probably have resulted in a long, bloody, and expensive war.”²²³ Reconstructive change and submission to national laws could be effectively effected at the point of a bayonet.

Although such an overt display of force never again characterized the government’s Mormon policy in Utah, the military and the threat of forced remained a fixture in Utah until 1890. On the national scale, reconstruction by forceful means became a staple of the national efforts during the Greater Reconstruction, being implemented most prominently in the Indian wars of the West and in the American Civil War and Southern reconstruction.

²²³ Lazarus W. Powell and Ben E. McCulloch to John B. Floyd, July 3, 1858, in Message of the President of the United States to the Two Houses of Congress, 174.

CHAPTER 3

“MORE EFFECTUAL THAN ALL THE ENACTMENTS OF CONGRESS”: THE ECONOMIC RECONSTRUCTION OF UTAH, 1862-1874

Writing in his diary on January 10, 1870, Mormon apostle Wilford Woodruff noted, “This is a great day in Utah.” The day marked the completion of the Utah Central Railroad line between Salt Lake City and Ogden. The ceremony that celebrated the tying of Salt Lake City to the larger nation by railroad hearkened back to the driving of the golden spike at Promontory Point, by the driving of an iron spike at Salt Lake City. Although not nearly as significant as the previous year’s completion of the transcontinental railroad, this event drew the attendance of fifteen thousand people from both the Mormon and non-Mormon populations in Utah, as well as a number of railroad magnates.¹

In many ways, the ceremony had the makings of a Mormon dedicatory service, a spiritual event reserved to set apart newly constructed temples and chapels for religious worship.² The image of a beehive and the phrase “Holiness to the Lord” were emblazoned upon the ceremonial mallet that Brigham Young used to drive the iron spike. The spike itself was made from Utah’s own deposits of iron ore. At the conclusion of the event, Woodruff offered a prayer over the rail line, dedicating it to God and asking divine

¹ Wilford Woodruff, Journal, January 10, 1870, in Scott G. Kenney, ed., *Wilford Woodruff’s Journals: Typescript, 1834-1898*, 9 vols. (Midvale, Utah: Signature Books, 1983-1985), 6:519-20.

² In Latter-day Saint practice, temples and chapels serve different purposes. Whereas chapels house the weekly worship services, the temples are reserved for Mormon esoteric rites, and are therefore seen as more holy and exclusive in nature than are the chapels.

blessings upon it. In the prayer, Woodruff referred to the event as “one of the greatest and grandest events of the generation.” Woodruff’s high praise grew out of the notion that Utah had been “a perfect desert inhabited ownly [sic] by wild beasts and a few red men” only twenty-three years earlier. Through Mormon settlement and industry, however, Woodruff declared that the desert had “blossom[ed] as the rose.” In the previous year, the railroad had helped Utah to become a center of commerce for “the teeming thousands of the Anglo-Saxon race” who would thereafter settle in the region.³ Woodruff’s comments reflected the prevailing ideas that Anglo-Americans maintained about civilization and demonstrated just how Anglo-American the Mormons were at a time when both their whiteness and Americanness were highly questioned.⁴

Given the decidedly spiritual nature of the event and the Mormon-centric iconography of the ceremonial mallet, it is perhaps surprising that not only Mormons attended and participated in this event. As a general rule, non-Mormons (commonly referred to as Gentiles) avoided all Mormon-centric events. Woodruff recorded that this event, however, was different. Participants included a band from the U.S. Army’s Camp Douglas, as well as officials from the Union Pacific and the Central Pacific Railroad Companies.⁵ Though Mormons clearly formed a majority of the audience, this particular event created a short truce in the war between Mormons and Gentiles for the ideological control of Utah.

³ Woodruff, Journal, January 10, 1870, in Kenney, ed., *Wilford Woodruff’s Journals*, 6:520.

⁴ For a discussion of Mormonism and whiteness, see: W. Paul Reeve, *Religion of a Different Color: Race and the Mormon Struggle for Whiteness* (New York: Oxford University Press, 2015).

⁵ Woodruff, Journal, January 10, 1870, in Kenney, ed., *Wilford Woodruff’s Journals*, 6:519-20.

The wide-ranging advantages that the railroad's arrival in Salt Lake City offered to both the Mormon and Gentile populations created this rare moment of middle ground between the two communities. Characteristic of most late-nineteenth-century Americans, both groups believed that the expansion of railroads throughout Utah would advance their own specific goals. Despite frequent assertions that Mormons were opposed to the railroad, the community actually celebrated its coming, seeing it as the end of more than twenty years of costly pioneering ventures. In addition to providing for the speedier and far less deadly transit of Mormon emigrants to Utah, the railroad would greatly augment the faith's constant evangelizing efforts. Furthermore, Mormons believed that the railroad would facilitate the quicker construction of Salt Lake City's granite-walled Temple, an edifice that was vital to the faith's theological teachings and religious practices. By 1870, the structure had been under construction for seventeen years and was still far from completion owing to the difficulty of transporting large slabs of granite from the mountains to the building site. Hence, for many within the Latter-day Saint community the coming of the railroad heralded an expansion rather than a contraction of their religious tenets and rites.

But even while Latter-day Saints believed that the railroad offered opportunities for Mormon progress, government officials and Utah's Gentile population hoped that the institution would help to undermine the faith's influence within the territory. Ohio Congressman Robert C. Schenck explained this perspective. During a heated debate over the Cullom bill, one of the many anti-polygamy bills proposed during the nineteenth century, Schenck observed that the heavy hand of government was not necessarily the

best way to bring an end to polygamy.⁶ Although expressing his ardent opposition to polygamy and declaring himself to be “as desirous as any man to put an end to that impure, offensive and criminal condition,” Schenck felt that the government was ignoring a more effective method for reconstructing Utah. Rather than continually pursuing anti-polygamy legislation, which had the tendency to strengthen Mormonism’s identity as a persecuted people, Schenck believed that “the advance of railroads telegraphs and the progress of the tide of immigration” would prove “more effectual than all the enactments of Congress” in undermining Mormon polygamy.⁷

Schenck was not alone in this belief that economic tools might be used to weaken Mormonism in Utah. Associate justice Solomon McCurdy of Utah’s territorial supreme court had similarly advised government officials to place a greater emphasis upon developing the territory’s “immense mineral fields” believing that such efforts would encourage immigration from “an enterprising and industrious population” which could “soon by peaceful social & business intercourse with the people . . . revolutionize the present state of society and overthrow eventually the objectionable ecclesiastical rule” of the Mormon leaders.⁸ For both Shenck and McCurdy, the most effective means of reconstructing Mormonism were neither bayonets nor legislative acts, but rather railroads, mines, and commerce. While other methods of reconstructive change manifested quicker results, economic methods had the potential of enveloping groups like

⁶ For more on the Cullom Bill, see Chapter 5.

⁷ “House of Representatives,” *New York Tribune*, March 23, 1870, page 8, column 2; George Q. Cannon to Brigham Young, 23 March 1870, Brigham Young Office Files, CR 1234 1, reel 51, box 38, folder 12, CHL; U.S. Congress, *Cong. Globe*, 41st Cong., 2nd sess., 2145 (1870).

⁸ Solomon P. McCurdy to James Speed, November 9, 1865, United States Department of Justice Files Relating to Utah, MS 18871, box 4, folder 7, CHL.

the Mormons into the larger national culture by entirely subsuming the cultural underpinnings of their society under the banner of American capitalism.

Mormons themselves saw the potentially destructive power of the railroads and commerce upon their communities. Brigham Young himself noted the dangers posed by the introduction of American markets into Utah. In October 1857, during the middle of the Utah War, Young told a group of advisers that it was his belief that the government would not be able to effectively undermine the Latter-day Saints through the use of armed force. But where armies would fail, Young worried about the effect that a continuous influx of non-Mormon emigrants and eastern merchandise would have upon the Mormon community. Outlining a more effective policy of change, Young remarked to his fellow leaders that if he were to “attempt to destroy this people,” he would have expended millions of dollars “in carrying in Gentiles and merchandise and kept this up yearly til I had filled the country with Gentiles.”⁹

Schenck, McCurdy, and Young all understood the potential reconstructive power of economic markets. Aggressive appointees and armies only served to underscore Mormonism’s identity as a persecuted community. New economic markets and forms of merchandise, on the other hand, provided a seemingly benign means of effecting profound changes within the community. In order for such a policy to be enacted, however, dramatic changes were necessary to provide reliable and effective means of transportation to Utah’s remote location and markets. But because of Utah’s isolated location, innovations in transportation and communications were essential to any efforts to transform Utah’s economic markets. Considering the enormous impact that new

⁹ History of Brigham Young, entry for October 24, 1857, in Historian’s Office, History of the Church 1839-circa 1882, CR 100 102, volume 27, page 707, CHL.

methods of transportation had had upon the nation during the Market Revolution, there was good reason to believe that the expansion of railroads throughout Utah would pose significant challenges to the territory's Mormon-dominated culture.¹⁰

The assertions of Solomon McCurdy and Robert Schenck that the advancement of railroads, technology, and business were the solution to the Mormon problem were hardly without justification. The Jacksonian era's Market Revolution had transformed virtually every aspect of northern society, including religion, helping to drive the wedge between the North and the South that would be at the heart of this national era of reconstruction.¹¹ By the end of the Jacksonian era (1812-1848), the transformative power of commerce had become extremely evident to most Americans. American history thus lent itself to the idea that economics would be a powerful force in the desired transformations of Mormonism in the 1860s.

Mormon historiography has similarly demonstrated the importance and viability of economic forces in creating changes within the faith. During the Panic of 1837, a short-lived financial venture known as the Kirtland Anti-banking Safety Society had failed spectacularly, leading to widespread chaos within and desertions from the Mormon community.¹² Furthermore, economic differences with competing communities had

¹⁰ See: Charles Sellers, *The Market Revolution: Jacksonian America, 1815-1846* (New York: Oxford University Press, 1991); Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford, University Press, 2008).

¹¹ See: Sellers, *The Market Revolution*; Howe, *What Hath God Wrought*; Paul E. Johnson and Sean Wilentz, *The Kingdom of Matthias: A Story of Sex and Salvation in 19th Century America* (New York: Oxford University Press, 1994).

¹² Marvin S. Hill, Larry T. Wimmer, and C. Keith Rooker, "The Kirtland Economy Revisited: A Market Critique of Sectarian Economics," *BYU Studies* 17, no. 4 (Summer 1977): 391-472; Brent M. Rogers, et al., eds., *Documents Volume 5: October 1835-January 1838*, vol. 5 of the Documents series of *The Joseph Smith Papers*, eds., Ronald K. Esplin, Matthew J. Grow, and Matthew C. Godfrey (Salt Lake City, Utah: church Historian's Press, 2017), 285-295, 361-366, 441-442.

prominently figured into Mormonism's troubles in both Missouri and Illinois.¹³ Finally, upon its arrival in Utah, the Mormon community faced yet another significant economic challenge in the form of the California Gold Rush, which resulted in defections from the isolated and arid valleys of the Great Basin to California's gold fields. In short, economics had a history of dividing and reconstructing Mormonism that few other methods of reconstruction could ever match. Whereas armed reconstruction had reinforced the Mormon identity of a persecuted minority, wealth and finances highlighted the similarities between the faith and the broader American community, creating the potential to divide Mormonism along lines of wealth and class. Accordingly, the use of money, wealth, and economics figured powerfully and successfully into a national reconstruction of Mormonism.

Ultimately, as the driving of the iron spike at Salt Lake City suggests, railroads and the economic changes that accompanied them served as a double-edged sword for the Mormon community. On the one hand, these changes brought new opportunities for Utah and its Mormon populace. On the other hand, changes in transportation and the economy challenged the very underpinnings of Mormon society. Although Mormons attempted to resist such changes through the creation of cooperative institutions, the promotion of economic measures in Utah played a significant role in the reconstructive and assimilative processes in the territory.

¹³ Warren A. Jennings, "The Expulsion of the Mormons from Jackson County," *Missouri Historical Review* 64 (October 1969): 41-63; Susan Sessions Rugh, *Our Common Country: Family Farming, Culture, and Community in the Nineteenth-Century Midwest* (Bloomington: Indiana University Press, 2001).

Mormonism's Doctrine of Communal Economics

Almost from its inception, Mormonism had proclaimed an economic doctrine that ran counter to the broader capitalist notions of American society.¹⁴ Well before plural marriage had even been implemented as a distinctive Mormon practice, the faith was running counter to Americanism with its notions of communal economics. Some historians have suggested that a partial motivation for the rise of early Mormonism was a rejection of the Market Revolution and the country's emerging market economy.¹⁵ Joseph Smith, himself, was a product of extreme poverty and the pre-modern efforts of early Americans to remedy that situation through treasure hunting and magic.¹⁶ Accordingly, Smith had significant reasons to advocate an economic system that ran contrary to dynamics of market capitalism. Regardless of the underlying motivations for Mormonism's drastic departure from American economic ideals, however, the idea of communal economics was embedded within Mormonism's most foundational teachings and doctrines.

Early Mormon doctrine was imbued with a sense of wariness with regards to financial wealth and material possessions. Warnings about the accumulation of wealth were scattered throughout the whole of the Book of Mormon. To one degree or another, the volume almost always associated sinfulness with the accumulation of wealth and the

¹⁴ The most complete treatment of early Mormon economics is Leonard J. Arrington, *Great Basin Kingdom: An Economic History of the Latter-day Saints, 1830-1900* (1958; repr., Urbana: University of Illinois Press, 2005).

¹⁵ Sellers, *The Market Revolution*; Johnson and Wilentz, *The Kingdom of Matthias*.

¹⁶ Richard L. Bushman, *Joseph Smith and the Beginnings of Mormonism* (Urbana: University of Illinois Press, 1984), 68-72; Jon Butler, *Awash in a Sea of Faith: Christianizing the American People* (Cambridge, Massachusetts: Harvard University Press, 1990), 30, 241-244; D. Michael Quinn, *Early Mormonism and the Magic World View*, 2nd ed. (Salt Lake City, Utah: Signature Books, 1998).

class distinctions that resulted therefrom.¹⁷ The book suggested that one of the ultimate manifestations of a godly life was for people to have “all things in common among them,” thus eliminating the distinctions between the social classes.¹⁸ Material wealth, therefore, was to be used only “for the intent to do good; to clothe the naked, and to feed the hungry, and to liberate the captive, and administer relief to the sick.”¹⁹ The Book of Mormon accordingly ran directly counter to the emerging notions of the Market Revolution, and hence, to the emerging notions of American economics.

With these *Book of Mormon* teachings as foundational texts for the new faith, Smith continued to expand the faith’s communal leanings. Many of Smith’s early revelations emphasized the importance of building a culture where the citizens were all “of one heart and one mind” with “no poor among them.”²⁰ The lack of an impoverished class was to grow out of a program of communal living known as the law of consecration. Under this program, Latter-day Saints would voluntarily donate their properties and wealth to the church, receiving a portion back for the care of their family. The excess would then be devoted to caring for the needs of the poor and needy, with equality being the ultimate aim of Latter-day Saint society.²¹ The notion was thus that the

¹⁷ See the following passages for example (the bracketed references correspond to contemporary printings of *The Book of Mormon*): Joseph Smith, Jr., trans., *The Book of Mormon: An Account Written by the Hand of Mormon Upon Plates Taken from the Plates of Nephi* (Palmyra, New York: E. B. Grandin, 1830), 81 [2 Nephi 9:30], 109 [2 Nephi 26:29-31], 125-26 [Jacob 2:12-16], 179 [Mosiah 11:14], 224 [Alma 1:32], 416 [Helaman 4:11-12], 406 [3 Nephi 6:10-12], 518 [4 Nephi 1:24-26], 534-35 [Mormon 8:36-41].

¹⁸ Smith, trans., *The Book of Mormon*, 514 [4 Nephi 1:3].

¹⁹ Smith, trans., *The Book of Mormon*, 126 [Jacob 2:18-19].

²⁰ Church Historian’s Office, Manuscript History of the Church, December 1830, CR 100 102, volume A-1, page 82, CHL [Moses 7:18].

²¹ Joseph Smith, Jr., Revelation, February 9, 1831, in *JSP*, D1:251-52 [D&C 42:30-34]; Joseph Smith, Jr., Revelation, April 26, 1832, in *JSP*, D2:236 [D&C 78:17].

Mormon community was to operate upon principles of both communal and individualistic living. While the property ownership was retained by the ecclesiastical body of the church, governance and care of properties operated along individual lines.

In assessing early Mormonism and its attempt at this communalism, individualistic ideas often won out over egalitarian ideals. But while the faith never managed to fully achieve the mandated economic egalitarianism, the principles of communal economics nevertheless had a deep effect upon the history of early Mormonism. For instance, one of the chief complaints of early Americans against the Mormon community was that its economic practices ran counter to the principles of American democracy.²² Such ideas would profoundly shape Brigham Young's Great Basin Kingdom and the Mormon community's response to the challenges of changing markets and economies. Despite the earlier failures, Young was convinced of the superior value of cooperative economics and frequently implemented the ideas into sermons and practical economic efforts in Utah.

Early Economic Challenges to Mormonism

Prior to the sustained efforts on the part of the government and other Americans to reconstruct Latter-day Saints, the forces of economic transformation had a significant influence upon the Latter-day Saint community. At the same time as Young and his fellow leaders were beginning to establish Mormon settlements in the Great Basin, the allure of coastal farmlands, climates, and gold fields were drawing emigrants from

²² J. Spencer Fluhman, "*A Peculiar People*": *Anti-Mormonism and the Making of Religion in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2012), 45-46; T. Edgar Lyon, "Independence, Missouri, and the Mormons, 1827-1833," *BYU Studies* 13, no. 1 (Autumn 1972): 10-19.

around the world and all throughout the United States to California and Oregon.²³ As the arid realities of the Great Basin dawned upon the Latter-day Saints, many of whom were more accustomed to the fertile farmlands of Ohio, Missouri, and Illinois, dissatisfaction with the new Mormon Zion led some to abandon their Mormon settlements in search of new fortunes to the West. Accordingly, before the full force of the greater reconstruction began to have its sway in Utah, there were evidences that economics could provide a useful tool in such an effort.

Even before James W. Marshall discovered gold at Coloma, California, in 1848, California's lush valleys and economic opportunities had loomed large in the minds of Young's westward-focused community of saints. During the summer of 1847, Samuel Brannan, a Mormon entrepreneur, visited Young along the overland trail and extolled the virtues of California, praising it as a "rich and fertile" location with a healthy climate and an abundant harvest of wheat that could be expected that season.²⁴ The previous year, Brannan had led a group of Mormons on an oceanic voyage from New York to California, where they intended to await Young's arrival. Brannan then travelled to meet Young along the overland trail, where he encouraged Young to move beyond the intended Great Basin settlement to California. Having travelled through the Great Basin, Brannan expressed low opinions of the region's possibilities; confirming the earlier advice shared by mountain man Jim Bridger.²⁵ Despite these concerns, however, Young

²³ Susan Lee Johnson, *Roaring Camp: The Social World of the California Gold Rush* (New York: W. W. Norton, 2000); J. S. Holliday, *The World Rushed In: The California Gold Rush Experience* (Norman: University of Oklahoma Press, 2002).

²⁴ George A. Smith to John Smith, July 3, 1847, John Smith Papers, MS 1326, box 1, folder 6, CHL; Will Bagley, *Scoundrel's Tale: The Samuel Brannan Papers* (Logan: Utah State University Press, 1999), 208-209.

directed his pioneer company to the isolated and arid valleys of the Great Basin, authoritatively declaring the location to be “the right place” for Mormonism to construct its new capital.²⁶

While other westering Americans chose their new habitations on the basis of economic opportunity, Young determined that an isolated location offered the best opportunity for establishing Mormonism’s Zion, which would offer distinctive religious practices, familial life, politics, and economics. Because of such distinctions and because of Mormonism’s complicated past with neighbors, Young preferred isolation from rather than proximity to American neighbors. Accordingly, rather than agreeing to join Brannan’s group in California, Young admonished the California Mormons to maintain a low public profile, refraining from “much public preaching, or any noise or confusion concerning us, or our religion, in California at the present time,” fearing that such efforts would inevitably lead to further conflicts.²⁷

The determination to settle in an isolated and arid location, however, was not without its challenges. By the time that Young’s pioneering company had arrived in the Great Basin, many within the group had found themselves almost entirely “out of provisions.”²⁸ Despite the lateness of the season, company members immediately began planting potatoes and turnips in hopes of obtaining even a meager harvest before the

²⁵ William Clayton, Journal, June 27-28, 1847, in George D. Smith, ed., *An Intimate Chronicle: The Journals of William Clayton* (Salt Lake City, Utah: Signature Books, 1995), 346-353.

²⁶ Brigham Young and Willard Richards to Amasa Lyman, Charles C. Rich, and the Saints en route for California, July 3, 1847, Brigham Young Office Files, box 16, folder 13, CHL; John G. Turner, *Brigham Young: Pioneer Prophet* (Cambridge, Massachusetts: Belknap Press, 2012), 168-69.

²⁷ Epistle of the Council of the Twelve Apostles of the Church of Jesus Christ of Latter-day Saints in California, August 7, 1847, Brigham Young Office Files, box 16, folder 13, CHL.

²⁸ Solomon Chamberlin, Autobiography, circa 1858, MS 5886, CHL.

winter set in.²⁹ Despite concerns about some of the California saints who were seeking for wealth and had “entered into business exclusively for themselves,” Young discouraged those in California from making an immediate move to the Great Basin because of the lack of provisions.³⁰ Accordingly, from the very beginning of the settlement, the allure of greater wealth and opportunities in California and elsewhere posed a significant threat to Young’s ideal communal economics and diminished levels of economic self-interest.

Young’s instructions to remain in California prompted several west-bound Mormons to “turn back to California and go to work.”³¹ Accordingly, the majority of the men returned to California, and several of the men found work building a sawmill for Johann Sutter on the south fork of the American river.³² Although the immediate impact of these events was to lessen the strain on the Salt Lake Valley’s scanty provisions, the presence of a sizeable Mormon population in California and the subsequent gold discoveries at Sutter’s Mill quickly became significant challenges for Young’s Great Basin Kingdom.

As Young and a small party of other Mormon officials returned to the Mormon settlements on the Missouri river to prepare for another emigration the following year,

²⁹ William Clayton, Diary, July 22, 1847, in George D. Smith, ed., *An Intimate Chronicle: The Journals of William Clayton* (Salt Lake City: Signature Books in association with the Smith-Pettit Foundation, 1995), 363.

³⁰ Epistle of the Twelve Apostles, August 7, 1847, CHL; Young and Richards to Amasa Lyman, Charles C. Rich, and the Saints en route for California, July 3, 1847, CHL; Brigham Young and Willard Richards to Jefferson Hunt and the officers and soldiers of the Mormon Battalion, August 7, 1847, Brigham Young Office Files, CHL.

³¹ Henry W. Bigler, Journal, September 7, 1847, in “Extracts from the Journal of Henry W. Bigler,” *Utah Historical Quarterly* 5, no. 3 (July 1932): 91-92.

³² Henry W. Bigler, Journal, September 14 and 27, 1847, in “Extracts from the Journal of Henry W. Bigler,” 92-93.

those who remained in the Salt Lake Valley experienced the immediate effects of the location's isolation. By early September, the saints in the valley had been reduced to "living on half rations."³³ Food became a source of community tension and even church court proceedings as the Salt Lake high council was called upon to determine cases regarding the ownership of barrels of flour.³⁴ Salt Lake's settlers were asked to subsist on scanty rations during the winter of 1847 and 1848 in full knowledge of the fact that Brannan's Mormon settlement at Yerba Buena, California had cultivated upwards of 150 acres of wheat and other crops in anticipation of their arrival.³⁵ Hence, by November, some Mormons had begun to consider yet another westward exodus; this time toward the Pacific Coast.

In mid-November, Jefferson Hunt, a veteran of the Mormon Battalion, asked the Salt Lake Stake High Council for permission to lead a small company to California to carry instructions to the region's Mormon populace. Due to Hunt's connections to those in California, the high council approved his request and assigned three additional men to go to California as missionaries.³⁶ But while Hunt's reasons were administrative in nature, others began to see the move to California as a way to escape the Great Basin's desperate circumstances. As the winter wore on and provisions grew more limited, the

³³ Bigler, Journal, September 7, 1847, in "Extracts from the Journal of Henry W. Bigler," 91.

³⁴ The high council was a Mormon ecclesiastical structure that doubled as a kind of city council for Salt Lake during 1847 and 1848. Salt Lake Stake High Council, Minutes, October 11 and November 14, 1847, in "The Old Fort," *Our Pioneer Heritage*, ed. Kate B. Carter (Salt Lake City: Daughters of Utah Pioneers, 1974), 17:92, 96; Salt Lake Stake, Minutes, November 14, 1847, LR 694 109, box 1, folder 1, CHL.

³⁵ Young and Richards to Lyman, Rich, and the Saints en route for California, July 3, 1847, CHL.

³⁶ Salt Lake Stake High Council Minutes, November 13-15, 1847, in "The Old Fort," *Our Pioneer Heritage*, 17:96-97.

appeal of California's temperate climate and more-ready access to food and other supplies only heightened. By December 1847, flour had become so scarce in the valley that Young's brother Lorenzo remarked he would not have sold a single "pound of flour" for payment in "a pound of gold."³⁷ The severity of the circumstances impelled more residents to begin making plans to depart for California; this in spite of the significant risks posed by a winter emigration. Whereas in November Latter-day Saint leaders had approved some of the requests of those wanting to go to California, by late December they had begun to view those planning to leave as "disaffected spirits" and instructed the Marshal to prevent their departure.³⁸ Weeks later, the council approved the departure of Mormon Hazen Kimball and family, provided he did not "lead any families with him" away from Salt Lake.³⁹ For the starving and isolated community of Latter-day Saints, California had become a powerful magnet, offering not only a milder climate and richer soils, but also a non-theocratic government and an economy that provided greater opportunities to accumulate individual wealth.

This magnetic attraction became even stronger following the events of January and February 1848 at Sutter's Mill. Despite initial efforts to keep the news of gold quiet, the discovery of gold created an instantaneous stir in California and eventually throughout the United States. Describing the immediate impact in California, Henry Bigler wrote that work at Sutter's mill came to an almost entire standstill as "all hands

³⁷ James Amasa Little, "Biography of Lorenzo Dow Young," *Utah Historical Quarterly* 14 (1946): 107.

³⁸ Salt Lake Stake High Council Minutes, December 26, 1847, in "The Old Fort," *Our Pioneer Heritage*, 17:99; Lorenzo Dow Young, Diary, December 26, 1847, in "Diary of Lorenzo Dow Young," *Utah Historical Quarterly* 14 (1946): 164.

³⁹ Salt Lake Stake High Council Minutes, January 15, 1848, in "The Old Fort," *Our Pioneer Heritage*, 17:100.

came very near leaving off work” in order to hunt for gold.⁴⁰ In spite of having secured his place in history, Sutter immediately began cursing the find as his workers abandoned their work on his mill to go in search of gold. The effects were so instantaneous that by the end of 1848, Sutter declared himself “a ruined man.”⁴¹ Like the rest of the workers at Sutter’s Mill, the Mormons caught “the gold fever” and abandoned the mill, leaving Sutter in financial ruin.⁴² These initial workers at the mill became the first of hundreds of thousands who abandoned their regular employment in order to make their way to the gold fields in search of riches. The press fueled this pervasive American gold fever. On March 15, the *San Francisco Californian* announced the gold discovery, declaring that the region’s mineral wealth offered “great chances” for prospectors to obtain wealth.⁴³ Three days later, Sam Brannan’s *California Star* similarly publicized the find. Brannan described the characterized the immediate allure of the gold fields, stating that even “the Philosopher’s Stone” had “never called into the field, and away from honest labor such a host of diligent bodies” as had left jobs in California to begin searching for gold.⁴⁴ Combined with the fact that several Mormons had been among the group that first discovered gold at Sutter’s mill, the news of this discovery heightened California’s allure

⁴⁰ Bigler, journal, February 22, 1848, in “Extracts from the Journal of Henry W. Bigler,” 96.

⁴¹ James S. Brown, *Life of a Pioneer: Being the Autobiography of James S. Brown* (Salt Lake City: George Q. Cannon and Sons Company, 1900), 105; John A. Sutter, “The Discovery of Gold in California,” in Rodman W. Paul, ed., *The California Gold Discovery: Sources, Documents, Accounts and Memoirs Relating to the Discovery of Gold at Sutter’s Mill* (Georgetown, California: Talisman Press, 1966), 130-31.

⁴² At least one additional reason why Sutter’s employees abandoned him was his failure to pay them for their labors. Sutter, “The Discovery of Gold in California,” in Paul, ed., *California Gold Discovery*, 130; Brown, *Life of a Pioneer*, 105; Azariah Smith, journal, April 23, 1848, in David L. Bigler, ed., *The Gold Discovery Journal of Azariah Smith* (Salt Lake City: University of Utah Press, 1990), 113.

⁴³ “Gold Mine Found,” *Californian* (San Francisco), March 15, 1848, page 2, column 3.

⁴⁴ “The Mineral Mania,” *California Star* (San Francisco), March 18, 1848, page 2, column 2.

for those who were starving in the Salt Lake Valley.⁴⁵ On August 19, 1848, the *New York Herald* reprinted Brannan's article, and within weeks of that publication virtually the whole of the United States was aware of the discovery, with thousands preparing to rush to emigrate to California.⁴⁶

The news of gold had a dramatic influence upon Mormonism and its newly established settlements in the Great Basin. As Mormons had been amongst the earliest participants in the gold discovery, the faith came to be intimately associated with the event. Indeed, one the most noted claims during the early part of the rush was a small sandbar named "Mormon Island" where former members of the Mormon Battalion had discovered rich deposits of the alluring metal. In mid-April 1848, Brannan dispatched a group of ten men (six of whom were Mormons) to carry copies of the April 1 edition of the *California Star* to the United States. At some point during June or July, the group passed through Salt Lake City, presumably spreading the news of gold among the members of the nascent community, following which they continued on toward the states.⁴⁷ While travelling eastward in late July, the party met up with Young's company of westbound pioneers and informed him of the discovery.⁴⁸ Following the April departure of this group, a larger company of former Battalion members left California

⁴⁵ Henele Pikale [Henry W. Bigler], "Recollections of the Past," *Juvenile Instructor*, 21, no. 20 (October 15, 1886): 315.

⁴⁶ "Affairs in Our New Territory," *New York Herald*, August 19, 1848, page 1, columns 1-2; Johnson, *Roaring Camp*; Holliday, *The World Rushed In*.

⁴⁷ Church Historian's Office, *Journal History of the Church 1896-2001*, 1 April 1848, CR 100 137, volume 24, CHL (hereafter *Journal History*).

⁴⁸ Among the newspapers that Young received was a copy of the April 1, 1848 *California Star*, which contained a description of the rich gold fields and compared the opportunities offered in California to "the mythological creation of Midas, converting every thing into gold by touch." Thomas Bullock, *Journal*, July 27, 1848, Thomas Bullock Journals, MS 1385, folder 4, volume 6, CHL; "Prospectus of California," *California Star* (San Francisco), April 1, 1848, page 1, columns 1-4, and page 4, column 1.

during June and began making their way toward Salt Lake City where they expected to rendezvous with their families.⁴⁹ This later company included many of the workers which had been present for the original discoveries of gold, and had profited heavily from mining those original claims. Three months after leaving San Francisco, they arrived in Salt Lake City carrying large quantities of weighty corroborating evidence for the news that Brannan's emissaries had disseminated.⁵⁰

Such statements had an immediate impact, only heightening the already strong allure of California's promise of material wealth for the Mormon community. Sensing the danger to Mormonism's Great Basin kingdom, Young immediately began preaching against the inclination to rush to the gold fields after arriving in Salt Lake City. Young warned that "to go to San Francisco and dig up chunks of gold" would ultimately "ruin this people." He then apprehensively added that if those same metals were found in Utah's mountains, it would bring the community directly into "bondage," and would prove problematic for the future of their isolated Zion.⁵¹ He accordingly hoped that the gold mines wouldn't be any closer to the Mormon settlements than the "800 miles" to California.⁵² Young later claimed that those Mormons who had left Utah to go to the gold fields on their own had eventually lost their faith in Mormonism and had become just like

⁴⁹ Smith, Journal, June 25, 1848, in Bigler, ed., *Gold Discovery Journal*, 124-25.

⁵⁰ Smith, Journal, September 28, 1848, in Bigler, ed., *Gold Discovery Journal*, 146.

⁵¹ Brigham Young, Remarks, October 1, 1848, in Historian's Office, General church Minutes 1839-1877, CR 100 318, box 2, folder 7, CHL.

⁵² Minutes, July 8, 1849, General Church Minutes, CR 100 318, box 2, folder 13, CHL; Manuscript History of the Church, July 8, 1849, CR 100 102, box 9, volume 19, page 100, CHL.

the Gentiles. In other words, those who had gone to the gold fields had Americanized, losing their Mormon distinctiveness.⁵³

Pursuant to Young's preaching, the vast majority of Mormons remained in the Great Basin during the rush of 1848 and 1849. But as these communities lay directly in the path to California, they were hardly untouched by the gold rush. In the process of rushing to California, thousands of forty-niners rushed through the Mormon settlements in the Great Basin, turning Utah into the nation's "half way house to the Pacific" and an integral juncture point in the country's path to Pacific commerce.⁵⁴ These communities provided places where gold seekers could restock their waning supplies of food and other provisions before traveling the final 800 miles to California. But in addition to taking on new supplies, these communities became prime locations for emigrants to unburden themselves from the weight of unnecessary supplies, thus enabling Forty-niners to perhaps make a quicker journey to the gold fields and their diminishing number of claims. Circumstances thus enabled Mormons to supply their new communities at bargain prices.⁵⁵ The gold rush accordingly became a mixed blessing for the Latter-day Saint community, setting a pattern for the rest of the economic interactions between Mormons and Gentiles. At the same time, however, the gold rush likewise created an abiding concern in Young about the potential dangers that American-style capitalism might pose to the Mormon community. In addressing the concerns posed by the gold rush, Young took a proactive approach that quickly and harshly condemned American capitalism

⁵³ Brigham Young, Sermon, February 4, 1848, General Church Minutes, box 2, folder 8, CHL.

⁵⁴ William H. Hooper to Brigham Young, April 8, 1861, Brigham Young Office Files, box 62, folder 3, CHL (emphasis in the original letter).

⁵⁵ Leonard J. Arrington, *Great Basin Kingdom: An Economic History of the Latter-day Saints, 1830-1900* (repr. 1958; Urbana: University of Illinois Press, 2004), 65-71.

through strong and consistent preaching. As additional economic challenges surfaced in the years ahead, Young continued to preach hard sermons against wealth and self-interest based economics, while at the same time adding instituting additional programs and measures to combat the prevailing forces of the American market economy.

Early Mormon Enthusiasm for Railroads

Among the most significant economic challenges posed to Mormonism during the nineteenth-century was the construction of the transcontinental railroad. In contrast to Mormonism's virulent reactions to the gold rush, however, the faith had a peculiar and somewhat positive relationship with the coming of the transcontinental railroad. Indeed, despite the faith's constant efforts to create an isolated settlement, Brigham Young and his fellow Mormons were among the earliest and most ardent supporters of the construction of a national railroad.

Despite being more readily associated with the wagons and handcarts of the Mormon Trail, Young and other Mormons had been convinced of the many virtues and advantages of rail travel during their evangelizing efforts in England and the eastern United States.⁵⁶ While many accused Young of being adamantly opposed to such technological developments, he was among the earliest and most ardent supporters of a national railroad system, hoping that lines would run directly through Salt Lake City.⁵⁷ Under his direction, Utah's territorial legislative assembly crafted an 1852 memorial urging the U.S. Congress to "provide for the establishment of a national Railroad" running from some point on the Missouri or Mississippi Rivers to one of the key cities on

⁵⁶ See for example: LDS Church Historian's Office, History of Brigham Young, April 8 and 18, 1840, Brigham Young History Drafts, CR 100 475, box 1, folder 5, CHL.

⁵⁷ Saxey, "A Discourse on Railroad Matters, &c," *Utah Magazine* 1, no. 3 (8 May 1869):10.

the Pacific Coast. The legislators couched the petition for a railroad in the terms of national necessity. They explained that between as many as five thousand American citizens had died during the previous three years as they traveled to California at the height of the gold rush. The memorial stated that most of those deaths were attributable to “the want of proper means of transportation,” and would have been prevented by the existence of a national railroad.⁵⁸ A transcontinental railroad would resolve these issues by providing the country—and the large numbers of Mormon emigrants—with a safe and efficient means of transit. Although unstated, Mormons too stood to benefit enormously from the migratory opportunities that a transcontinental railroad could offer, for a transcontinental railroad stood to save the lives of thousands of pioneering Americans, a significant number of which were Mormons.⁵⁹

But beyond these altruistic and life-saving purposes that Utah’s legislature attributed to the proposed railroad, Mormons saw both religious and economic reasons for its construction. Tending to see things through the singular lens of his faith, Young believed the railroad to be a divine invention intended to further the cause of Mormonism throughout the world. In addition to assisting with the faith’s efforts to gather its converts from across the globe together in Utah, the railroad would play a critical role in

⁵⁸ Utah Territory Legislative Assembly, Memorial to Congress for the Construction of a Great National Central Railroad to the Pacific Coast, March 3, 1852, Utah Territory Legislative Assembly Papers 1851-1872, MS 2919, box 1, folder 7, CHL. The mortality rates mentioned in this memorial were likely exaggerated.

⁵⁹ Historian John D. Unruh notes that the actual statistics for the overland trail are a matter of debate among historians, with high estimates ranging as high as 30,000 deaths. Deaths along the Mormon trail are similarly debated, ranging between 1,900 and 6,000 deaths. The most recent studies suggest the much lower mortality rate. John D. Unruh, Jr., *The Plains Across: The Overland Emigrants and the Trans-Mississippi West, 1840-60* (Urbana: University of Illinois Press, 1979), 408, 516-17; Melvin L. Bashore, H. Dennis Tolley, and the BYU Pioneer Mortality Team, “Mortality on the Mormon Trail, 1847-1868,” *BYU Studies* 53, no. 4 (2014): 109-123.

Mormonism's evangelizing efforts, shortening the distance to port cities from months to a matter of days.⁶⁰ But even more importantly, Young believed that the railroad had the power to transform Mormon religious worship within Utah itself. Prior to breaking ground for Salt Lake City's granite temple, Young declared that it would be impossible to complete the imposing structure without railroad lines stretching between the quarry and the building site.⁶¹ Accordingly, for Mormon adherents, Young linked the construction of the railroad to the reception of Mormonism's most significant religious ordinances.⁶² In doing this, he imbued the railroad with a cultural significance for Latter-day Saints that transcended the economic purposes that drove its construction at a national level, transforming its meaning in the eyes of the Mormon community.

But while Young and the Legislature saw religious benefits in the coming of the railroad, they likewise understood and even welcomed the more significant economic opportunities afforded by a national railroad. In addition to saving the community thousands of dollars in animals, wagons, and other pioneering expenses, Utahns stood to gain tremendous economic advantages from such a railroad. In its 1852 petition for Congress to finance a railroad, Utah's legislative assembly highlighted the ways that the territory could contribute to the effort. The assembly noted the territory's rich deposits of

⁶⁰ Brigham Young, Sermon, 7 April 1867, in Van Wagoner, *Complete Discourses*, 4:2411-12.

⁶¹ Brigham Young, Sermon, February 14, 1853, in Van Wagoner, *Complete Discourses*, 2:621-22.

⁶² For a discussion of the place of the temple within Mormon theology, see: James E. Talmage, *The House of the Lord: A Study of Holy Sanctuaries Ancient and Modern* (Salt Lake City: Deseret News, 1912); David John Buerger, *The Mysteries of Godliness: A History of Mormon Temple Worship* (Salt Lake City, Utah: Signature Books, 1994); Devery S. Andersen and Gary J. Bergera, eds., *Joseph Smith's Quorum of the Anointed, 1842-1845: A Documentary History* (Salt Lake City, Utah: Signature Books, 2005); Devery S. Anderson and Gary J. Bergera, eds., *The Nauvoo Endowment Companies, 1845-1846: A Documentary History* (Salt Lake City, Utah: Signature Books, 2005); Devery S. Andersen, ed., *The Development of LDS Temple Worship, 1846-2000: A Documentary History* (Salt Lake City, Utah: 2011).

“Iron, Coal, Timber, Stone and other materials,” and stated that Utah’s communities were so situated as to “amply supply the builders of said Road with materials and provisions for a considerable portion of the route.” Further, they looked to open “an extensive trade after the Road is completed.”⁶³ Hence, while Mormonism had been and would continue to be wary of American commerce, these sentiments did not make them unwilling participants in the national economy. Substantive influence and control over their own market seemed to be the lynchpin in the willingness of Young and the Mormon community to participate in the broader economy. Mormons were willing to participate in American trade and commerce, but only if such participation did not come at the price of the community’s economic sovereignty and self-governance.

Having these aims in mind, throughout the 1850s and early 1860s, Mormons kept a close watch upon the national debates over a transcontinental railroad. Despite having little political sway, they continued to advocate the cause of a national transportation system, due to the belief that the railroad was “for the interests of Utah.” Mormon leaders drew upon their close relationship with Stephen A. Douglas, a noted supporter of the railroad, to voice their support for the project. In 1854, Young inquired, “Friend Douglas, what are you going to do about a Railroad to the Pacific?” and then encouraged the prominent senator to avoid being “shy in expressing [his] views on this subject.”⁶⁴ Having become the most ardent voice in support of a national railroad by the mid-1850s, Douglas hardly needed the Mormon leader’s patronizing encouragement.⁶⁵ But while

⁶³ Utah Territory Legislative Assembly, Memorial to Congress for the Construction of a Great National Central Railroad, March 3, 1852, CHL.

⁶⁴ Brigham Young to Stephen A. Douglas, April 29, 1854, Brigham Young Office Files, CR 1234 1, box 2, volume 1, page 517, CHL.

Douglas was highly supportive of the venture, the idea often “excited very little interest” and even created indifference among several members of Congress as they struggled to identify and agree upon the proper route for the railroad.⁶⁶ In response to such indifference and inaction, Young boldly proclaimed that he had contemplated taking matters into his own hands. Speaking to his congregants at the beginning of 1856, Young stated that if the United States failed to build the railroad, the Latter-day Saints would build it themselves. Despite Young’s enthusiastic assertion, however, the reality was that, like most other Americans, the Mormons lacked the capital, lands, manpower, and technology to undertake an independent railroad project during the 1850s and 1860s.⁶⁷ A national railroad required federal approval, federal lands, and federal money; in short, a national railroad required the approval and assistance of the federal government. And in the years immediately preceding the Civil War, an expansion of federal power in that magnitude was almost assuredly a problem in the minds of many Americans—particularly Southerners who balked at expansions of federal power that didn’t expressly fortify the slave system.⁶⁸

⁶⁵ William Cronon, *Nature’s Metropolis: Chicago and the Great West* (New York: W. W. Norton, 1991), 68-71; Walter C. Rucker, “Unpopular Sovereignty: African American Resistance and Reactions to the Kansas-Nebraska Act,” in John R. Wunder and Joanne M. Ross, eds., *The Kansas-Nebraska Act of 1854* (Lincoln: University of Nebraska Press, 2008), 139.

⁶⁶ John M. Bernhisel to Brigham Young, 14 June 1854, Brigham Young Office Files, CR 1234 1, box 60, folder 16, CHL; John M. Bernhisel to Brigham Young, 1 January 1855, Brigham Young Office Files, CR 1234 1, box 60, folder 17, CHL. For a discussion of the national debates over the proper route for the railroad, see: John Lauritz Larson, *Internal Improvement: National Public Works and the Promise of Popular Government in the Early United States* (Chapel Hill: University of North Carolina Press, 2001), 240-55.

⁶⁷ Brigham Young, Sermon, 26 January 1856, in Van Wagoner, ed., *Complete Discourses*, 2:1039.

⁶⁸ Matthew Karp, *This Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy* (Cambridge, Massachusetts: Harvard University Press, 2016), 5-6.

The Pacific Railroad Act

The government's hesitancy to construct a national railroad had deep roots in antebellum American society. Since the days of the early republic, the idea of governmental involvement in internal improvements had been a hotly contested issue.⁶⁹ Strict constructionists like Thomas Jefferson had maintained that giving power to the federal government to build roads and canals was an unconstitutional expansion of federal powers and should therefore be left in the hands of private citizens and individual states. Hence, despite their belief in the value of such improvements, strict constructionists believed that it would require a constitutional amendment for the federal government to become involved in building roads and canals.⁷⁰ Following Jefferson's lead, Andrew Jackson likewise opposed most efforts to fund internal improvements during his presidency, supporting only those projects that he saw as being beneficial to the nation's international trade.⁷¹ As internal improvements tended to benefit the moneyed elites most heavily, most Jeffersonian and Jacksonian Democrats tended to oppose bills that allocated federal funds for internal improvements prior to the 1850s, preferring to advocate for the expansion of America's agrarian republic.⁷²

While the Democrats largely opposed allocating federal funds for internal improvements, however, the effort to strengthen the national infrastructure became a staple of the Henry Clay's Whig party throughout the 1830s and 1840s. The Whigs held

⁶⁹ For a detailed discussion of the antebellum debates over internal improvements, see Larson, *Internal Improvement*.

⁷⁰ Gordon Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815* (New York: Oxford University Press, 2009), 484-485; Howe, *What Hath God Wrought*, 88.

⁷¹ Howe, *What Hath God Wrought*, 357-59.

⁷² Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War* (New York: Oxford University Press, 1999), 66.

that the purpose of the government was to “elevate people economically, socially, and morally through the internal development of the nation’s civic institutions and economic infrastructure.” Supporting their position, Whig politicians argued that even the wealthiest private corporations and individuals lacked sufficient funds to build the roads and canals to create sustained economic growth in America. Accordingly, suggesting that economic growth would be more beneficial to the country than territorial expansion, Whigs pushed for a greater national commitment to the connect the nation’s states and territories with roads, canals, and railroads.⁷³

Ultimately, both the Democratic ideals of expansion and the Whig emphasis upon internal improvements worked together to transform America in irreversible ways prior to the Civil War.⁷⁴ Following the Treaty of Guadalupe-Hidalgo and the subsequent Compromise of 1850, the divide between the Democrats and the Whigs over the issue of internal improvements, and particularly railroads, largely disappeared. Rather than debates over the constitutionality of federally funded improvements, politicians began to haggle over the locations of the improvements in question. Accordingly, Senate Democrats, Stephen A. Douglas and Thomas Hart Benton, both Senate Democrats, spent much of the early 1850s battling over whether a transcontinental railroad line would run through St. Louis or Chicago.⁷⁵ Situated, as it was, along the Mississippi river, St. Louis likely offered the better natural advantages than Chicago as a railroad terminus.⁷⁶ Using

⁷³ Holt, *Rise and Fall of the American Whig Party*, 69, 951-52.

⁷⁴ Thomas R. Hietala, *Manifest Design: Anxious Aggrandizement in Late Jacksonian America* (Ithica, New York: Cornell University Press, 1985), viii.

⁷⁵ Larson, *Internal Improvement*, 243-245.

⁷⁶ Cronon, *Nature’s Metropolis*, 62-63.

the separation of state and federal powers to his advantage, however, Douglas argued that the government lacked the ability to give the needed land grants to the railroads in Missouri, whereas the government possessed unimpeded power to grant lands in Iowa.⁷⁷ Being heavily invested in Chicago real estate, Douglas had both financial reasons and obligations to his constituencies to incentivize his advocacy for a transcontinental railroad running through Chicago.⁷⁸ Ultimately, Douglas's Chicago route won out, turning Chicago into the preeminent city in the Midwest.

Douglas's compromising interests in the railroad debates signaled the beginning of a new era of American politics. Throughout the remainder of the nineteenth century, American politics would be characterized by a compromising relationship between senior politicians and the country's business elites. Strengthened by ties to government officials, major corporations secured promises of government capital and lands to expand the holdings and influence of their businesses throughout this period. Railroads particularly benefited from this powerful union of big business and the federal government.⁷⁹

After more than a decade of discussion and debate, Congress passed the Pacific Railroad Act on July 1, 1862. The act became law during the dramatic summer of 1862, in which the Republican Congress passed four revolutionary pieces of legislation—including the Morrill Anti-Bigamy Act, the government's first federal statute against

⁷⁷ Larson, *Internal Improvement*, 245.

⁷⁸ Rucker, "Unpopular Sovereignty," in Wunder and Ross, *The Nebraska-Kansas Act of 1854*, 139,

⁷⁹ Richard White, *Railroaded: The Transcontinentals and the Making of Modern America* (New York: W. W. Norton and Company, 2011); Richard White, *The Republic For Which It Stands: The United States During Reconstruction and the Gilded Age, 1865-1896* (New York: Oxford University Press, 2017), 2, 590-592; Alan Trachtenberg, *The Incorporation of America: Culture and Society in the Gilded Age*, (repr. 1982; New York: Hill and Wang, 2007), 19-22, 56-59; Heather Cox Richardson, *To Make Men Free: A History of the Republican Party* (New York: Basic Books, 2014), 86-88.

polygamy—which reshaped the direction and future of the American government.⁸⁰ Demonstrating the new relationship between private corporations and the federal government, the act incorporated the Union Pacific Railroad Company and granted the company’s stockholders the privilege of electing a board of directors for the company. At the same time, the act also allowed the President of the United States to appoint “two additional directors” to represent the government’s interests in the company. Although the law forbade these directors from holding stock in the company, such an arrangement was rife with opportunities for corruption in both the railroad and the government. To assist with the establishment and management of the Union Pacific Railroad Company, the act provided the company with significant advantages in terms of land usage and lands. The act granted the railroad “the right of way through the public lands” in exchange for the construction of the railroad and corresponding telegraph lines. Such easements alleviated the challenge of the company needing to purchase all of the lands that they were built upon, and instead allowed them to maintain a right of way on federal lands because of the perceived benefits that the company provided to the nation as a whole. Additionally, the act included liberal land grants for the establishment of “all necessary grounds for stations, buildings, workshops, and depots, machine shops, switches, side tracks, turntables, and water stations” which were necessary to the

⁸⁰ The Morrill Act provided that “every person having a husband or wife living, who shall marry any other person, whether married or single, in a Territory of the United States . . . shall be adjudged guilty of bigamy, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, and by imprisonment for a term not exceeding five years.” Heather Cox Richardson, *To Make Men Free: A History of the Republican Party* (New York: Basic Books, 2014), 36; “An Act to punish and prevent the Practice of Polygamy in the Territories of the United States and other Places, and Disapproving and Annulling Certain Acts of the Legislative Assembly of the Territory of Utah,” in George P. Sanger, ed., *Statutes at Large, Treaties, and Proclamations, of the United States of America from December 5, 1859, to March 3, 1863* (Boston: Little, Brown and Company, 1863), 501; Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2002), 81-83.

establishment and maintenance of a transcontinental railroad. Although such allowances were unprecedented, a logical case could be made for their inclusion in the bill.⁸¹

But while logic may have dictated the provisions in the Pacific Railroad Act for easements and land allotments for depots and other necessary structures, the bill went far beyond these vital forms of assistance and made allowances that many Americans would have found unthinkable only a few years prior to that time. The act allowed participating railroad companies to receive “five alternate sections per mile on each side of said railroad on the line thereof.” These allotments were in addition to the lands that the railroads themselves would be built upon and represented a significant financial gift to participating companies. Up to three years after the completion of the railroad, the companies could sell these lands to willing buyers, thereby providing opportunities for the companies to profit in the amount of millions of dollars upon the liberality of the government. In addition the liberal land allotments the act also authorized bond payments to the companies to the amount of \$16,000 per mile of track laid in non-mountainous regions, up to \$48,000 per mile through the Rocky Mountains and the Sierra Nevadas, and up to \$32,000 per mile for the regions between the two major mountain ranges.⁸² Thus the bill not only provided the railroad companies with access to the lands that were essential to the success of the transcontinental enterprise, but also paid them for their efforts and provided them with the means of making even larger sums of money. The

⁸¹ “An Act to aid in the Construction of a Railroad and Telegraph Line from the Missouri River to the Pacific Ocean, and to secure to the Government the Use of the same for Postal, Military, and Other Purposes,” July 1, 1862, in Sanger, ed., *Statutes at Large*, 489-92.

⁸² “An Act to aid in the Construction of a Railroad,” in Sanger, ed., *Statutes at Large*, 495; Ryan Dearing, “Hell and Heaven on Wheels: Mormons, Immigrants, and the Reconstruction of American Progress and Masculinity on the First Transcontinental Railroad,” in Jessie L. Embry and Brian Q. Cannon, eds., *Immigrants in the Far West: Historical Identities and Experiences* (Salt Lake City: University of Utah Press, 2015), 80.

government created the pathway whereby specific companies with federal ties could attain unto enormous financial success.

In exchange for these benefits, the bill required the railroad corporations to give preferential treatment to the United States Army and other government officials that utilized their rails. The purpose was to provide for the “safe and speedy transportation of the mails, troops, munitions of war, and public stores” upon the rails.⁸³ This language of troop movements, munitions, and national security was critical to the success of the controversial bill. Although earlier politicians had likewise linked the railroad bill to the issue of national security, the language of the bill likely proved far more effective during the middle of the Civil War than it might have during peacetime.⁸⁴ Such language would have proved particularly effective during the summer of 1862, as the Union army was languishing in the midst of several disappointing defeats and was subjective to extreme criticism.⁸⁵ The ability to quickly transport troops and arms to the remotest portions of the nation would allow the government to solidify its hold upon the western states and territories. Hence, while the railroad companies stood to profit immensely from the Pacific Railroad Act, the government likewise stood to profit, as the railroad became an integral component in the governance of the nation, and particularly its western

⁸³ “An Act to aid in the Construction of a Railroad” in Sanger, ed., *Statutes at Large*, 489-92.

⁸⁴ The 1860 Democratic platform had included two important provisions. The first stated that it was “the duty of the United States to afford ample and complete protection to all its citizens, whether at home or abroad, and whether native or foreign.” The second stated that “one of the necessities of the age, in a military, commercial, and postal point of view, is speedy communication between the Atlantic and Pacific States; and the Democratic party pledge such constitutional government aid as will insure the construction of a railroad to the Pacific coast at the earliest practicable period.” “Douglas and Johnson Platform,” *National Republican* (Washington, D.C.), 13 February 1861, page 4, column 2.

⁸⁵ For a discussion of the summer of 1862, see: James M. McPherson, *Crossroads of Freedom: Antietam, the Battle that Changed the Course of the Civil War* (New York: Oxford University Press, 2002).

territories. With the railroad in place, the government could establish order in the heretofore-ungovernable west, and could begin the process of reconstructing the American national identity.⁸⁶

Because of its geographic location, national leaders understood that Utah was integral to the construction of the transcontinental railroad. Throughout much of the 1850s, Douglas had been one of Utah's chief political advocates in hopes of courting Mormon support for the railroad. Following the passage of the Pacific Railroad Act, California Senator Milton Latham visited Utah to continue courting support for the railroad.⁸⁷ Just as Utah had been an essential point along the pioneering trail to California, its geographic location destined it to be a key component in almost any effort to build a transcontinental rail line. But in addition to Utah's geographic advantages for such a line, the nation stood to profit immensely by running a railroad through the territory. Building a rail line through Utah afforded the government a much-sought-after opportunity to reconstruct the consistently rebellious territory and its Mormon population.

⁸⁶ Contrary to the traditional narrative posited by Frederick Jackson Turner, which held that Americans had conquered an untamed wilderness, historian Anne F. Hyde and others have demonstrated that chaos actually arose out of the American presence on the frontier. This chaos necessitated government imposition and the reconstruction of the American western territories. Given these circumstances, Richard White argues that "the West . . . served as the kindergarten of the American state." The process of imposing government control and regulating the West is what Elliott West has described as "the Greater Reconstruction" of the American West. Frederick Jackson Turner, *The Frontier in American History* (New York: Holt and Company 1921); Anne F. Hyde, *Empires Nations & Families: A History of the North American West, 1800-1860* (Lincoln: University of Nebraska Press, 2011); Richard White, *"It's Your Misfortune and None of My Own": A New History of the American West* (Norman: University of Oklahoma Press, 1991), 58; Elliott West, *The Last Indian War: The Nez Perce Story* (New York: Oxford University Press, 2009), xx.

⁸⁷ "Letter from Salt Lake," *Memphis Daily Appeal*, November 26, 1862, page 1, column 3.

New Troubles with a New Army

At the same time as government officials were seeking the passage of the Pacific Railroad Act, they contemplated what to do with the persistently worrisome territory of Utah. Owing to the outbreak of the Civil War, the troops stationed at Camp Floyd—which had been renamed Fort Crittenden—left Utah, enlisting their services in either the Union or Confederate armies. Because the army had been charged with the maintenance of law and order in Utah, however, the army’s departure presented the government with a perplexing challenge.⁸⁸

Although larger problems persisted, government officials continued to be wary of the Mormon populace. The army’s departure had minimized the government’s control in the territory leading many to worry that Utah would secede like the Southern States.⁸⁹ Young tried to ameliorate the situation, including in the first telegraph message sent from Utah, “Utah has not seceded, but is firm for the Constitution and laws of our once happy country.”⁹⁰ In accordance with the message, Utah remained a part of the Union, even raising a regiment to guard the telegraph and mail lines between Salt Lake and Fort Laramie.⁹¹ While these arrangements were effective throughout 1861, government

⁸⁸ E. B. Long, *The Saints and the Union: Utah Territory During the Civil War* (Urbana: University of Illinois Press, 1981), 37-38; John Gary Maxwell, *The Civil War Years in Utah: The Kingdom of God and the Territory that Did Not Fight* (Norman: University of Oklahoma Press, 2016), 47-52; Brent M. Rogers, *Unpopular Sovereignty: Mormons and the Federal Management of Early Utah Territory* (Lincoln: University of Nebraska Press, 2017), 275.

⁸⁹ [Untitled article], *New York Tribune*, March 11, 1861, page 5, column 2; “The Mormons Seceding,” *San Francisco Evening Mirror*, May 6, 1861, in church Historian’s Office, Historical Scrapbooks, CR 100 91, box 4, folder 1, page 157, CHL; Craig K. Manscill, “Rumors of Secession in the Utah Territory, 1847-61,” in Kenneth L. Alford, ed., *Civil War Saints* (Provo, Utah: Religious Studies Center, 2012), 85-91.

⁹⁰ “The Telegraph Open to Utah—Loyal Letter from Brigham Young,” *Cincinnati Daily Press*, October 19, 1861, page 1, column 5.

⁹¹ Joseph R. Stuart and Kenneth L. Alford, “The Lot Smith Calvary Company,” in Alford, ed., *Civil War Saints*, 127-141.

officials continued to worry about Mormon loyalty and began discussing how to replace Johnston's troops in January 1862.⁹² Furthermore, as the army sold off the items from Fort Crittenden, the only item not for sale was the excess ammunition, which the troops were instructed to destroy. Surveying the circumstances, Young noted that the decision evidenced "a significant index of the feeling still existing towards [the Saints]."⁹³ Bitter over the perceived slight, Young wrote to a friend, "They have burned and otherwise destroyed what they could not take, sell, or waste, and are now on their way to hell in the States where they will also be wasted, burned, and destroyed."⁹⁴ Still dubious of the Mormon commitment to the United States, the government determined to send another army to Utah. The decision to send new troops to Utah was at least partially motivated by rumors that Confederate troops from Texas were preparing to invade New Mexico, Colorado, and Utah in hopes of adding additional territories to the Confederacy.⁹⁵ In the eyes of the government, Utah seemed especially susceptible to the reported threat. Given the rhetoric of Mormon leaders at the time of the outbreak of the war, such concerns may have been justified.⁹⁶

This army, however, would have far more than an armed influence upon Utah. Aided by the lack of armed conflict in the territory, the army devoted its attentions to

⁹² United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (4 series, 70 vols. In 128 vols., Washington: Government Printing Office, 1880-1901), Series 1, 9: 595 [hereafter cited as *O.R.*].

⁹³ Brigham Young to Dwight Eveleth, July 23, 1861, Brigham Young Office Files, CR 1234 1, box 5, volume 5, pages 840-842, CHL.

⁹⁴ Brigham Young to H. B. Clawson, July 26, 1861, Brigham Young Office Files, CR 1234 1, box 5, volume 5, page 845, CHL.

⁹⁵ W. F. M. Army to William H. Seward, 13 December 1862, *O.R.* Series 1, 15: 641.

⁹⁶ Brett D. Dowdle, "What Means this Carnage?: The Civil War in Mormon Thought," in Alford, ed., *Civil War Saints*, 107-125.

other pursuits that became critical in the government's efforts to reconstruct Mormonism. Making the most of its time, this force introduced the first large-scale mining operations to the territory and is thus remembered more for its economic contributions to the territory than its military occupation of the region. During its stay in Utah, the group's economic efforts were successful enough to develop schisms within the Mormon populace and pave the way for the larger economic transformation that the railroad would bring.

In order to replace the army that had been stationed at Fort Crittenden, the Army assigned Colonel Patrick Edward Connor of California to assemble a group of one thousand volunteers and march to Utah.⁹⁷ On March 28, 1862, Connor was instructed to have his companies "put in readiness for a movement at an early day."⁹⁸ The company subsequently left for Utah on July 21, 1862, arriving in Utah later that year.⁹⁹ Given the government's mistrust of the Mormons, Connor was an ideal selection for the Utah post. Throughout his time in Utah, he maintained a low opinion of Mormonism, believing the group to be "a community of traitors, murderers, fanatics, and whores."¹⁰⁰ Despite his Irish-Catholic background, Conner felt no loyalty to or affinity with the similarly misunderstood Mormons. During his time in California, Connor had consumed a steady amount of anti-Mormon newspaper articles that referred to Utah as "a moral and social state so revolting . . . , so repugnant to the moral sense of the whole nation, and so

⁹⁷ Long, *The Saints and the Union*, 98.

⁹⁸ Richard C. Drum to Patrick Edward Connor, 28 March 1862, *O.R.* Series 1, 50.1: 960.

⁹⁹ Brigham D. Madsen, *Glory Hunter: A Biography of Patrick Edward Connor* (Salt Lake City: University of Utah Press, 1990), 53.

¹⁰⁰ Patrick Edward Connor to R. C. Drum, September 14, 1862, *O. R.*, Series 1, 50.2: 119.

subversive of the foundations of republican government” that the government had been forced to send an army to control it.¹⁰¹

Upon arrival in Utah, Connor immediately began investigating possible places that could serve as headquarters for his troops. As part of a government agreement not to bivouac the army close to Salt Lake City, Albert Sidney Johnston had established Camp Floyd (later renamed Fort Crittenden), some forty miles southwest of the Mormon capital. With the outbreak of the Civil War, however, the army had entirely abandoned the camp, leaving it in disrepair. Connor’s commanding general advised him to quarter his troops close to or within Salt Lake City, disregarding the government’s previous agreement with the Mormon community.¹⁰² Despite the subtle urging to choose new headquarters, Connor inspected the prior headquarters to determine whether they might again be used. He reported, however, that except for a few buildings, the location was “in ruins.” In his estimation, most of the buildings would need to be torn down and rebuilt to turn the location into a permanent post for his troops. Given these issues, Connor determined that another location would be preferable, settling on a commanding position on the mountain bench some three miles east of Salt Lake City near Red Butte Creek.¹⁰³ The location’s proximity to Salt Lake offered a number of important advantages,

¹⁰¹ *San Joaquin Republican*, quoted in Madsen, *Glory Hunter*, 10, 37. Despite shared marginalization, it was not uncommon for minority groups such as the Irish Catholics or Mormons to in turn marginalize other minority groups as a means of establishing their own position within America’s racial hierarchy. David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (repr. 1991; New York: Verso, 2007), 133-156; Reeve, *Religion of a Different Color*, 247-242.

¹⁰² G. Wright to L. Thompson, May 30, 1862, in Richard H. Orton, ed., *Records of California Men in the War of the Rebellion, 1861 to 1867* (Sacramento: J. D. Young, 1890), 506.

¹⁰³ Kenneth L. Alford and William P. MacKinnon, “What’s in a name? The Establishment of Camp Douglas,” in Alford, ed., *Civil War Saints*, 161-81.

including timber, sawmills, and a ready access to the city's businesses. But beyond these practical benefits, the location on the bench had a profoundly symbolic value that both Connor and Young recognized. Connor wrote that the place commanded the city and would allow him to "quietly intrench [sic] [his] position" so that he could "say to the saints of Utah, enough of your treason."¹⁰⁴ With the permission of his superiors, Connor established his headquarters on the mountain bench, and, according to tradition, aimed his cannons towards Brigham Young's house and Salt Lake City.¹⁰⁵ He named his headquarters Camp Douglas, in honor of the late Senator. The name was fitting for Connor's purposes, as it had been Douglas who had famously urged that the government annul Utah's territorial status in order to excise a "loathsome, disgusting ulcer" from the Union.¹⁰⁶ Connor hoped to use the location to enforce federal power over Utah's preeminent religious community and its own peculiar institution.

He began implementing plans to undermine Mormon power even before his arrival in the Salt Lake Valley. A full month before the company approached the Mormon settlements, he informed his troops that he had received credible information that some of the territory's citizens were "endeavoring to destroy and defame the principles and institutions" of the government. Determined to punish any who spoke

¹⁰⁴ Patrick Edward Connor to R. C. Drum, September 14, 1862, in Orton, ed., *Records of California Men*, 508.

¹⁰⁵ While Connor likely pointed at least a couple of his cannons toward Salt Lake City rather than aiming all of them toward the nearby mountains, due to the distance to the city from Fort Douglas, the cannons posed no real danger to the city. Jessica Blake, "A Brief History of Fort Douglas," *Daily Utah Chronicle* (Salt Lake City, Utah), January 10, 2002, <http://dailyutahchronicle.com/a-brief-history-of-fort-douglas/> (accessed September 25, 2015).

¹⁰⁶ Stephen A. Douglas, *Remarks of the Hon. Stephen A. Douglas, on Kansas, Utah, and the Dred Scott Decision: Delivered at Springfield, Illinois, June 12th 1857* (Chicago: Daily Times Book and Job Office, 1857), 12-13.

against the country, Connor ordered the army to immediately arrest anyone who uttered treasonous statements, and detain them until they took an “oath of allegiance to the United States.” Furthermore, he ordered his troops not to sell to “persons who have at any time, by word or act, manifested disloyalty to the Federal Government.”¹⁰⁷

Because many Latter-day Saints had become at least partially dependent upon the income that came from selling their goods to the army at Camp Crittenden, Connor’s order threatened to cause financial difficulties for many within the Mormon community.¹⁰⁸ By specifying that the soldiers were not to sell to anyone who had “at any time” been disloyal to the federal government, it was possible that virtually every single Latter-day Saint could be restricted from selling goods to the army unless they could prove that they had not taken an active part in the Utah War. The order was thus designed to compel Mormon adherents to swear another oath of loyalty to the United States if they wanted to sell goods to the army. In terms of feasibility, however, Utah’s demographics made it virtually impossible for Connor’s troops to exist without purchasing goods from the Latter-day Saints. In order to be sustainable, such a prohibition required either Mormon defections or a significant influx of non-Mormons in Utah Territory who could provide needed supplies to the army and at the same time alter its demographic makeup.

Young immediately apprehended the intended purposes of Connor’s order. Speaking to a group of leaders, he noted that the oath of allegiance required to sell goods to the army was an insult and a statement of profound distrust. He counseled the community to “keep their families from that camp” and not to take the oath required to

¹⁰⁷ James W. Stillman to Headquarters District of Utah, August 6, 1862, *O.R.* Series 1, 50.2: 55.

¹⁰⁸ Rogers, *Unpopular Sovereignty*, 242.

sell “a dozen eggs” to the army. In response to the order for the army to only purchase goods from those who had taken an oath of loyalty, Mormon leaders established price controls for goods in the Salt Lake Valley. By regulating the prices, Latter-day Saint leaders hoped to gain control of the various markets in Utah.¹⁰⁹

Despite Mormon apprehensions, initial relations between the troops and the Latter-day Saints were positive. Understanding the tenuous relationship between the Mormons and the army, Connor had specifically ensured that his troops maintain “good order and strict discipline” in their dealings with the Mormon community, thus undercutting any possible “cause of complaint” about the closeness of the headquarters to Salt Lake City.¹¹⁰ Young himself complimented the troops during the fall of 1862, writing that they had “stayed quietly in their camp, attending to their own affairs . . . insomuch that one does not notice and scarcely even thinks of their proximity.”¹¹¹ Even the highly skeptical William Clayton agreed with Young’s assessment, remarking that the conduct of the soldiers had been “remarkably good for U.S. soldiers.”¹¹² But such compliments were double-edged at best, and perpetuated the idea that the troops were, at least to some degree, enemies of the saints and that the best manner for the troops to benefit the territory would be to remain out of the way.

¹⁰⁹ Council Meeting Minutes, October 30, 1862, in *Minutes of the Apostles of the Church of Jesus Christ of Latter-day Saints, 1835-1893* (Salt Lake City, Utah: Privately Published, 2010), 315-16.

¹¹⁰ G. Wright to Patrick Edward Connor, March 30, 1863, *O.R.* Series 1, 50.2: 369.

¹¹¹ Brigham Young to George Q. Cannon, November 13, 1862, Brigham Young Office Files, CR 1234 1, box 6, volume 6, pages 424-26, CHL.

¹¹² William Clayton to George Q. Cannon, February 22, 1863, University of California Berkeley Utah and the Mormons Collection, MS 8305, reel 11, CHL.

And even as Young and Clayton acknowledged the general good behavior of the soldiers, they remained wary of the troop presence and hoped for their removal.¹¹³ Young continued to wonder about the troop placement, complaining about the “worse than uselessness” of the army after the positioning of the troops.¹¹⁴ Young’s displeasure with location reflected his persistent concerns about the motives of the government in Utah, but also reflected a differing understanding of the purpose of Connor’s regiment. For Young, the chief purpose of the soldiers was to protect the overland trail and mail routes from Indian raids. Therefore, in his eyes, the most logical location for the troops was Fort Bridger, more than a hundred miles from Salt Lake City.¹¹⁵ Connor, on the other hand, believed that his regiment’s orders were to “fight traitors,” a designation that he commonly and frequently applied to Mormons.¹¹⁶ Accordingly, in Connor’s mind, the troops could hardly have been situated more appropriately than in the hills just east of Salt Lake City.

Despite his belief that the army was principally placed in Utah to guard against Mormon rebellion, Connor remained wary of the local Native American tribes, and particularly the Shoshoni. Indeed, Connor’s feelings about Utah’s indigenous populations may even account for a portion of the early peaceful relations between the Mormons and the army. Between late November 1862 and early April 1863, conflicts with the Shoshoni occupied the army’s attention in Utah and deflected attention from the Latter-day Saint

¹¹³ Brigham Young to Ben Holladay, April 1, 1863, Brigham Young Office Files, CR 1234 1, box 6, volume 6, pages 557-559, CHL; Clayton to Cannon, February 22, 1863, CHL.

¹¹⁴ Brigham Young to John M. Bernhisel, March 28, 1863, Brigham Young Office Files, CR 1234 1, box 6, volume 6, page 545, CHL.

¹¹⁵ Patrick Edward Connor to R. C. Drum, December 20, 1862, *O. R.* Series 1, 50.2: 257.

¹¹⁶ Patrick Edward Connor to Henry Halleck, September 24, 1862, *O.R.* Series 1, 50.2: 133.

community. The conflict with the Shoshoni reached a bloody climax near the Bear River on January 29 when Connor's troops defeated the Shoshoni. Military officials heralded the event as "a splendid victory" and promoted Connor to the rank of Brigadier General for his "heroic conduct."¹¹⁷ The reality of the circumstances, however, was that Connor's men had brutally massacred approximately 250 Shoshoni, including women and children.¹¹⁸

Even Connor's temporary focus on the Shoshoni, however, reflected his emphasis upon the Mormon question. He reported to his superiors that the Mormons had been behind all of the challenges with the Indians. Buying into a narrative of Mormon-Indian alliances that had been around since the 1830s, Connor had become convinced that the Mormons were attempting to recruit the Indians as allies against the army.¹¹⁹

Accordingly, following the Bear River Massacre, Connor's complete focus immediately returned to dealing with the Mormons. Polygamy was at the center of his renewed efforts to oppose Mormonism. In February and March 1863, he reported that the Mormons were flaunting the Morrill Anti-Bigamy Act on a daily basis and were making preparations to stage and armed rebellion against the government. Connor bemoaned a culture which "not only tolerated but encouraged" the "frequent and flagrant violations" of the recently

¹¹⁷ Patrick Edward Connor to E. McGarry, November 20, 1862, *O.R. Series 1*, 50.2: 228-29; Patrick Edward Connor to R. C. Drum, March 29, 1863, *O. R. Series 1*, 50.2: 369.

¹¹⁸ Madsen, *Glory Hunter*, 65-87; Brigham D. Madsen, *The Shoshoni Frontier and the Bear River Massacre* (Salt Lake City: University of Utah Press, 1985); John Barnes, "The Struggle to Control the Past: Commemoration, Memory, and the Bear River Massacre of 1863," *Public Historian* 30, no. 1 (February 2008): 81-104.

¹¹⁹ Patrick Edward Connor to R. C. Drum, December 20, 1862, *O. R. Series 1*, 50.2: 257; S. S. Harding to G. Wright, February 16, 1863, *O. R. Series 1*, 50.2: 315. For an evaluation of the persistent claims that Mormons were colluding with Native Americans, see: Reeve, *Religion of a Different Color*, 52-105.

passed Morrill Anti-Bigamy Act. Viewing the Civil War as a divine punishment for the sin of slavery, he warned his superiors that they must make every effort to rid the nation of polygamy, in order to avoid a divine punishment similar for permitting plural marriage to persist in Utah.¹²⁰

Connor's feelings about Mormonism were thus unmistakable and left the Mormon community on edge. During early March 1863, Connor sent a number of reports to his army superiors that escalated the problems in Utah. On March 8, he wrote that the Mormons were "hard at work making cartridges" and that a "guard of 300 men" protected Young's residence each night."¹²¹ The following day he wrote that Brigham "raised national colors on his house and called his people to arms."¹²² In response, approximately 1,500 Latter-day Saints rushed to Young's defense with two cannons.¹²³ Two days later, the Mormons repeated the scene, again with close to 1,500 men rushing to Young's residence as an armed guard against a supposed attack.¹²⁴ Witnessing these scenes, Connor wrote, "They are determined to have trouble, and are trying to provoke me to bring it on."¹²⁵ And indeed, the readiness of the Mormons to rush to arms only served to strengthen Connor's belief that the Mormons were treasonous and were willing to take up arms against his troops and the federal government.

¹²⁰ Patrick Edward Connor to R. C. Drum, February 19, 1863, *O. R. Series 1*, 50.2: 319. Connor's belief that the United States was being punished for the sin of slavery was a common belief among many Northerners throughout the Civil War. See Sean A. Scott, *A Visitation of God: Northern Civilians Interpret the Civil War* (New York: Oxford University Press, 2011), 35-70.

¹²¹ Patrick Edward Connor to R. C. Drum, March 8, 1863, *O. R. Series 1*, 50.2: 342.

¹²² Patrick Edward Connor to R. C. Drum, March 9, 1863, *O.R. Series 1*, 50.2: 342.

¹²³ Patrick Edward Connor to R. C. Drum, March 10, 1863, *O.R. Series 1*, 50.2: 344.

¹²⁴ Patrick Edward Connor to R. C. Drum, March 12, 1863, *O. R. Series 1*, 50.2: 348.

¹²⁵ Connor to Drum, March 10, 1863, *O.R. Series 1*, 50.2: 344.

Patrick Edward Connor's Plans for Utah

In preparing for the anticipated rebellion, however, Connor determined that there were three different ways of dealing with the presumed Mormon treason. As others like John McClernand and Stephen A. Douglas had suggested, Connor's first suggestion was simply to dissolve the territory entirely and divide it among the four closest adjacent territories.¹²⁶ Given the fact that other politicians had suggested this to no effect earlier, Connor's advocacy of this policy was destined to make little difference.

Secondly, Connor argued that the government ought to place Utah under martial law and use the military to punish the Mormons for "every infraction of law or loyalty."¹²⁷ As a military commander, this military option was likely his preferred method of dealing with Mormonism. But not all Americans were as convinced of the propriety of a military policy as Conner was. At least one major California newspaper worried that he was needlessly stirring up trouble with the Mormons when the government had "enough of fighting . . . on its hands."¹²⁸ Furthermore, logistical realities suggested that an armed conflict with the Mormons was unwise, as the nation was already strapped for troops and Conner and his men were several hundred miles away from any reinforcements without the luxury of rail transportation. Furthermore, only a few years earlier, the Mormons had proven particularly adept at delaying the progress of infantry through the narrow mountain passes to the east. Of necessity, therefore, Conner's plans had to be tempered

¹²⁶ Speech of John A. McClernand of Illinois, on Polygamy in Utah: Delivered in the House of Representatives, April 3, 1860, CHL; Douglas, Remarks of the Hon. Stephen A. Douglas, on Kansas, Utah, and the Dred Scott Decision, 12-13; Connor to Drum, February 19, 1863, O. R. Series 1, 50.2: 319.

¹²⁷ Patrick Edward Connor to R. C. Drum, October 26, 1863, in Orton, ed., *Records of California Men*, 514.

¹²⁸ "News of the Day," *Daily Alta California* (San Francisco), March 11, 1863, page 2, column 1.

by the realities that if hostilities broke out between the Mormons and the army, his men would receive almost no additional military support.

Recognizing the impracticality of a military response, Conner's final and most accepted proposal was to transform the region through changes in the population. He hoped to "induce an immigration to the Territory of a hardy, industrious, and enterprising population" that would offset the strength of Mormon power in Utah.¹²⁹ Rather than hoping for unlikely orders for more troops to be sent to Utah, this plan would effect changes to the territory by attracting more non-Mormons to the territory. The new demographics would then transform Utah in the same way that emigrants had transformed other portions of the West. He believed that by inducing "a large Gentile and loyal population" to come to Utah, non-Mormons would be able to "overwhelm the Mormons" by means of the "ballot box." As a result, they would "wrest from the church . . . the absolute and tyrannical control of temporal and civil affairs" in Utah. At the very least, they would "put a check on the Mormon authorities."¹³⁰

For Connor, the most effective means of creating this kind of emigration would be to find valuable ores as had been done in several surrounding states and territories. Indeed, although the larger struggle of the Civil War has obscured the memory of such events, the early 1860s were immensely profitable for mining in the West, with large rushes to Oregon, Nevada, Idaho, and Montana.¹³¹ The rush to Idaho's Snake River

¹²⁹ Connor to Drum, October 26, 1863, in Orton, ed., *Records of California Men*, 514.

¹³⁰ Patrick Edward Connor to R. C. Drum, 21 July 1864, in "The Mines of Utah, No. 1," *Tullidge's Quarterly Magazine* 2, no. 1 (January 1881): 185.

¹³¹ Heather Cox Richardson, *West from Appomattox: The Reconstruction of America After the Civil War* (New Haven, Connecticut: Yale University Press, 2007), 32; Elliott West, *The Last Indian War: The Nez Perce Story* (New York: Oxford University Press, 2009), 75-81.

Valley had been particularly important, bringing a mining boom and miners to within less than three hundred miles of Salt Lake City. And Connor hoped that “the discovery of gold, silver, and other valuable minerals in the Territory” would similarly lead to a rush to Utah, transforming the territory’s demographic features. Accordingly, in 1863, he made mining one of the highest priorities for his command, believing that discovering gold in the territory was “the only sure means of settling peaceably the ‘Mormon question.’”¹³²

Acting on the assumption that Utah was “full of mineral wealth,” Connor instructed his commanders to allow their men to spend time prospecting in the surrounding mountains and streams, provided such efforts did not “interfere with their military duties.” Although uncommon, the orders were highly fitting as the majority of Connor’s men were “veterans of the California and Nevada gold fields,” who cared more for their mining ventures than they did for their military assignment in Utah.¹³³ He instructed the soldiers to use all of the means at their disposal to discover veins of gold, silver, and other metals.¹³⁴ Furthermore, the soldiers were instructed to report their findings to army headquarters, as “the discovery of placer mines” was deemed to be “of especial importance.”¹³⁵

The early findings of the soldiers seemed promising. Connor reported to his superiors that “both gold quartz and silver leads” had been discovered two hundred miles west of Salt Lake City; salt, sulfur, and coal were located one hundred and fifty miles to

¹³² Connor to Drum, October 26, 1863, in Orton, ed., *Records of California Men*, 514.

¹³³ Arrington, *Great Basin Kingdom*, 201.

¹³⁴ Connor to Drum, October 26, 1863, in Orton, ed., *Records of California Men*, 514.

¹³⁵ M. G. Lewis to N. Baldwin, 11 May 1864, *O. R. Series 1*, 50.2:846.

the north; and the mountains immediately west of the city had begun to yield rich veins of silver, lead, and copper. Such findings led Connor to believe that “rich veins of silver, and probably gold” would yet be “discovered in almost every direction, and still nearer to Great Salt Lake City.”¹³⁶ With appropriate notoriety, Connor expected that these early findings would generate yet another rush to the American West.

Hoping for just such a result, Connor’s California volunteers established the *Union Vedette*, Salt Lake City’s first non-Mormon newspaper.¹³⁷ Hoping to persuade would be miners to come to Salt Lake, the first page of the *Vedette*’s inaugural issue contained a fictional story of a man who became rich while prospecting. The issue then provided readers with detailed information about the laws governing mining in the territory’s western mountains.¹³⁸ Providing further encouragement, the paper reported that there was “vast wealth concealed in the mountain ranges of this Territory” that were only waiting for prospectors with the “industry and intelligence to develop [sic] it.”¹³⁹ The following April, one of the paper’s headlines hyperbolized the silver discoveries southwest of Salt Lake City, stating that there was “silver in the Mountains—silver in the streets—silver everywhere.”¹⁴⁰ Just as Connor had hoped, eastern papers picked up on

¹³⁶ Connor to Drum, October 26, 1863, in Orton, ed., *Records of California Men*, 514.

¹³⁷ The *Vedette* was Salt Lake City’s first non-Mormon newspaper, but not Utah’s first non-Mormon newspaper. Between 1858 and 1860, the army published the *Valley Tan* at Camp Floyd, forty miles southwest of Salt Lake City.

¹³⁸ “How I Became Rich,” *Union Vedette* (Fort Douglas, Utah), 20 November 1863, page 1, column 3-4; “By-Laws of West Mountain Quartz Mining District,” *Union Vedette* (Fort Douglas, Utah), 20 November 1863, page 1, column 2.

¹³⁹ “Mineral Resources of Utah,” *Union Vedette* (Fort Douglas, Utah), 20 November 1863, page 3, column 2.

¹⁴⁰ “Silver in the Mountains—Silver in the Streets—Silver Everywhere—A Prophecy which Claims not the Gift of Inspiration,” *Union Vedette* (Fort Douglas, Utah), 23 April 1864, page 2, columns 1-2.

some of the stories and republished their findings, with claims that “no more extensive or richer mines” had “ever been discovered” than those found by Utah’s California Volunteers.¹⁴¹ Another paper reported that “Gold, silver and lead” had been found in large quantities that “compare[d] favorably with the mines of Nevada or Colorado.”¹⁴²

Newspapers concurred with Connor’s plan. An editorial in Washington D.C.’s *Evening Star* boldly proclaimed that gold was “an “Anti-Mormonizer” and that if the gold discoveries in Utah were substantial enough, it would prove to be “an evil day for Mormonism” as such discoveries would “increase the Gentile emigration to that region.”¹⁴³ After reporting finds of gold and silver in Utah, Missouri’s *Howard Union* predicted that the mines would “fill Utah with a hardy mining population” causing “Mormonism with its atrocities” to die out from weakness. Accordingly, Connor’s mines were “the key to the solution of the Mormon question.”¹⁴⁴ Similarly Kansas’s *Emporia News* stated that “with steadiness on the part of the Government, with the discovery of gold and silver mines in Utah, and with the Vidette [sic] to sow disaffection by spreading truth in the Mormon church,” Connor finally had brought about “the speedy solution of the Mormon problem.”¹⁴⁵

¹⁴¹ “Interesting Letter from Montana Territory,” *Daily Cleveland Herald*, 20 October 1864, page 4, column 3.

¹⁴² “Mormonism,” *The Howard Union* (Glasgow, Missouri), 23 November 1865, page 3, column 3.

¹⁴³ “Gold an Anti-Mormonizer,” *Evening Star* (Washington, D. C.), 13 August 1867, page 1, column 7.

¹⁴⁴ “Mormonism,” *The Howard Union* (Glasgow, Missouri), 23 November 1865, page 3, column 3.

¹⁴⁵ [Untitled article], *Emporia News* (Emporia, Kansas), 24 March 1866, page 2, column 2.

At its most basic level, Connor's plan was rooted in the belief that changes in transportation, demographics, and economics would ultimately transform the American West, beliefs that were fundamental to Americans during the Greater Reconstruction era. While each was distinctive, these three things were also linked together. For instance, although Connor hoped to encourage an immediate mass emigration to Utah in 1863, he understood that the sustainability of long-term demographic changes required the completion of the Pacific Railroad, which would shrink the distance between Utah and the rest of the nation. Such a diminished distance combined with opportunities for economic advancement would attract a lasting community rather than a temporary boom population. As Utah's population became less Mormon, opportunities would develop for others to effectively proselytize to and Protestantize the Latter-day Saint community.

Assisting with the Transcontinental Railroad

Despite marginal successes in mining during the 1860s and Connor's efforts to publicize the discoveries of gold and silver throughout Utah, the hoped-for rush to Utah never actually materialized. Historian Leonard Arrington argued that four factors "prevented a full-scale miner's rush into Utah" during the 1860s. First, the mines in Nevada, Idaho, and Montana were so profitable that they drew attention away from Utah's modest discoveries. Second, Utah remained a highly isolated location, making "the exploitation" of the territory's mines an unprofitable venture. Indeed, according to Arrington, there was not a single profitable mining venture in the Territory prior to the coming of the railroad in 1869. Finally, he argues that church opposition to mining helped to prevent a general boom, in that it largely prevented enthusiasm among local

settlers.¹⁴⁶ As Arrington's analysis suggests, nothing was more critical to the economic reconstruction of Utah than was the completion of the transcontinental railroad. Indeed, the railroad would succeed where mining had largely failed.

While Americans had been confident that Connor's initiation of mining would lead to real change, they were even more confident in the abilities of the iron horse to reform the wayward territory. As the railroad approached in 1867, the *New York Tribune* triumphantly declared that "the Mormon difficulty, which has perplexed us for so many years" was "rapidly solving itself." The paper then went on to predict that because of the railroad and the expected discoveries of gold, "another generation" would "see the polygamists of the great Plains quietly absorbed by a law-abiding and industrious race of new settlers."¹⁴⁷ The paper placed its unabashed faith in the Pacific Railroad, believing that "with the world brought to their doors, Mormons must either yield to the civilization of the age or betake themselves to a new wilderness."¹⁴⁸ Believing entirely in the doctrine of American progress, many Americans trusted that the completion of the railroad would be "the great levers working most of the changes" to "divest Brigham of his power over his deluded followers."¹⁴⁹

Not all Americans, however, were as optimistic as the *Tribune* and the *National Republican*. In an official report to his superiors, Major General William B. Hazen urged caution regarding the expectations of the effects the railroad would have in Utah. Having

¹⁴⁶ Arrington, *Great Basin Kingdom*, 202.

¹⁴⁷ [Untitled article], *New York Tribune*, 1 August 1867, page 4, columns 2-3.

¹⁴⁸ [Untitled article], *New York Tribune*, 15 January 1869, page 4, column 2.

¹⁴⁹ "Our Washington Correspondence," *National Republican* (Washington D. C.), 18 January 1869, page 2, column 2.

surveyed the numerous plans for Utah, Hazen surmised that none of the proposed plans yet presented would “give to us a loyal Utah,” including the coming of the railroad. In contemplating the potential impact of the railroad, Hazen worried that it would “help and strengthen them in place of solving the question,” as the railroad would facilitate the Mormon emigration from Europe. Accordingly he feared that the transcontinental line would actually accentuate the growth of Mormonism, rather than eradicate it. He feared that it would “add ten where it enlightens one.”¹⁵⁰ Such comments highlighted the complexities of the relationship that Mormonism had with the railroad. While the railroad certainly posed problems for Utah’s isolationism, it could likewise be used to augment the vast evangelizing and emigrating programs upon which Utah Mormonism likewise relied.

As the transcontinental railroad approached Utah, the relationship between Mormonism and the railroad became even more complicated. Despite Latter-day Saint approval for the construction of the railroad, the new transportation system created challenges for Brigham Young and Utah’s Mormon community by eliminating the geographic isolation that had defined the territory throughout the 1850s. Although isolation was a challenge, for the Mormon community it was likely a greater blessing than it was a curse. As the railroad approached completion, Utah became increasingly accessible to the outside world.

While work on the railroad progressed, Young began contemplating an arrangement whereby Latter-day Saints would assist with the construction of the railroad. Toward the end of May 1868, he signed a contract pledging that five thousand Mormons

¹⁵⁰ “General Hazen’s Report Relative to Affairs in Utah,” *Salt Lake Daily Telegraph*, April 5, 1867, page 2, columns 2-4.

would help to lay the tracks.¹⁵¹ Young asked for “capable, responsible men” to help with the grading through the canyons of the Wasatch Mountains. The contracted work was far from simple labor. For instance, if the tracks were to run through the Weber Canyon, north of Salt Lake City, the area would require “considerable tunneling, blasting and mason work.”¹⁵² For the railroad companies the offer of Mormon workers was something of a godsend, as they had complained about the shortage of hands willing to lay tracks for years.¹⁵³

After having signed the contract, Young called for a public meeting on June 10, where he could hear the opinions of the people with regards to the railroads and their proposed labor on the tracks. Upwards of three thousand people attended the meeting to vote on the community’s proposed assistance toward the entity. Although the declared intention of the meeting was a kind of democratic exercise to gauge the feelings of the community about the railroad, the reality was that the meeting served as a patriotic display of support for the transcontinental line from the Mormon leaders. Indeed, much of the meeting focused on undermining the pervasive idea that the Saints were categorically opposed to the railroad running through Utah.¹⁵⁴

Young himself offered two sermons stating his strong support for the project. In his introductory comments, he tried to urge the assembled congregation to support the

¹⁵¹ “Arrived,” *Deseret News*, May 18, 1868, page 3, column 2; “The Coming Railroad,” *Deseret News*, May 26, 1868, page 2, column 1; “Contract for Grading Railroad,” *Deseret News*, May 27, 1868, page 4, columns 1-2; Brigham Young to Franklin D. Richards, May 23, 1868, *The Latter-day Saints’ Millennial Star* 30, no. 27 (July 4, 1868):427-428.

¹⁵² “Contract for Grading Railroad,” *Deseret News*, May 27, 1868, page 4, columns 1-2.

¹⁵³ Ryan Dearing, *The Filth of Progress: Immigrants, Americans, and the Building of Canals and Railroads in the West* (Oakland: University of California Press, 2016), 4.

¹⁵⁴ “The Mass Meeting,” *Deseret News*, June 17, 1868, page 1, column 1.

proposed venture, stating that if he “were the whole community and were to give [his] voice” he would vote in favor of the railroad and would even have funded it if he possessed the capital. Even before hearing the feelings of the community, Young pledged that the saints would do their share of the work, providing labor and grading a portion of the route. Hyperbolizing, he declared that he hoped to “hear the whistle, and the puffing of the iron horse every evening and through the night, in the morning and through the day.” Directing some remarks toward the railroad companies, Young noted his preference that the railroad run “through the lower part of Salt Lake City” then passing below the Great Salt Lake and from thence on to Nevada’s Humboldt river.¹⁵⁵ Young had reasons to hope that the railroad would run through the Mormon capital. Positioned along the transcontinental railroad between San Francisco and Chicago, Salt Lake City would have stood to become the economic power of the Intermountain West; perhaps even reaping political benefits from that position.

Other Mormon leaders contributed to Young’s efforts to mobilize Mormon support for the railroad by giving laudatory remarks that highlighted the advantages it would bring to Utah. Apostle George A. Smith rehearsed the history of Latter-day Saint advocacy for the railroad and then expressed his pleasure at the road’s progress.¹⁵⁶ Fellow apostle John Taylor stated that the railroad had drawn universal attention and interest throughout Utah, with people throughout the territory anxiously anticipating its facilitating “railway visits to the east and west” as well as new opportunities in

¹⁵⁵ Brigham Young, Remarks, June 10, 1868, in “The Mass Meeting,” *Deseret News*, June 17, 1868, page 1, columns 1-2.

¹⁵⁶ George A. Smith, Remarks, June 10, 1868, in “The Mass Meeting,” *Deseret News*, June 17, 1868, page 2, column 3-4.

“machinery and merchandise.” He reaffirmed the fact that the community was not averse to the railroad, stating that the Mormons had “always been the advocates of improvement” and had been “first and foremost in everything that tend[ed] to ennoble and exalt mankind.” For Taylor, the railroad was destined to transform the world by opening up new markets and ultimately becoming “the great agrarian leveler,” facilitating economic equality throughout the agrarian republic.¹⁵⁷ Finally, apostle George Q. Cannon reiterated Young’s hopes that the road would run through Salt Lake City, as such a route promised to bring significant advantages to the city, not the least of which would be to eliminate Mormon dependence upon “ox and mule teams.” Furthermore, he expected that if the railroad ran through Salt Lake City, the greater contact with Mormons would cause the “absurd prejudices and misapprehensions” of the public to dissipate in understanding. Optimistically, Cannon anticipated that such changes would culminate in Utah becoming a state with the right of casting votes in the Presidential election of 1872.¹⁵⁸ Like Cannon, most Mormons hoped that work on the railroad would help the community to prove its questioned loyalty to the United States.

Responding to Young and the other leaders, the assembled congregation of three thousand Mormons passed four resolutions in support of the railroad. The first two measures, like the various sermons, were an attempt to disavow many of the traditional assumptions about Utah. They welcomed the entity with an affirmation that “every advancement in civilization and enterprise” would be well received in Utah and assisted

¹⁵⁷ John Taylor, Remarks, June 10, 1868, in “The Mass Meeting,” *Deseret News*, June 17, 1868, page 2, columns 2-3.

¹⁵⁸ George Q. Cannon, Remarks, June 10, 1868, in “The Mass Meeting,” *Deseret News*, June 17, 1868, page 3, columns 1-2.

by its population. The third resolution echoed Young's pleadings that the railroad would run through Salt Lake City. The final resolution was unique to the event, in that it pled that "this great national work . . . be performed for [the] national good and for the people's benefit" rather than as a means of securing "private profit or personal speculation." In many regards, this resolution foreshadowed the potential problems that many western Americans, including Latter-day Saints, would face as the railroad began crisscrossing the rural west.¹⁵⁹

Intriguingly, in spite of the stated purpose of the meeting, the published resolutions made no mention of Mormons assisting with the laying of the tracks. The potential reticence to welcome such a contract manifested in this omission is understandable. Despite hopes that railroad work would put Mormonism's American loyalties on display, most nineteenth-century Americans found little honor in such work; and were likely prone to view those who did the arduous work of laying rails as less American for their efforts. With such work deemed to be menial labor, Chinese and Irish Immigrants performed the vast majority of the grading work and laying of the tracks.¹⁶⁰ Although Mormon leaders hoped that railroad work would put Mormon Americanism on display, the position likely did little to elevate the American public opinion of their national loyalties, and may even have diminished such opinions. Beyond the mere fact that they were religious minorities, the majority of the Mormons who worked on the railroad were also immigrants, doubling their identity as American outsiders and

¹⁵⁹ "The Mass Meeting," *Deseret News*, 17 June 1868, page 2, column 1.

¹⁶⁰ White, *Railroaded*, 29-30; Dearing, *The Filth of Progress*, 5;

marginalized minorities.¹⁶¹ Accordingly, at the beginning of the agreement, some Latter-day Saints may not have been enthusiastic about becoming railroad laborers.

Nevertheless, between 1868 and 1869, the community contributed a substantial amount of labor to the construction of the railroad. Willing and able Latter-day Saint men travelled to the railroad camps within the Wasatch Mountains and assisted with the construction. West-bound immigrants from Europe could travel for free on the railroad from Omaha to the end of the line, where they would then journey to the construction site. Furthermore, the families of those willing to work could likewise travel with them on the railroad at a significant discount.¹⁶² Mormon assistance on the railroad accordingly paid immediate dividends for the Mormon community. In addition to reducing the cost of the journey, work on the railroad eliminated the most arduous parts of trip to Utah and thus facilitated a larger gathering of European Latter-day Saints to the valleys of Utah.

Additionally, Mormon leaders believed that their contributions to the work on the railroads lessened the migratory impact that the tracks usually had upon the designated locations. Explaining the Mormon labor on the railroads to a number of Latter-day Saint leaders in May 1868, Young had stated that the contract would allow the people to keep “away from our midst the Swarms of scalliwags [sic] that the construction of the railroad would bring.”¹⁶³ Although such sentiments seemingly applied to the Irish and Chinese immigrants who generally laid the tracks, Young later clarified his statement explaining that his concerns were not so much about the presence of laborers and immigrants, but

¹⁶¹ Young to Richards, May 23, 1868, *Millennial Star*, 428.

¹⁶² Young to Richards, May 23, 1868, *Millennial Star*, 428.

¹⁶³ Church Historian’s Office, Journal, May 22, 1868, CR 100 1, box 3, volume 29, page 367, CHL.

rather the “gang of Saloon and hurdy-gurdy keepers, border ruffians, gamblers, and desperados” who followed the laborers and “prey[ed] upon the laborers.”¹⁶⁴ Young worried that in bringing American civilization to the territory, the railroads would turn Utah into a place of “fighting, gambling, killing, whore houses, drinking, and every species of debauchery that can be imagined on the face of the earth.”¹⁶⁵ Young expected that when the railroad was finished, outsiders would “come and see us, and witness the peace, the order, [and] the freedom from crime” in Utah, and would then soften their opinions of Mormonism as a result. Hence, Young well understood the popular dynamics of railroad construction, and popular stereotypes that accompanied both railroad workers and the camps that followed them. As a result, he hoped to limit the numbers that would arrive with railroad construction in order to later impress those who would ride to Utah upon the work of those very laborers.

Such statements led some to conclude that the community was wholly opposed to the coming of the railroad and had tried to undermine its construction. Ignoring the significant amounts of labor that Mormons dedicated to the railroad, an author for the *Utah Magazine* claimed that the canyons of Utah were “crammed full of DANITES” that were working to prevent the arrival of the iron horse. Then, suggesting that the community was woefully uneducated, the author proceeded to describe locomotives in great detail, assuming that there were “many who have been raised in these valleys who are totally ignorant about engines.”¹⁶⁶ Contrary to Young’s hopes that as Utah became

¹⁶⁴ Brigham Young to George Nebeker, September 3, 1868, Brigham Young Office Files, CR 1234 1, box 8, volume 11, pages 10-11, CHL.

¹⁶⁵ Brigham Young, Sermon, February 3, 1867, in Van Wagoner, *Complete Discourses*, 4:2407.

¹⁶⁶ Saxey, “A Discourse on Railroad Matters, &c,” *Utah Magazine* 1, no. 3 (8 May 1869):10.

“better known to the world” it would also become “better liked” and ultimately prove fit for statehood and full inclusion in the Union, such statements perpetuated longstanding fears and assumptions about Mormonism.¹⁶⁷ Introducing the old Mormon bogeyman of Danites into the conversation, the Utah Magazine reminded Americans of that Mormons were inherently violent and ignorant, as well as the faith’s supposed treasonous inclinations.

Railroads, Reconstruction, and Resistance

The arrival of the transcontinental railroad brought immediate changes to Utah. As newspapers had predicted, the railroad instantly began to transform the territory’s economic status. Contrary to Connor’s expectations, the railroads never brought the scores of outsiders to Utah that Gentiles had hoped for and Mormons had feared. Demographically, Connor’s hoped-for mining boom never came, meaning that Mormons continued to make up an overwhelming majority of Utah’s population. Indeed, just as Young had hoped, the railroads shuttled far more Mormon than non-Mormon emigrants to the territory. But even without significant changes to Utah’s demographic makeup, the railroad had an incalculable impact upon Utah. While the railway lines never brought transformational numbers of Gentiles to Utah, by 1870, they had begun to flood the territory with cheap consumer products that had previously been almost unavailable in Utah.

Observant Mormons described the beginnings of the transformation, with some even recognizing its effects before the transcontinental line’s completion. Andrew Jackson Allen noted that as Latter-day Saints worked on the railroad, money became

¹⁶⁷ Brigham Young, Sermon, June 10, 1868, in Van Wagoner, ed., *Complete Discourses*, 4:2567.

plentiful throughout the territory.¹⁶⁸ By April 1869, Jackson noticed “goods getting cheaper [sic]” across Utah.¹⁶⁹ While writing a short history of his ward, an unnamed clerk in the small town of Payson was even more specific and effusive in his description of the changes that the railroad brought to Utah in the late 1860s. Detailing the events of the period in a small record book, he wrote that during the winter of 1868-1869, “times changed very much for the better” as the railroad “furnished remunerative employment to hundreds” of Utahns. The employment created a circumstance where “money was plenty in every man’s pocket and all kinds of commodities were cheap and abundant.”¹⁷⁰ Fulfilling the dreams of free-market capitalists, consumption of commodities increased throughout Utah as the railroad increased the supply and decreased the prices of consumer goods. These changes sent ripples throughout Mormon society, in many regards proving to be exactly the results that outsiders had hoped would come to Utah.

Despite having welcomed the availability of previously unavailable goods, by late 1868, Mormon leaders had begun to recognize the threat that eastern markets posed to the territory’s financial stability and hence to Mormonism. Earlier financial interactions had involved Latter-day Saints benefitting financially as they sold excess wheat and other supplies to California-bound emigrants and soldiers stationed in Utah. And indeed, a part of the appeal of the railroad to Young was that the saints would be able to send their “butter, eggs, cheese, and fruits” to New York in exchange for “oysters, clams, cod fish, mackerel, oranges, and lemons.” He was confident that railroad would

¹⁶⁸ Andrew Jackson Allen, Journal, November 15, 1868, MS 1807 1, CHL.

¹⁶⁹ Andrew Jackson Allen, Journal, April 12, 1869, MS 1807 1, CHL.

¹⁷⁰ Payson Ward, General Minutes, December 1868, LR 6814 11, reel 1, volume 3, page 51, CHL.

initiate, at the very least, an exchange of goods, with as many funds and goods coming to the territory as went out of it.¹⁷¹ But the arrival of the railroad and its new markets reversed the flow of funds, as Mormons spent their money on new consumer goods. Unbalanced, that reversal stood to bankrupt the Latter-day Saint community.

While the actual possibility of completely undermining Utah's economy was low, the dangers of railroad-fed commerce were none-the-less real for the territory's economic vitality. Latter-day Saint leaders worried about the actual position Utah would occupy if the territory became entirely integrated within the national economy and wholly dependent upon eastern goods. With rather keen insight into the actual workings of the nation's economy, they hoped to avoid having the territory's populace become "mere suppliers of raw materials" for an economy from which they would then be "forced to repurchase their own products in manufactured form."¹⁷² Accordingly, during the late 1860s and early 1870s, Mormon leaders began an all-out assault upon non-Mormon merchants and their imported merchandise.

Long wary of the influence of non-Mormon merchants, Young in particular emphasized the economic dangers he feared would result from regular patronage at the stores of outside merchants.¹⁷³ Travelling through Payson in September 1868, Young emphatically told the assembled saints, "Stop trading with Gentiles." Underscoring his point, he warned that entering into trades with non-Mormons could lead to excommunication.¹⁷⁴ Three weeks later, during a morning sermon, Young again

¹⁷¹ Brigham Young, Sermon, 26 May 1867, in Van Wagoner, ed., *Complete Discourses*, 4:2442.

¹⁷² Leonard Arrington, Feramorz Y. Fox, and Dean L. May, *Building the City of God: Community and Cooperation among the Mormons* (repr. 1976; Urbana: University of Illinois Press, 1992), 82.

¹⁷³ Arrington, Fox, and May, *Building the City of God*, 80.

encouraged the saints to stop trading with non-Mormons and suggested that from that time forward, they ought “to be a self-sustaining people.”¹⁷⁵ Later that day, he explained that as the people supplied themselves with goods they would save the community “scores of thousands of dollars” and eliminate unnecessary waste in the community. He hoped that the community would use its means “for other purposes than to enrich outsiders,” suggesting that such funds would be better used in spreading the faith, building houses of worship and other buildings, and in caring for the poor Latter-day Saints.¹⁷⁶ Young continued to focus on the theme the following year, instructing a congregation in Nephi, Utah, not to “trade one Cent from this hour with any other Store” other than the cooperatives.¹⁷⁷ Accordingly, cooperation became one of the chief themes of Young’s preaching during the last decade of his life.

Other leaders echoed Young’s endorsement of cooperation. After a lengthy review of the community’s persecuted history, Young’s counselor, George A. Smith, rhetorically asked the assembled congregation, “What did we cross the Plains for? . . . Why did we drag handcarts across the Plains?” Smith then provided a partial response to his own question, explaining that the Latter-day Saints had not crossed the plains to “place wealth in the hands of [their] enemies” who intended to do harm. Accordingly, he encouraged the community engage in cooperation and only to import what they could not

¹⁷⁴ Wilford Woodruff, Diary, 18 September 1868, in Kenney, ed., *Wilford Woodruff’s Journals*, 6:427.

¹⁷⁵ Brigham Young, Morning Sermon, 8 October 1868, in Van Wagoner, ed., *Complete Discourses*, 5:2594.

¹⁷⁶ Brigham Young, Afternoon Sermon, 8 October 1868, in Van Wagoner, ed., *Complete Discourses*, 5:2599-2600.

¹⁷⁷ Wilford Woodruff, Diary, 9 May 1869, in Kenney, ed., *Wilford Woodruff’s Journals* 6:472.

manufacture for themselves.¹⁷⁸ Speaking in Payson in 1872, George Q. Cannon suggested that there was a “combination of capital throughout the nation” that intended to destroy Utah. He warned that if this monopolistic and anti-Mormon combination of merchants and industries continued unchecked, it would ultimately sap the territory of its wealth while enriching eastern companies with profits from the territorial resources. For Cannon and the rest of the church’s ecclesiastical leadership, the only way to stave off this economic threat was for the Latter-day Saints “to cooperate and develop the resources of the country ourselves.” Cooperative economics would thus help to ensure that Mormons protected the territory against the encroaching outside influences. Cannon ended his remarks with a dire warning, telling those assembled, “If we allow our enemies to get the upper hand of us in this respect wo[e] unto us!”¹⁷⁹

With the backing of Young and other leaders, Mormons established a number of cooperative ventures from 1868 to 1874. They founded the first of these ventures during a meeting of high-level officials and Mormon merchants on October 9, 1868. During the course of the meeting, the assembled officials voted “to take immediate steps to establish a cooperative mercantile business” that would be known as Zion’s Co-operative Mercantile Institution (ZCMI). ZCMI’s stated purpose was “to supply the wants of the people of the Territory.” A week later, the group again met and determined the leadership for the new organization. Young was elected president, with Utah’s congressman William H. Hooper serving as vice president.¹⁸⁰ Although maintaining a sense of central

¹⁷⁸ George A. Smith, Sermon, October 8-9, 1868, *JD* 13:123-124.

¹⁷⁹ George Q. Cannon, Remarks, July 20, 1872, in Payson Ward, General Minutes, LR 6814 11, reel 1, volume 4, p. 26, CHL.

¹⁸⁰ Church Historian’s Office, Journal, October 9 and 16, 1868, CR 100 1, box 3, volume 30, page 67, CHL.

organization with headquarters in Salt Lake City, the organization was largely made up of loosely connected satellite institutions that were established throughout the surrounding Mormon communities of Utah and Idaho. By early February 1869, Mormons established approximately 150 branches of the ZCMI. Such an immediate response attested both to the enthusiasm of Mormons for the new project, as well as Young's significant influence throughout the Mormon community.¹⁸¹

Young's economic plan, however, was not without its critics. According to one of the plan's chief critics, Edward D. Tullidge, Young's announcement of cooperative economics "startled" the community's Mormon merchants and intellectuals who could not believe that he would actually enact such a policy. Hearing that they must either fall in line or be left "out in the cold, the same as the Gentiles" with their goods "rot[ting] upon their shelves," many of the city's Latter-day Saint merchants began to push back against cooperation and Brigham Young.¹⁸² Even some of the most devoted Latter-day Saints were taken aback. Prominent Salt Lake City bishop and storeowner, Edwin D. Woolley bristled at the plan and Young's frequent anti-merchant statements. During a meeting of bishops in February 1869, Woolley urged Young to cease his "constant tirade against the merchants." He then warned that problems would arise if Young didn't soften his stance on merchants and cooperation.¹⁸³

¹⁸¹ Arrington, Fox, and May, *Building the City of God*, 101.

¹⁸² Edward D. Tullidge, "Utah's Commerce and Co-Operation," *Tullidge's Quarterly Magazine* 3, no. 1 (April 1881): 366.

¹⁸³ Minutes, February 18, 1869, Bishop's Meetings, quoted in Ronald W. Walker, *Wayward Saints: The Social and Religious Protests of the Godbeites Against Brigham Young* (repr. 1998; Salt Lake City: University of Utah Press, 2009), 142.

Woolley's remarks proved prescient. Only eight months later, Young's Great Basin Kingdom erupted in a rebellion that proved to be as significant any the faith had faced during its twenty years in Utah. Led by merchant William S. Godbe, a group of Mormons fomented an intellectual rebellion against Young and his system of cooperative economics in the fall of 1869. Originally consisting of perhaps a dozen individuals, the group came to be known as the "Godbeites."¹⁸⁴ Using a published periodical titled *The Utah Magazine* as the vehicle of their rebellion, Godbe and his colleagues published a series of articles that spoke to the larger Mormon community and struck at the roots of Young's power.¹⁸⁵ Harkening back to quintessential Mormon teachings that declared ideas such as, "the glory of God is intelligence," the Godbeites appealed to other Latter-day Saints on their own terms, and encouraged them to "Think freely, and think forever; and above all, never fear that the 'Ark' of everlasting truth can ever be 'steadied by mortal hand or shaken.'"¹⁸⁶ Accordingly, the group cast themselves as Mormonism's defenders of intellectual free thought and expression.¹⁸⁷ Accordingly, although the question of cooperative economics was the issue that finally brought about rebellion, the substance of their critiques went the complaints of the Godbeites struck at the very

¹⁸⁴ Walker, *Wayward Saints*, 135.

¹⁸⁵ Among the articles to which Latter-day Saint leaders took particular exception were: "Our Workmen's Wages," *The Utah Magazine* 3, no. 17 (August 28, 1869): 262-264, which had called into question limited wages in the territory, and "'Steadying the Ark,'" *The Utah Magazine* 3, no. 19 (September 11, 1869): 295, which had called for greater amounts of dissent within the Latter-day Saint population. Salt Lake Stake High Council Minutes, October 23, 1869, in *Minutes of the Apostles of the Church of Jesus Christ of Latter-day Saints, 1835-1893* (Salt Lake City, Utah: n.p., 2010), 329.

¹⁸⁶ Joseph Smith, Revelation, May 6, 1833, in Robin Scott Jensen, Robert J. Woodford, and Steven C. Harper, eds., *Manuscript Revelation Books*, facsimile edition, first volume of the Revelations and Translations series of *The Joseph Smith Papers*, edited by Dean C. Jessee, Ronald K. Esplin, and Richard Lyman Bushman (Salt Lake City, Utah: Church Historian's Press, 2009), 335; "'Steadying the Ark,'" *The Utah Magazine*, 295.

¹⁸⁷ For a significant analysis of the Godbeite movement, see Walker, *Wayward Saints*.

foundation of Utah Mormonism. Although Young and others tried to downplay the movement's significance, such pushback posed a significant threat to the stability of Young's Great Basin Kingdom. In this regard, the Godbeites accomplished a significant feat, coming close to accomplishing, as historian Ronald W. Walker noted, "what the radical republicans" and Utah's non-Mormon populace had long failed to do.¹⁸⁸

The movement came to a head in October 1869, during an ecclesiastical hearing in front of the Salt Lake Stake High Council. The hearing tried William S. Godbe and E. L. T. Harrison, editor of the *Utah Magazine*, for their church membership on the grounds of their "harboring the spirit of apostacy [sic]."¹⁸⁹ Contrary to most Mormon church courts, Young opted to make this particular court public, so as to avoid any suggestions of secrecy.¹⁹⁰ The decision allowed Godbe and Harrison to make their case to the assembled members of the Mormon community. Godbe denied the charges of apostasy, stating that he was "willing and prepared to make more sacrifices" for Mormonism. Similarly, Harrison rejected the charges, stating only "a disbelief in the doctrine of the infallibility of the priesthood." Accordingly, Harrison acknowledged that he protested some of Young's decisions, but did so "in a spirit of love and due regard for him." Specifically, he objected to Young's economic policy. Although clarifying that he would "deplore the flooding of this country with the refuse of society" through gold mining, Harrison expressed his desire to see "the development of more solid metals," including

¹⁸⁸ Walker, *Wayward Saints*, 98.

¹⁸⁹ Salt Lake Stake High Council Minutes, October 23, 1869, in *Minutes of the Apostles*, 328.

¹⁹⁰ Walker, *Wayward Saints*, 153.

iron, copper and silver. In closing his testimony, Harrison alluded to his and Godbe's belief in spiritualism and the efficacy of séances.¹⁹¹

Young responded to the criticisms of his economic policy, and to Harrison's suggestion that the saints ought to open up the mines with an appeal to the history of the community. Referencing the arrival of the saints in Utah, he said that the majority of the saints had come "naked and barefooted." He then remarked, "Did we run to the gold mines to get capital to raise our grain, to get the timber from the mountains, to make our farms and build our houses? No, but this Magazine says go to the gold mines or you cannot do these things." The implications were clear, with Young stating that those who staid and attended to their farms would prove far more successful and wealthy than those who went to the mines. He said that Godbe and Harrison were at liberty to oppose him and to "print just what you please," but claimed the right of the church members "to reject it and not have it crammed down [their] throats." Finally, Young rejected charges that he had claimed infallibility, stating, "I do not pretend to be infallible," clarifying only that the power of God was infallible.

Young's relatively non-combative response combined with Harrison's allusions to séances and spiritualism helped sway the public to Young's views.¹⁹² Ultimately the Salt Lake Stake High Council determined to excommunicate Godbe and Harrison, pending a reformation of their ways. The hoped-for reformation never came, and a group of followers resigned their membership in the faith, opting instead to join the Godbeites.

¹⁹¹ Salt Lake Stake High Council Minutes, October 23, 1869, in *Minutes of the Apostles*, 332, 334-335.

¹⁹² Salt Lake Stake High Council Minutes, October 23, 1869, in *Minutes of the Apostles*, 344-346; Walker, *Wayward Saints*, 165.

The vast majority of Latter-day Saints, however, remained with Young, who continued to preach cooperative economics to the Latter-day Saints. Indeed, Young hoped for expansion, seeing the ZCMI as merely a “stepping stone to what is called the Order of Enoch, but which is in reality the Order of Heaven.”¹⁹³ More than just a retort to the coming of the railroad and the eastern markets, he believed that cooperative stores would ultimately help initiate the new order of economic equality that Smith’s early revelations had described. Accordingly, he hoped that the small beginnings of the ZCMI would grow into a religious system of economics, which would eliminate poverty among the saints.¹⁹⁴ Still, Mormon leaders acknowledged that many Latter-day Saints failed to grasp the value of cooperative economics and the economic order to which he hoped to direct the community.¹⁹⁵

Grange Societies and Mormon United Orders

Despite the hesitancy on the part of some Mormons to fully engage in Young’s cooperative economic plan, Young and other leaders continued to urge cooperation throughout the early 1870s. In 1874, Young took advantage of a wide array of social and economic contexts to expand the cooperative plan as he had earlier hoped to do. Beginning in Saint George in February 1874, Young began urging Latter-day Saints to enter into religiously oriented cooperatives known as United Orders that affected not only commerce, but also home production. By the implementation of these orders, Young

¹⁹³ Brigham Young, Sermon, 7 April 1869, *Journal of Discourses*, 13:2.

¹⁹⁴ Brigham Young, Sermon, 2 January 1870, *Journal of Discourses* 13:93.

¹⁹⁵ George Q. Cannon, Sermon, 6 April 1869, *Journal of Discourses* 13:99.

hoped to see the saints become entirely self-sufficient and ready for a new economic order during the millennium.¹⁹⁶

Although marked by some differences, Young's pursuit of cooperative economics among the Mormons was not unique to the 1870s. Beginning in 1867, the Order of the Patrons of Husbandry, commonly known as the Grange, was largely composed of white Protestant farmers who were concerned about the economic changes that enveloped agriculture during the postbellum period.¹⁹⁷ Although not originally established as an anti-railroad organization, railroads quickly became the chief targets of Midwestern and Southern agricultural dissent in the postbellum world. Realizing their dependence upon railroads for economic survival, American farmers became increasingly dissatisfied with the power that the railroads held over the agricultural market.

For Midwestern farmers, the railroads functioned merely as the facilitators and middlemen between themselves and the national and international markets in which they hoped to market their goods.¹⁹⁸ Despite this perceived ancillary function, however, farmers became increasingly aware of the fact that the railroads helped to dictate agricultural costs and the market within which farmers were compelled to function. Furthermore, because farmers were entirely dependent upon them for financial survival, the railroad corporations and the eastern markets wielded incredible power over the vestiges of the old agrarian republic. As such, despite providing the raw goods and

¹⁹⁶ Brigham Young, Sermon, February 15, 1874, in Van Wagoner, ed., *Complete Discourses* 5:3008.

¹⁹⁷ The most comprehensive study of the Grange Society is: Solon Justus Buck, *The Granger Movement: A Study of Agricultural Organization and Its Political, Economic, and Social Manifestations, 180-1880* (repr. 1913; Lincoln, Nebraska: Bison Books, 1969).

¹⁹⁸ Cronon, *Nature's Metropolis*, 193.

produce for the markets, farmers found themselves at an increasing disadvantage to the railroads and those who marketed the goods in the east. In many regards, these white Protestant farmers had become recipients of the economic aspects of the very reconstruction that they had supported for the country's racial, ethnic, and religious others. Caught in the crosshairs of America's Gilded Age industrialization and corporatization, the members of the yeomanry were compelled to restructure their lives to correspond with a new economic order that increasingly privileged upper-class elites over the agrarian middle class.

This economic transformation lay at the root of the Grange. Founder Oliver H. Kelly established the Patrons of Husbandry specifically to provide farmers with opportunities for education and advancement within a changing economy.¹⁹⁹ Far from being conceptualized as an anti-Railroad movement of farmers, Kelly's earliest ideas were that the Grangers would function as a kind of fraternal order with degrees and advancements. Writing to a friend, Kelley explained that the order would "embrace in its membership only those persons directly interested in cultivating the soil," and would compose "a secret order, with several degrees, and signs and passwords." He believed that the secrecy of the organization and the opportunity for advancement would generate enthusiasm and ensure continued participation on the part of farmers.²⁰⁰

Hoping to increase the membership of the organization, Kelley designed the Grange to be an inclusive organization, crossing social, political, geographic, and

¹⁹⁹ Buck, *The Granger Movement*, 37-39.

²⁰⁰ Oliver H. Kelley to William Saunders, August 1867, in Oliver H. Kelley, *Origin and Progress of the Order of the Patrons of Husbandry in the United States; a History from 1866 to 1873* (Philadelphia, Pennsylvania: J. A. Wagenseller, 1875), 16-17.

gendered spaces. Despite being a largely Northern and Midwestern organization founded during the height of Southern Reconstruction, Kelley made efforts to organize chapters of the Grange throughout the South, with some even advising that separate Granges be established for Freedmen.²⁰¹ Similarly, Kelley mandated that the organization be inclusive politically and religiously. The organization's national bylaws expressly stated that "Politics and Religion [were] not subjects of discussion," leaving the Grange open to a wide variety of political and religious ideologies. Although the early political affiliations of the Grangers are difficult to determine, the party quickly gained took on a political bent, with the majority of its participants hoping to use the organization to oppose the power of the railroads. Religiously, the Grangers remained mostly Protestant, despite participation from a few Catholic farmers.²⁰² While such efforts largely proved fruitless, they evidenced Kelley's hopes to establish a broad-based coalition of farmers throughout the nation.

While the Grangers failed to create significant levels of diversity across religious, racial, and geographic lines, they did manufacture diversity in at least one significant way. Among Kelley's earliest plans were that the organization would include a significant place for women, although he specified that they would advance in the organization along different lines from the men. Historian Solon Buck notes that women frequently served as lecturers in the Grange educational programs, with some even having charge of those programs.²⁰³ Contemporaries saw the Grange's inclusion of

²⁰¹ Buck, *The Granger Movement*, 51, 74nt1.

²⁰² Buck, *The Granger Movement*, 74nt1, 90.

²⁰³ Buck, *The Granger Movement*, 281.

women as highly significant. One editor boldly predicted that if the organization adhered “to the ideas and . . . expectations of its founders,” the movement would “do more in the next five years to bring in woman suffrage than all the woman suffrage conventions that could be held from now till the end of the century.”²⁰⁴ Beyond providing some diversification to the membership, Kelley’s inclusion of women in the program would serve as a pattern for the Farmers’ Alliance, a later and more successful movement of farmers, and the Alliance’s political successor, the People’s, or Populist, Party.²⁰⁵ Hence, by providing key opportunities to women as well as men, the Patrons of Husbandry gained appeal to a larger segment of the American farming population, just as Kelley had designed.

But while the Grange experienced modest growth under Kelley’s original conceptualization, by far its more significant expansion came during the early 1870s when the organization was expanded to include anti-railroad politics and cooperative economics.²⁰⁶ Moving away from Kelley’s hopes that the party would remain anti-political, during the early 1870s, the Grange began pressing for states to pass regulatory laws that could govern the railroads and help lower the shipping costs for grain. Throughout the decade, the organization succeeded in passing Granger Laws that regulated railroads throughout several Midwestern states.²⁰⁷ Such efforts won the

²⁰⁴ “Woman Suffrage Not Despaired Of,” *Deseret News*, July 9, 1873, page 14, columns 1-2.

²⁰⁵ Buck, *The Granger Movement*, 308-310; Charles Postel, *The Populist Vision* (New York: Oxford University Press, 2007), 32, 38, 70.

²⁰⁶ Buck, *The Granger Movement*, 72.

²⁰⁷ The Supreme Court upheld the Granger Laws in the 1877 decision of *Munn v. Illinois*. Cronon, *Nature’s Metropolis*, 142; Buck, *The Granger Movement*, 123-237.

allegiance of farmers who believed that they were consistently victimized by excessive railroad freighting costs.

The early 1870s appeal of the Grange, however, went beyond fighting the railroads with legislation. Beginning in the 1870s, the Grange began establishing cooperative enterprises. Similar to the ZCMI, Grange cooperatives operated on the principle that as farmers banded together in cooperative ventures, they would be able to demand better shipping rates from the railroads and better prices from merchants.²⁰⁸ The Grange accordingly began supporting cooperatives in hopes that such support would attract larger numbers of farmers to their organization.

These efforts worked, as the Grange saw its highest growth numbers and participation rates between 1873 and 1875, before experiencing a steady decline. But while the two efforts both helped to attract a larger number of farmers to become members of the Patrons of Husbandry, the Granger Laws proved to have a much broader and longstanding impact upon the nation than did the cooperatives. Although railroad regulation never went as far as most farmers hoped, Granger laws paved the way for railroad regulation throughout the United States. These efforts toward regulation survived well beyond the functional operation of the Granger society. The vast majority of the cooperatives, however, were generally underfunded and even mistrusted among farmers, and therefore lasted only a short amount of time.²⁰⁹

Intriguingly, despite Grange's efforts to create a national coalition of farmers, and the organization's belief in principles of cooperation, no Grange societies were ever

²⁰⁸ Cronon, *Nature's Metropolis*, 362.

²⁰⁹ Buck, *The Granger Movement*, 52, 68, 73; Cronon, *Nature's Metropolis*, 362.

established in Utah.²¹⁰ The lack of Granges in Utah is intriguing, given the fact that the territory was largely composed of farmers who believed in cooperative economics and which had concerns about the influence of the railroads. Furthermore, by 1873, the Mormon community had become highly aware of the Patrons of Husbandry and supported their cause.²¹¹ Indeed, at least one Mormon Utah town seems to have supported the organization enough to have wanted to establish a branch there, writing of their town, “there is a fine opportunity for a Grange here.”²¹² R. N. Southerland, a major leader both the National and Montana Granges even visited Utah, but made his visit to the distinctly non-Mormon town of Corrine.²¹³ Accordingly, despite the Mormon interest in the association, and Oliver Kelley’s anxiousness to expand it throughout the country, there seems to have been a concerted effort on the part of the organization to prevent the inclusion of Mormons within its ranks.

On the heels of the massive successes of the Grange organization and in the aftermath of the devastating Panic of 1873, Young expanded Mormonism’s cooperative efforts into the creation of United Orders throughout each of the Mormon communities of the West. Both the impressive growth of the Grange and the problems caused by the Panic likely made the expanded Mormon plan of cooperation more attractive than the original 1868 plan for the ZCMI had been.²¹⁴ Indeed, according to historian Eric Foner,

²¹⁰ Buck, *The Granger Movement*, 60, 62-63.

²¹¹ “The New Secret Order,” *Deseret News*, May 21, 1873, page 14, column 4-5; “The Patrons of Husbandry,” *Deseret News*, July 23, 1873, page 6, columns 1-3; “Patrons of Husbandry,” *Deseret News*, July 23, 1873, page 7, column 3.

²¹² “Our Country Contemporaries,” *Deseret News*, December 24, 1873, page 5, column 5.

²¹³ “Granges,” *Corinne Daily Reporter* (Corinne, Utah), November 17, 1873, page 3, column 1.

the Panic “shattered the mold of two-party politics” throughout the West and “spawn[ed] insurgent movements that achieved remarkable, if temporary, successes in 1873.”²¹⁵

Although small, localized, and generally a-political, Young’s system of United Orders can be ranked among that group of insurgent movements that achieved short-term success.

Although Mormon economic historians have maintained that there was “little influence from American cooperative movements outside of Utah,” including the Grange, evidence suggests that in designing the United Order Young and other Mormon leaders likely looked to the organization for organizational ideas.²¹⁶ The Mormon-operated *Deseret News* praised the Grange’s cooperative efforts as being “genuine co-operation,” in that the participants received “the fullest possible benefit for the money they expend[ed]” while non-contributors were “cut off from eating the bread of the producer.”²¹⁷ In fact, the organ’s sharpest criticism of the Grange was that because it was “clannish, embracing only the farmer class,” it lacked the ability to pose any truly significant threat to the continued dominance of the Republican Party in Washington.²¹⁸ But beyond praising the organization through the *Deseret News*, as Young and other

²¹⁴ The Panic of 1873 caused Americans to question the validity of the Gilded Age’s financial promises and the supposed prosperity that the railroads brought throughout the nation. Accordingly, the Panic offered opportunities for Brigham Young and for groups like the Grange to capitalize on a growing sense of distrust that many Americans felt toward the railroads. Mark W. Summers, *Railroads, Reconstruction, and the Gospel of Prosperity: Aid Under the Radical Republicans, 1865-1877* (Princeton, New Jersey: Princeton University Press, 1984), 266-298; Arrington, *Great Basin Kingdom*, 323.

²¹⁵ Eric Foner, *Reconstruction: America’s Unfinished Revolution, 1863-1877* (repr. 1988; New York: History Book Club, 2005), 516.

²¹⁶ Arrington, Fox, and May, *Building the City of God*, 89.

²¹⁷ “Grange Co-operation,” *Deseret News*, October 29, 1873, page 7, columns 1-2.

²¹⁸ “Politics and Parties,” *Deseret News*, November 19, 1873, page 6, columns 4-5.

leaders established United Orders throughout Utah, the constitutions and by-laws for said orders drew striking resemblances to the constitutions of some of the state Grange associations. Accordingly, Young and other leaders may have drawn some ideas from the Grange societies of the Midwest.²¹⁹

In establishing the United Orders, Mormon leaders explained that the purposes of the organizations were to ensure that the people “do away with selfishness” and not “shirk from duty to aggrandize [their] own selfish interests.” Rather the orders were to ensure that the people would “take hold of the United Interest and Seek the interest of all.”²²⁰ Young’s ideal was evidently that by combining their efforts in farming and other duties, Mormon communities would become self-sufficient and thus be able to provide more time for other things beyond working for survival. Noting such a purpose, the notes for the establishment of an order in Beaver, Utah, explained that one of the organization’s purposes was to facilitate “more leisure time to devote to the cultivation and training of our minds and those of our children in the arts and sciences.” In making such efforts, they hoped to be able to avoid the larger national problems such as “the struggle between Capital and Labor, resulting in strikes of the Workman with their consequent distress, and

²¹⁹ It is likely that both constitutions followed established patterns for organizational constitutions of the period. Furthermore, despite the printing and dispersal of such constitutions, Mormon records do not appear to include copies of any of these constitutions. For similarities compare: “Record of the United Order of the Beaver Stake of Zion,” April 12, 1874, Beaver Stake United Order Minutes, LR 596 22, CHL; and *Constitution and By-Laws of Dominion Grange Patrons of Husbandry; Organized June 2nd, 1874*, 7th ed. (Welland, Ontario: Telegraph Publishing House, 1878); and *Constitution and By-Laws of the Indiana State Grange, of the Order of the Patrons of Husbandry; Also, By-Laws of County and Subordinate Granges* (Indianapolis, Indiana: Diamond Book and Job Office, 1879); and “Constitution of the Order of Patrons of Husbandry, and By-Laws of the National Grange: Adopted at Sixth Annual Session of the National Grange, January 1873,” in Edward Winslow Martin, *History of the Grange Movement; or the Farmer’s War Against Monopolies: Being A Full and Authentic Account of the Struggles of the American Farmers Against the Extortions of the Railroad Companies; With A History of the Rise and Progress of the Order of the Patrons of Husbandry, It’s Objects, Present Condition and Prospects; To which is Added Sketches of the Leading Grangers* (Chicago: National Publishing Company, 1874), 431-439.

²²⁰ George A. Smith, remarks, April 8, 1874, Cedar City United Order Records, LR 1514 24, CHL.

also the oppression of monied [sic] monopolies” that resulted from “extravagant speculation and over-reaching the ligitimate [sic] bounds of the Credit system.”²²¹ Young’s counselor similarly referenced national crises in explaining the order, stating that Young was establishing the order even as the saints heard “of the rumblings and grumblings in the granges or societies of cooperation, of the strikes or laboring men for higher wages[,] of the disagreement between capital and labor.” Wells then urged the people to join the order, promising, “If we will only become united success will attend us. . . . We should therefore go in together, and get rich together.”²²²

The anxiety caused by the Panic of 1873 and the enthusiasm over the growth of other cooperative societies, however, was short lived. Despite some relative successes during the remainder of the 1870s, Young’s system of United Orders struggled similar to the Grange cooperatives, largely fading by 1880. As Arrington and others explained, the accomplishments of Mormon cooperatives “complemented but did not supplant traditional economic forms,” particularly in Utah’s northern settlements that were close to the railroads and a constant supply of eastern goods.²²³ By the mid-1880s, the Mormon capital at Salt Lake City was wholly immersed in the national economy and the national market, with Mormonism’s society of cooperation having given way to the American culture of capitalism.

²²¹ Beaver Stake United Order, Minutes, April 12, 1874, LR 596 22, CHL.

²²² Daniel H. Wells, Sermon, March 15, 1874, Twentieth Ward General Minutes, LR 9455 11, reel 2, volume 7, CHL.

²²³ Arrington, Fox, and May, *Building the City of God*, 224.

Conclusion

With the passage of the Pacific Railroad Act in 1862 and the completion of the transcontinental railroad in 1869, the United States had laid the groundwork of one of the most effective means of reconstruction that Mormons would experience. Although never the definitive death knell to polygamy that many American hoped it would be, the railroad facilitated substantive challenges to Mormonism in the forms of mining, markets, and merchandise. On their own, these threats had gained little headway within Utah, but combined with the railroad, each proved to pose an effective challenge to Brigham Young's Great Basin Kingdom. By far the railroad and the introduction of eastern markets constituted the most dynamic challenge to the Latter-day Saints. Indeed, in the long run, this proved to be among the most effective means of changing Mormonism, succeeding where mining efforts had failed. As with all efforts toward reconstruction, Mormons responded with their own efforts toward retrenchment against such threats through preaching against the problems of mining, through the establishment of cooperative ventures, and finally through Young's efforts to implement Joseph Smith's earliest economic plans through United Orders.

That the railroad would succeed in transforming Utah is unsurprising. From the time it was first introduced in the United States and throughout the remainder of the nineteenth century, it had transformed or influenced nearly every location and occupation throughout the country. Indeed, as historian William Cronon described, it had become "a force of nature," bringing "sudden sweeping change" to landscapes, communities, and economies nationwide.²²⁴ Even time had been reshaped to meet the demands of the iron

²²⁴ Cronon, *Nature's Metropolis*, 72, 79.

horse.²²⁵ Indeed, so profound was the belief in the railroad's transformative power, that many had even believed it possessed the power to "bind the republic together," both before and after the Civil War. And in the years immediately after the war, it was used to do just that, with a symbolic golden spike uniting the once divided country through railroads and commerce.²²⁶

In Utah, the railroad manifested those same transformative abilities, reshaping "religious, political, and economic ideologies" and replacing "local customs, beliefs, habits, and other forms of social differentiation" with cosmopolitan ideas and practices.²²⁷ Although progress toward such transformation was slow during the 1860s and 1870s, by 1890, the once isolated capital of Mormondom had become fully enveloped within the larger national economy. Mormon leaders had slowed the progress of these changes through aggressive policies of cooperative economics. But following Young's death in 1877, enthusiasm for such policies largely waned, undercutting Mormon efforts toward cooperation and incorporating Mormonism more fully within the national markets.

Ultimately, the coming of the railroads and eastern markets transformed Utah where other plans, such as Patrick Connor's efforts to create a mining boom, had failed. Several reasons explain the railroad's success while mining failed. In spite of the prospects for immediate wealth and the numerous tales of large finds in the gold fields, the transient culture of mining held little appeal for most members of the Mormon

²²⁵ White, *Railroaded*, 146-52.

²²⁶ John C. Calhoun, in *Annals of Cong.*, 14th Cong., 2d Sess. (February 4, 1817), 854; Dearing, *The Filth of Progress*; Carol Sheriff, *The Artificial River: The Erie Canal and the Paradox of Progress, 1817-1862* (New York: Hill and Wang, 1996).

²²⁷ Arrington, *Great Basin Kingdom*, 235.

community. The railroad, on the other hand, despite the equally unsavory reputation of its camps, brought with it significant advantages that appealed to a broader segment of Mormon society. Although saloons, prostitution, and other perceived problems followed the railroads as well as mining camps, the railroads also brought access to eastern goods and markets, as well as other evidences of higher culture. Railroads offered a long-term escape from the isolation of the frontier and a reintroduction of many of the luxuries that Mormon converts had left behind as they took their handcarts and wagons west. More importantly however, while Young and others had inveighed against mining since the beginnings of the 1848 rush to California, the railroad had met with Mormon approval and encouragement since the early 1850s. Furthermore, for Mormons, the railroads had at least one significant advantage over the mining camps, in that they had met with Young's approval since the early 1850s. Mormons had publicly and privately supported endeavors to construct the transcontinental railroad almost from the genesis of the territory. Accordingly, Mormon leaders had simultaneously embraced the transformations and changes that accompanied the tracks they helped to lay.

But as the railroads diminished the time and space that had once isolated Mormonism in the West, Latter-day Saint leaders undertook new economic efforts to ensure a continued distinctiveness from the broader American culture. In resisting the reconstructive elements of the railroads, Mormons followed the broader patterns of other Americans, including white middle class farmers, who bristled at the growing corporatization of America and the emerging power of the railroads over their lives. Accordingly, Mormonism's cooperative efforts must be placed within the larger narrative of the early farmer resistance movements of the 1870s that helped to shape the growth of

Populism during the 1890s and Progressivism during the 1900s and 1910s. Although Mormon exertions toward distinctiveness were temporarily augmented by larger national events such as the Civil War, the Granger movement, and the Panic of 1873, the efforts to unite the country by rail and commerce ultimately helped to draw Utah more closely within the emerging definitions of American citizenship that the Greater Reconstruction of the West upheld as the ideal.

CHAPTER 4

“FREE EDUCATION MEANS FREE MEN”: RECONSTRUCTING EDUCATION IN UTAH, 1869-1890

On November 21, 1867, an article in the *Deseret News* announced that the following month Salt Lake officials would open a school for the teaching of theology and various sciences including “Mathematics, Architecture, Chemistry, Mineralogy, Geology, Geography, Grammar, Penmanship, [and] Book-keeping.” The school was to be known as “the School of the Prophets” and was to operate under the supervision of the chancellor and regents of the then-defunct University of Deseret, which had operated only sporadically between its 1850 establishment and its closure in 1857.¹ The decision to open the School of the Prophets was the first in a series of territorial efforts that would culminate in reopening the dormant university.

As promised, the school held its first lectures on December 2, 1867. But while the advertisement had suggested that the class would operate under the direction of the University’s chancellor and board of regents, Brigham Young and his fellow Latter-day Saint officials directed the inaugural events. Young explained that while the school would “be dictated and controlled by the Chancellor and Regents,” the school would likewise operate “under the guidance of the Holy Priesthood.” While the school was to operate under the auspices of the territorial university and include education in “all truths in science and art,” the institution’s name and Young’s directions made clear that, first

¹ “School of the Prophets,” *Deseret News*, November 21, 1867, page 2, column 2; Entry for March 13, 1850, *Journal History of the Church 1896-2001* (hereafter JH), CR 100 137, volume 40, LDS Church History Library, Salt Lake City, Utah (hereafter CHL).

and foremost, this was a Mormon institution.² In addition to opening the theological school, Young promised that “as soon as practicable, every branch of learning essential to the attainment of a complete and finished education” would be added to the university.³ Operating as the school’s theological department, the School of the Prophets was the only functional portion of the University of Deseret for nearly a year. Slowly, however, the board of regents began preparing the University of Deseret to operate as a full-fledged university that would not only provide collegiate education to the state, but which was also designed to direct the educational efforts of the territory. The following September, the university began offering classes in its commercial department to train students to prepare for future professions in business and banking.⁴ And then the following February, the territorial legislature officially reestablished the University with teacher John R. Park as the president of the school.⁵ The following month, it opened its doors to university students.

The university’s reopening was marked with another ceremonial gathering. Similar to most key events in Utah, the inaugural ceremonies for the school featured a prayer and two speeches by Mormons.⁶ But unlike other ceremonies, the prayer and

² Salt Lake School of the Prophets, Minutes, December 2, 1867, in Devery S. Anderson and Brandon Douglas Morton, eds., *“The Knowledge of All Truth”: Minutes of the Salt Lake City School of the Prophets, 1867-1874, and 1883* (Salt Lake City: Signature Books, forthcoming), chapter 1. My thanks to Devery S. Anderson, Gary J. Bergera, and John G. Turner for their generous assistance in providing me with typescripts of the Salt Lake School of the Prophets.

³ Brigham Young, Remarks, December 2, 1867, in Anderson and Morton, eds., *“The Knowledge of All Truth,”* chapter 1.

⁴ “A New Idea,” *Deseret News*, 19 September 1868, page 3, column 1.

⁵ Entry for February 2, 1868, JH, CHL.

⁶ Entry for March 8, 1869, Church Historian’s Office Journal, CR 100 1, volume 30, page 143, CHL.

speeches were offered by rank and file Mormons, with high ranking Latter-day Saint leaders noticeably absent from the proceedings. Furthermore, the service lacked the traditional dedicatory prayer that marked other Mormon ceremonies, including the inaugural ceremonies of the School of the Prophets. Young was peculiarly absent from the event, despite being in Salt Lake City and having participated in the dedicatory services for a store only a week earlier.⁷ And rather than attend the dedication, apostle Wilford Woodruff noted that he “spent the day putti[n]g [*sic*] in wheat.”⁸ It is possible that Young and the other leaders believed the dedicatory events of December 1867 had served as dedicatory events for the entire university, and therefore did not see the events of March 1869 as representing anything more than the beginning of a new school term. Yet the absence of the high ranking Mormon officials prefigured the changes that were beginning to shape education in Utah, as the territorial schools and universities began to shift from Mormon to government control.

Despite initially close relations with the church, by 1871 the university had begun to shift away from its Mormon origins. His close ties to Young notwithstanding, John Park was a staunch advocate of secular education and ran the university accordingly. Indeed, only two years after the university reopened, Park complained to Young that one of the school’s professors, Karl Gottfried Maeser, had “too much the character of . . .

⁷ Wilford Woodruff, Journal, March 1, 1869, in Scott G. Kenney, ed., *Wilford Woodruff’s Journals: Typescript, 1834-1898*, 9 vols. (Midvale, Utah: Signature Books, 1983-1985), 6:458. Records indicate that Young was in Salt Lake City only two days before the dedication of the University of Deseret and “spoke at length” in a meeting of the Salt Lake School of the Prophets. Historian’s Office, Journal, March 6, 1869, CR 100 1, box 3, volume 30, page 142, CHL.

⁸ Wilford Woodruff, Journal, March 8, 1869, in Kenney, ed., *Wilford Woodruff’s Journals*, 6:458.

missionary work” in his teaching to fit in at the school.⁹ Despite his high competency and German training as a professor, Maeser’s Mormon evangelizing failed to mesh with the university’s new secular direction. Accordingly, pursuant to Park’s complaints, Maeser left the University of Deseret. Within five years, Young would tab the missionizing Maeser to become the principal of the newly established Brigham Young Academy, the cornerstone of a private system of Mormon education.¹⁰ Accordingly, by 1875, Utah’s burgeoning system of higher education was defined by two entities: the secularly oriented University of Deseret in Salt Lake City and the religiously oriented Brigham Young Academy in Provo.

Park’s university and Maeser’s academy would prove emblematic of the larger battles that took place in Utah education between 1869 and 1890. On the one hand, Park’s university symbolized the growing power of the federal government and the broader American cultural influence within Utah’s public institutions. On the other hand, Maeser’s academy evidenced the continued influence of Mormonism within Utah. But as a private institution subsidized by church funds, it was also an acknowledgment of the changing power dynamics within the territory. For the remainder of the nineteenth century, these two systems of education found themselves locked in a competition for influence over the minds and attitudes of Utah’s children and adolescents.

Because of the undeniable power of education to shape the minds, thoughts, and culture of a region, schools played a major role not only in the reconstruction of Utah, but

⁹ John R. Park, University of Deseret Minute Book, March 31, 1871, quoted in Ralph V. Chamberlain, *The University of Utah: A History of Its First Hundred Years, 1850 to 1950*, (Salt Lake City, UT: University of Utah Press, 1960), 95.

¹⁰ A. LeGrand Richards, *Called to Teach: The Legacy of Karl G. Maeser* (Provo, Utah: Religious Studies Center, 2014), 357-82.

in the reconstruction of the United States as a whole. Just as government officials tried to use the public schools to reshape the minds of Mormon youth, so they used public schools and boarding schools in an effort to reconstruct Catholics, Native Americans, and other groups of American outsiders. Such efforts were carried out in the name of democratization, and accordingly inculcated ideas about Americanism in the minds of minority children that ran directly counter to the cultures and ideologies of their parental upbringing. Each group of outsiders responded to these educational threats in their own way, with varying levels of success. Ultimately the Mormon response was unique in that the economic and political realities of the period compelled Latter-day Saints to adopt educational measures that worked with, rather than against, the American public schools. The Mormon response accordingly became a key benchmark in the territory's shift towards greater inclusion within the broader confines of American citizenship.

Public Schools and Reconstruction

Since the nation's very establishment, schools and education played a critical role in defining the character of the people and the country. Particularly during the Jacksonian period, northern communities began establishing common schools as the "pillars of the republic," with emerging state organizations that could regulate both licensing and curriculum.¹¹ Americans, and particularly northerners, quickly recognized the assimilative character of the schools, finding that they were a means whereby they could "integrate and assimilate a diverse population into the nation's political, economic, and

¹¹ State superintendencies and public-school systems began to emerge during the mid-nineteenth century, under the leadership of educators like Horace Mann of Massachusetts. Prior to that time, common schools were primarily regulated at local levels, with schools differing in quality and curriculum from community to community. Carl F. Kaestle, *Pillars of the Republic: Common Schools and American Society, 1780-1860* (New York: Hill and Wang, 1983), 91,113-114, 152-153.

cultural institutions.”¹² During a period of significant fears regarding the Catholic faith of immigrants, the schools were a means of entrenching and affirming Protestant ideals in the largest segment of American youth, while at the same time trying to Protestantize the growing immigrant population.¹³ The American common schools thus became one of the country’s preeminent vehicles of Protestant reform and Americanization, playing an indispensable role in redefining the “nature, prerogatives, and demands” of American citizenship.¹⁴

Although the foundation of an assimilative and reconstructive system of American education was laid during the antebellum period, the Civil War and emancipation helped to bring schooling to the forefront of the American consciousness. Equally important, the war and emancipation played a critical role in giving the federal government a more prominent role in the American educational system. During July 1862, Congress passed a bill by Vermont representative, Justin Morrill, allowing for the establishment of land grant colleges throughout the United States. The Morrill Act provided granted 30,000 acres to each state for the purpose of establishing and maintaining “at least one college where the leading object shall be . . . to teach such branches of learning as are related to agriculture and the mechanic arts . . . in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life.” While the colleges were also to include instruction in “scientific

¹² Kaestle, *Pillars of the Republic*, x.

¹³ Philip Hamburger, *Separation of Church and State* (Cambridge, Massachusetts: Harvard University Press, 2002), 191-251.

¹⁴ Kaestle, *Pillars of the Republic*, 71-72; Elliott West, *The Last Indian War: The Nez Perce Story* (New York: Oxford University Press, 2009), xxi.

and classical studies, including military tactics,” the chief purpose of the schools was to prepare citizens for agricultural and mechanical contributions to society.¹⁵

Contemporary with his efforts to pass this legislation, Morrill championed and passed the nation’s first piece of anti-polygamy legislation, known as the Morrill Anti-Bigamy Act.¹⁶ Additionally, the summer of 1862 yielded two other important pieces of westward looking legislation, the Pacific Railroad Act and the Homestead Act, which worked together with the two Morrill Acts to help redefine the meaning of American citizenship.¹⁷ The inclusion of the Morrill Anti-Bigamy Act among these four pieces of legislation underscored the important place that colleges and schools would play in shaping and defining postbellum America. Accordingly, the federal government had a vested interest in increasing its role in American educational matters.

The 1863 emancipation of millions of slaves and the subsequent passage of the thirteenth, fourteenth, and fifteenth amendments likewise increased the focus on American education. Emancipation and the bestowal of citizenship and voting rights regardless of “race, color, or previous condition of servitude” created immediate questions about the status of the freedmen, many of whom were unable to read, write, or perform basic arithmetic, their slave owners having been concerned about the possibilities of an educated slave population.¹⁸ American lawmakers worried about the

¹⁵ “An Act Donating Public Lands to the Several States and Territories which may Provide Colleges for the Benefit of Agriculture and the Mechanic Arts,” in George P. Sanger, ed., *Statutes at Large, Treaties, and Proclamations, of the United States of America from December 5, 1859, to March 3, 1863* (Boston: Little, Brown and Company, 1863), 504.

¹⁶ For more on the Morrill Anti-Bigamy Act, see Chapter 5.

¹⁷ For more on the Pacific Railroad Act, see Chapter 3.

¹⁸ Amendments XIII, XIV, and XV, United States Constitution, http://www.archives.gov/exhibits/charters/constitution_amendments_11-27.html#14 (accessed 1 January

potential problems of having millions of voters who lacked the ability to read or write. Northerners rushed to establish schools among communities of freedmen to remedy these concerns and “to remake the culture blacks had inherited from slavery.”¹⁹ Accordingly, the postbellum educational plans for freedmen were not only concerned with the levels of literacy, but also with reshaping the characteristics that they wrongly assumed had been instilled during slavery.

In addition to addressing the questions posed by the addition of thousands of new citizens to the nation, as well as the difficult processes of reunion and healing from the Civil War, the postbellum period raised other questions because it was an era of unprecedented transformation for the nation. During these years, the United States was transformed through “industrialization, mechanization, urbanization” and the subsequent influx of immigration.²⁰ And despite unprecedented levels of farming and agrarian production, Thomas Jefferson’s agrarian republic slowly began morphing into a nation that was known as much or more for its “dense urban neighborhoods where foreign tongues predominated” as it was for agriculture.²¹ Along with this period of intensive

2016); Ward M. McAfee, *Religion, Race, and Reconstruction: The Public School in the Politics of the 1870s* (Albany: State University of New York Press, 1998), 10; Eugene D. Genovese, *Roll Jordan Roll: The World the Slaves Made* (New York: Vintage Books, 1976), 563, 750; Frederick Douglass, *Narrative of the Life of Frederick Douglass, An American Slave* (London: H. G. Collins, 1851), 39-42.

¹⁹ Eric Foner, *Reconstruction: America’s Unfinished Revolution, 1863-1877* (1988, New York: History Book Club, 2005), 146.

²⁰ Robert H. Wiebe, *The Search for Order, 1877-1920* (New York: Hill and Wang, 1966), 12.

²¹ William Cronon has showed how the period’s growth in agricultural production facilitated the development of urban centers such as Chicago. William Cronon, *Nature’s Metropolis: Chicago and the Great West* (New York: W. W. Norton, 1991); Stephen J. Diner, *A Very Different Age: Americans of the Progressive Era* (New York: Hill and Wang, 1995), 5; Adam Wesley Dunn, *An Agrarian Republic: Farming, Antislavery Politics, and Nature Parks in the Civil War Era* (Chapel Hill: University of North Carolina Press, 2015, 183-184; Paul S. Boyer, *Urban Masses and Moral Order in America, 1820-1920* (Cambridge, Massachusetts: Harvard University Press, 1978), 67-70.

immigration, came a litany of non-Protestant religions. These sweeping changes led many Americans to worry that the country was losing its cultural values as a Protestant nation, becoming “a society without a core” in the process. For white Protestant Americans, these demographic, cultural, and religious changes seemed to pose a threat to the “new birth of freedom” for which the country had most recently fought a lengthy Civil War.²²

In response to these seeming challenges to the moorings of American civilization, the nation turned to its schools. The half-century following the Civil War was a period of sweeping education changes throughout the United States, with educational playing a vital role in the ongoing national efforts toward reconstruction among other minority groups, including the Mormon population in Utah.²³ Unsurprisingly as national leaders worked to define Americanism during the postbellum period, Americans became more “self-conscious about the civic values that the schools should teach,” and the effect that education would have upon the nation’s youth.²⁴ Accordingly, in the years immediately following the Civil War, Americans expanded their educational offerings throughout the nation, reaching both majority and minority populations. Schools thus became a vital means of strengthening the commitment of Protestant Americans to the principles of democracy, free labor, and capitalism. And at the same they worked to integrate non-

²² Wiebe, *The Search for Order*, 12; Abraham Lincoln, “Address Delivered at the Dedication of the Cemetery at Gettysburg, 19 November 1863,” *Complete Works of Abraham Lincoln*, ed. Roy P. Basler, 8 vols. (New Brunswick, New Jersey: Rutgers University Press, 1953), 7:17.

²³ Wiebe, *The Search for Order*, 117-120; Clif Stratton, *Education for Empire: American Schools, Race, and the Paths of Good Citizenship* (Berkeley: University of California Press, 2016).

²⁴ David B. Tyack, *Seeking Common Ground: Public Schools in a Diverse Society* (Cambridge: Harvard University Press, 2003), 12; William J. Reese, *America’s Public Schools: From the Common School to “No Child Left Behind”* (Baltimore: Johns Hopkins University Press, 2005), 1.

Protestant minorities into the mainstream of American citizenship through Protestantization, Democratization, and Americanization.²⁵ In the process, however, the schools “created and situated children along multiple unequal paths to ‘good citizenship,’ with these paths being “intimately tied to the hierarchies of race and national origin.”²⁶

In the eyes of many leaders, education was a critical part of the country’s remedy for the social problems and challenges posed by religious others. As the religious and democratic majority, Protestant Americans used the burgeoning public school system to reinforce the Protestant character of the United States, and the importance of Protestant Christianity to democratic rule.²⁷ Noting the power of the schools, political leaders moved to make “education compulsory” upon American citizens. By 1890, they hoped to deny the right to vote to any who could “not read or write.”²⁸ Compulsory education, however, was not simply designed to increase literacy among the voting public. It was also designed to fashion youth into stereotypical white Protestant Americans, whose aims and ideas corresponded with the broader assumptions about American citizenship. Accordingly, while educational opportunities expanded for the whole of the nation’s youth, many of the nation’s postbellum educational efforts focused on the country’s immigrant populations, minorities, and non-Protestant religions.²⁹

²⁵ Lawrence A. Cremin, *The Transformation of the School: Progressivism in American Education, 1876-1957* (New York: Vintage Books, 1964), 3-127; David B. Tyack, *The One Best System: A History of American Urban Education* (Cambridge, Massachusetts: Harvard University Press, 1974), 84-86.

²⁶ Stratton, *Education for Empire*, 1.

²⁷ Boyer, *Urban Masses and Moral Order*, 175-204, 219-51.

²⁸ Ulysses S. Grant, “Annual Message to the Senate and House of Representatives, December 7, 1875,” in John Y. Simon, ed., *The Papers of Ulysses S. Grant: Volume 26, 1875* (Carbondale: Southern Illinois University Press, 2003), 416.

²⁹ African Americans, the country’s largest minority group, were treated somewhat differently than the other minorities in educational matters. Both Eric Foner and David Tyack have noted the fact that

Perhaps no group was more deeply affected by the postbellum changes in education than the Native American population. A system of boarding schools removed Native American children from the care of their parents in an effort to “civilize” young Indian children. In addition to providing “the rudiments of an academic education,” the Indian boarding schools operated upon the assumption that they needed to save Native American children “from themselves,” using the classroom to undermine Native traditions.³⁰ School policies forbade the use of native languages, native dress, and even the longer hairstyles common among many of the tribes. Furthermore, one of the chief aims of the schools was to effect the Protestant Christianization of the students, dismissing their native religious beliefs. Accordingly, the schools undermined many of the most basic habits and tenets of Native American culture, and constituted a veritable assault on the identity and beliefs of the students they taught.³¹ But while Americans claimed that the schools were designed to help Native American youth progress socially and economically, much of the training they received in the boarding schools was designed to teach them how to serve as manual laborers, often as servants for white families.³²

African Americans consistently appealed for better schools to enable their social advancement. These appeals, however, were often denied them by the white hegemony, suggesting, as Tyack has written, that “the educational system that was to homogenize other Americans was not meant for them.” Eric Foner, *A Short History of Reconstruction* (New York: Harper Perennial, 1990), 66; Tyack, *One Best System*, 110.

³⁰ David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence: University of Kansas Press, 1995), 8-9, 21; Margaret D. Jacobs, *White Mother to a Dark Race: Settler Colonialism, Maternalism, and the Removal of Indigenous Children in the American West and Australia, 1880-1940* (Lincoln: University of Nebraska Press, 2009).

³¹ Adams, *Education for Extinction*, 12, 23, 100-112; Jacobs, *White Mother to a Dark Race*, 230-37, 247-48.

³² Adams, *Education for Extinction*, 22, 149-156; Jacobs, *White Mother to a Dark Race*, 329-339.

Despite the constant assertions of whites that these schools were in the best interests of the students individually and the Native American communities as a whole, many objected the schools. While Native American parents appreciated the increased opportunities that schooling seemed to afford their children, they objected to the forced removal of their children from their homes and care. Historian Margaret Jacobs notes that Indian mothers were desperate to keep their children at home, even resorting to “burying their children” in wool, oats, and wheat to prevent their being taken away to the schools.³³ Within the schools, Indian children used small acts of disobedience to voice their displeasure with the assimilative aims. One student remarked, “I think in the end I got the better of that school. I was more of an Indian when I left than when I went in.”³⁴

Although never forcibly removing children from their homes as was the case with the Indian Boarding Schools, urban public schools likewise emphasized assimilative education for the nation’s growing immigrant population during the latter half of the nineteenth century. Similar to the boarding schools, the nation’s public schools focused upon their students abandoning foreign ideas, foreign languages, and non-Protestant religious practices.³⁵ Believing that it would assist in the development of good citizens for the state, the Bible was at the core of the public school curriculum. Non-Protestants worried that their children in the public schools were “encouraged to abandon their ties to

³³ Jacobs, *White Mothers to a Dark Race*, 156.

³⁴ Lame Deer with Erdoes, quoted in Jacobs, *White Mothers to a Dark Race*, 264.

³⁵ Tyack, *The One Best System*, 22.

their parents, homeland, and religion and embrace the American republic and Protestant religion.”³⁶

The inclusion of daily Bible readings in the curriculum raised particular concerns for both Catholics and Jews.³⁷ Although such readings were done “without note or comment,” Catholics found the practice offensive because of the use of the King James Bible. They argued that the choice to read from a Protestant rather than Catholic translation of the Bible was immensely important and influenced the religiosity of the students.³⁸ Though many Jews were not disturbed by Bible study in the schools, some objected to the pervasive use of the New Testament.³⁹ To one degree or another, the public schools challenged the beliefs and heritage of many within the country’s growing immigrant population.

Given these factors, America’s postbellum minorities came to view the public schools with a high level of skepticism. For many of these groups, rather than being institutions of social advancement, the public schools represented dangerous organizations that threatened the culture, upbringing, and beliefs of their children. For the most skeptical, the schools seemed to be capable of cultural genocide, particularly as they

³⁶ Timothy Walsh, *Parish School: American Catholic Parochial Education from Colonial Times to the Present* (New York: Crossroad Publishing Company, 1996), 26.

³⁷ McAfee, *Religion, Race, and Reconstruction*, 30-31; R. Lawrence Moore, “Bible Reading and Nonsectarian Schooling: The Failure of Religious Instruction in Nineteenth-Century Public Education,” *Journal of American History* 86, no. 4 (March 2000): 1583.

³⁸ Moore, “Bible Reading and Nonsectarian Schooling,” 1583, 1589; Hamburger, *Separation of Church and State*, 220, 250.

³⁹ At least one court decision found that Bible reading was “a preference given to Christians and a discrimination against Jews” because of the consistent readings from the New Testament. T. V. K., “Constitutional Law: Reading Bible in Public Schools,” *Michigan Law Review* 28, no. 4 (February 1930): 434.

implemented a curriculum aimed at ethnogenesis.⁴⁰ Even under the most ideal circumstances, the Americanization of children within the schools “tended to produce strain between parents and children in the home.”⁴¹ Far from providing the liberating experience that the schools promised, non-Protestant Americans found public education to be an oppressive venture that threatened the perpetuation of familial beliefs and values.⁴² While some non-Protestants openly accepted the public schools and saw them as “a doorway to new opportunities,” many parents feared that they were “losing their children through Americanization.”⁴³

The Protestant majority saw little problem with these assimilative efforts. Indeed, U.S. President Benjamin Harrison voiced the opinion of the majority stating,

The public school is a most wholesome and hopeful institution. It has an assimilative power possessed by no other institution in our country. Where the children of rich and poor mingle together on the play-ground and in the school-room, there is produced a unity of feeling and popular love for public institutions that can be brought about in no other way.... God bless and promote your public schools until every child in your Territory shall be gathered into them.⁴⁴

⁴⁰ Tyack, *The One Best System*, 2, 11, 179. Educational historian Lawrence Cremin argues that one of the main purposes of public schools has always been to Americanize the country’s social outsiders. Cremin, *The Transformation of the School*, 66-67. Michael McGerr agrees that the Americanization efforts of the period had more sinister motives than simply the assimilation of immigrants and outsiders. He argues that these efforts were “interested in obliterating their culture and guaranteeing their submission” to American values. Michael McGerr, *A Fierce Discontent: The Rise and Fall of the Progressive Movement in America* (New York: Oxford University Press, 2003), 292.

⁴¹ Tyack, *The One Best System*, 241.

⁴² Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth Century America* (Chapel Hill: University of North Carolina Press, 2002), 198.

⁴³ Tyack, *The One Best System*, 241.

⁴⁴ Benjamin Harrison, Speech at Provo, 9 May 1891, in Charles Hedges, comp., *Speeches of Benjamin Harrison, Twenty-Third President of the United States* (Port Washington, New York: Kennikat Press, 1971), 435.

For Harrison and other Americans, the assimilative tendencies of the schools were among the most important and valuable outcomes that could flow out of the public schools. As Paul Boyer has noted, the Protestant majority did not view these assimilative efforts as the misguided endeavors of “would-be moral dictators,” rather “these activities represented a public-spirited attempt to develop . . . community order,” which they believed was perhaps “the only alternative to chaos.”⁴⁵ Indeed, for the Protestant majority, the claim that the schools were eradicating the controversial ideas and practices of immigrant children would have been viewed as a compliment rather than a criticism. The idea that “the common school should ‘Americanize’ the foreign born,” according to one historian, was a concept that was “abundantly clear to the Protestant majority.”⁴⁶

Faced with the fears that they were losing their children, minority religious groups like the Jews, Catholics, and Mormons organized their own educational systems. In many regards, these systems mirrored the concept of the public schools. They were founded on the belief that “schools should mirror” the social and cultural roots of the communities they served, rather than a system of nationally imposed morals and values, and also that they should meet “the needs of individual communities.”⁴⁷ Similar to the public schools, which operated as tools of Americanization, these denominational schools became

⁴⁵ Boyer, *Urban Masses and Moral Order*, 58.

⁴⁶ It should be noted that not all native-born white Americans agreed that Americanization was the proper course of action with regards to the immigrant population. Among the most notable examples was Henry James, one of the country’s most influential turn-of-the-century authors. His opposition was couched in blatantly racist reasoning which caused him to worry that the country’s assimilative policies would eventually render the country “colourless” and impotent. William J. Reese, *America’s Public Schools: From the Common School to “No Child Left Behind* (Baltimore, Maryland: Johns Hopkins University Press, 2005), 37; David R. Roediger, *Working Toward Whiteness: How America’s Immigrants Became White* (New York: Basic Books, 2005), 6.

⁴⁷ Frederick S. Buchanan, *Culture Clash and Accommodation: Public Schooling in Salt Lake City, 1890-1994* (Salt Lake City: Smith Research Associates in association with Signature Books, 1996), 5.

centers of acculturation and learning for their respective faiths and communities. Just as Americans hoped that the public schools would help to Protestantize and Americanize outsiders, these non-Protestant religious groups hoped that such schools would aid in the maintenance of cultural and religious distinctiveness in the midst of the country's assimilative environment.⁴⁸

Mormonism and Education

As with most American churches, education and schooling formed a fundamental aspect of early Mormonism. An 1831 revelation written by Joseph Smith had assigned two early Latter-day Saints to “do the work of Printing & of Selecting & writing Books for Schools in this church that little Children also may receive instruction.”⁴⁹ The revelation had subtly delineated the importance of adhering to a Mormon-specific curriculum. Additional revelations tied Mormon doctrine to the study of secular subjects more closely. An 1832 revelation called upon the Saints to study “things, both in heaven, and in the earth, and under the earth, things which have been, things which are, things which must shortly, come to pass, things which are at home, things which are abroad; the wars, and the perplexities of nations, and the judgments, which are on the land,” all within the context of teaching each other the doctrines and

⁴⁸ Timothy Walsh, *Parish School: American Catholic Parochial Education from Colonial Times to the Present* (Arlington, Virginia: National Catholic Education Association, 2003), 28-32. Criticizing this kind of counter-assimilative response in Utah, one author has argued that such efforts represented an effort to “maintain their hegemony” within the state of Utah. Such charges, however, dismiss the extent to which non-Protestant groups felt threatened by the expansion of American public schools. Indeed, given the costs of establishing and maintaining private schools, we can surmise the extent to which schools influenced the reconstruction of American citizenship during the late nineteenth century. C. Merrill Hough, “Two School Systems in Conflict,” *Utah Historical Quarterly* 28 (1960): 113.

⁴⁹ Joseph Smith, Revelation, June 14, 1831, in Michael Hubbard MacKay, et al., eds., *Documents, Volume 1: July 1828-June 1831*, vol. 1 of the Documents series of *The Joseph Smith Papers*, edited by Dean C. Jessee, Ronald K. Esplin, Richard Lyman Bushman, and Matthew J. Grow (Salt Lake City, Utah: Church Historian's Press, 2013), 337.

theology of Mormonism.⁵⁰ In 1833, Smith organized a school of adult education for men and occasionally for women which he dubbed the School of the Prophets, following trends dating back to the Puritans.⁵¹ Creating various offshoots of the school, the Mormon community created a small network of schools that aimed to reach both young and old, and included classes in languages and grammar as well as doctrine.⁵²

This focus on education carried over into Utah, where schools were among the first institutions that were built after the Mormons arrived in the Salt Lake Valley.⁵³ Following the pattern of the schools from Smith's time, these early schools served both children and adults. On February 28, 1850, the General Assembly of the State of Deseret—precursor to the Utah territorial legislature—passed an ordinance incorporating a university in Salt Lake City to be known as the University of the State of Deseret.⁵⁴ The ordinance came in response to a petition requesting that the General Assembly establish “a liberal institution . . . for instruction in all arts, sciences and professions, and books and teachers for all languages.” In addition to providing collegiate education, the University of Deseret functioned as a parent school, overseeing the various other schools throughout the territory. In this capacity, the university was charged with the responsibility of training

⁵⁰ Joseph Smith, Revelation, December 27-28, 1832, in Matthew C. Godfrey, et al., eds., *Documents, Volume 2: July 1831-January 1833*, vol. 2 of the Documents series of *The Joseph Smith Papers*, edited by Dean C. Jessee Ronald K. Esplin, Richard Lyman Bushman, and Matthew J. Grow (Salt Lake City, Utah: Church Historian's Press, 2013), 341 (hereafter *JSP*, D2).

⁵¹ Minutes, January 22-23, 1833, in Godfrey, et al., eds., *JSP*, D2:378-382.

⁵² Richard Lyman Bushman, *Joseph Smith: Rough Stone Rolling* (New York: Alfred A. Knopf, 2005), 293, 308.

⁵³ John Clifton Moffitt, *The History of Public Education in Utah* (Salt Lake City, Utah: Deseret News Press, 1946), 10-12.

⁵⁴ “An Ordinance Incorporating the University of the State of Deseret,” February 28, 1850, in Dale L. Morgan, ed., *The State of Deseret* (Logan: Utah State University Press, 1987), 145-47.

teachers for the territory's schools.⁵⁵ Despite efforts to systematize the educational system under the direction of the University of Deseret, early schooling in Utah was often haphazard and generally subpar in nature.⁵⁶

Wherever feasible, individual Mormon congregations, known as wards, established their own schools.⁵⁷ But while some of these schools excelled, most were generally below average, demonstrating a desire for learning but lacking both the teachers with academic acumen and the ordinary supplies necessary for academic achievement. Mormon leader George A. Smith described the humble circumstances of one such school that he had established in Southern Utah in 1851. Smith wrote in his diary,

My wickyup [sic] is a very important establishment composed of Brush, a few slabs and 3 waggons [sic], a fire in the center, and a lot of milking stools benches & logs placed around [sic], two of which are cusheoned with Buffalo Robes, in answers for various purposes, kitchen, school House, dineing [sic] room, meeting House, Council House, sitting Room, Reading room, store Room, to see my school some of the cold nights in February schollars [sic] standing round my huge camp fire, the wind broken off by the brush and the whole canopy of Heaven for a covering, Thermometer standing at 7°, one side roasting while the other freezeing [sic] requiring a continual turning to keep as near as possible an equilibrium of temperature, I would stand with my grammar book, the only one in school would give out a sentence at a time, and pass it round, notwithstanding these circumstances, I never saw a grammer [sic] class learn faster for the time.⁵⁸

As Smith explained, the lack of curricular materials made serious education a challenge

⁵⁵ Chamberlain, *The University of Utah*, 5; "Fifth General Epistle of the Presidency of the Church of Jesus Christ of Latter-Day Saints, from Great Salt Lake Valley, State of Deseret, to the Saints scattered throughout the Earth," April 7, 1851, Brigham Young Office Files, CR 1234 1, box 46, folder 27, CHL.

⁵⁶ Historian Charles Peterson suggests that Utah's early schools operated under significant strictures due to a lack of funds. As a result, Peterson suggests that quality education was not widely available in Utah until at least the 1910s. Charles S. Peterson, "The Limits of Learning in Pioneer Utah," *Journal of Mormon History* 10 (1983): 65-78.

⁵⁷ "Fifth General Epistle," April 7, 1851, Brigham Young Office Files, CHL.

⁵⁸ George A. Smith, diary, March 3, 1851, George A. Smith Papers, MS 1322, box 2, folder 5, CHL.

during Utah's early days. Furthermore, despite being the instructor, Smith lacked the training that characterized effective teachers in the eastern states. Still, Smith's comments evidenced the general commitment of the Latter-day Saints to education and learning, despite their general lack of advanced training. Smith was thus emblematic of the vast majority of both teachers and students in Utah during the early 1850s. Despite the enthusiasm of their teachers, these schools did little to advance the general academic standing among the communities of early Utah.

Beyond the lack of training and supplies, separate and suitable schoolhouses were generally lacking during the early days in Utah. As was common among other frontier communities, these schools generally assembled in church meetinghouses to maximize the use of those buildings. Although housing schools in chapels was commonplace for many early American schools, the close relationship between the church and the schools created particularly acute problems in nineteenth-century Utah.⁵⁹ Indeed, it was often difficult to distinguish school officials from church officials. Mormon leaders regularly spoke of positions within the school system in terms that made such appointments almost akin to church assignments. Writing to Brigham Young in 1869, apostle Ezra T. Benson described the "very excellent schools" in Utah's Cache Valley. Benson then described the work of the local superintendent, noting, "Bishop Budge has been diligent, magnifying his office of Superintendent of Schools."⁶⁰ Although referencing Budge's performance of a civil duty, Benson praised the superintendent in Mormon-specific terminology, demonstrating

⁵⁹ William W. Cutler III, "Cathedral of Culture: The Schoolhouse in American Educational Thought and Practice Since 1820," *History of Education Quarterly* 29, no. 1 (Spring 1989): 27; Timothy L. Smith, "Protestant Schooling and American Nationality, 1800-1850," *Journal of American History*, 53, no. 4 (March, 1967): 688-689.

⁶⁰ Ezra T. Benson to Brigham Young, March 19, 1866, Brigham Young Office Files, box 38, folder 3, CHL.

the blurred lines that distinguished church and civil positions in the territory. These hazy distinctions meant that Mormon leaders frequently discussed and made decisions about the territorial schools during their meetings.⁶¹ With Mormon superintendents and Mormon teachers responding to the decisions of Mormon leaders, the territorial schools often functioned as de-facto private religious schools.

Early Calls for Educational Reconstruction in Utah

In surveying the educational circumstances of early Utah, federal officials criticized both the primitive nature of Utah's schools and the direct involvement of the church in supervising those schools. As was their common habit in assessing most minority groups, nineteenth century Americans frequently claimed that Mormons were made up of an ignorant class of individuals who were highly susceptible to delusion and deception. Building on these assumptions, early Utah Supreme Court Justices Brandebury, Brocchus, and Harris had argued that Young's power in the territory emanated from his "unlimited sway over the ignorant and credulous."⁶² During the middle of the Civil War, U.S. General Patrick Edward Connor, commander of Salt Lake City's Fort Douglas, reiterated these concerns, stating that it had been the duty of his troops to liberate the "hundreds of poor deluded men and women enticed hither by [the] promises and allurements" of Brigham Young.⁶³

⁶¹ Payson Ward, Minutes, June 10, 1865, Payson Ward General Minutes, LR 6814 11, reel 1, volume 3, page 20-21, CHL; Salt Lake School of the Prophets, Minutes, 30 July 1870, Anderson and Morton, eds., *The Knowledge of All Truth*, chapter 2.

⁶² For more on Brandebury, Brocchus, and Harris, as well as their report, see Chapter 1 herein. "Report of Messrs. Brandebury, Brocchus, and Harris, to the President of the United States," December 19, 1851, in *Message of the President of the United States Transmitting Information in Reference to the Condition of Affairs in the Territory of Utah*, 32d Cong., 1st sess., H.R. Ex. Doc. 25, p. 9.

⁶³ For more on Patrick Edward Connor, see Chapter 3 herein. Patrick Edward Connor to R. C. Drum, June 24, 1863, in United States War Department, *The War of the Rebellion: A Compilation of the*

Non-government officials likewise criticized what they saw as a general lack of education in Utah. In 1864 Congregationalist minister Jonathan Blanchard expressed his concerns in a letter to the American Home Missionary Society, stating, that he did not believe there were “one hundred decent books in the whole territory.” Blanchard was worried about Salt Lake’s twenty thousand people who lived “without religious teaching except the ribald babbling of Mormons,” and particularly for the children who were “growing up without Sabbath Schools.”⁶⁴ While such statements severely underestimated the levels of literacy and education among the Mormons, they were reflective of the broader American conceptualization of the faith. Included within those perceptions were ideas that the realities of Mormonism were such as to make it clear to most Americans that only the uneducated and ignorant could ever align themselves with the faith.

Polygamy placed Mormonism and Young within a larger body of unacceptable frontier religions led and inspired by “wild American holy men.”⁶⁵ While Young’s organizational abilities allowed the community to create a lasting niche within American religion, perceptions of the Mormons mirrored the American views of other objectionable groups like John Humphrey Noyes’s Oneida community.⁶⁶ The existence of such groups, particularly on the Western frontier concerned Protestant Americans, who warned that if

Official Records of the Union and Confederate Armies (4 series, 70 vols. In 128 vols., Washington: Government Printing Office, 1880-1901), Series 1, 50.2: 494.

⁶⁴ Jonathan Blanchard to Milton Badger, October 10, 1864, in Roger Launius, “The American Home Missionary Society Collection and Mormonism,” *BYU Studies* 23, no. 2 (Spring 1983): 207.

⁶⁵ Paul E. Johnson and Sean Wilentz, *The Kingdom of Matthias: A Story of Sex and Salvation in 19th-Century America* (New York: Oxford University Press, 1994), 172; Todd M. Kerstetter, *God’s Country, Uncle Sam’s Land: Faith and Conflict in the American West* (Urbana: University of Illinois Press, 2006), 13-32.

⁶⁶ For a comparison of the Mormons and the Oneida Community, see: Lawrence Foster, *Religion and Sexuality: The Shakers, the Mormons, and the Oneida Community* (Repr. 1981; Urbana, University of Illinois Press, 1984).

the religious West was left unregulated, it would “roll back upon the East a tide of vice and irreligion,” leaving the country in moral peril. Voicing this danger, a committee of ministers wrote, “If, then, *we* do not now mould the West, it will soon mould *us*.”⁶⁷ Together with the nation’s other unconventional faiths and religious practices, American Protestants perceived in Mormonism and its “deluded masses” a significant threat to the perpetuity of the nation.

The large numbers of European immigrants in Utah bolstered the arguments of Mormon ignorance. Despite the fact that most Mormon immigrants heralded from western and northern Europe, which had become the more acceptable regions of origin for American immigrants, newspapers portrayed them in a negative light. An 1863 article in Washington D.C.’s *Alexandria Gazette*, described the arriving converts as “a motley and dirty company” comprised principally of Danes, mixed “with some from the poorer classes of English farmers and laborers.” The children were “poor, ignorant, and squalid, much below the condition of the average immigrants who come out to this country.”⁶⁸ An 1881 article in the *New York Tribune* reiterated the same claims, stating that Mormon converts were “poor creatures, for the most part, gathered up in the ignorant back-country districts of Europe by shrewd missionaries.”⁶⁹ Some Americans worried that even the overthrow of the “abominable Mormon despotism” would be insufficient to Americanize the community, because it was composed of “foreigners of the lowest class” who were

⁶⁷ Executive Committee of the American Home Missionary Society, *Our Country; Its Capabilities, Its Perils, and Its Hope*, quoted in Kathryn Gin Lum, *Damned Nation: Hell in America from the Revolution to Reconstruction* (New York: Oxford University Press, 2014), 82.

⁶⁸ “Mormon Immigrants,” *The Alexandria Gazette* (Washington, D.C.), June 8, 1863, page 2, column 1.

⁶⁹ “Two Thousand Mormon Recruits,” *New York Tribune*, September 8, 1881, page 4, column 4.

entirely “ignorant of the first principles of self-government.”⁷⁰ These fears led some to go as far as to suggest that the government pass a law similar to the Chinese Exclusion Act (1882) in order to “exclude the thousands of ignorant and degraded men, women, and children brought . . . by Mormon officials from Europe.”⁷¹

Unsurprisingly, Mormons took offense to the charges of ignorance. They were quick to boast that schools and even universities had been among the first institutions that they had founded in both Nauvoo and Salt Lake City.⁷² For instance, Young claimed that each Mormon community throughout the Great Basin had “provided one or more comfortable school-houses commensurate with the number of pupils to be accommodated.” Young accordingly believed that Utah had done more toward education than “any other portion of the Union.”⁷³ Further, responding to claims of ignorance, Mormon leaders frequently exaggerated the level of their schools, and made bold predictions about Utah’s educational future. Young believed that the community’s commitment to learning would cause additional schools, academies, colleges and universities to eventually “arise at the summoning wand of increasing wealth and leisure for learned acquirements” and would ultimately lead the Mormons to “far outstrip the world” in educational accomplishments.⁷⁴ His successor, British convert John Taylor,

⁷⁰ “The State of Things in Utah,” *New York Tribune*, February 13, 1857, page 5, columns 5-6.

⁷¹ “To Prevent Mormon Immigration,” *National Republican* (Washington, D.C.), December 14, 1883, page 4, column 5.

⁷² “Address of the Chancellor of the Board of Regents of the University of the State of Deseret,” *Deseret News*, August 3, 1850, page 6, column 1.

⁷³ Brigham Young, “Governor’s Message to the Legislative Assembly of Utah,” December 15, 1857, Brigham Young Office Files, box 53, folder 32, CHL.

⁷⁴ Brigham Young, “Governor’s Message to the Legislative Assembly of Utah,” December 15, 1857, Brigham Young Office Files, box 53, folder 32, CHL.

made similar predictions. Speaking to a congregation in northern Utah in 1879, Taylor urged the community to do more towards establishing schools so that the Latter-day Saints could eventually outstrip the world “in regard to literacy, mechanism, the arts and sciences, and everything else.”⁷⁵ Twice during that same year, he reiterated the statement to congregations in the small central Utah town of Ephraim.⁷⁶ Given such lofty expectations, Mormons thoroughly rejected the notion that they were members of an uneducated community.

Although Mormons rejected the charges of ignorance, even the most devout of believers recognized the failings in Utah’s school system. Not only teachers, but students could not help but noticing the “crude” and “primitive” conditions of Utah’s nineteenth-century educational system. One early student recalled, “The Pioneer days school facilities were very meager and we had limited opportunities for gaining education.” In addition to lacking adequate materials and trained teachers, the territory’s youth often lacked sufficient time for education. The consistent need for farm labor confined the opportunities for dedicated study to a few months during the region’s harsh winters.⁷⁷

Even Brigham Young noted the distance between Mormonism’s lofty educational expectations and the day-to-day realities of Utah’s schools. Despite believing that no other territory could “boast of so many, or so good school houses and schools” as Utah, Young acknowledged the faults in the system and stated that much remained to be done.⁷⁸ He

⁷⁵ John Taylor, Discourse, 2 March 1879, in *Journal of Discourses*, 26 vols. (London: Latter-day Saints’ Book Depot, 1854-86), 20:169 (hereafter *JD*).

⁷⁶ John Taylor, Discourse, April 13, 1879, *JD*, 21:100; John Taylor, Discourse, November 30, 1879, *JD*, 20:358.

⁷⁷ “Edwin Gordon Woolley Biographical Sketch,” MS 490, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah; Joseph Smith Horne, *Autobiography*, MSS A 340, page 3, Utah State Historical Society, Salt Lake City, Utah (hereafter USHS).

insisted that the problems in Utah's schools were primarily problems of funding rather than a lack of adequate teachers and intelligence. Ignoring other factors, Young consistently placed the blame for these funding problems squarely upon the shoulders of the territorial legislature. In an 1852 assessment of the University of Deseret, Young stated that the school had "suffered in common with other enterprises for the want of the promised aid from the Legislature."⁷⁹ The common schools were similarly plagued, having faltered without adequate support from elected officials. Young admonished the highly Mormon legislative assembly to adopt legislation that would "confer the blessings of at least a common education upon every child, rich or poor, bond or free" and ensure the "operation of at least one school where higher branches are taught" in the territory.⁸⁰ Young's own impoverished childhood and lack of early educational opportunities likely influenced his criticisms. Lacking both time and funds to attend school, Young later remarked that his most consistent schooling prior to converting to Mormonism had come when he received eleven days of educational training around age twenty-two.⁸¹

Whereas Young blamed the lack of funds on the territorial legislature, Apostle

⁷⁸ Brigham Young, "Annual Governor's Message to the Legislative Assembly of Utah," December 11, 1855, Brigham Young Office Files, box 53, folder 30, CHL.

⁷⁹ Brigham Young, "Governor's Message to the Legislative Assembly Utah Territory," January 5, 1852, Brigham Young Office Files, box 53, folder 27, CHL.

⁸⁰ Brigham Young, "Annual Governor's Message to the Legislative Assembly of Utah," December 11, 1855, Brigham Young Office Files, box 53, folder 30, CHL. As popularly elected officials, Utah's Legislative Assembly was generally composed of Mormons throughout the nineteenth century. The demographics of the body were such that non-Mormon governor Eli H. Murray later recommended that Congress "replace the elected law-making body with a federally appointed legislative council." Gustive O. Larson, *The Americanization of Utah for Statehood* (San Marino, California: Harry E. Huntington Library and Art Gallery, 1971), 81-82; Benjamin G. Ferris, *Utah and the Mormons: The History, Government, Doctrines, Customs, and Prospects of the Latter-day Saints; From Personal Observation During a Six Months' Residence at Great Salt Lake City* (New York: Harper and Brothers Publishers, 1854), 185-189.

⁸¹ Brigham Young, Discourse, September 23, 1852, in Richard S. Van Wagoner, ed., *The Complete Discourses of Brigham Young*, 5 vols. (Salt Lake City: Smith-Pettit Foundation, 2009), 1:590

George A. Smith intriguingly bemoaned a lack of federal funding for schools in Utah. Not acknowledging that additional federal funds would come with stipulations, Smith declared that he was “astonished” at the unwillingness of the government to expend even “one solitary dime” on Utah’s schools, while giving “millions upon millions” to other states and territories for their schools.⁸² Regardless of the culprit, however, both Young and Smith recognized that the territory’s educational failures were at least related to, if not caused by, economic inequalities and a general lack of funding. Accordingly, any solution to the problems in Utah’s schools would require additional funds.

Regardless of the cause, young Latter-day Saints easily recognized the challenges of education in early Utah. Readily recognizing the distinctions between good and bad schools, and they made their educational choices accordingly. For instance, the short-lived Union Academy in Salt Lake City was emblematic of the anxiousness of many Mormon students to obtain a quality education. Established by Brigham Young and fellow leader Orson Pratt in 1860, the Union Academy provided the territory’s students with a sharp contrast in schools throughout much of the 1860s.⁸³ The Academy boasted some of the best-trained teachers in the territory, including the college-educated Bartlett Tripp. Although not a Mormon, the presence of a Latter-day Saint relative and a ready audience of students induced Tripp to stay in Salt Lake City for a couple of years as an instructor at the Union Academy. His presence immediately attracted ambitious students who were seeking for a better education, including some who wrote directly to Young, seeking

⁸² George A. Smith, Remarks, October 8, 1865, *JD*, 11:182; George A. Smith, Discourse, June 20, 1869, *JD*, 13:86.

⁸³ “The Union Academy,” *Deseret News*, February 22, 1860, page 4, column 1; “The Union Academy,” *Deseret News*, February 22, 1860, page 4, column 4.

admission into the school.⁸⁴ Joseph Smith Horne recalled that the school was generally ahead of education offered by the ward schools because of Tripp's training. Although the Academy had only a short-lived existence, the higher quality of education allowed it to enjoy tremendous popularity.⁸⁵ Accordingly, despite the constant charges of ignorance, Mormon youth were anxious to attend and benefit from quality schools, taught by trained instructors.

Transforming Utah's Schools

Given such educational challenges, government officials and visiting Gentiles saw an opportunity to weaken Mormonism through providing Utah with superior teachers and schools. In addition to providing Mormon youth with the opportunity of obtaining a superior education, the plan promised to provide teachers with an opportunity to undercut the religious and ideological underpinnings of Mormonism. True to the form of nineteenth-century American education, the aim of the schools was to Americanize and Protestantize Mormon youth.

The newspapers were among the first outlets to encourage such uses of the schools in Utah. Pointing to Utah's schools as the explanation for the territory's supposed lack of intellectual attainment, writers urged the government to immediately intervene in the territorial schools. Horace Greeley's *New York Tribune* was particularly emphatic on the issue. An 1856 letter from an unnamed correspondent to the *Tribune* was characteristic. The letter stated that in Utah it was "the settled policy of the priesthood to keep the people in ignorance and poverty." Owing to this presumed policy, the author stated that there was

⁸⁴ James A. Browning to Brigham Young, March 2, 1860, Brigham Young Office Files, box 27, folder 9, CHL; John R. Young to Brigham Young, April 16, 1860, Brigham Young Office Files, box 27 folder 21, CHL.

⁸⁵ Horne, *Autobiography*, MSS A 340, page 3, USHS.

virtually no education in Utah. The correspondent complained that the tax-built schoolhouses functioned almost exclusively as church meetinghouses, suggesting that there were no actual classes being held. Accordingly, the letter's author bemoaned the plight of Mormon children. Describing their circumstances, he wrote that they appeared to be "like a neglected, uncared-for set" appearing to be "generally dirty and ill-clad." Appealing to the nation's moral outrage, the correspondent concluded that Mormon children were being raised "in ignorance and vice," and lacking "the hallowed influence of home to restrain them" the children were developing a "vicious, profane and obscene" character. These circumstances became a clear indication of the need for immediate government action. But while most critics of the time called for an armed response, this correspondent called for the government to respond in the form of federal reform in Utah's schools. "We want here the Bible, a Free Press, faithful Missionaries, and a complete system of education, so that old and young may receive instruction."⁸⁶ As education was generally considered a local matter, the author's suggestion for a federally established school system, was a call for a stunning expansion of federal power.

Across the decades, the *New York Tribune* continually argued that "the true remedy for the curse of Mormon society" was "the dissemination of intelligence."⁸⁷ In an effort to prevent the faith from continually "importing recruits from Europe by the ship-load," the *Tribune* suggested that the Government take "the matter in hand" and begin "circulating among the immigrants a document disabusing their minds of the errors they have imbibed from the Mormon missionaries." Specifically, the paper hoped that the government would inform new converts that "polygamy is a crime in Utah just the same

⁸⁶ "The State of Things in Utah," *New York Tribune*, February 13, 1857, page 5, columns 5-6.

⁸⁷ "More Reconstruction," *New York Tribune*, June 4, 1874 page 4, column 3-4.

as in Europe, and that the Valley of Salt Lake is very far from being the ‘Promised Land’ of plenty and ease which they imagine it to be.”⁸⁸ Henry Ward Beecher concurred, stating that while he “hated Mormonism and its institutions” he “loved the Mormons and would be glad to see them redeemed.” Beecher’s plan for Mormon redemption included a joint effort of both “schools and churches.” He suggested, “Let them come into the Union and be open to public sentiment; let intelligent teachers go among them and make known the better Gospel, and they could be converted.” Beecher accordingly believed that “Intelligence would win over ignorance and a pure faith over an abject one.”⁸⁹ For the *New York Tribune* and Beecher, education was the clear answer to the Mormon problem. In the light of nineteenth-century academic and spiritual intelligence, interest in Mormonism would inevitably fade, with its adherents becoming reformed and reconstructed Protestant Americans.

Prior to 1869, however, Utah’s isolation made the transportation of both teachers and school books to Utah a significant challenge. The approach of the railroad in the 1860s provided non-Mormons with an opportunity to begin transforming Utah’s schools. As the expanding railroad began to shrink the distance between the United States and its western land holdings, the opportunities for Americans to visit the isolated territories of the Intermountain West increased. Protestant faiths became increasingly concerned about the West and its diverse populations. On May 1, 1867, Episcopalian Daniel S. Tuttle was consecrated to serve as the first Episcopal Bishop of Montana, with jurisdiction over Utah

⁸⁸ “Eight Hundred More Mormons,” *New York Tribune*, July 9, 1881, page 4, column 5.

⁸⁹ “Mr. Beecher’s Western Trip,” *New York Tribune*, November 30, 1883, page 2, columns 5-6.

and Idaho.⁹⁰ On July 2, 1867, Tuttle's party made a short stop in Salt Lake City, where he preached to the Episcopalians serving in the army and met with Brigham Young. The day previous to his arrival, Episcopalian reverends George W. Foote and Thomas W. Haskins had officially established St. Mark's Episcopal School, the first non-Mormon school in the territory.⁹¹

Despite Tuttle's general policy of maintaining peaceful and respectful relations with the Mormons, he believed that the school ought to serve an evangelical purpose, with Mormon youth being the targets of the Episcopal education. Tuttle was convinced, however, that given his "keen-sightedness" with regards to events and goings on in Utah, the missionizing purposes of the school had not escaped Young and the other Mormon leaders. But he was confident that a strong educational offering would ultimately help to undermine the Mormon sway among the territory's youth, in spite of Young's perceived control. With strong schools, the Protestant community was finally "putting [its] clutches to [Young's] very throat."⁹²

Doing away with all pretenses, Tuttle formally announced the intentions of the school in an October 1867 circular that was sent to Episcopalian congregations in the eastern United States. Reminding their fellow Protestants of the circumstances in Utah, Tuttle wrote that "strange doctrines, Gnostic, Materialistic, Antropomorphic, Polygamic" were being taught throughout Utah each Sunday. The effect of these doctrines was felt most profoundly in the lives of the children. "Increasing thousands of children are growing

⁹⁰ James W. Beless, Jr., "Daniel S. Tuttle, Missionary Bishop of Utah," *Utah Historical Quarterly* 27, no. 4 (October 1959): 359-78; Arnold K. Garr, "Bishop Daniel S. Tuttle: Episcopalian Pioneer Among the Mormons," *Mormon Historical Studies* 1, no. 2 (Fall 2000): 63-80.

⁹¹ Beless, Jr., "Daniel S. Tuttle, Missionary Bishop of Utah," 362.

⁹² Daniel S. Tuttle to Harriet Tuttle, 10 July 1867, in Daniel S. Tuttle, *Reminiscences of a Missionary Bishop* (New York: Thomas Whittaker, 1906), 114.

up in this territory . . . who know absolutely nothing of any other social system than polygamy.” Education was, therefore, critical to the salvation of “civilization and Christianity” in Utah, and “without such teaching and training, the children will, of course, accept Mormonism and polygamy.” Education thus became “the great feature” of their missionary efforts in Utah, and one of the great features in the efforts to reconstruct the territory’s population into proper Americans. But these efforts came at a significant cost. Tuttle accordingly asked Episcopalians throughout the United States to provide financial donations to the amount of \$15,000, to support their academic efforts.⁹³

The opening of St. Marks had an immediate effect upon the Latter-day Saint community. Although increasing the quality of the schools had been a topic of conversation among Latter-day Saints prior to the opening of St. Mark’s, the establishment of the Episcopalian school hastened a Mormon educational response.⁹⁴ On November 21, 1867, the *Deseret News* announced the reestablishment of the University of Deseret, beginning with the theologically oriented School of the Prophets.⁹⁵ Less than two weeks after announcing intentions to restart the university, the *News* printed a copy of Tuttle’s circular. In a separate article on the same page, the paper addressed the circumstances of the territory’s schools. The article partially acknowledged the territory’s struggling schools, but blamed Utah’s educational challenges on circumstances arising from Mormonism’s persecuted past and the resultant “frequent removals they had to make to escape the unrelenting violence of their enemies.” Thanks to the increasingly

⁹³ Daniel S. Tuttle, George W. Foote, and Thomas W. Haskins to Christian Brethren, October 8, 1867, in “A Feeling Appeal,” *Deseret News*, December 4, 1867, page 4, column 1-2; Garr, “Bishop Daniel S. Tuttle,” 68-69.

⁹⁴ Daniel H. Wells, Discourse, April 8, 1867, *JD*, 12:1.

⁹⁵ “School of the Prophets,” *Deseret News*, November 21, 1867, page 2, column 2.

comfortable circumstances, the paper declared that the time had come for “greater attention to be paid to scholastic education”; a fact evidenced by the reestablished university.⁹⁶ The article made no mention of the Protestant school, but its placement in the same issue and on the same page with Tuttle’s circular hardly seems coincidental.

The Mormon community had significant reason to be concerned by the development. Like Tuttle, many others believed in the potency of the school. Travelling through Utah in 1869, U.S. Secretary of State William H. Seward learned of the Episcopalian school and reportedly commented that “the church and schools undertaken by the Episcopalian church in Salt Lake City would do more to solve the Mormon problem than the army and Congress of the United States combined.”⁹⁷ Given such optimism, other Protestant denominations undertook educational efforts in Utah. Throughout the 1870s and 1880s, they established close to a hundred denominational schools with three hundred teachers throughout Utah, each following the pattern established by St. Mark’s Episcopal School in 1867. All told, the schools educated more than nine thousand students during the period, a majority of whom were Mormon by religious persuasion.⁹⁸

Despite being well aware of the evangelizing purposes of the schools, Mormons generally acknowledged that the education offered in the Protestant schools was superior

⁹⁶ “Education in Utah,” December 4, 1867, page 4, column 4.

⁹⁷ Thomas W. Haskins to Mrs. Hamilton, December 10, 1891, in Tuttle, *Reminiscences of a Missionary Bishop*, 365.

⁹⁸ Charles S. Peterson, “A New Community: Mormon Teachers and the Separation of church and State in Utah’s Territorial Schools,” *Utah Historical Quarterly* 48, no. 3 (Summer 1980): 297; T. Edgar Lyon, “Evangelical Protestant Missionary Activities in Mormon Dominated Areas: 1865-1900” (Ph.D. Dissertation, University of Utah 1962); Dee Richard Darling, “Cultures in Conflict: Congregationalism, Mormonism and Schooling in Utah, 1880-1893” (Ph.D. Dissertation, University of Utah, 1991).

to that offered in their own common schools.⁹⁹ At the outset, even Brigham Young was welcomed the schools. He encouraged Latter-day Saint parents, stating, “place your children . . . in a position or situation to learn everything in the world that is worth learning.” He urged Mormons to welcome instruction from other ministers in their congregations, and even encouraged Latter-day Saints to send their children to the Protestant schools and Sunday schools if they offered free instruction.¹⁰⁰ According to one unofficial report, Young encouraged Mormon parents to “send [their] children” to the denominational schools if they were willing to teach LDS children “without money and without price.”¹⁰¹ But in later years, both Young and his successor, John Taylor became more wary of the schools and their aims, with Taylor warning parents not to “give [their children] over to the powers of darkness to be taught by the enemies of God and his people.”¹⁰²

⁹⁹ Hough, “Two School Systems in Conflict,” 120, 122.

¹⁰⁰ Brigham Young, Discourse, June 3, 1871, *JD*, 14:195-96.

¹⁰¹ Brigham Young, quoted in T. B. H. Stenhouse, *The Rocky Mountain Saints: A Full and Complete History of the Mormons, From the First Vision of Joseph Smith to the Last Courtship of Brigham Young* (New York: D. Appleton and Company, 1873), 704-05 (emphasis in the original). There is some dispute in the historical record concerning the actual wording and meaning of Young’s comments in favor of patronizing the denominational schools. The official record of Young’s discourse reads, “We have heard considerable from some parties in this city about what they call free schools, which they say they have established here. I say, now, come out, and be as liberal as you say you are, and teach our children for nothing. If they knew the ‘Mormons’ were willing to accept their charity and send their children to these so-called free schools, their charity would not weigh much. Their charity is to decoy away the innocent. Send your children to their schools and see how far their charity would extend.” Rather than an acceptance of the schools, the context of Young’s comments seems to be a refutation of the idea that the schools would actually provide the free education that they promised. Indeed, the context suggests that Young may not have even been speaking about the denominational schools at all. Hence, the quotation in Stenhouse’s book may, in fact, be a misrepresentation Young’s actual comments. Brigham Young, Discourse, April 7, 1873, *Journal of Discourses*, 16:19; *Journal History of the Church of Jesus Christ of Latter-day Saints* (Hereafter cited as *JH*), April 7, 1873, *CHL*.

¹⁰² John Taylor, Discourse, 1 December 1880, *Journal of Discourses*, 20:134. Toward the end of Young’s life, he issued a circular instructing parents to only entrust their children to teachers who were “faithful Latter-day Saints, sound in doctrine and thoroughly imbued with a love of Zion.” “Circular of the First Presidency of Jesus Christ of Latter-day Saints to the Presidency of the Various Stakes of Zion, to the Bishops of the different Wards and to all the Officers and Members of the church,” July 11, 1877, in James

Responding to Denominational Schools

Acknowledging the superiority of the education offered by the denominational schools, Latter-day Saints made a concerted effort to increase educational levels of their own schools. In the same month that the Legislature moved to reopen the University of Deseret, Young initiated a policy of sending a small cadre of bright young Mormons on educational missions to eastern universities. Justifying the policy to those who might question it, Young explained that missionaries were being called to fill important niches where Utahns lacked sufficient training, and that as soon as these elders were “thoroughly educated” they would return to Utah and “open schools and train others.”¹⁰³

While Young never acknowledged the connection of these missions to the denominational schools, the initiation of the policy must be seen within the context of the opening of St. Marks and the publication of the circular soliciting financial contributions from the eastern Protestants. Indeed, only a year prior to that time, Young had written to an ambitious young Mormon that “going abroad to obtain schooling” would be “labor spent in vain.” Despite acknowledging that there might “be some advantages” to be gained by studying in the East, Young had contended that the young man could find an equal education in Utah compared to any location in the East or West.¹⁰⁴ But by November

R. Clark, ed., *Messages of the First Presidency of the Church of Jesus Christ of Latter-day Saints, 1833-1964*, 6 vols. (Salt Lake City, Utah: Bookcraft, 1965), 2:288.

¹⁰³ Brigham Young to Thomas L. Kane, 9 November 1867, in Matthew J. Grow and Ronald W. Walker, eds., *The Prophet and the Reformer: The Letters of Brigham Young and Thomas L. Kane* (New York: Oxford University Press, 2015), 390; Thomas W. Simpson, “Mormons Study ‘Abroad’: Brigham Young’s Romance with American Higher Education, 1867-1877,” *Church History* 76, no. 4 (December 2007): 782.

¹⁰⁴ Brigham Young to Theodore W. Curtis, 24 July 1866, Brigham Young Office Files, box 7, volume 9, pages 73-74, CHL. Curtis had written to Young that same day, asking for permission and funding to pursue collegiate studies in San Francisco or in the East. Young’s unordinary same-day response indicates the depth of his feelings about the issue. Theodore W. Curtis to Brigham Young, 24 July 1866, Brigham Young Office Files, box 31, folder 1, CHL.

1867, the establishment of St. Mark's Episcopal School had dramatically changed the educational dynamics of the territory. Accordingly, Young assigned Heber John Richards to New York City where he would study medicine, with the express understanding that Richards would be "diligent in [his] studies and permit no opportunity to escape of mastering [his] profession in all its details" so that he could return to Utah and be "useful." To maintain his faith, Richards was to act as a missionary and associate only with "those of steady and virtuous habits."¹⁰⁵ Then, as Young explained to his Philadelphia confidant, Thomas L. Kane, Richards was to return home and share what he had learned. The immediacy of Young's change in policy suggests the level of concern that Tuttle's evangelizing educational policies actually created for Young.

Following Richards's lead, several other Mormon scholars journeyed to eastern universities with Young's approval.¹⁰⁶ Indeed, a number of Young's own sons were among those who went, always with the stipulations that they first "attend two years at the University of Deseret." Furthermore, the visiting students were made to understand that at the conclusion of their studies they were to return to Utah and use the knowledge they acquired "for the upbuilding of Zion."¹⁰⁷ Although Young worried about the effects of the universities on the faith of the students and was concerned that they were creating "young infidels," he likewise believed that it was important for the Utah to have individuals with adequate training in the fields of "engineering, chemistry, mineralogy,

¹⁰⁵ Brigham Young to Heber John Richards, 10 November 1867, Brigham Young Office Files, box 7, volume 10, pages 485-486, CHL.

¹⁰⁶ Thomas Wendell Simpson, "Mormons Study 'Abroad': Latter-day Saints in American Higher Education, 1870-1940," (Ph.D. Dissertation, University of Virginia, 2005).

¹⁰⁷ Dean C. Jessee, ed., *Letters of Brigham Young to His Sons* (Salt Lake City, Utah: Deseret Book Company, 1974), 265.

and geology,” and recognized that such training was not then available in the territory.¹⁰⁸ In recognizing and acceding to the educational necessities of the territory by sending these students East, Young followed the patterns of other westerners who “insisted that their sons . . . have proper schooling to prepare them to take over the business.”¹⁰⁹ In Young’s mind, those so called to study in eastern universities were destined to become leading citizens of Utah upon their return. Accordingly, five of his own sons were numbered among the original students who went east.¹¹⁰

Despite his hopes that these students would return to Utah and become leaders in the territory, however, Young was not without some trepidation at their departure. In what would become a persistent worry among Mormon leaders, Young feared that the students would “bury the principles of their religion so deep out of sight that when wanted they [could not] find them.” Accordingly, he instructed each of the students to associate “as much as practicable with the elders and members of the church” while they were away from home, and to “be prudent in the choice of [their] companions” of different faiths.¹¹¹ These concerns about the secular influence of eastern universities convinced Young that the Mormons would ultimately need to have their own schools and universities where Latter-day Saint youth could “receive a good education unmixed with

¹⁰⁸ Brigham Young to Willard Young, 19 October 1876, Jessee, ed., *Letters of Brigham Young to His Sons*, 199; Brigham Young to Willard Young, 11 November 1875, in Jessee, ed., *Letters of Brigham Young to His Sons*, 190.

¹⁰⁹ Jacqueline M. Moore, *Cow Boys and Cattle Men: Class and Masculinities on the Texas Frontier, 1865-1900* (New York: New York University Press, 2010), 55.

¹¹⁰ Thomas W. Simpson, *American Universities and the Birth of Modern Mormonism, 1867-1940* (Chapel Hill: University of North Carolina Press, 2016), 130-131.

¹¹¹ Brigham Young to Don Carlos and Feramorz L. Young, 16 July 1877, in Jessee, ed., *Letters of Brigham Young to His Sons*, 277.

the pernicious, atheistic influences that are to be found in so many of the higher schools of the country.”¹¹² Accordingly, the majority of Young’s educational focus throughout the late 1860s and early 1870s concentrated on creating and improving Mormon-centered schooling in Utah. Young advised Mormon adolescents to “pay more attention to arithmetic and other things that are useful.”¹¹³ Beyond calling for more “competent teachers, and good books,” and instruction in the necessary academic subjects, Latter-day Saint leaders pressed for the curriculum in local schools to emphasize core Latter-day Saint doctrines and principles, including instruction out of Mormon-specific scriptures.¹¹⁴

Young’s pursued efforts that were directed towards academic and theological instruction for adult Latter-day Saint men. Established as the theological branch of the University of Deseret in November 1867, Young intended the Salt Lake School of the Prophets to be the centerpiece of Utah’s territorial university, providing instruction in the “great leading branch of a true education.” For Young, Mormon theological training would provide the capstone on “an education in mathematics, philosophy, and the sciences.” But the School of the Prophets also established the University of Deseret as a thoroughly Mormon school with territorial funding. Indeed, the initial listings of the university’s faculty included not only the professor’s, but also the names of Mormonism’s highest-ranking officials. While the other classes at the university would be open to all women and men who attended the school, the School of the Prophets was open only to a select group of invited men. For their part, women were invited to attend

¹¹² Brigham Young to Alfales Young, 20 October 1875, CHL.

¹¹³ Brigham Young, Discourse, April 8, 1867, *JD*, 12:31.

¹¹⁴ Daniel H. Wells, Discourse, April 8, 1867, *JD*, 12:1; Brigham Young, Discourse, August 17, 1867, *JD*, 12:123.

the newly reestablished Female Relief Societies, which Young intended to have function similar to the schools of the prophets. In creating these gendered divisions, Young went away from the earliest patterns for the schools established by Joseph Smith at Kirtland, Ohio.¹¹⁵ Hence, although women were welcome at the University of Deseret in general, a gendered and class-based hierarchy of learners characterized the theological branch of the school.¹¹⁶

Hoping to expand the reach of this adult religious instruction beyond Salt Lake City, Mormon leaders established branches of the school throughout several of Utah's smaller communities. Between 1867 and 1869, at least fifteen such branches were established, stretching from Logan in northern Utah to St. George on the territory's southernmost border.¹¹⁷ Although the schools were originally intended as places of theological instruction, the minutes of the schools reveal that most often they functioned as confidential meetings concerning community politics, economics, and business practices, with occasional discussions of scripture and theological topics intermixed.¹¹⁸

¹¹⁵ Minutes, January 22-23, 1833, in Godfrey, et al., eds., *JSP*, D2:378-382.

¹¹⁶ Young, Remarks, December 2, 1867, in Anderson and Morton, eds., "*The Knowledge of All Truth*," chapter 1. The gendered divisions in the School of the Prophets departed from Joseph Smith's earliest iteration of the school, which had occasionally welcomed female participants. Minutes, 22-23 January 1833, in *JSP*, D2:378-82. Young called for the female relief societies to be reestablished on December 8, 1867, just six days after holding the first meeting of the Salt Lake School of the Prophets. By mid-January 1867, eleven Relief Societies had begun holding meetings in Salt Lake City alone. Brigham Young, Discourse, December 8, 1867, in Jill Mulvay Derr, et al., eds., *The First Fifty Years of Relief Society: Key Documents in Latter-day Saint Women's History* (Salt Lake City, Utah: Church Historian's Press, 2016), 248-252; Salt Lake City Seventh Ward Relief Society Minutes, January 4 and 28, 1868, in Derr, et al., *First Fifty Years*, 257; Leonard J. Arrington, *Great Basin Kingdom: An Economic History of the Latter-day Saints, 1830-1900* 1958, repr. (Urbana: University of Illinois Press, 2005), 245.

¹¹⁷ John R. Patrick, "The School of the Prophets: Its Development and Influence in Utah Territory," (Brigham Young University MA Thesis, 1970), 142-143.

¹¹⁸ Arrington, *Great Basin Kingdom*, 245-51. The Parowan branch frequently discussed topics such as the prices of grain and cattle grazing. See, for example: Parowan School of the Prophets, Minutes,

The First Academies

In addition to the School of the Prophets, the church continued to be heavily involved in the affairs of the University of Deseret during the first few years of its operation. The cover for the 1870 catalog of the university was emblazoned with the phrase, “Holiness to the Lord,” a phrase that Mormons also inscribed on the exteriors of each of their temples and other Church-affiliated institutions.¹¹⁹ The catalog thus suggested that in 1870, the university was, on the whole, a Mormon institution. As such, Latter-day Saint leaders generally held favorable opinions of the school, believing that it was an “influence for good among the people.”¹²⁰ Young and other key leaders like Daniel H. Wells and George Q. Cannon not only supported the institution verbally, but also sent their own children to the school as students.¹²¹ Such patronage suggests that, at least during these inaugural years, the University of Deseret fulfilled the Latter-day Saint hopes for it.

Despite these positive feelings, however, the University of Deseret began to subtly migrate away from its Mormon roots towards a more secular style of education. The changes were in part due to the leadership of the school’s principal, John R. Park.

November 14, 1868 and October 23, 1869, Special Collections, Gerald R. Sherratt Library, Southern Utah University, Cedar City, Utah. The Grantsville branch made frequent references to political troubles with the federal government, and the needs to maintain proper guns and ammunition for their defense. See, for example: Grantsville School of the Prophets, Minutes, October 23 and November 6, 1871, Leonard J. Arrington Collection, USU_LJAHA MSS 1, series 9, box 17, folder 2, pages 12-16, Special Collections, Merrill-Cazier Library, Logan, Utah (hereafter MCL). In some regards the Provo Class may have been the most theological in nature, but it too included discussions of business practices. See, for example: Provo School of the Prophets, Minutes, April 27 and June 8, 1868, MSS 7989, pages 10-11 and 36-41, Special Collections, HBLL.

¹¹⁹ Holiness to the Lord!: Annual Catalogue of the Officers and Students of the University of Deseret, CHL.

¹²⁰ Daniel H. Wells, Remarks, Salt Lake School of the Prophets Minutes, January 21, 1871, in Anderson and Morton, eds., *“The Knowledge of All Truth,”* chapter 3.

¹²¹ Holiness to the Lord!, CHL.

Although a committed Mormon who maintained a congenial relationship with Young, Park was deeply committed to the ideals of secular education and ran the school accordingly. Park's diary for the period demonstrates his secular approach to education. Uncharacteristic of most diaries written by nineteenth-century Mormons, Park's diary lacks the usual references to spirituality and faith. Instead, the entries focus upon his work at the University of Deseret and his efforts to increase the academic level of the school.¹²² Occasionally, Park notes interactions with Young, but even these entries reflected discussions about the academic concerns of the university, rather than faith-related discussions that centered on their shared Mormon faith.¹²³

While Young seemed relatively undisturbed by Park's non-religious focus at the university, he was nevertheless concerned about the trends in Utah education. Even as Park was secularizing the University of Deseret, Young was becoming increasingly dissatisfied with the several establishments of the School of the Prophets, which he had intended to operate as theological branches of the university.¹²⁴ Low attendance numbers and preoccupations with other matters frustrated Young. The problem was evident to others, including school member Andrew Jackson Allen, who noted in his diary, "I ware at the school of the proffits [sic]. The house not well filld [sic]."¹²⁵ Although Young was

¹²² John R. Park, Diary, SCM 269, item 3, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah (hereafter HBLL). A cursory glance through the descriptive bibliographies in Davis Bitton, *Guide to Mormon Diaries and Autobiographies* (Provo, Utah: Brigham Young University Press, 1977) demonstrates the importance that faith and spirituality holds in a majority of early Mormon diaries and autobiographies.

¹²³ Park, Diary, December 11 and 30, 1869, and March 31 and April 20, 1871, L. Tom Perry Special Collections, HBLL.

¹²⁴ Patrick, "The School of the Prophets," 32-35.

¹²⁵ Andrew Jackson Allen, Journal, August 3, 1872, Andrew Jackson Allen Reminiscences and Journal, MS 1807, folder 1, CHL.

mainly concerned with the low attendance at the Salt Lake branch of the school, mediocre attendance numbers plagued many of the other branches of the school also.¹²⁶ Accordingly, on August 3, 1872, Young announced that he had decided to “dissolve [the school] until further notice,” a decision that apparently also pertained to the region’s several other branches of the school.¹²⁷ Within months, Young reestablished the Salt Lake School, allowing the School of the Prophets to continue as an entity until 1874. The new school lacked any apparent connections to the University of Deseret, as Young seemed to have given up on the idea of operating a theological branch of the university. By 1871-1872, both the changes at the University of Deseret and the failures of the School of the Prophets were causing Young to contemplate another means of providing his people with an education that blended secular learning and faith.

In 1871, sensing the inevitable changes in territorial education, Young reconciled himself to the church’s diminishing influence within the University of Deseret. Rather than relinquishing the church’s place within education, however, Young began planning a system of private Mormon academies that would allow Latter-day Saints to circumvent the territorial schools. With these schools, Mormons could inculcate their faith into the lives of Latter-day Saint children and adolescents without concerns about government objections. The idea was hardly new. Several American Catholic communities had

¹²⁶ Grantsville School of the Prophets, Minutes, February 12, 1872, Leonard J. Arrington Collection, USU_LJAHA MSS 1, series 9, box 17, folder 2, pages 29-32, MCL; Utah Stake School of the Prophets, Minutes, September 24, 1872, in Patrick, “The School of the Prophets,” 32.

¹²⁷ Salt Lake School of the Prophets Minutes, January 21, 1871, in Anderson and Morton, eds., *The Knowledge of All Truth*, chapter 4; Parowan School of the Prophets, Minutes, September 14, 1872, USHS; Payson School of the Prophets, Minutes, September 28, 1872, in Patrick, “The School of the Prophets,” 32; Utah Stake School of the Prophets, Minutes, September 24, 1872, in Patrick, “The School of the Prophets,” 32.

established parish schools to circumvent the Protestantizing aspects of America's common and public schools.¹²⁸

Hoping to obtain ideas for the new educational system, Young decided to send missionaries to Europe and the eastern United States to study universities and educational systems. Ironically, he selected the secular Park, along with fellow professor C. L. Bellerive, to fulfill the educational mission to gather ideas for Young's planned system. Although the main purpose of the mission was to gain ideas for a private system of Latter-day Saint education, Park and Bellerive likewise saw the mission as an opportunity to benefit the University of Deseret. Discussing the mission, Bellerive wrote that he and Park were to "visit the common and public schools . . . as well as all establishments of learning" in order to "investigate the most approved systems of education, with a view to their application . . . to the schools of Utah."¹²⁹

On August 19, 1873, following his return from his mission, Park held a meeting with a number of other leaders to discuss plans for Young's new school. Park recorded the meeting in his diary. He wrote,

This evening at 7 o'clock met in Company with Joseph A Young, D. McKenzie, Robt. L. Campbell, and Joseph L. Rowland to consider preliminary measures for the establishment of a college or university by Brigham Young. Joseph A Young stated that his father proposed to give for the establishment of an educational institution 3 or 400,000 dollars—to terms on his farm four miles from this City and to give the proceeds of the Theater amounting to \$10,000 for its support. How to establish or organize the institution was discussed, the character the institution should assume was considered.¹³⁰

¹²⁸ See Walsh, *Parish School*.

¹²⁹ C. L. Bellerive to Editor of the *Millennial Star*, December 19, 1871, in "Correspondence," *Latter-Day Saints' Millennial Star*, 34, no. 1 (January 2, 1872), 12.

¹³⁰ Park, *Diary*, August 19, 1873, L. Tom Perry Special Collections, HBL.

Following his mission and this meeting, Park seems to have been uninvolved in Young's efforts to establish a private Mormon school. His involvement between 1871 and 1873, however, evidenced the peculiar relationship between the territorial institutions and the church. Even as Young was in the process of trying to separate Mormons from key territorial institutions, he utilized and relied on men like Park to help effect the Mormon separation.

Despite the findings and conclusions of the 1873 meeting, Young took his time in establishing a school. Toward the end of the year, Young relayed his ideas for a school to his non-Mormon friend and advisor, Thomas L. Kane through Congressman George Q. Cannon. Kane responded encouragingly. Kane immediately responded to Young, stating that the news was “the most cheering” and “probably the most important feature of the tidings” that Cannon had relayed. For Kane, the practice of Mormons sending their “bright youths abroad” posed a significant danger to the future of Mormonism. A consummate admirer of the faith, Kane believed that the Mormons ought to “inaugurate a System of Education informed by your own experience of the world, embodying your own dearly earned wisdom, and calculated peradventure to endure for ages with the stamp of your originality upon it.” Staffed by their own teachers and their own textbooks, Mormons could prevent the exodus of their brightest Youth to America's “Eastern seminaries of learning.” In his view, the establishment of such schools was a task that should “not be postponed unnecessarily” for even a single hour.¹³¹ Five months later, Kane remained emphatic about the importance of private Mormon schools, informing Cannon that if the Mormon people “wished to do him any favor, the greatest . . . they

¹³¹ Brigham Young to Thomas L. Kane, 4 December 1873, in Grow and Walker, eds., *The Prophet and the Reformer*, 487-88.

would confer upon him would be to let him carry out as he pleased his views in the education of the rising generation.” Despite being a non-Mormon, he enthusiastically hoped to see Latter-day Saint children “educated at home, free from evil and corrupting influences and examples, where faith in God and virtue and purity can be preserved.”¹³²

For both Kane and Young, the establishment of private Mormon schools was an act of self-preservation that could hardly be postponed. Without such institutions, Kane feared the cultural and religious impact on the upcoming generation of Mormons. Inculcated in the ideas of a culture that found Mormonism to be barbaric, Kane feared that the Latter-day Saints would “hardly be able to unteach” their young what had been learned in the schools. To prevent such an occurrence, Kane urged that Young immediately establish “the Brigham Young University” to serve as an institution to train “tutors and professors” for Utah.¹³³

Following more than four years of planning and consultation, Young formally established the Brigham Young Academy in Provo on October 16, 1875. The school’s deed of trust expressly stipulated the place that faith would play within it, requiring that any beneficiaries of the academy be “members in good standing . . . or shall be the children of such members.” Young then outlined the curriculum. Unsurprisingly, students were to be “instructed in reading, penmanship, orthography, grammar, geography, and mathematics, together with such other branches as are usually taught in an academy of learning.” In other words, the school was to teach all of the regular subjects that would

¹³² George Q. Cannon, Diary, May 19-21, 1874, <https://www.churchhistorianspress.org/george-q-cannon/1870s/1874/05-1874?lang=eng> (accessed, November 25, 2017).

¹³³ Kane to Young, December 4, 1873, in Grow and Walker, eds., *The Prophet and the Reformer*, 488.

have been taught in other schools. But the Academy's deed then further stipulated that they be taught classes on "the Old and New Testaments, the Book of Mormon, and the Book of Doctrine and Covenants," so that the doctrines of these chief Mormon books of scripture might be "inculcated in the Academy."¹³⁴ Such measures allowed Young and the Mormons to counter the reconstructive effects of the denominational schools, and the potential changes that government officials could bring to the territorial schools.

Following an initial term under the direction of Provo residents Wilson and Warren Dusenberry, Young tabbed former University of Deseret professor Karl G. Maeser to direct the affairs of the school.¹³⁵ Although Park had found Maeser's missionizing style to be grating and inappropriate for a territorial university, his overt Mormon style fit perfectly within Young's educational plans for his private academy.¹³⁶ Wanting to ensure that his efforts accorded with Young's vision for the institution, Maeser asked for additional instruction regarding the assignment. Young responded concisely, "You ought not to teach even the alphabet or the multiplication tables without the spirit of God. That is all."¹³⁷ Whereas the denominational schools had planned to inculcate Protestantism, Young's academy was designed to ensure that Mormonism was further instilled within its students by integrating Mormon faith into the academic subjects.

¹³⁴ Brigham Young Academy, Deed of Trust, October 16, 1875, in Ernest L. Wilkinson, ed., *Brigham Young University: The First One Hundred Years* 4 vols. (Provo, Utah: Brigham Young University Press, 1975), 523-24.

¹³⁵ Richards, *Called to Teach*, 357-82.

¹³⁶ Park, University of Deseret Minute Book, March 31, 1871, quoted in Chamberlain, *The University of Utah*, 95.

¹³⁷ Karl G. Maeser, *School and Fireside* (Provo, Utah: Skelton, Maeser & Co., 1897), 189.

A year later, in 1877, Young and his associates further clarified their intentions for the academy and other Mormon schools as they updated the academy's deed of trust and added comments about specific curricular restraints. Whereas the original deed had specified that the books of Mormon scripture be taught as a part of the curriculum, this updated deed stated that "no book shall be used therein that misrepresents, or speaks lightly of the Divine mission of our Savior, or of the Prophet Joseph Smith, or in any way advances ideas antagonistic to the principles of the Gospel."¹³⁸ In accordance with this idea, textbooks were not to be "imported from abroad," but rather were to be written by Latter-day Saints, thus ensuring that contradictory doctrines and ideas would not find their way into the body of Mormonism.¹³⁹ This clarification emphasized the fact that the school was to be a place to retrench its students in their commitment to Mormonism against the challenges posed by outside an increasingly antagonistic and reconstructive Americanism.

Similar to Young's 1857 declaration of martial law, the Academy's deeds of trust represented an effort to unite and fight against the challenges posed by the ever-encroaching arm of the federal government. In the late 1850s, Young had been convinced that the faith could influence government institutions to their advantage, even in spite of the growing Gentile population. But by the 1870s he had once again reconciled himself to the idea that the salvation of Mormonism was dependent upon separation from rather than influence over the surrounding institutions, such as schools. In many regards, the

¹³⁸ 1877 Deed of Trust of Brigham Young Academy, printed in Wilkinson, *Brigham Young University*, 1:527. The provision that "no book shall be used therein that misrepresents, or speaks lightly of the Divine mission of our Savior, or of the Prophet Joseph Smith, or in any manner advances ideas antagonistic to the principles of the Gospel" was not in the original deed, but was added to the deed by Young in 1877.

¹³⁹ First Presidency, Circular, 11 July 1877, in Clark, *Messages of the First Presidency*, 2:289.

aging Young was once again blazing a new Mormon trail, a theological and philosophical departure from the broader culture of Protestant America. But whereas wagons had been the vehicles of exodus in 1847, Young planned to use private schools to effect the desired differentiation in 1875.

Using the Brigham Young Academy as the model, he founded a similar school in Logan in 1877, and named it the Brigham Young College.¹⁴⁰ Prior to his August 1877 death, he made plans and drafted a deed of trust for another school in Salt Lake City to be named the Young Academy, which never fully materialized.¹⁴¹ The deeds of trust for both schools were patterned after the ideas that Young and his associates had originally outlined in the founding documents for the Brigham Young Academy in Provo.¹⁴² Taken together, the Brigham Young Academy in Provo, the Brigham Young College in Logan, and the Young Academy in Salt Lake City evidenced Young's intentions for a Mormon exodus from American schools at the time of his death. This planned educational self-segregation demonstrated Young's belief in the growing threat that educational measures posed to Mormonism. But despite Young's backing and the existence of two private Mormon schools, most Mormons continued to patronize the territorial schools. The simple reality was that private schools like the Brigham Young Academy and the Brigham Young College remained too expensive and too far away for most Latter-day

¹⁴⁰ Arnold K. Garr, "A History of Brigham Young College, Logan, Utah" (MA Thesis, Utah State University, 1973).

¹⁴¹ D. Michael Quinn, "The Brief Career of Young University at Salt Lake City," *Utah Historical Quarterly* 41, no. 1 (Winter 1973): 70-89.

¹⁴² Brigham Young College Deed of Trust, folder 5, box 10, Brigham Young College Collection, Special Collections, Merrill-Cazier Library, Utah State University, Logan Utah; Young Academy Deed of Trust, LDS Business College Journal History, 28 September 1876, LDS Business College, Salt Lake City, Utah.

Saint families. Accordingly the offerings of the territorial schools and the free tuition at the denominational schools kept many Mormons from pursuing the more expensive learning opportunities in Young's academies.

Mormons and the Territorial Schools

In addition to the prohibitive tuition costs of Young's private schools, few Latter-day Saints, including Young's successor John Taylor, were as devoted to the private schools as Young had been. More philosophical and less pragmatic than Young, Taylor did not have Young's same commitment to private academies in the late 1870s. As such, he was less forthcoming with funding for the schools Young had left behind, frustrating school officials.¹⁴³ Just a year after Young's death, Maeser begged Taylor for additional funds for Provo's Brigham Young Academy, explaining that he was exhausting his "physical, mental and private resources to their utmost capacity" to prevent the school's demise.¹⁴⁴ Similarly, Young's daughter Zina made a personal visit to Taylor seeking additional funding for the Provo academy.¹⁴⁵ Despite these appeals, however, the school went underfunded throughout Taylor's tenure, and consequently operated with perpetually tenuous financial circumstances.

Taylor's loyalties to Young's schools were complicated by the fact that between 1877 and 1881, he acted as the Territorial Superintendent of Schools, an elected position

¹⁴³ Karl G. Maeser to John Taylor, October 4, 1878, First Presidency (John Taylor) Correspondence, CR 1 180, box 2, folder 8, CHL; Jed L. Woodworth, "Refusing to Die: Financial Crisis at Brigham Young Academy, 1877-1897," *BYU Studies* 38, no. 1 (1999): 71-82.

¹⁴⁴ Karl G. Maeser to John Taylor, October 8, 1878, First Presidency (John Taylor) Correspondence, CR 1 180, box 2, folder 8, CHL.

¹⁴⁵ Zina Young Williams Card, "Short Reminiscent Sketches of Karl G. Maeser," Zina Young Williams Card Collection, MSS 1421, box 2, folder 20, pages 3-4, L. Tom Perry Special Collections, HBLL.

with responsibilities for the care of Utah's schools. Throughout his tenure as superintendent, Taylor simultaneously functioned as the ranking member of Mormondom.¹⁴⁶ Characteristic of life in nineteenth-century Utah, Taylor's civic and church positions overlapped not only in chronology but also in how he carried them out. He commonly used school functions as an opportunity to teach Mormon-centric ideas and doctrines, while at the same time speaking of the schools during church-specific meetings.¹⁴⁷ Indeed, under Taylor's leadership, the territorial schools functioned as de-facto Mormon schools. Speaking as the territorial superintendent of schools, Taylor exuded Mormonism by encouraging those in attendance to "look after the education of our children and see that they are placed under proper teachers and receive proper training, and not be placed in the hands of the enemies of the church and kingdom of God."¹⁴⁸ The implication was that the territorial schools were not to employ non-Mormons, or that Latter-day Saints were not to patronize those schools that did employ Gentile teachers.

Understandably, Taylor's dual positions and highly Mormonized educational policies, however, raised an outcry among non-Mormons. They took particular exception to his policies which seemed to limit the teaching force for the territorial schools to

¹⁴⁶ Woodworth, "Refusing to Die," 81.

¹⁴⁷ "Deseret University," *Ogden Herald* (Ogden, Utah), June 4, 1881, page 3, column 3.

¹⁴⁸ John Taylor, Discourse, 8 December 1878, *Journal of Discourses* 26 vols. (Liverpool, England: William Budge, 1880), 20:107 (hereafter cited as *JD*). Taylor's message was largely a reiteration of a circular issued by the First Presidency the previous year. In that circular, the First Presidency has written, "[Parents] should send [their children] regularly to day and Sunday [*sic*] schools and furnish them with every possible facility for gaining a sound and thorough education, and especially in the principles of the gospel and the history of the church. The teachers to whom we entrust our children for education should be faithful Latter-day Saints, sound in doctrine and thoroughly imbued with a love of Zion. In this way we can rear up a generation of men and women who shall love and maintain truth and righteousness in the earth." First Presidency, Circular, 11 July 1877, in Clark, *Messages of the First Presidency*, 2:288.

practicing Mormons. The result had been the complete Mormonization of the territorial schools, as “Gentile teachers . . . [had] been proscribed” and the curriculum diluted with the “adoption of home made text books containing Mormon doctrine.”¹⁴⁹ Taylor’s policies and the continued Mormon control of the territorial schools, at a time when both the courts and Congress were systematically stripping Mormonism of its powers in Utah, led to complaints and calls for reform.

Despite efforts to improve education in Utah, however, the schools still manifested significant deficiencies under Taylor’s leadership. Addressing these problems, T. B. Lewis, the superintendent of Salt Lake County authored a letter to the territorial leaders noting some of the deficiencies in the schools, stating that he did so as “a duty [he] owe[d] to the public.” Among the issues that Lewis noted with the territory’s schools was a glaring deficiency in the abilities of the teachers, owing to a lack of proper training. Because of the poor teaching, parents noted with disgust that some of the schools were so poorly conducted that their children could “learn nothing but bad practices and vicious habits” within their walls. As a result, the territorial schools had become woefully under-enrolled, with the majority of the children opting to attend the Protestant denominational schools or to forego attendance entirely.¹⁵⁰

Spurred on by Lewis’s letter the *Salt Lake Tribune* called for wholesale reforms in the territory’s “wretched school system.”¹⁵¹ The paper contended that the teachers were

¹⁴⁹ “Mission Schools,” *Salt Lake Tribune*, November 6, 1877, page 4, column 2. Records indicate that Taylor did discourage non-Mormon teachers in the territorial schools. During an 1878 visit to Heber, Utah, in his capacity as Territorial Superintendent of Schools, Taylor stated, “Our day schools ought to be conducted by teachers that are faithful Latter-day Saints, on the principle, Latter-day Saint teachers for Latter-day Saint children.” “Educational Tour,” *Deseret News*, September 4, 1878, page 14, column 4.

¹⁵⁰ “City Schools,” *Salt Lake Herald*, January 13, 1878, page 2, columns 2-3.

¹⁵¹ “School Superintendent Lewis,” *Salt Lake Tribune*, January 1, 1878, page 2, columns 1-2.

“about on par with the character of the buildings in which they hold school” and argued that unless changes were made, Utah would ““soon become the Chinamen of this country,”” collapsing in “Asiatic barbarism.” Although the editors of the *Tribune* sincerely hoped for reforms resulting in “a correct and general system of education,” their criticisms of education in the territory were not solely educational in nature.¹⁵² Neither were the Mormon defenses of the territory’s schools solely motivated by a belief that the territorial schools were adequate to the educational needs of the territory. By 1878, educational infrastructure represented one of the last places where Mormons continued to maintain administrative power in the territory. The territorial schools accordingly became a battleground for the control of Utah.

As Taylor’s leadership of the schools continued, the *Salt Lake Tribune* became increasingly critical of his leadership and of the schools under him. Its editors particularly called attention to his competing roles. “As School Superintendent it is his business to advocate school interests,” owing to the fact that he was “paid a salary by the Territory to perform this duty.” Taylor’s simultaneous leadership of the church placed him in a compromising situation, and the paper argued that he almost always acceded to the “instinct of the priest,” making it virtually impossible for him to be a useful public servant. Hoping to see him ousted from the position, the paper stated that if Taylor “was awarded his due he would be made to answer the charge of receiving money under false pretenses.”¹⁵³ It argued that Taylor had “usurp[ed] the office of School Superintendent, not only to keep a useful man out of that important position, but for the more malign

¹⁵² “The School Question in the Assembly,” *Salt Lake Tribune*, February 1, 1878, page 2, column 2.

¹⁵³ “School vs. Church Property,” *Salt Lake Tribune*, March 10, 1880, page 2, column 2.

purpose of having it in his power to crush out any effort that may be made in the direction of school reform.” Citing a reconstructionist refrain, the *Tribune* declared that the territory’s “only present hope for improvement” rested in ensuring a “diffused intelligence” and a “true education” throughout the territory. Crucial to this educational reconstruction was the promulgation of a message that rejected “a polygamous and many-childed priesthood.”¹⁵⁴

Likely sensing the growing challenges that his dual roles posed to both the church and the territorial schools, Taylor declined to accept a second nomination for the office of territorial superintendent of schools. On July 28, 1881, he wrote a letter to Salt Lake leader John Sharp, stating that while he was appreciative of his nomination, he could not accept it “in view of the many other responsibilities which devolve[d] upon [him].”¹⁵⁵ Taylor’s resignation came only a week prior to the election for the position, necessitating the prompt and untimely selection of a candidate to replace him. Intriguingly Sharp selected Taylor’s nephew and secretary L. John Nuttall to receive the nomination, informing Nuttall of his nomination that same day on Salt Lake City’s Main Street.¹⁵⁶ Although the *Salt Lake Herald*, the *Ogden Herald*, and the *Deseret News* all printed Taylor’s letter and notified readers of Nuttall’s nomination in short order, some voters likely still assumed they were voting for Taylor during the election.¹⁵⁷ Perhaps somewhat aided by such assumptions, Nuttall was rather easily elected to the post.

¹⁵⁴ “About Schools and Teachers,” *Salt Lake Tribune*, March 23, 1880, page 2, columns 2-3.

¹⁵⁵ “Change in the Ticket,” *Ogden Herald* (Ogden, Utah), July 29, 1881, page 2, column 1.

¹⁵⁶ L. John Nuttall, Diary, July 28, 1881, in Jedediah S. Rogers, ed., *In the President’s Office: The Diaries of L. John Nuttall, 1879-1892* (Salt Lake City, Utah: Signature Books 2007), 59.

¹⁵⁷ “Change in Ticket,” *Salt Lake Herald*, July 29, 1881, page 8, column 4; “Change in the Ticket,” *Ogden Herald* (Ogden, Utah), July 29, 1881, page 2, column 1; “Nominations Declined,” *Deseret*

Although extant records do not provide any indications that Taylor was involved in Nuttall's selection for the post, his familial and professional relationships with Taylor would make it unlikely that Taylor was not at least marginally involved. Regardless of whether Taylor was involved or not, however, Nuttall's selection and ultimate election as territorial superintendent of schools did little to ease the non-Mormon concerns about Latter-day Saint control over the schools. Criticizing one of his reports on public instruction, the *Salt Lake Tribune* stated that it was "of great length, and of stupid construction," and caused them to "pity the youngsters" in the territorial schools.¹⁵⁸ According to the *Tribune*, Nuttall, whom they dubbed Taylor's "servant," had continued his predecessor's legacy of "the ostracising [sic] of all but Mormon teachers and Mormon methods from the public schools," maintaining the Latter-day Saint control of the territorial schools.¹⁵⁹

A year into Nuttall's service as superintendent in October 1882, while directing an educational convention in Salt Lake City, U.S. deputy marshal S. L. Sprague served Nuttall and the members of the convention with "a writ of injunction" that temporarily restrained them from "making certain contracts alleged to be in contemplation for the publication of certain text books for use in the district schools." The writ had been issued on a petition by non-Mormon attorneys Parley L. Williams, E. D. Hoge, and P. T. Van Zile who had testified that Nuttall's convention was preparing to contract for the publication of various textbooks written by Mormons. The petitioners had stated that the

News, July 30, 1881, page 2, columns 4-5; Clarence G. Jensen, "A Biographical Study of Leonard John Nuttall, Private Secretary to Presidents John Taylor and Wilford Woodruff" (MS Thesis, Brigham Young University, 1962), 90.

¹⁵⁸ "City Jottings," *Salt Lake Tribune*, February 14, 1882, page 4, column 1.

¹⁵⁹ "Mr. Nuttall's Statistics," *Salt Lake Tribune*, April 14, 1882, page 2, columns 2-3.

planned books “would not only be sectarian in character, but [were] designed to teach and inculcate the doctrines of the Mormon faith, such as belief in modern revelation, in prophets, plural marriage, etc.,” purposely diverting and misusing the territorial tax funds for the furtherance of Mormonism. The *Salt Lake Herald* contended that the convention had never actually considered any of the changes they were charged with.¹⁶⁰ But the affair demonstrated the growing efforts of the federal officials to reconstruct Utah’s educational structure and to limit the power of Mormons within the territorial schools system.

Following the events of October 1882, and in the light of the new pressures on Mormons growing out of the passage of the anti-polygamous Edmunds Act in March 1882, Nuttall and the other school leaders felt increasing pressures over the management of Utah’s educational infrastructure.¹⁶¹ Wanting to hold a series of meetings with county superintendents in 1883, Nuttall felt compelled to write to the members of the Utah Commission—a federally appointed body charged with overseeing the enforcement of anti-polygamy laws in Utah—to discern whether the meetings and the selection of officers within the group fell under the Commission’s jurisdiction as outlined in the Edmunds Act. Although the Commission determined that it had no jurisdiction over the meetings, Nuttall’s request evidenced the shrinking autonomy of Mormon leaders within Utah and the perceived new role for the federal government within the territorial

¹⁶⁰ “Queer Doings,” *Salt Lake Herald*, October 8, 1882, page 16, column 3.

¹⁶¹ U.S. Congress, Senate, *A Bill to Provide for Challenges to Jurors in Trials for Bigamy and Polygamy in the Territory of Utah, and to Amend Section Four of an Act Entitled “An Act in Relation to Courts and Judicial Officers in the Territory of Utah,” Approved June Twenty-Fourth, Eighteen Hundred and Seventy-Four*, 45th Cong., 3d sess., 1879, S. 410.

schools.¹⁶² As was the case in other venues, it was becoming increasingly clear that by 1883, the Mormons were “fighting a losing battle” in the schools.¹⁶³

Although disagreeing that the meetings held under Nuttall’s direction had been legitimate, the *Salt Lake Tribune* used the Commission’s response as evidence that “the Commissioners [were] not disposed to stretch their powers,” a notion that would run contrary to Mormon notions and narratives of the body.¹⁶⁴ Despite the Commission’s ruling that the Edmunds Act had not applied to school meetings, the Tribune argued that the language of the act was “as perfectly applicable to the school election machinery as to that of the municipal elections,” leading the editors of the paper to suggest that “Nuttall [was] the de facto but not rightful School Superintendent for the Territory.” The editors of the Tribune urged the Commission to assert itself more forcefully within Utah’s schools, with the revoking of Nuttall’s post being one of the main opportunities for such an assertion of power and control.¹⁶⁵

Government Control

In the wake of the Tribune’s criticisms, the federally appointed Utah Commission made a critical decision regarding the governance of Utah in mid-June 1883. The Commissioners explained that they believed the territory’s organic act required that,

¹⁶² “School Elections,” *Salt Lake Herald*, June 16, 1883, page 8, column 4.

¹⁶³ James R. Clark, “Church and State in Education in Utah,” (Ph.D. Dissertation, Utah State University, 1958), 234.

¹⁶⁴ Fearing the potential problems posed by the Commission, George Q. Cannon had met with the leader of the body, Colonel Pettigrew, on July 11, 1882. Pettigrew had assured Cannon that “he was not a religionist and had no religious prejudices,” but Cannon remained skeptical, urging him to “see with his own eyes, and hear with his own ears, and to decide for himself concerning the condition of Utah and the character of the people, instead of accepting as true that which others would tell him.” George Q. Cannon, *Journal*, July 11, 1882, <https://www.churchhistorianspress.org/george-q-cannon/1880s/1882/07-1882?lang=eng&highlight=Utah%20Commission>, (accessed November 10, 2017).

¹⁶⁵ “The School Elections,” *Salt Lake Tribune*, June 20, 1883, page 2, column 1.

among other offices, the office of Territorial Superintendent of District Schools should be “appointed by the Governor, with the assent of the Legislative Council,” and that the provision allowing for the office to be filled by an election was “in conflict with said Organic act, and [was] therefore invalid.”¹⁶⁶ Mormons decried the decision as a gross violation of their voting rights, and charged the Commissioners with going beyond “the bounds of their calling and assum[ing] judicial functions.” Mormons believed that the maneuver had represented such a gross violation of the law that even the U.S. Supreme Court would have sided with them on the issue.¹⁶⁷

Irrespective of the Mormon protests, however, the decision provided Utah governor Eli Murray with the authority to begin stripping Mormons of control over the territorial schools. In his 1883 report to the Secretary of the Interior, Murray criticized the territorial schools, stating that they were virtual entities of the church, and were therefore in need of reform.¹⁶⁸ In assessing the territorial schools, Murray stated that within their walls “sectarian tenets are taught, and sectarian songs are sung.” Then, appealing to the prevailing efforts to transform Utah, Murray appealed to the federal government to make a greater appropriation to the territory’s schools, writing, “Now is the time for the government to educate the children of Utah by establishing public schools, free in every sense, to every child, and non-sectarian in every particular.”¹⁶⁹

Two months later, Murray drew upon the powers designated by the Commission to appoint new officers for the University of Deseret, a school that the *Salt Lake Tribune*

¹⁶⁶ “Relating to the Elections,” *Deseret Evening News*, page 3, column 2.

¹⁶⁷ “Outside the Bounds,” *Deseret Evening News*, page 2, column 1.

¹⁶⁸ “Review of Governor Murray’s Report,” *Deseret News*, December 19, 1883, page 8, column 5; “Governor Murray,” *Ogden Herald*, November 30, 1883, page 1, column 4.

¹⁶⁹ “Murray’s Message,” *Salt Lake Herald*, January 16, 1884, page 5, column 1.

argued had been “run very much like a private school.”¹⁷⁰ Two weeks later, he addressed a letter to Utah Speaker of the House, James Sharp, instructing the territorial legislature to amend a bill providing appropriations for the University. Murray explained his actions by stating that the improvement of the common schools was of prime importance and “the amounts appropriated” to the university were unduly high in comparison to the needs of the school and the attendance numbers. Murray wanted the extra funds to be allocated “to the school districts for common school purposes, under a . . . provision that no sectarian teaching should be taught therein.”¹⁷¹ These measures increased Murray’s control over both the University of Deseret and the common schools. More significantly, they furthered the federal pressures upon Mormonism by further limiting the faith’s spheres of influence within Utah.

On December 29, 1884, Murray appointed non-Mormon William M. Perry, to the post of superintendent of public schools.¹⁷² Believing the appointment to be illegal, Mormons rejected Perry’s position and continued to report to Nuttall, so that both Perry and Nuttall functioned as competing territorial superintendents throughout 1885, with loyalties falling along religious lines. At the end of 1885, in his report to the secretary of the interior, Murray again spoke of the schools, stating that although schools were established throughout the whole of the territory, they were also a source of contention. Perhaps owing to the continued Mormon loyalty to Nuttall, Murray noted with appreciation the work of the denominational schools in providing educational superior

¹⁷⁰ “Deseret University,” *Ogden Herald*, February 28, 1884, page 3, columns 2-5; “The Responsibility,” *Salt Lake Tribune*, March 16, 1884, page 2, column 2.

¹⁷¹ “Letter from Eli,” *Salt Lake Herald*, March 15, 1884, page 8, column 4.

¹⁷² Clark, ed., *Messages of the First Presidency*, 3:166.

educational offerings that were beyond the control of the Latter-day Saints.¹⁷³ Three months later, on March 13, 1885, Murray issued an official proclamation naming non-Mormon attorney Parley L. Williams as the territorial superintendent of schools.¹⁷⁴ While it is not entirely clear why Murray decided to replace Perry, the selection of Williams for the post was particularly unappealing to the Mormon community, as he had a long history of opposing the faith.¹⁷⁵ When county superintendents continued to file their reports with Nuttall, Williams took the issue to the Utah Territorial Supreme Court. In October 1886, Judge Charles S. Zane ruled on the issue, stating that under the provisions of the Edmunds Act, “the election of said Nuttall to said office was null and void, and conferred no authority whatever upon him to enter upon or assume the duties of said office and in doing so he usurped and intruded into the same.” Having entered into a polygamous marriage on March 2, 1882, Nuttall was disqualified for elected office.¹⁷⁶ The ruling stripped the Latter-day Saints of the administrative control of the territorial schools and the office of territorial superintendent.¹⁷⁷ The circumstances surrounding Nuttall’s dismissal from office created an “increased feeling of anxiety” among many Latter-day

¹⁷³ Eli H. Murray, *Report of the Governor of Utah to the Secretary of the Interior* (Washington, D.C.: Government Printing Office, 1885), 17-18.

¹⁷⁴ “The Governor Proclimates,” *Deseret Evening News*, March 15, 1886, page 3, column 1. Murray had proposed Williams’s name for the position to the Legislature in early January. It is unclear what had happened to that proposition. “The Nominations,” *Salt Lake Democrat*, January 22, 1886, page 2, column 1.

¹⁷⁵ George Q. Cannon dubbed Williams, one of “the worst enemies of our people.” “Singled Out to be Hated,” *Salt Lake Tribune*, February 2, 1886, page 2, column 3; George Q. Cannon, *Diary*, December 2, 1889, CHL; Gustive O. Larson, *The “Americanization” of Utah for Statehood* (San Marino, California: Henry E. Huntington Library and Art Gallery, 1971), 215.

¹⁷⁶ “Williams Up Again,” *Salt Lake Herald*, October 16, 1886, page 8, column 3.

¹⁷⁷ No Mormon would hold the office of territorial superintendent of schools again until 1896 when Utah had finally achieved statehood. Jensen, “A Biographical Study of Leonard John Nuttall, Private Secretary,” 94-99; Clark, ed., *Messages of the First Presidency*, 3:166.

Saints to see their children educated within private Latter-day Saint schools.¹⁷⁸

Expanding the Academies

Perhaps no one became more fully converted to the idea of private Mormon schools during 1886 than did church president John Taylor, who had tended to prefer the territorial schools throughout his tenure. But as Taylor surveyed the ever decreasing Mormon influence within the public sphere from his exile on the Mormon underground, however, Taylor became increasingly convinced of the merits of Young's academy system. While living on the Mormon underground to avoid arrest throughout 1886, Taylor finally became converted to Young's idea of private Mormon academies. At the same time as Mormon participation within Utah's school administration was being stripped away, the territory of Idaho revoked the teaching certifications for all professing Mormons. Together with Murray's efforts in Utah, these actions demonstrated the seriousness with which the federal government was undertaking its efforts to eradicate Mormon polygamy and Mormon influence within the territories. Taylor and counselor George Q. Cannon addressed such decisions in an epistle to the membership of the church. They argued that such decisions placed Mormon youth "under the tuition of those who would gladly eradicate from their minds all love and respect for the faith of their fathers." The two concluded that the path forward necessitated the people establishing more private schools "to keep their children away from the influence of the sophisms of infidelity and the vagaries of the sects."¹⁷⁹

¹⁷⁸ An Epistle of the First Presidency to the Church of Jesus Christ of Latter-day Saints, October 6, 1896, in Clark, ed., *Messages of the First Presidency*, 3:86.

¹⁷⁹ An Epistle of the First Presidency to the Church of Jesus Christ of Latter-day Saints, March 1886, in Clark, ed., *Messages of the First Presidency*, 3:58-59.

An October 6, 1886 epistle from Taylor and Cannon to the Church reiterated the message. The epistle stated:

In no direction can we invest the means God has given us to better advantage than in the training of our children in the principles of righteousness and in laying the foundation in their hearts of the pure faith which is restored to the earth. We would like to see schools of this character, independent of the District School system, started in all places where it is possible.¹⁸⁰

The work of establishing new private Mormon schools began even before the two epistles written by Taylor and Cannon. With at least some encouragement and approval from Nuttall prior to his removal from office, Brigham Young Academy principal Karl G. Maeser helped to establish a new Mormon academy in Fillmore, Utah, around January 1886.¹⁸¹ By the end of the year, Maeser had assisted with the establishment of two additional schools in Salt Lake City and Beaver, Utah.¹⁸² Each of the new schools was organized according to the instructions that Young had given to Maeser for the Brigham Young Academy, including stipulations that the students be taught by Latter-day Saints and out of texts that fortified belief in Mormonism.¹⁸³

Despite the death of church president John Taylor in July 1887, the policy of establishing additional church schools continued. Just days after Taylor's death, Cannon wrote to Maeser, informing him that the Quorum of the Twelve Apostles would most

¹⁸⁰ First Presidency Epistle, October 1886, in Clark, ed., *Messages of the First Presidency*, 3:86-87.

¹⁸¹ Karl G. Maeser to L. John Nuttall, January 6, 1886, L. John Nuttall Papers, box 3, folder 13, Special Collections, HBLL.

¹⁸² Karl G. Maeser to L. John Nuttall, November 20, 1886, L. John Nuttall Papers, box 3, folder 18, Special Collections, HBLL.

¹⁸³ Karl G. Maeser to John Taylor, May 17, 1887, First Presidency (John Taylor) Correspondence, CR 1 180, box 19, folder 28, CHL.

likely take “the suggestion of a general organization of the already existing Church schools and others yet to be started” into consideration in the near future. Cannon evidently expected that the body would formally create a church board of education, systematizing the growing number of Mormon schools. For his part, Maeser had used the Brigham Young Academy’s normal school to train a body of teachers that could take over the principalships of the new schools.¹⁸⁴ Following Cannon and Maeser’s lead, Taylor’s successor, Wilford Woodruff, issued another circular in October 1887 which praised the contributions of the existing academies and expressed “regret that such institutions are so limited in number.” Woodruff noted his hope that it would “not be long before schools of this kind will be established in every city and village where the Latter-day Saints reside,” with Mormons sending their children to study in Provo, Logan, Beaver, Fillmore, or Salt Lake City in the meantime.¹⁸⁵ The following June, Woodruff formalized Cannon’s plans by establishing a Church Board of Education to oversee a system of private schools. In connection with this, Woodruff instructed each stake—a geographic collection of wards similar to a Catholic diocese—to establish their own individual boards of education and a stake academy “as soon as practicable.” In this way, each stake was to “take charge of and promote the interests of education in the Stake.”¹⁸⁶

In justifying the expensive decision, Woodruff immediately pointed to the political changes within the district schools, stating that religious instruction was

¹⁸⁴ Karl G. Maeser to Wilford Woodruff, August 17, 1887, Karl G. Maeser Presidential Papers, UA 1094, box 1, folder 3, Special Collections, HBL.

¹⁸⁵ An Epistle to the Members of the Church of Jesus Christ of Latter-day Saints, October 10, 1887, in Clark, ed., *Messages of the First Presidency*, 3:151-152.

¹⁸⁶ Wilford Woodruff to the Presidency of the St. George Stake, June 8, 1888, in Clark, ed., *Messages of the First Presidency*, 3:167-168.

“practically excluded” and that government officials had forbidden the study of “divine records” within the territory’s schools. Unchecked by the church, such circumstances would result in many Latter-day Saint children growing up “entirely ignorant” of Mormon doctrine.¹⁸⁷ For Woodruff and the other members of the Mormon hierarchy, the reconstructive changes within the structure of the district schools had required almost the entire Mormon rejection of the territorial school system. By obtaining the administrative power over the territorial schools, federal officials had dealt one of the most potent blows to Mormonism that had been levied against the faith during the thirty-year crusade.

Mormons and the Public Schools

At the same time as the Mormons were abandoning the territorial school system, Congress was passing the Edmunds-Tucker Act. Importantly the act included provisions that allowed the U.S. attorney general to “escheat to the United States the property of corporations” owned by the church in excess of \$50,000, and thus in violation of the nation’s anti-polygamy statutes. Continuing with the theme of educational reconstruction, the act provided for “all such property so forfeited and escheated” to be “disposed of by the Secretary of the Interior, and the proceeds thereof applied to the use and benefit of the common schools in the Territory.”¹⁸⁸ The act came into functionality just at the moment as Mormon officials were beginning to ask for additional funds to finance a private school system.

¹⁸⁷ Wilford Woodruff to the Presidency of the St. George Stake, June 8, 1888, in Clark, ed., *Messages of the First Presidency*, 3:167-168.

¹⁸⁸ “An Act to Amend an Act entitled ‘An Act to Amend Section Fifty-Three Hundred and Fifty-two of the Revised Statutes of the United States in Reference to Bigamy, and for Other Purposes,’ approved March twenty-second, eighteen hundred and eighty-two,” *U.S. Statutes at Large* 24 (1887): 637.

The decision to funnel the escheated funds to the common schools reinforced the role of education within the reconstructive process and encouraged the establishment of a tax-funded system of public schools. Although Utah had a territorial system of schools, those schools were largely dependent upon donations from local patrons and varied from school to school in quality. Hoping to counter the Mormon influence in the schools, non-Mormons had pushed for Utah to establish free public schools since the early 1870s. Convinced that such schools would be “anything but neutral toward Mormonism,” Latter-day Saints had opposed the establishment of free public schools in Utah. With the provisions of the Edmunds-Tucker Act, however, the escheated funds made free public schools a distinct possibility.¹⁸⁹

On February 18, 1890, Utah’s territorial legislature established the territory’s first public school system by passing the Free Schools Act.¹⁹⁰ For federal officials, Utah’s Free Schools Act was a significant triumph. One official argued, “Free education means free men,” wrote one official, who continued “and Utah needs just such education; and if there be any agency that will draw the Mormon people and cause the building up of a truly democratic republican commonwealth in Utah, it will be through the medium of free schools.”¹⁹¹ Only through education would the Latter-day Saints ever be able to become truly American, possessing the principles of democracy and the republican spirit.

¹⁸⁹ See Richards, *Called to Teach*, 319-349.

¹⁹⁰ Prior to this time, there were several different school systems in Utah, some of which were associated with the territory, some with individual wards and cities, and others that were privately operated denominational schools.

¹⁹¹ Congress, Letter from the Secretary of the Interior, transmitting a letter of the Governor of Utah and a report of the Commissioner of Public Schools, 51st Cong., 1st sess., 1890, S. Exec. Doc 27, Serial 2682.

The wording of the law specifically targeted the reconstructive aspects of the schools. The Utah Free Schools Act expressly forbid that any “atheistic, infidel, sectarian, or denominational doctrine shall be taught in any of the district schools of this Territory” even while the schools were to provide that “moral instruction tending to impress upon the minds of the people the importance of good manners, truthfulness, purity, patriotism and industry shall be given in every district school.”¹⁹² Although the language of the law prohibited sectarian instruction of any kind, it was, without question, aimed directly at Mormonism and likely presupposed that the schools would function as Protestant institutions similar to the other public schools throughout the United States. Federal officials believed that free schools, with quality teachers directing them, would “work in Utah a wonderful change in a very few years.”¹⁹³

For their part, Mormon leaders failed to see anything benign about the Free Schools Act, viewing it as an attack upon the church and an outgrowth of anti-polygamy legislation. Economic conditions together with the promise of superior educational opportunities, however, ensured that the Free Schools Act would have a lasting influence upon Mormonism. Indeed, many Mormon parents sent their children to the free schools because they could not pay tuition for the church’s academies while at the same time financially supporting the public schools with their taxes. Furthermore, others patronized the free schools because they offered better resources and educational opportunities to the children. Ultimately Mormon leaders acknowledged the important role that the free

¹⁹² An Act to Provide for a Uniform System of Free Schools Throughout Utah Territory Passed at the Twenty-Ninth Session of the Legislative Assembly of the Territory of Utah, 1890, Special Collections, HBLL.

¹⁹³ Letter from the Secretary of the Interior, transmitting a letter of the Governor of Utah and a report of the Commissioner of Public Schools, 51st Cong., 1st sess., 1890, S. Exec. Doc 27, Serial 2682.

schools played in the lives of the people, and even encouraged church members to patronize the schools so long as they were taught by Latter-day Saints.¹⁹⁴

Despite their acknowledgement of and support for the schools, however, Mormon leaders feared that these schools would ultimately lead to the perpetuation of a “Godless education” which would “win the children from religion.”¹⁹⁵ Cannon expressed this fear in 1892 when he warned a group of Mormon educators about the “tendency toward unbelief” in the school textbooks, arguing that unless the situation was remedied, “a great many” of the Mormon youth would “lose all liking for religious principles and become alienated in their feelings toward the gospel.”¹⁹⁶ Hence, while Mormon leaders were obliged to accept the free schools, they continued to fear that widespread patronage of the schools would undermine the Mormon faith.

On June 2, 1890, church officials met to discuss possible solutions to the educational quandary posed by the Free Schools Act. Karl Maeser, the superintendent of Mormon schools, proposed that the church establish elementary schools to function alongside its secondary level academies.¹⁹⁷ Mormonism’s economic circumstances, however, rendered Maeser’s idea impossible. With Cannon’s encouragement, apostle Anthon H. Lund proposed a new program that would allow LDS students to attend the

¹⁹⁴ Salt Lake Stake, Board of Education Minutes, 13 May 1893, Salt Lake Stake Board of Education Minutes 1892-1899, CHL.

¹⁹⁵ First Presidency, Circular, 25 October 1890, in James R. Clark, *Messages of the First Presidency of the Church of Jesus Christ of Latter-day Saints, 1833-1964*, 6 vols. (Salt Lake City: Bookcraft, Inc., 1966), 196; George Q. Cannon quoted in Karl G. Maeser, “Church School Papers—No. 16,” *Juvenile Instructor*, 1 October 1892, 607.

¹⁹⁶ George Q. Cannon, quoted in Maeser, “Church School Papers—No. 16,” 607-08.

¹⁹⁷ Quinn, “Utah’s Education Innovation,” 380-81.

territorial schools while at the same time receiving religious instruction.¹⁹⁸ Lund’s plan called for Mormon children in the territorial schools to receive a half hour of religious instruction each day after school. Where possible, these classes were to be taught in the schoolhouses, and preferably by the school teachers—provided they were Mormon.¹⁹⁹

Despite the cost effectiveness of this plan, several members of the Board of Education expressed concerns about it. First, they were apprehensive about the possible implications of using both the public schoolhouses and teachers. Lund responded that he had made the suggestion to use the public schoolhouses because it would keep the students from having to travel to some other location for the classes. He suggested that another building, such as the chapel, could be used for the classes, but that the schoolhouses would be preferable because they contained desks where older students could take notes. This mention of older students suggests that there were early intentions to expand the program to reach secondary aged students as well as those in the elementary schools. Hence, Lund’s plan contemplated an increasing Mormon influence within the public school system. In response to the problem of using the local school teachers to teach the Religion Classes, Lund suggested that the church pay these teachers

¹⁹⁸ Program of Lund Day Exercises in Religion Classes, 1912, CHL; Lund, Diary, 2 June 1890, *Danish Apostle*, 7.

¹⁹⁹ Lund, Diary, 2 June 1890, *Danish Apostle*, 7. Lund’s interest in the educational problem was not surprising. Although his formal education in Denmark’s public schools lasted only five years, Lund had earned praise for his proficiency as a learner. When Lund came to Utah, he served in many prominent positions of educational administration for both church and State institutions. His educational work included a period of service as a member of the Board of Regents for the University of Utah. In this capacity he worked to “gradually overcome prejudices” against the University and encouraged members of the church to “take advantage of the advantages offered there.” Accordingly, whereas many of the Mormon leaders favored the sole patronage of Mormon schools, Lund recognized the benefits of the public school system and encouraged a church presence in the public schools and universities. Lund, *Danish Apostle*, xxiv, xxvii, 204.

for their service, “so that the imputation can not be case[d] upon us that the teacher is paid for this service by the trustees even indirectly.”²⁰⁰

The Board’s main concern with Lund’s program was that it would violate the separation of church and state. They feared that these classes would constitute the introduction of sectarian religion into public schools, thus leaving the church liable to additional lawsuits and further troubles with the government. Lund responded, “There will no doubt be a hue and cry raised against teaching religion...but we can not afford to lose our childrens [sic] souls.”²⁰¹ At least for Lund, the perpetuation of Mormon values in the lives of Latter-day Saint youth was worth the risk of transgressing the boundaries that separated church and state and plunging the church into more political turmoil.

These general concerns demonstrated the paradoxical position of Mormonism in the critical year of 1890. During this period, church leaders struggled to find ways to retain their Mormon distinctiveness even while they were being forced to abandon many of the practices that had made them distinct. Lund’s Religion Class program was emblematic of this struggle. On the one hand, Lund’s proposal suggested a move towards cultural assimilation by suggesting that Latter-day Saints embrace the free schools. For Mormon leaders, however, the dangers of cultural assimilation and Americanization remained very real. They were unwilling to turn the faith’s children over to these schools without some way to ensure the perpetuation of Mormon values, and Lund’s program provided a way for Mormons to participate in the public schools while at the same time attempting to resist assimilation.

²⁰⁰ Lund, Diary, 2 June 1890, *Danish Apostle*, 7.

²⁰¹ Lund, Diary, 2 June 1890, *Danish Apostle*, 8.

Despite their apprehensions, the Church Board of Education approved the implementation of Lund's plan, to be known as the Religion Class program, on October 8, 1890.²⁰² Later that month, the First Presidency sent a circular throughout the church announcing the program. The circular warned of a "benumbing influence" that had caused many Latter-day Saints to lose the "ardent desire to serve the Lord," replacing it with "less noble aims." To counteract these problems and "the tendencies that grow out of a Godless education," the First Presidency reaffirmed its support of the church schools and encouraged "every ward where a church school is not established" to develop a program connected with the public schools where Mormon values could be taught to LDS youth.²⁰³ Like Wilford Woodruff's 1890 plural marriage manifesto, the effort to organize Lund's Religion Class program represented a growing Mormon acceptance of the inevitability of Americanization and the futility of continued resistance.

Conclusion

In the years following the Civil War, educational efforts proved to be among the most important and successful policies in the continuing efforts to reconstruct Mormonism. Like the economic efforts connected with the building of the railroad, the establishment and maintenance of schools filled a significant niche within the Mormon community, attracting Mormon students to schools taught by superior teachers, in spite of the counsel from Mormon leaders not to patronize the schools. Newspapers and

²⁰² The Religion Class Program gained a critical supporter in George Q. Cannon, who was arguably one of the five most influential Mormons of the nineteenth-century. Quinn, "Utah's Educational Innovation," 381; Church Board of Education Minutes, 8 October 1890, folder 4, box 11, Quinn Papers, BL; Edward Leo Lyman, "George Q. Cannon's Economic Strategy in the 1890's Depression," *Journal of Mormon History* 29, no. 2 (Fall 2003): 28.

²⁰³ First Presidency to Presidents of Stakes, 25 October 1890, in Clark, *Messages of the First Presidency*, 3:196-97.

government officials alike waged a successful war of propaganda that highlighted the Mormon control of the schools, emphasized the deficiencies of Utah's schools, and labeled Mormons as a less-educated people. On the basis of such propaganda, churches established denominational schools that attracted enterprising and educationally minded Mormons to accept the superior educational offerings of these schools, even if most never fully accepted their Protestant faith. Furthermore, by undercutting the Mormon control of the territorial schools system, federal officials undercut one of the last major areas of Mormon political influence within the territory.

For their part, Mormon leaders attempted to combat the efficacy of reconstructive education by the establishment of private Mormon academies, ultimately expanding Young's initial academy into a system of more than forty schools. Additionally during the 1860s, 1870s and early 1880s, Mormons held the most significant positions within the territorial schools system, utilizing the office of territorial superintendent of schools as an outgrowth of the Mormon hierarchical structure. Such efforts helped to maintain a significant Mormon influence over the educational offerings in Utah. By 1890, however, the consistent educational, administrative, and legislative onslaught against Utah's schools succeeded in forcing at least a partial Mormon acceptance of the Americanizing educational effort. Ultimately, this willingness of Mormon officials to concede to the establishment of a system of public American schools in Utah represented one of the great benchmarks of the success of the Greater Reconstruction of Utah.

CHAPTER 5

“TO PUNISH AND PREVENT”: RECONSTRUCTING UTAH THROUGH ANTI-POLYGAMY LEGISLATION

On April 3, 1860, congressman John A. McClernand, a Democrat from Illinois, rose before the House of Representatives to voice his objections to the wording of H.R. 7. The resolution was designated as an act designed “to punish and prevent the practice of polygamy in the Territories of the United States” and to amend Utah’s Territorial Organic Act of 1850. In order to accomplish this, H.R. 7 would abolish Utah’s territorial legislature. Eliminating Utah’s popularly elected body, the bill planned to instead vest the governing powers over the territory in the hands of “the governor and thirteen of the most fit and discreet persons of the Territory” that the president would biennially appoint. Placing the hands of Utah’s territorial government entirely into the hands of the president of the United States, the bill had the potential to significantly transform politics and policy within Utah. With this bold measure Congress aimed to strip an American territory of its rights of democratic self-governance upon the notion that “no principle of self-government or citizen sovereignty can require or justify the practice of [a] moral pollution,” particularly one as objectionable as polygamy, which to its critics seemed to deny the very principles of republicanism upon which the nation was founded.¹

¹ U.S. Congress, House of Representatives, A Bill to Punish and Prevent the Practice of Polygamy in the Territories of the United States, and Other Places, and Disapproving and Annuling Certain Acts of the Legislative Assembly of the Territory of Utah, 36th Cong., 1st sess., 1860, H.R. 7; U.S. Congress, House of Representatives, Amendment to Amend the Act Entitled “An Act to Establish a Territorial Government for Utah,” 36th Cong., 1st sess., 1860, H.R. 7. There are six different printings of this proposed bill, each with different wording. The quotations here come from the February 15, 1860 and March 16, 1860 renditions of the proposed bill. Historian Brent Rogers notes that Americans of the period argued that “Mormons could not govern themselves as a republic because their society was a hierarchy.”

Although directed squarely at the institution of polygamy, the bill had larger ramifications that could influence the most significant political debates of the period. At its core, H.R. 7 might have been interpreted as yet another assault upon the notion of popular sovereignty, a principle that had governed the policies of the Democratic Party throughout the 1850s. A loose construction of the phrase “moral pollution” might have opened the door to the criminalization and prohibition of slavery as well as polygamy within the territories. Indeed, contemporary critics of polygamy drew frequent allusions to slavery, arguing that it represented a kind of “white slavery” for women.² The explosiveness of such ramifications is made clear by the fact that less than a year later, the Southern states seceded from the Union, at least in part, owing to fears that Lincoln and the Republicans planned to prohibit the expansion of slavery into the territories as a first step toward a general abolition of the practice.³

Given the potential ramifications of this bill, H.R. 7 seemed to provide rich fodder for political debate and a defense of the notions of popular sovereignty by leading House Democrats. Accordingly, it was unsurprising when the Democrat, McClernand, took the floor to express his opposition to the wording of the bill. McClernand’s opposition to the bill, however, had nothing to do with the limits that it placed upon popular sovereignty or the democratic rights of Utahns. Rather, he took the bill to task because it did not go far enough in its efforts to punish and eradicate Mormon polygamy.

Brent M. Rogers, *Unpopular Sovereignty: Mormons and the Federal Management of Early Utah Territory* (Lincoln: University of Nebraska Press, 2017), 91.

² Rogers, *Unpopular Sovereignty*, 91; W. Paul Reeve, *Religion of a Different Color: Race and the Mormon Struggle for Whiteness* (New York: Oxford University Press, 2015), 46-48, 140-142.

³ Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (repr. 1970; New York: Oxford University Press, 1995), 313-16.

For McClernand, questions about both the constitutionality of a bill suppressing Mormon polygamy were immaterial and unworthy of any real Congressional debate. Indeed, during a period in which Republicans and Democrats, Northerners and Southerners, could come to almost no agreement about anything, a general distaste for polygamy was one of the few unifying principles. In his mind, rather than debating the bill's potential impact upon larger national issues, the most important issue facing an anti-polygamy bill would be the bill's ability to actually have a tangible effect upon suppressing the abhorrent practice. Polygamy, he declared, was "a crying evil" with both moral and physical consequences for those who practiced it. According to McClernand, polygamy not only perverted the social and moral virtues of its participants but also had a deteriorating effect upon the bodies of its participants, causing men to suffer from dwarfism and emasculation. Hence, the practice was actually changing and weakening the physical bodies of its participants, posing a viable danger to humanity. In a sense, it was creating a new race of weak and deluded people that would threaten the vitality of the American republic.⁴ Because of the dangers that this posed to the whole of America, McClernand believed that the law required strong intervention until the Mormons were "made subservient to the standard of Christian morality, as well as the legal authority of the Constitution" for the good of the entire nation.⁵

To achieve these ends, McClernand had proposed an even more radical anti-polygamy bill that would entirely dissolve the territory of Utah, dividing it between the

⁴ For an assessment of these arguments, see W. Paul Reeve, *Religion of a Different Color: Race and the Mormon Struggle for Whiteness* (New York: Oxford University Press, 2015), 14-51.

⁵ *Speech of John A. McClernand of Illinois, on Polygamy in Utah: Delivered in the House of Representatives, April 3, 1860*, LDS Church History Library, Salt Lake City, Utah (hereafter CHL).

territories of New Mexico, Nevada, and the proposed territory of Jeffersonia (later renamed Colorado).⁶ To leave Utah intact as a political entity, he suggested, was tantamount to providing government approval for plural marriage, as the territory's civil authorities were virtually "powerless" against the de facto government of Brigham Young. The only remedies for the "cancering evil" of polygamy were either to "buy out the Mormons, and send them away" or to "repeal their territorial charter, and to merge them into more wholesome social elements" in an effort to reform the character and practices of the people.⁷ But one thing was clear, in McClernand's America, there was no space for a polygamous Mormonism. Mormons either had to reform themselves and renounce polygamy, or they needed to vacate America's territorial lands.

Despite some congressional support, neither H.R. 7 nor McClernand's proposed emendations became federal law in 1860. Between 1862 and 1887, however, the government would pass a number of bills aimed at polygamy. But even the most punitive of these bills never went as far as McClernand suggested. Although the Edmunds Act of 1882 and the Edmunds-Tucker Act of 1887 both placed significant limitations upon the civic rights of practitioners of polygamy, neither went so far as to buy out Mormon landholdings and compel an exodus to other countries. Further, while substantial portions of Utah Territory were accessioned to surrounding territories during the 1850s and 1860s,

⁶ H.R. 7, 36th Cong. (1860). There are six different printings of this proposed bill, each with different wording. The information here comes from the March 23, 1860 printing of the proposed bill. McClernand was not the first to suggest that the answer to the Mormon question was to dissolve Utah's territorial charter. In June 1857, Senator Stephen A. Douglas, also a Democrat from Illinois, had made that same suggestion as an answer to the apparent rebellion within Utah Territory. Stephen A. Douglas, *Remarks of the Hon. Stephen A. Douglas, on Kansas, Utah, and the Dred Scott Decision: Delivered at Springfield, Illinois, June 12th 1857* (Chicago: Daily Times Book and Job Office, 1857), 12-13.

⁷ Speech of John A. McClernand of Illinois, on Polygamy in Utah: Delivered in the House of Representatives, April 3, 1860, CHL.

significantly decreasing the territory's landholdings, the government never took this drastic step of completely nullifying Utah's territorial status.

Although reconstruction was a multifaceted process that addressed change and directed assimilation in a number of different areas, the heart of the reconstructive process was legislative in nature. Such was the case with the reconstruction of Mormonism and Utah during the latter half of the nineteenth century. Beginning before the Civil War, and then continuing up through the late 1880s, Congress proposed, debated, and passed a litany of anti-polygamy legislation that was designed to both punish and prevent the Mormon practice of polygamy. Although the early legislative acts proved impotent, each successive law made the practice of polygamy more difficult by decreasing the democratic rights of Mormons and by increasing the powers of the government to penalize plural marriages.

The Morrill Anti-Bigamy Act

The legislative assault on polygamy began in mid-1856 in the middle of Utah's efforts to secure statehood. On June 26, Vermont Republican Justin S. Morrill presented a "A bill to punish and prevent the practice of polygamy in the Territories of the United States, and other places" to the House of Representatives. It required those engaging in bigamous or polygamous relationships, excepting in cases where a former spouse had abandoned them, to be fined up to \$500 and imprisoned between two and five years for their offense.⁸

The bill immediately raised constitutional questions regarding the relationship between plural marriage and the freedom of religion; questions that would persist until at

⁸ U.S. Congress, *Cong. Globe*, 34th Cong., 1st sess. 1491 (1856).

least the famed 1879 Supreme Court decision in *Reynolds v. United States*. In writing the bill, Morrill did not shy away from these issues, noting in the first paragraph that Utah had justified the practice “on the ground that this abomination in a Christian country is a religious right of the inhabitants.” The bill immediately dismissed the constitutional issues, however, stating as an undisputed fact that “no principle of self-government or citizen sovereignty” could reasonably “justify the practice of such moral pollution.”⁹ But despite Morrill’s immediate dismissal of any idea that the first amendment might cover such a practice, constitutionality would prove to be a major sticking point for both the passage and enforcement of plural marriage for another twenty years. This and other issues undercut Morrill’s first efforts to pass anti-polygamy legislation in 1856, with nothing becoming of the bill that year. According to Morrill, the bill was “referred and reported back to the House” but failed to become law before the end of the 34th Congress.¹⁰ Its introduction, however, signaled the beginning of a legislative crusade that would last until 1890 and Mormonism’s termination of the practice.

The bill’s failure, however, did not signal the end of Morrill’s anti-polygamy efforts. On February 23 the following year, Morrill delivered a landmark speech on polygamy. Coming on the heels of the 1856 Republican platform’s denunciation of polygamy as one of the twin relics of barbarism, Morrill’s speech served to heighten the national feelings against polygamy. Uncompromising and unrelenting in tone, Morrill declared Mormonism to be “as hostile to the republican form of government as they are to the usual forms of Christianity.” Introducing his remarks, Morrill not only spoke out

⁹ U.S. Congress, House, A Bill to Punish and Prevent the Practice of Polygamy in the Territories of the United States, and Other Places, 34th Cong., 1st sess., 1856, H.Res. 433.

¹⁰ U.S. Congress, *Cong. Globe*, 35th Cong., 1st sess. 2435 (1858).

against the Latter-day Saints, but he implicated the federal government in the Mormon problem by stating that the Mormons had “finally subdued the General Government into absolute compliance with their wishes.”¹¹ A few pages later, Morrill was even more direct, stating that unless Congress acted to stop the practice of polygamy in Utah, Morrill and his colleagues would be “participes criminis,” accomplices to the practice.¹² Such an implication built upon the political rhetoric of the Republican platform. Although Morrill stated that he had “no desire to make party capital” with the speech, Morrill’s address further complicated the precarious ideological position that the Democrats held between 1856 and the outbreak of the Civil War.

In making decrying Mormonism’s system of “Mohammedan barbarism,” Morrill invoked Christian sensibilities, stating that polygamy made “woman no longer an equal and man the tyrant” and that it tore away the very “endearing passion of love from the heart” degrading women to “the level of a mere animal.” There was little question that polygamy reinforced both class-based and gender-based hierarchies in Utah. But Morrill’s assertions were more than a simple denunciation of those hierarchies. Such statements went beyond the rhetoric of twin relics of barbarism, and fundamentally tied Mormon polygamy to ideas and cultures which Northerners had deemed to be barbarous. Most prominently, such comments strengthened the ideological links between Mormon polygamy and Southern slavery by implying that both systems reduced humans to an animalistic status that undermined the very core of human emotions. There was little question that polygamy created a gendered hierarchy within Mormonism. Whereas the

¹¹ Justin S. Morrill, “Utah Territory and its Laws—Polygamy and Its License,” in U.S. Congress, *Cong. Globe Appendix*, 34th Cong., 3rd sess. 284-285 (1857).

¹² Morrill, “Utah Territory and its Laws,” in U.S. Congress, *Cong. Globe Appendix*, 289 (1857).

previous year's Republican platform had vaguely tied slavery to polygamy, Morrill outlined the similarities and called for action.¹³

To justify government action on polygamy, Morrill condemned the very notion that the Mormons were using the U.S. Constitution to foster and protect the institution. Decrying this use of the first amendment, Morrill argued that it was "impossible to twist the Constitution into the service of polygamy," and that the freedom of religion might as well be "invoked to protect cannibalism or infanticide" as to justify the Mormon marital practices. Morrill believed that if the government lost the ability to prohibit objectionable religious practices, then it ran the risk of losing all sovereignty whatsoever, as the laws of religious faiths might be used to supersede the authority of the government to enact and enforce laws on any matter. Mormonism was, therefore, antithetical to republican government, and the constitution not only allowed, but required, Congress to legislate against the faith's polygamous practices.¹⁴

Intriguingly, a reintroduction of the anti-polygamy bill did not accompany Morrill's speech to Congress. Indeed Morrill's speech made no actual references to anti-polygamy legislation. Rather when outlining the potential measures that Congress might take, Morrill listed five potential legislative measures that would undermine the legislative and governing powers of the Mormons and assist in reconstructing Utah.¹⁵

¹³ Morrill, "Utah Territory and its Laws," in U.S. Congress, *Cong. Globe Appendix*, 288 (1857).

¹⁴ Morrill, "Utah Territory and its Laws," in U.S. Congress, *Cong. Globe Appendix*, 288-289 (1857).

¹⁵ Morrill's five suggestions were as follows: 1. Congress could "'disapprove' of all the laws of the Territory" that it found objectionable. 2. Congress could encircle Utah with new and strong American settlements, thus limiting Mormonism's potential territorial influence. 3. If Congress followed the second suggestion, it could then "abandon them and leave them to fight out their own independence and salvation," cutting them off from all of the commercial and other benefits of citizenship in the United States. 4. Congress could "cut up the Territory, and annex it to the various adjoining Territories," disbanding the

Accordingly, despite his earlier and later efforts to secure anti-polygamy legislation, in 1857, Morrill was focused on other means of undermining Mormonism's power in Utah. These suggested resolutions in 1857 seemed to mirror the rhetoric that grew out of William W. Drummond's political campaign and were more focused the potential eradication of the Mormon problems rather than upon reformation and reconstruction.

A year following the speech, however, Morrill proposed a new bill "to punish and prevent the practice of polygamy." Coming in the middle of the Utah War, with national attitudes decidedly against Utah and polygamy, the bill generated several significant discussions regarding polygamy. Upon its presentation, the bill was referred to the Committee on the Judiciary, signaling a willingness on the part of Congress to at least consider the legality of legislative action against plural marriage.¹⁶ The bill did raise questions of constitutionality, with at least one opposing Congressman asking whether Congress had "the right to legislate for the overthrow of [the Mormon] religion."¹⁷ Morrill argued that Utah's Organic Act had given Congress the right to legislate against polygamy, by providing the body with "the power to approve or disapprove of all laws passed by [Utah's] Legislative Assembly."¹⁸ Other Congressmen like Republican John Bingham of Ohio similarly argued that anti-polygamy legislation was constitutional. Although admitting that the Constitution was "silent as to the crime of polygamy," Bingham disputed the idea that this rendered anti-polygamy legislation unconstitutional,

territory of Utah in its entirety. 5. Congress could organize a new territorial government consisting of a Governor and judges, none of whom would be Mormons, assisted by a powerful military force. Morrill, "Utah Territory and its Laws," in U.S. Congress, *Cong. Globe Appendix*, 290 (1857).

¹⁶ U.S. Congress, *Cong. Globe*, 35th Cong., 1st sess., 184-185, (1858).

¹⁷ U.S. Congress, *Cong. Globe*, 35th Cong., 1st sess., 2435, (1858).

¹⁸ U.S. Congress, *Cong. Globe*, 35th Cong., 1st sess., 2435, (1858).

stating that the document was “equally as silent as to the crime of murder, or the crime of robbery.” He further explained that each of the states had statutes which made polygamy a criminal behavior, and therefore questioned the suggestion that Congress could not enact similar statutes to govern the territories.¹⁹

Despite Bingham’s assertions, questions regarding the constitutionality of the measures continued to perplex the proposed bill.²⁰ Additionally, the measure raised uncomfortable questions about issues that went well beyond the scope of polygamy. Owing to the fact that the practice of polygamy had been tied to the institution of slavery, a bill to punish polygamy also created questions about the viability of popular sovereignty and the ability of the government to regulate slaveholding.²¹ These issues divided Congress not only upon party lines, but at times even within parties. While some Democrats supported legislation on the moral grounds that motivated Morrill, others like Stephen A. Douglas opposed anti-polygamy legislation on the grounds that it would undermine the national doctrine of popular sovereignty.²² While these actions did prevent Congress taking any action on the bill during 1858, the House Judiciary Committee

¹⁹ U.S. Congress, *Cong. Globe*, 35th Cong., 1st sess., 1173, (1858).

²⁰ In February 1859, Republican Charles Gilman of Maine asked Democrat Reuben Davis of Mississippi whether he would vote to admit Utah into the Union as a state with the institution of polygamy sanctioned in its statutes. Davis responded that “as a mere question of moral and social right,” he preferred not to vote for Utah’s admission under those circumstances. But citing the constitutional issues, he remarked, “still, I do not exactly see how I would be justified in voting against it upon constitutional and legal grounds.” U.S. Congress, *Cong. Globe*, 35th Cong., 2nd sess., 991, (1859).

²¹ U.S. Congress, *Cong. Globe*, 35th Cong., 1st sess., 451, (1858).

²² Hoping to promote congressional action against polygamy, Missouri Democratic Senator James S. Green pressed Stephen A. Douglas to similarly support legislation. Reminding Douglas of his June 12, 1857 speech against polygamy, Green stated that in 1857 Douglas had been the “loudest and foremost to propose the intervention of Congress” to stop polygamy. Douglas quickly disputed the statement, stating that in the speech he had favored “repealing the organic act, because they were alien enemies to the United States, and not because of that domestic institution.” Douglas accordingly hoped to distance himself from any notion that he might oppose the principle of popular sovereignty, even if it was being applied to the idea of polygamy. U.S. Congress, *Cong. Globe*, 35th Cong., 2nd sess., 1253, (1859).

continued to review the bill in an effort to determine what congressional actions might be taken against the practice.²³

After deliberating on the Morrill bill for more than a year, the House Judiciary Committee issued a report on the bill and recommended that Congress pass the proposed legislation.²⁴ The report signaled a significant moment in the push toward legislative action against polygamy. In response to the debates surrounding the constitutionality of anti-polygamy legislation, the committee wrote that “every enlightened legislature” in Europe and the United States had determined to make polygamy a felony offense, ““by reason of its being so great a violation of the public economy and decency of a well-ordered State.”” The committee further stated that when the Founders had written the first amendment, “they did not mean to dignify with the name of religion a tribe of Latter Day Saints,” but rather meant to convey only the right to worship “a belief founded upon the precepts of the Bible.” Accordingly, in the view of the House Judiciary Committee, the free exercise of religion was limited only to Christian denominations and was “never intended” to be similarly applied to Mormon polygamy, “the wild vagaries of the Hindoo or the ridiculous mummeries of the Hottentot,” none of which constituted actual religious faiths in the eyes of the committee.²⁵

Adding another layer to their argument in behalf of anti-polygamy legislation, the committee members noted that the proposed bill had specific reference to the territories.

²³ U.S. Congress, *Cong. Globe*, 35th Cong., 1st sess., 2114, (1858); U.S. Congress, *Cong. Globe*, 35th Cong., 2nd sess., 791, (1859).

²⁴ U.S. Congress, *Cong. Globe*, 36th Cong., 1st sess., 1150, (1860).

²⁵ U.S. Congress, House of Representatives, Committee on the Judiciary, *Polygamy in the Territories of the United States (to Accompany Bill H. R. No. 7)*, 36th Cong., 1st sess., 1860, H. Rep. 83, 1-2.

Because the rights of sovereignty in the Territories were expressly reserved for Congress, the House and Senate had “legitimate power . . . to prohibit polygamy in the Territories by legislative enactment.”²⁶ Although Congress might not have crafted a constitutional measure that would apply to all the states, it could, by virtue of Utah’s territorial status, create binding legislation deemed necessary to the governance of the nation’s territories.

But while the report highlighted these legal justifications for the proposed legislation, the report came back to the moral rationales for taking legislative action against polygamy. Although believing it to be “a marvel and a wonder” that such a thing as polygamy could exist in the nineteenth century, the “odious and execrable heresy” of Mormon polygamy demanded government action. In the view of the committee, Congress was justified in taking any actions necessary in bringing an end to polygamy, including “redividing the Territory of Utah” and even utilizing the “utmost extent” of the nation’s military power to “bring [Utah’s] citizens to a faithful observance of the Constitution and laws of the United States.”²⁷ The Committee on the Judiciary thus authorized Congress to include drastic measures in their efforts to reconstruct Utah through legislative measures.

With the support of the House Committee on the Judiciary, the Morrill bill gained greater traction than it had had between 1856 and 1859. Although Southern congressmen still questioned whether the government could use the bill to similarly denounce and punish slavery, the report enabled Congress to legitimately pass anti-polygamy

²⁶ U.S. Congress, House of Representatives, Committee on the Judiciary, *Polygamy in the Territories*, 36th Cong., 1st sess., 1860, H. Rep. 83, 3.

²⁷ U.S. Congress, House of Representatives, Committee on the Judiciary, *Polygamy in the Territories*, 36th Cong., 1st sess., 1860, H. Rep. 83, 4-5.

legislation.²⁸ Virtually all members of the House had come to agreement that Mormon polygamy “corrupt[ed] the morals of the community” and “pollute[d] the blood” of the American citizenry. It was accordingly “an evil which should be made a crime, and be punished by law.”²⁹ In discussing the punishments for polygamy, however, the committee’s suggestions moved well beyond the measures that Morrill had recommended. As such the committee report laid the groundwork for the additional pieces of anti-polygamy legislation that would be passed after the Morrill bill. Building upon the Morrill bill and the philosophy contained within this report, each successive bill pushed the reconstructive aspects of anti-polygamy legislation further.

Despite the upswell of support for anti-polygamy legislation, the larger national politics of 1860 continued to draw comparisons to the institution of slavery.³⁰ In the midst of the heated election of 1860, the question of whether a similar bill might be applied to slavery was a heated one. Republican Daniel W. Gooch of Massachusetts, one of the Morrill bill’s chief supporters, responded that he had “hoped that one question could be introduced into this Hall and discussed without the introduction of the subject of slavery.”³¹ But the rhetoric of twin relics of barbarism was pervasive throughout Congress, perpetually linking the two peculiar institutions to each other.³² Accordingly, the bill went unpassed during 1860. The following year, as the government dealt with the secession crisis and the outbreak of the Civil War, the anti-polygamy bill failed to come

²⁸ U.S. Congress, *Cong. Globe*, 36th Cong., 1st sess., 1494, (1860).

²⁹ U.S. Congress, *Cong. Globe*, 36th Cong., 1st sess., 1540, (1860).

³⁰ U.S. Congress, *Cong. Globe*, 36th Cong., 1st sess., 2592, (1860).

³¹ U.S. Congress, *Cong. Globe*, 36th Cong., 1st sess., 1541, (1860).

³² U.S. Congress, *Cong. Globe*, 36th Cong., 1st sess., 1877, (1860).

up for discussion. With the opening of the 37th Congress in 1862, however, Congress was unfettered by the need to defend the policies of Popular Sovereignty and Southern slavery. In the absence of the Southerners who had opposed the bill because they were “in the ‘same boat’ with the other twin [relic of barbarism],” anti-polygamy legislation found little opposition within the halls of Congress.³³

The anti-polygamy bill, however, was not a stand-alone piece of legislation. Rather it was a part of a sophisticated legislative agenda that codified the aims of the Republican Party. In the name of “freedom [and] progress,” the Republican-dominated Congress passed a litany of reconstructive legislation, including the Homestead Act, the Morrill Land-Grant Act, and the Pacific Railroad Act.³⁴ Added to these important pieces of legislation, Congress would pass the Morrill Anti-Bigamy Act as the first national piece of anti-polygamy legislation. Together these bills demonstrated the efforts of the Republicans to assert the complete sovereignty of the United States within the West, dictating the terms and conditions under which westering and settlement might be accomplished.

Whereas earlier efforts to introduce the bill had been met with debate and criticism, on April 8, 1862, Morrill introduced the bill to Congress “by unanimous consent.”³⁵ Upon introduction, the bill was referred to the Committee on Territories which promptly reported back a recommendation that Congress pass the proposed bill

³³ Walter Murray Gibson to Brigham Young, July 17, 1862, Brigham Young Office Papers, CR 1234 1, box 28, folder 21, CHL.

³⁴ George W. Julian, “Confiscation and Liberation,” in U.S. Congress, *Cong. Globe Appendix*, 37th Cong., 2nd Sess. 185 (1862).

³⁵ U.S. Congress, *Cong. Globe*, 37th Cong., 2nd sess., 1581, (1862).

(H.R. 391).³⁶ Although some objected to the timing of the bill, believing that the government had “trouble enough on [its] hands without invoking further trouble” at that time, or that it was “rather hasty legislation,” on the whole, the bill was readily agreed upon.³⁷ On July 1, Congress passed the bill, and the following day Abraham Lincoln signed it into law.³⁸

By the time of its passage, the contents and wording of the Morrill anti-Bigamy act had significantly expanded. As originally proposed, it still contained a punishment of “a fine not exceeding five hundred dollars” and “imprisonment for a term not exceeding five years,” but the bill also included a weighty statement specifically denouncing Mormon polygamy and annulling all legislative measures in Utah that “establish, support, maintain, or countenance polygamy.” Referencing years of debate, the measure affirmed that it did not “interfere with the right of property legally acquired . . . nor with the right ‘to worship God according to the dictates of conscience.’” But despite such assurances, the bill included provisions that could be interpreted as attacking both of those rights.

With regard to property ownership, the bill stated that “it shall not be lawful for any corporation or association for religious or charitable purposes to acquire or hold real estate in any Territory of the United States during the existence of the territorial government of a greater value than fifty thousand dollars.” Any religious organization violating that provision would find all of its property above and beyond that value

³⁶ U.S. Congress, *Cong. Globe*, 37th Cong., 2nd sess., 1847, (1862).

³⁷ U.S. Congress, *Cong. Globe*, 37th Cong., 2nd sess., 2507, (1862); U.S. Congress, *Cong. Globe*, 37th Cong., 2nd sess., 2769, (1862).

³⁸ “An Act to Punish and Prevent the Practice of Polygamy in the Territories of the United States and Other Places, and Disapproving and Annulling Certain Acts of the Legislative Assembly of the Territory of Utah,” *U.S. Statutes at Large* 12 (1863): 501-502; U.S. Congress, *Cong. Globe*, 37th Cong., 2nd sess., 3082, (1862).

“forfeited and escheat to the United States.”³⁹ An intriguing addition to an anti-polygamy law, this section of the bill dealt with the theocratic dimensions of Mormonism that seemed to challenge the sovereignty of the United States in Utah. At the same time, however, that section was worded in a way that had the potential to have wide-ranging implications that went well beyond Utah and Mormonism. The way this provision was written created the possibility of curtailing the growth of Catholicism throughout the West. Noting the potential problem, Democrat John S. Phelps of Missouri explained that he would not be surprised to learn that the Catholic church owned real estate in excess of fifty thousand dollars in Santa Fé.⁴⁰

With regards to polygamy, the law specifically targeted the idea that plural marriage could be legally construed as a religious institution and as a sacrament.⁴¹ Furthermore, the discussions in Congress had made clear that although the anti-polygamy bill was written as to prohibit the bigamous and polygamous practices in all of the territories, its implementation would be applied only toward Mormonism and not to other instances of cohabitation. Indeed, when the question arose as to whether the bill might be used to prosecute those living in adultery or even “living in bigamy and polygamy” in the other nation’s other territories, the decisive reply was that the Morrill act was applicable

³⁹ “An Act to Punish and Prevent the Practice of Polygamy in the Territories of the United States,” *U.S. Statutes at Large* 12 (1863): 501-502.

⁴⁰ U.S. Congress, *Cong. Globe*, 36th Cong., 1st sess., 2769, (1860).

⁴¹ “An Act to Punish and Prevent the Practice of Polygamy in the Territories of the United States,” *U.S. Statutes at Large* 12 (1863): 501.

“only to the Territory of Utah.”⁴² In discussing the contradiction, Congressmen agreed that “it would be of no utility to carry the act beyond the evil intended to be remedied.”⁴³

In spite of the assurances that the Morrill Anti-Bigamy Act would be applied only to Mormonism, the language of the law endowed the government with opportunities to make broad interpretations of the bill. As such, the Morrill Anti-Bigamy Act worked together with the other important pieces of legislation passed by the 37th Congress in dramatically expanding the broad powers of the federal government in the territories. In addition to providing the federal government with additional powers, these acts represented the first legislative efforts toward a national reconstruction. Unique among the reconstructive acts of 1862, the Morrill Anti-Bigamy Act specifically demonstrated that the government’s ability and willingness to enact legislative measures that would punish behaviors and attitudes deemed that were deemed to run counter to the emerging definitions and confines of Americanism.

Likely owing to the larger prevailing questions that dominated the American conscience during 1862, the passage of the anti-polygamy bill went relatively unheralded in both the Mormon and non-Mormon communities. Indeed, historically the Morrill Anti-Bigamy Act has largely been overshadowed by the other Morrill Act passed by Congress that same summer, allowing for the establishment of land grant colleges throughout the United States.⁴⁴ San Francisco Mormon Dwight Eveleth stated simply, “I anticipate no trouble from it (“the Bill”) whether it becomes a law or not.”⁴⁵ In his written report to

⁴² U.S. Congress, *Cong. Globe*, 36th Cong., 1st sess., 1540, (1860).

⁴³ U.S. Congress, *Cong. Globe*, 37th Cong., 2nd sess., 2506, (1862).

⁴⁴ “An Act Donating Public Lands to the Several States and Territories which may Provide Colleges for the Benefit of Agriculture and Mechanic Arts,” *U.S. Statutes at Large* 12 (1863): 503-505.

Young, Bernhisel seemed more interested in the Pacific Railroad Act and noted simply that the Morrill Anti-bigamy Act had been passed and, according to Young's request, he would forward a copy as soon as it was printed.⁴⁶ Young criticized the bill both privately and publicly, stating that "Congress had no Constitutional right" to pass an act that interfered with the religious practice of polygamy.⁴⁷ But on the whole, Young gave the bill little thought, expecting it to fail in its actual implementation.⁴⁸

Many non-Mormons were similarly unmoved by the law. The editors for San Francisco's *Daily Evening Bulletin* stated that they expected the bill to "remain substantially a dead letter, unless the Mormons, by hasty, ill-advised action shall bring on hostilities between themselves and the Federal Government." Although the Morrill-Anti-Bigamy Act had declared polygamy to be a criminal offense, punishable by law, the *Bulletin* expected that it could only be enforced in the Territory "at the point of a bayonet," which was highly unlikely owing to the Civil War.⁴⁹ Fearing that the law would either lead to war or remain unenforced, the *Bulletin* questioned the timing of its passage, explaining that "laws unexecuted are worse than no law, because they add to the

⁴⁵ Dwight Eveleth to Brigham Young, July 10, 1862, Brigham Young Office Papers, CR 1234 1, box 28, folder 20, CHL.

⁴⁶ John M. Bernhisel to Brigham Young, May 2, 1862, Brigham Young Office Papers, CR 1234 1, box 61, folder 6, CHL; Brigham Young to John M. Bernhisel, June 5, 1862, Brigham Young Office Papers, box 60, folder 8, CHL; John M. Bernhisel to Brigham Young, July 4, 1862, Brigham Young Office Papers, CR 1234 1, box 61, folder 6, CHL.

⁴⁷ Brigham Young, Sermon, July 6, 1862, in Richard S. Van Wagoner, ed., *The Complete Discourses of Brigham Young*, 5 vols. (Salt Lake City, UT: Signature Books, 2009), 4:2031.

⁴⁸ Brigham Young to Dwight Eveleth, July 17, 1862, Brigham Young Office Files, CR 1234 1, box 19, folder 24, CHL.

⁴⁹ "Are we to Have Another Mormon War?," *Daily Evening Bulletin* (San Francisco), July 15, 1862, page 2, column 3.

evil which they profess to cure, by inculcating disrespect of law, and educating the masses into the conviction that disobedience of law involves no moral turpitude.”⁵⁰

Both the Mormon and non-Mormon responses to the bill thus demonstrated the inherent challenges in legislative reconstruction. Although it was possible to pass important pieces of legislation, the implementation of those legislative acts often remained dependent upon the local governments for their implementation. These potential differences thus meant that the aims of the Civil Rights Act and the Fourteenth Amendment often outstripped the implementation of those laws in various states.⁵¹ Furthermore, just as the Mormons did with the Morrill Anti-Bigamy Act, the peoples targeted by reconstructive legislation frequently found or created loopholes to work around the restrictions established by national laws.⁵²

Efforts to Expand Anti-Polygamy Legislation

The passage of the Morrill Anti-Bigamy Act established a precedent for legislative opposition to Mormon polygamy but did little to actually resolve the question of plural marriage. Reporting from Camp Douglas in July 1864, Patrick Edward Connor noted that there was “peace throughout the Territory” except for “the continued and

⁵⁰ “The Punishment of Polygamy,” *Daily Evening Bulletin* (San Francisco), July 15, 1862, page 2, column 2.

⁵¹ Eric Foner describes the differing ways in which Northern cities implemented the Fourteenth Amendment with regards to schools for African Americans. Foner notes that while cities like Cleveland and Milwaukee “operated integrated systems” and even employed some black teachers, “New York City and Cincinnati maintained separate schools.” Eric Foner, *Reconstruction: America’s Unfinished Revolution, 1863-1877* (repr. 1988; New York: History Book Club, 2005), 471.

⁵² An important example of this was the creation of “paper families” in the aftermath of the Chinese Exclusion Act of 1882. D. Michael Bottoms, *An Aristocracy of Color: Race and Reconstruction in California and the West, 1850-1890* (Norman: University of Oklahoma Press, 2013), 179-181; Estelle T. Lau, *Paper Families: Identity, Immigration Administration, and Chinese Exclusion* (Durham, North Carolina: Duke University Press, 2006), 6-7.

frequent violation of the anti-polygamic law of Congress by the Mormons.”⁵³ The ineffectiveness of the law may have been largely due to the Civil War which prevented the nation from enforcing the Morrill Act with any real effectiveness. But even two years after the conclusion of the war, it seemed to some that anti-polygamy legislation was “as light as thin air” and amounted to nothing.⁵⁴

With the end of the Civil War, however, Congress began turning some of its attention and focus back to polygamy, and particularly to the problems that plagued the Morrill Act. Noting the ineffectiveness of the law, Republican Hamilton Ward of New York introduced a resolution to the House for the suppression of polygamy on December 18, 1865. The resolution specifically stated that “the law against polygamy has not been enforced.” With slavery having been abolished, the House deemed it essential that “this great and remaining barbarism of our age and country should be swept, like its twin system, slavery, from the Territories of the Republic” with Congress adopting “means adequate to that end.” With that result in mind, the resolution called for the House Committee on Territories to investigate “what means, civil or military” might be used “to effectually eradicate this evil from the land.”⁵⁵ Following the Christmas recess, Speaker of the House Schuyler Colfax reminded the House of the resolution, which was subsequently adopted.⁵⁶ Similarly, on January 6, 1866, Republican Ebon C. Ingersoll of

⁵³ Patrick Edward Connor to R. C. Drum, 1 July 1864, in United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (4 series, 70 vols. In 128 vols., Washington: Government Printing Office, 1880-1901), Series 1, 50.2:887 [hereafter cited as *O.R.*].

⁵⁴ U.S. Congress, *Cong. Globe*, 39th Cong., 2nd sess., 1804, (1867).

⁵⁵ U.S. Congress, *Cong. Globe*, 39th Cong., 1st sess., 75, (1865).

⁵⁶ U.S. Congress, *Cong. Globe*, 39th Cong., 1st sess., 138, (1866).

Illinois moved that the Committee on the Judiciary investigate whether additional anti-polygamy legislation would be necessary to bring an end to the practice.⁵⁷

Pursuant to Ward's resolution, the Committee on Territories submitted a report on polygamy to the House on July 23, 1866, which contended that the territory's Mormon populace "openly and defiantly violated" American laws.⁵⁸ In compiling the report, the committee interviewed several individuals who had resided in Utah, asking each to describe their impressions of the Mormon people. Each of the interviewees affirmed that the Mormons had disregarded the Morrill Act. Indeed, according to Patrick Edward Connor, they had become "more urgent and defiant than ever" in their polygamous practices, manifesting an avowed resistance to federal authority.⁵⁹ Joseph H. Nevett, who had been a sutler and merchant at Camp Douglas from 1862 to 1866, spoke to the challenges that polygamy created in Utah. He testified that polygamy had a degrading effect upon the people, leaving the women "broken-hearted" and the men "lustful and tyrannical." Similarly Norman McLeod, who had served as the chaplain for Fort Douglas, testified that polygamy was "an insult and horror" to the nation's women, "destroying her self-respect, robbing her of the proud character of [a] spiritual, intellectual, moral, responsible agent." Obviously noting the report's larger national context in 1866, McLeod drew clear connections between polygamy and slavery, stating that polygamy was akin to "putting a collar on her neck, placing her under the authority of a brutal tyrant

⁵⁷ U.S. Congress, *Cong. Globe*, 39th Cong., 1st sess., 130, (1866).

⁵⁸ U.S. Congress, House of Representatives, Committee on the Territories, *The Condition of Utah*, 39th Cong., 1st sess., 1866, H. Rep. 96, 1.

⁵⁹ Patrick Edward Connor, statement, in U.S. Congress, *The Condition of Utah*, 39th Cong., 1st sess., 1866, H. Rep. 96, 10-11.

. . . expressive of masterhood and ownership.”⁶⁰ Further highlighting the perceived connections to the South, he argued that 90 percent of the populace believed the North had been wrong during the Civil War and instead sympathized with the South. In short, Mormonism had nothing in common with the principles of American democracy.⁶¹ The report accordingly went well beyond a mere evaluation of the degree to which Mormons were subverting the anti-bigamy law. Rather, it served as an indictment of the very suggestion that Mormonism, as then constituted, could peacefully co-exist with the nation’s citizenry under the umbrella of American citizenship. Given the period’s pervasive efforts to define the strictures and boundaries of the citizenry, the growing concerns regarding Mormon polygamy demanded reconstructive action.⁶² If Mormons were ever to fit within the larger body of Americanism, polygamy could not persist.

Beyond its assessments of the state of affairs in Utah, the committee asked each of those interviewed for suggestions as to how the government should deal with the problems in Utah. Their recommendations ranged in nature, but each suggested measures that would have substantively undermined the constitutional rights of Utah’s Mormon populace. Nevett informed the committee that the best way to effect reformation in Utah was to strip Utah’s citizens of democratic rights, to disenfranchise all who practice polygamy, and to establish “a firm military government.”⁶³ McLeod suggested that the

⁶⁰ Norman McLeod, statement, in *The Condition of Utah*, 39th Cong., 1st sess., 1866, H. Rep. 96, 21-22.

⁶¹ McLeod, statement, in *The Condition of Utah*, 39th Cong., 1st sess., 1866, H. Rep. 96, 19-20.

⁶² Elliott West, *The Last Indian War: The Nez Perce Story* (New York: Oxford University Press, 2009), xxi.

⁶³ Joseph H. Nevett, statement, in *The Condition of Utah*, 39th Cong., 1st sess., 1866, H. Rep. 96, 3-4.

government ought to withhold titles to land from all polygamists and then “disfranchise them so as to disqualify them to act as jurors and to hold office.” To change the popular dynamics of the territory, he requested additional government encouragement for “immigration, mining, and above all the Pacific railroad” that would be protected by a detachment of two thousand troops commanded by some prestigious military leader whose reputation might cause trepidation among the Saints. Finally, McLeod stated that the government either needed to enforce or annul the Morrill Act.⁶⁴ Like Nevett and McLeod, Connor believed that the situation in Utah required a military presence, with at least two thousand troops stationed there to encourage people to sever their connections with Mormonism. He further advised Congress to pass additional legislation “forever disfranchising and making ineligible to office all Mormons” who had entered into polygamy after the Morrill Anti-Bigamy Act had been signed into law. Finally, to ensure that Mormonism be entirely divested of power, he encouraged Congress to repeal Utah’s organic act and replace it with a government that placed the entire law-making power of the territory into the hands of the governor and the federal judges.⁶⁵ Although the committee ultimately declined to adopt the suggestions to abolish Utah’s territorial government and establish a military government in its place, such suggestions made clear that in 1866 Utah was in a state of reconstruction, not unlike the unruly Southern states.⁶⁶

⁶⁴ McLeod, statement, in *The Condition of Utah*, 39th Cong., 1st sess., 1866, H. Rep. 96, 21.

⁶⁵ Connor, statement, in U.S. Congress, *The Condition of Utah*, 39th Cong., 1st sess., 1866, H. Rep. 96, 13-14.

⁶⁶ U. S. Congress, *The Conditions of Utah*, 39th Cong., 1st sess., 1866, H. Rep. 96, 1. For more information regarding the military occupancy of the South following the Civil War, see Gregory P. Downs, *After Appomattox: Military Occupation and the End of the War* (Cambridge, Massachusetts: Harvard University Press, 2015).

Curiously absent from the Committee's investigations were any interviews with Mormons. The report did include a statement from Mormon sympathizer E. J. Bennett and a letter written by Utah's Mormon delegate to Congress, William H. Hooper. But it was clear that the Committee had not made any real efforts to obtain and consider the Mormon perspective in their findings. Indeed, responding to Hooper's request to "introduce rebutting testimony" for their consideration, committee chairman James M. Ashley responded that the committee members "were unable to satisfy themselves that any material facts could be obtained" by an effort to obtain the Mormon point of view.⁶⁷ This unwillingness to include and consider the thoughts and counter-arguments of Latter-day Saints further reinforced the degree to which Ashley and other Republican leaders considered Mormonism to fall beyond the pale of American citizenship. Similar to the former slaveholders in the South, Mormons had, by their perceived recalcitrance, forfeited their place in such discussions. Ultimately, despite acknowledging the significance of the Mormon problem and the continued issues posed by polygamy in spite of the Morrill Anti-Bigamy Act, the report suggested no immediate course of action. Ashley explained that the committee had failed to see any "practical solution of the abuses and evils complained of" and therefore delayed any decisions regarding polygamy.⁶⁸

Responding to the memorial, the committee on the Judiciary declined to negate the Morrill act, explaining that the petition had been tantamount to a request for Congress

⁶⁷ William H. Hooper to James M. Ashley, June 18, 1866, in U.S. Congress, *The Conditions in Utah*, 39th Cong., 1st sess., 1866, H. Rep. 96, 29; U. S. Congress, *The Conditions of Utah*, 39th Cong., 1st sess., 1866, H. Rep. 96, 1-2.

⁶⁸ U. S. Congress, *The Conditions of Utah*, 39th Cong., 1st sess., 1866, H. Rep. 96, 1.

to legally validate the practice of polygamy. Responding to the claims that anti-polygamy laws violated the Constitution, the Committee stated simply that it did not violate the first amendment “to punish crimes against society,” regardless of whether an individual or a group deemed those actions to be a part of their religious devotion. Supporting that statement they explained that polygamy was a part of “almost every system of heathenism and barbarism” and that its effect was to undermine society. As a result, civilized Christian nations had universally agreed that polygamy was “one of the highest crimes against society.” Responding to Mormon complaints that polygamy did not violate the Morrill Anti-Bigamy Act because it had been passed as an act of *ex post facto* legislation, the committee explained that the Act had merely legitimated what civilized nations had previously agreed upon.⁶⁹ Hoping to increase the enforcement of the law, they suggested that uncooperative judges “should be removed without delay, and others appointed in their stead.” Thus, rather than recommending its repeal, the committee moved that the law be “fully enforced,” noting that the faithful execution of the laws ultimately rested with U.S. President Andrew Johnson.⁷⁰

Despite the recommendations of the Committees on the Judiciary and the Territories, during 1866 and 1867, Congress simply had more pressing matters to deal with than polygamy. When Illinois Republican Burton Cook moved that the House give greater attention to the report from the Committee on the Judiciary, fellow Illinoisan

⁶⁹ U.S. Congress, *Cong. Globe*, 39th Cong., 2nd sess., 1024, (1867); U.S. Congress, House of Representatives, Committee on the Judiciary, *Utah*, 39th Cong., 2nd sess., 1867, H. Rep. 27, 1.

⁷⁰ U.S. Congress, *Utah*, 39th Cong., 2nd sess., 1867, H. Rep. 27, 2-4; U.S. Congress, *Cong. Globe*, 39th Cong., 2nd sess., 1651 (1867). The statement regarding the President may have been a vague reference to the persistent attitudes in Congress that Andrew Johnson had disregarded his duties to execute the laws of the land. Such concerns ultimately culminated an impeachment effort and Johnson’s “trial before the Senate for ‘high crimes and misdemeanors.’” Foner, *Reconstruction*, 333-336.

Lewis Ross, a Democrat, countered that another issue was “of more importance now than the question of polygamy in the Territories.”⁷¹

Although many of the anti-polygamy efforts of this period abortively culminated in various reports, Congress proposed other bills to augment its anti-polygamy efforts. Having addressed the country’s most prevalent “relic of barbarism,” the Republicans began turning their sights and legislative efforts toward the nation’s other relic, with several pieces of legislation coming out of this effort. Each of these bills demonstrated the reconstructive nature of the federal government’s policy in Utah in particular and throughout the West in general. Although focused on the issue of Mormon polygamy, these bills helped to establish the nation’s emerging specifications and limits of American citizenship.

In June 1866, Republican Senator Benjamin Wade of Ohio proposed a bill to establish guidelines regarding the selection of jurors in Utah.⁷² The bill specified that only naturalized American citizens were “competent to serve as grand or petit jurors” in the territory. The bill was clearly directed at ensuring that Utah’s large and growing population of Mormon emigrants from Europe did not serve on juries without becoming citizens. But Wade’s legislation went far beyond the generally accepted notion that juries ought to be composed of American citizens.⁷³

The title of the bill provided not only for the regulation of Utah’s juries, but also allowed it to accomplish “other purposes.” These “other purposes” included additional

⁷¹ U.S. Congress, *Cong. Globe*, 39th Cong., 2nd sess., 1651 (1867).

⁷² U.S. Congress, *Cong. Globe*, 39th Cong., 1st sess., 3503 (1866).

⁷³ U.S. Congress, Senate, A Bill to Regulate the Selection of Grand and Petit Jurors in the Territory of Utah, and for Other Purposes, S. 404, 39th Cong., 1st sess., (June 30, 1866).

provisions that were unmistakably directed at Mormonism. Section 8 of the bill allowed the government to tax the real estate and property of “any religious society, corporation, or association” above and beyond twenty-thousand dollars. Working together with the Morrill Anti-Bigamy Act, the provision would have assured not only that the institutional church could not own in excess of fifty thousand dollars of property, but that it would be taxed on any holdings in excess of twenty-thousand dollars. Although this provision was to be “applied equally and without discrimination to every kind and description of sects and denominations,” Wade’s bill applied only to Utah, making it highly unlikely that any other denomination would accumulate enough property to be affected by the stipulation. The final section explained that all marriages were to be performed by a regularly ordained minister or a justice of the supreme court and required legal documentation. An amendment to that section of the bill stated that those who solemnized marriages without legal authorization were guilty of a misdemeanor offense, punishable by a fine of up to five hundred dollars and six months imprisonment.⁷⁴

While the Wade bill failed to become law, it demonstrated the nation’s growing commitment to anti-polygamy in the years following the Civil War. The punishments listed in the Wade bill demonstrated the kind of broad powers that the federal government began exercising during the Reconstruction Era. Whereas sectional concerns had forced Congress to be cautious about the implementation of punitive punishments in the years prior to the Civil War, the Union victory and the end of American slavery provided Congress with the opportunity to redefine the contours of American citizenship, dramatically expanding its enumerated powers.

⁷⁴ U.S. Congress, Senate, A Bill to Regulate the Selection of Grand and Petit Jurors in the Territory of Utah, and for Other Purposes, S. 404, 39th Cong., 1st sess., (June 30, 1866).

Anti-Polygamy Legislation and Female Suffrage in Utah

Despite the larger national issues, further efforts to deal with the question of polygamy continued from 1867 through 1870. In an attempt to finally resolve the Mormon question, Congress turned its attention to another large national question: female suffrage. Seeing Utah's women as slaves and victims to a barbaric system of slavery, Americans believed that enfranchised Mormon women would inevitably use their votes to undermine polygamy.

Politicians were not first to suggest that granting Utah's women the right to vote could be used to fight against polygamy. On December 17, 1867, the *New York Times* editorialized, "There is one State or Territory in which female suffrage might be tried with novel effect—the Territory of Utah—the State of Deseret."⁷⁵ In making the suggestion, the *Times* built upon the pervasive idea that Mormon Women were captives in a system of "white slavery" and would therefore welcome their own emancipation by means of enfranchisement.⁷⁶ Just as emancipated Southern slaves had taken up arms to fight against the Confederacy, the *Times* assumed that enfranchised Mormon women would take up ballots to fight against the Mormon hierarchy. The paper hoped that if Utah's women were given the right to vote with "'sealed' ballots," they would use their votes to abandon polygamy and undermine the territory's polygamous hierarchy, finally bringing a conclusion to the long-debated Mormon question.⁷⁷

⁷⁵ [Untitled Article], *New York Times*, December 17, 1867, page 4, column 5.

⁷⁶ Reeve, *Religion of a Different Color*, 140-142; Rogers, *Unpopular Sovereignty*, 79; Goldfield, *America Aflame*, 122; Christine Talbot, *A Forgotten Kingdom: Mormons and Polygamy in American Political Culture, 1852-1890* (Urbana: University of Illinois Press, 2013), 63-104.

⁷⁷ [Untitled Article], *New York Times*, December 17, 1867, page 4, column 5.

Beyond the hoped-for undermining of polygamous relationships, the potential enfranchisement of Mormon women had larger national implications. The suggestion came amidst heavy criticisms that reconstruction politicians had betrayed their supporters in the women's movement by demurring on the question of women's suffrage. While reconstruction-oriented politicians like Charles Sumner were content to leave women's suffrage as "the great question of the future" in the eastern states, other politicians believed that it could be used to help govern and regulate the territories in the West.⁷⁸ For the *New York Times*, among all of the western territories, Utah seemed to present the ideal location to grant the franchise to women.

Accordingly, during 1867 and 1868 Republican George Julian of Indiana proposed three separate bills to grant women the right to vote in the United States territories, with one specific bill dedicated to granting women the franchise in Utah.⁷⁹ The idea finally gained traction during March 1869 when Julian introduced the women's suffrage as a means to "discourage polygamy in Utah."⁸⁰ Determining that "all other means—persecuting and persuading, coaxing, fighting, settling, and 'leavening' with Gentiles" had ultimately "failed to root out polygamy," additional members of Congress grew more supportive of the measure. Perplexed as to how they might destroy polygamy, Congressmen determined that the only recourse was to put the ballot "in the hands of

⁷⁸ Foner, *Reconstruction*, 255-56; Holly J. McCammon and Karen E. Campbell, "Winning the Vote in the West: The Political Successes of the Women's Suffrage Movements, 1866-1919," *Gender and Society* 15, no. 1 (February, 2001): 55-82; Rebecca Mead, *How the West Was Won: Woman Suffrage in the Western United States, 1868-1914* (New York: New York University Press, 2006).

⁷⁹ Sarah Barringer Gordon, "'The Liberty of Self-Degradation': Polygamy, Women's Suffrage, and Consent in Nineteenth-Century America," *Journal of American History* 83, no. 3 (December 1996), 825; Jill Mulvay Derr, et al., *The First Fifty Years of Relief Society: Key Documents in Latter-Day Saint Women's History* (Salt Lake City, Utah: Church Historian's Press, 2016), 333.

⁸⁰ U.S. Congress, *Cong. Globe*, 41st Cong., 1st sess., 72 (1869).

women,” allowing them the “right to express an opinion.” But as Congressmen seemed to grow more certain of the plan’s success, the Times began to question whether female suffrage would weaken, or actually strengthen, Mormon polygamy.⁸¹

The Times had reason to be wary of how Utah would respond. Learning of the Julian bill, Utah’s *Deseret News* reported that the bill was worthy of national attention. Believing the suggestion to be a good one, the *News* concluded, “Verily the world progresseth.”⁸² The paper’s Mormon editors stated unequivocally that they liked the suggestion and believed, as did Julian, that the bill would settle the Mormon question “without the fuss and trouble which have heretofore attended the various schemes” that had been proposed to eliminate polygamy. According to the *Deseret News*, the country ought to leave the matter up to Utah’s women, and Congress be satisfied even “if the ladies should exercise the right of suffrage and yet not discourage nor break down polygamy.”⁸³ Echoing these sentiments, Utah congressman William H. Hopper reportedly informed Julian that he favored the bill’s passage and knew of no reason why Utah’s leaders would object to its passage.⁸⁴ At least some Utah women responded similarly. During a meeting of women intended to protest the Cullom bill, Bathsheba W. Smith approved of the protest and moved that the assembled women “demand of the Gov[ernment] the right of Franchise.”⁸⁵

⁸¹ “The Women of Utah,” *New York Times*, March 5, 1869, page 6, column 7, and page 7, column 1.

⁸² “Female Suffrage in Utah,” *Deseret News*, March 24, 1869, page 6, columns 2-3.

⁸³ “A New Plan,” *Deseret News*, March 24, 1869, page 6, column 2.

⁸⁴ Lola Van Wagenen, “Sister-Wives and Suffragists: Polygamy and the Politics of Woman Suffrage, 1870-1896,” (PhD Dissertation, New York University, 1994), 55-56.

The Mormon reaction to the proposal shocked Congress into a reconsideration and eventual rejection of the Julian bill. Still hoping to prove their point, however, Utah's Mormon-dominated territorial legislature moved forward with its own legislation granting the franchise to the territory's women on February 1, 1870.⁸⁶ Further proving its commitment to suffrage, the *Deseret News* advocated a constitutional amendment granting the vote to women. Intriguingly the News drew upon many of the same arguments for granting women the franchise that Julian and the *New York Times* had listed. The editorialists stated their belief that women would use the vote to their benefit and that it would "tend more to diminish prostitution and the various social evils which overwhelm society than anything hitherto devised under universal male suffrage."⁸⁷ Whereas others had argued that female franchise would eliminate the evil of polygamy, Mormons maintained that granting women the vote would indeed undermine social evils, but that polygamy was not one of those evils destined for elimination.

The Cullom Bill and the Poland Act

A year after the failure of the Wade bill, Republican Shelby Cullom of Illinois introduced a bill written by Utah attorney Robert N. Baskin to "aid in the execution of the laws in the Territory of Utah."⁸⁸ A non-Mormon resident of Utah, Baskin was a virulent

⁸⁵ "Minutes of 'Ladies Mass Meeting,' January 6, 1870," in Derr, et al., *The First Fifty Years of Relief Society*, 308.

⁸⁶ Van Wagenen, "Sister-Wives and Suffragists," 7.

⁸⁷ "'Female Suffrage in Utah,' February 8, 1870" in Derr, et al., *The First Fifty Years of Relief Society*, 336.

⁸⁸ U.S. Congress, House of Representatives, *A Bill in Aid of the Execution of the Laws in the Territory of Utah, and for Other Purposes*, H.R. 1089, 41st Cong., 2nd sess., (February 3, 1870); Davis Bitton, *George Q. Cannon: A Biography* (Salt Lake City: Deseret Book Company, 1999), 164.

opponent of polygamy and the Latter-day Saint community.⁸⁹ Cullom likewise was no stranger to the Mormons and had a long history of opposition toward them.⁹⁰ As a resident of the Illinois state legislature during the 1840s, Cullom had helped to force the Latter-day Saints out of Nauvoo. Cullom later boasted, “I had the honor—and . . . I consider it a signal honor—of preparing the first anti-Mormon bill ever presented to a legislature. The Mormons had been bidding for a foundation in Illinois, and we had sent them, bag and baggage, after the Star of the Empire.”⁹¹ Two decades after that moment, Cullom presented a bill to the House that represented a complex assault upon Mormon power and authority in Utah and further delineated the emerging aims of the reconstructive efforts in Utah. Indeed, historian Ronald Walker has referred to the Cullom bill as “Utah’s version of Southern Reconstruction” because of the vast array of provisions in the bill that either limited or eliminated Mormon rights.⁹² The comparison was apt. Responding to questions regarding the harshness of the bill, Cullom referenced Southern reconstruction, noting that Congress had “already adopted” similar principles “in regard to certain classes of men lately in the rebellion against the Government,” and should therefore apply those same principles to Mormonism.⁹³

⁸⁹ John Gary Maxwell, *Robert Newton Baskin and the Making of Modern Utah* (Norman, Oklahoma: Arthur H. Clark Company, 2013).

⁹⁰ Shelby M. Cullom, *Fifty Years of Public Service: Personal Recollections of Shelby M. Cullom, Senior United States Senator from Illinois* (Chicago, Illinois: A. C. McClurg & Co., 1911), 141, 222-223,

⁹¹ Shelby M. Cullom, “The Menace of Mormonism,” *The North American Review* (September 1905): 382; Ronald W. Walker, *Wayward Saints: The Social and Religious Protests of the Godbeites Against Brigham Young* (repr. 1998; Salt Lake City: University of Utah Press, 2009), 214.

⁹² Walker, *Wayward Saints*, 215.

⁹³ U.S. Congress, *Cong. Globe*, 41st Cong., 2nd sess., 1371 (1870).

Similar to the Wade bill, much of the Cullom bill was aimed at regulating Utah's district courts and their juries. Even the most ardent of Mormon supporters likely would have found held little objection to the outward appearance of these provisions, which ensured that only naturalized American citizens were able to sit upon juries. The underlying purposes of these measures, however, constituted a subtle assault upon Utah's territorial sovereignty. The purpose of such efforts was to divest Utah's probate courts and their Mormon judges and juries of the jurisdiction over polygamy cases.⁹⁴ The bill accordingly took on the perceived failures of the Morrill Anti-Bigamy Act by attempting to make it easier for the criminal justice system to find and prosecute polygamists.

Similar to the failed Wade bill, however, the Cullom bill provided not only for the restructuring of the justice system, but also for "other purposes."⁹⁵ The bill proposed significant limits upon the rights of those practicing polygamy. Most significantly, it proposed a ban on any foreign participants in polygamy becoming citizens of the United States, including the rights to receive the benefits of both the homesteading and preemption laws. Similarly, Cullom suggested dramatic increases in the punishments for cohabitation. Whereas the Morrill Anti-Bigamy Act had provided for a fine of up to \$500 and imprisoned between two and five years for their offense, the Cullom bill doubled the fine for cohabitation to a thousand dollars and stipulated that five-year prison term be a sentence of "hard labor."⁹⁶ The bill further allowed the military to have an even greater

⁹⁴ Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2002), 112.

⁹⁵ U.S. Congress, House of Representatives, *A Bill in Aid of the Execution of the Laws in the Territory of Utah, and for Other Purposes*, S. 1089, 41st Cong., 2nd sess., (February 3, 1870).

⁹⁶ U.S. Congress, *Cong. Globe*, 34th Cong., 1st sess. 1491 (1856); U.S. Congress, House of Representatives, *A Bill in Aid of the Execution of the Laws in the Territory of Utah, and for Other Purposes*, H.R. 1089, 41st Cong., 2nd sess., (February 3, 1870).

presence in Utah, with the president being empowered to “send such a portion of the army” as he deemed necessary to deal with the Mormon problem. The territory’s federal marshal was authorized to deputize the military to “suppress any mob, riot, or disturbance of the peace,” with the guilty being imprisoned in military prisons in the event that there was not a suitable prison to confine them.⁹⁷

In addition to these other provisions, the bill required that any Mormon seeking American citizenship or a federal office to take an oath making a formal disavowal of polygamy before they could be qualified to receive the benefits of preemption, homesteading, or the franchise. The oaths resembled the “ironclad oath” required of office-seeking Southerners in the years following the Civil War. More than a “pledge of future loyalty,” both the Southern and Mormon oaths demanded past loyalty of those seeking to enjoy the rights of Americanism.⁹⁸ Cullom’s oath read:

I . . . do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been admitted a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the functions of any office whatever, under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile or inimical thereto; (or I solemnly swear (or affirm) that I have been relieved by an act of Congress, as provided for by the third section of the fourteenth article of the amendments to the Constitution of the United States) that I am not living in or practicing bigamy, polygamy, or concubinage, and I will not hereafter live in or practice the same. And I do further swear (or affirm) that to the best of my knowledge and ability I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey all of the laws of the United States, and will not counsel, advise, or encourage any other person to disobey or violate the

⁹⁷ U.S. Congress, House of Representatives, *A Bill in Aid of the Execution of the Laws in the Territory of Utah, and for Other Purposes*, S. 1089, 41st Cong., 2nd sess., (February 3, 1870).

⁹⁸ Foner, *Reconstruction*, 60-61

same; and I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.⁹⁹

For all intents and purposes, this provision of the bill would have disallowed all Mormon leaders from holding office and exercising the full rights of their American citizenship. As such, the bill struck at the very heart of the Mormon leadership structure, limiting the opportunities of almost all Mormon men holding ecclesiastical positions of bishop and higher; in most cases including those who might also have qualified for federal appointments. For any who met those requirements, the oath required that they separate themselves from their Mormon heritage by vowing to never “counsel, advise, or encourage any other person to disobey or violate the same.”¹⁰⁰ Beyond not practicing polygamy himself, any officer who took the oath bound himself to never support or teach the principle in any position, including ecclesiastical positions. Upheld to the letter, the oath would have required any Latter-day Saint participants to disassociate themselves from the tenets of nineteenth-century Mormonism, which held polygamy to be a fundamental part in the faith’s beliefs. Accordingly, embedded into both the oath and the Cullom bill was the idea that Mormonism was fundamentally anti-American, and in order to receive the full rights of American citizenship, Latter-day Saints had to abandon key aspects of their faith.

Also entrenched within the oath was a Congressional condemnation of the Utah War of 1857-1858. The oath required that the participants had never taken up arms

⁹⁹ U.S. Congress, House of Representatives, *A Bill in Aid of the Execution of the Laws in the Territory of Utah, and for Other Purposes*, H.R. 1089, 41st Cong., 2nd sess., (February 3, 1870).

¹⁰⁰ U.S. Congress, House of Representatives, *A Bill in Aid of the Execution of the Laws in the Territory of Utah, and for Other Purposes*, H.R. 1089, 41st Cong., 2nd sess., (February 3, 1870).

against the United States. This language evinced the existence of longstanding unease regarding the leniency with which Mormons had been treated at the end of the conflict. It suggested that, in the eyes of Congress, although the pardons that the Peace Commissioners had granted to participating Mormons were legally valid, they had not entitled the recipients of said amnesties the full rights of citizenship without an express act of Congress. The notion accordingly mirrored the recently ratified Fourteenth Amendment which allowed Congress to abrogate the rights of former Confederate leaders, despite their having received presidential pardons from Andrew Johnson.¹⁰¹ The test oath allowed Congress to impose penalties upon the Mormon leaders who had participated in the Utah War, while still giving lip service to the amnesty agreements of 1858. According to one report federal official and non-Mormon Utahn George W. Maxwell drew upon the fourteenth amendment to challenge the eligibility of William W. Hooper to serve in Congress. Maxwell argued that “Hooper was personally disqualified by the part he took in the Utah rebellion for taking a seat in Congress.”¹⁰²

Despite Fitch’s criticisms, the Cullom bill passed the house on March 23, 1870 with some revisions.¹⁰³ The following day, the bill was referred to the Senate.¹⁰⁴ When the bill was brought up on May 2, the Senate passed over it because it was “an important

¹⁰¹ Section three of the amendment reads, “No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.” Foner, *Reconstruction*, 190-91, 247.

¹⁰² “The Crisis in Mormondom,” *The Sun* (New York), December 3, 1870, page 2, column 6.

¹⁰³ U.S. Congress, *Cong. Globe*, 41st Cong., 2nd sess., 2180-2181 (1870); Walker, *Wayward Saints*, 221.

¹⁰⁴ U.S. Congress, *Cong. Globe*, 41st Cong., 2nd sess., 2189 (1870).

bill and [would] give rise to debate.”¹⁰⁵ Initially, the Cullom bill found significant support in the Senate, with New Hampshire Republican Aaron H. Cragin as its most prominent supporter. Voicing his support before Congress, he explained that although “the record of the Republican party is already glorious and immortal,” the continued existence of polygamy meant that the party’s stated “mission [was] not yet complete.”¹⁰⁶ Echoing the pervasive Northern sentiments that the nation had been held responsible for the sin of slavery, Cragin warned the Senate, “The time is coming, and now is, when this nation will be held responsible for the continuance of this system of barbarism and crime.”¹⁰⁷ Although he did not expect that the Cullom bill would “at once and entirely remove the evils” of Utah, still he was certain that the bill would “do good now, and [would] very soon be the means of overthrowing and destroying a great ‘barbarism.’”¹⁰⁸

Despite Cragin’s advocacy, however, the Cullom bill died a rather quiet death after being referred to the Senate Committee on the Territories. Committee chairman James W. Nye, a Nevada Republican, failed to bring the bill before the committee’s discussions, never explaining the decision. Historians David Bigler and Will Bagley have suggested that the failure was the result of political intrigue on Nye’s part, citing Nye’s public offer to “sell his vote” during Johnson’s impeachment hearings.¹⁰⁹ In spite of its

¹⁰⁵ U.S. Congress, *Cong. Globe*, 41st Cong., 2nd sess., 3136 (1870).

¹⁰⁶ U.S. Congress, *Cong. Globe*, 41st Cong., 2nd sess., 3573 (1870).

¹⁰⁷ U.S. Congress, *Cong. Globe*, 41st Cong., 2nd sess., 3577 (1870).

¹⁰⁸ U.S. Congress, *Cong. Globe*, 41st Cong., 2nd sess., 3581-3582 (1870).

¹⁰⁹ David L. Bigler, *The Forgotten Kingdom: The Mormon Theocracy in the American West, 1847-1896* (Spokane, Washington: Arthur H. Clark Company, 2005), 285; Will Bagley, *Blood of the Prophets: Brigham Young and the Massacre at Mountain Meadows* (Norman: University of Oklahoma Press, 2002), 283.

failure, however, the Cullom bill was one of the first Congressional efforts to take full advantage of the wide-ranging powers granted to Congress for reconstructive purposes. Mormons sensed the emerging dangers created by such legislation. Whereas the faith had been generally nonchalant in their responses to the Morrill-Anti-Bigamy Act, the community expressed outrage over the possibilities of the Cullom legislation.

Mormon women were particularly adamant in their expressions of distaste for the bill. Throughout the month of January, Mormon women gathered in “indignation meetings” throughout the territory to publicize their outrage over the bill.¹¹⁰ The women condemned the “infamous bill” as an attack upon “civil and religious liberty.” Then, reversing the narrative that anti-polygamy legislation was emancipatory in nature, they stated that the Cullom bill was designed to make Mormons “menial serfs.” Mormon women were not, according to female leader Eliza R. Snow, confined to “the bonds of servitude.” Snow wished it known that Mormon women were “not inferior to the Ladies of the World” and did not wish to be portrayed as though they were. Rather, in Snow’s view, they were the equals of and even enjoyed political privileges that went beyond those available to their American sisters.¹¹¹ Mormon women declared that expressed their opinion that such legislative acts would lead to “the speedy downfall of all our Freedom,

¹¹⁰ Indignation meetings were a popular form of protest among northerners during the antebellum period. Laurel Thatcher Ulrich, *A House Full of Females: Plural Marriage and Women’s Rights in Early Mormonism, 1835-1870* (New York: Alfred A. Knopf, 2017), xii; Michael E. Woods, “‘The Indignation of a Freedom-Loving People’: The Caning of Charles Sumner and Emotion in Antebellum Politics,” *Journal of Social History* 44, no. 3 (Spring 2011): 689-705; Salt Lake Seventeenth Ward Relief Society, Minutes, January 25, 1870, Seventeenth Ward Relief Society Minutes and Records, LR 8240 14, volume 1, CHL; Fillmore Ward Relief Society, Minutes, January 25, 1870, Fillmore Ward Relief Society Minutes and Records, LR 2858 14, volume 1, page 32, CHL; Weber Stake Relief Society, Minutes, January 30, 1870, Weber Stake Relief Society Minutes and Records, LR 9970 14, volume 1, page 51, CHL; American Fork Ward Relief Society, Minutes, January 24, 1870, LR 10636 14, volume 1, pages 35-38, CHL.

¹¹¹ “‘Minutes of ‘Ladies Mass Meeting,’ January 6, 1870” in Derr, et al., *The First Fifty Years of Relief Society*, 306-307.

protection, and Equal rights.”¹¹² Whereas the Reconstruction amendments had been built upon the premise and promise of “a new birth of freedom” and the extension of equal rights among the citizenry, Mormon women used the Cullom Bill as evidence of the death of American freedoms and, what they saw as the fantasy of equal rights in the United States.¹¹³

The Poland Act

The constant failures of proposed anti-polygamy bills like the Cullom bill did not deter congressmen in their efforts to craft tougher anti-polygamy legislation. During the early 1870s, several such bills made their way into the deliberations of congressional committees. By January 1874, congressional committees were considering as many as five different anti-polygamy measures.¹¹⁴ Utah’s representative to Congress, apostle George Q. Cannon believed that “by presenting so many Bills and having them referred to various committees,” it was inevitable that “one or more of them [could] be discussed, agreed upon and reported to the House,” ultimately becoming law.¹¹⁵ In another letter to Brigham Young, Cannon outlined the purpose of the proposed bills, explaining that they had been written out of the belief that “Utah is not thoroughly constructed.” The similarities between the bills related to Utah and those for the postbellum South was not

¹¹² American Fork Ward Relief Society, Minutes, January 24, 1870, LR 10636 14, volume 1, pages 36-38, CHL.

¹¹³ Abraham Lincoln, “Address Delivered at the Dedication of the Cemetery at Gettysburg,” November 19, 1863, in Roy P. Bassler, ed., *The Collected Works of Abraham Lincoln*, 8 vols. (New Brunswick, New Jersey: Rutgers University Press, 1953), 7:18-23.

¹¹⁴ George Q. Cannon to Brigham Young, January 6, 1874, Brigham Young Office Files, CR 1234 1, box 38, folder 18, CHL.

¹¹⁵ George Q. Cannon to Brigham Young, December 15, 1873, Brigham Young Office Files, CR 1234 1, box 38, folder 17, CHL.

lost on Cannon, who believed that they had been crafted to ensure “the regulation of affairs within [Utah]” and thus to “reconstruct her.”¹¹⁶

Toward the end of April 1874, Congressman Luke Poland of Vermont submitted a bill to the House regulating Utah’s territorial courts and judicial officers. Like its several predecessors, the bulk of the bill was administrative in nature, defining the roles and functions of various officers within Utah’s judicial system. At its core, however, the bill represented another attempt to strengthen Congressional anti-polygamy powers. In discussing the makeup of Utah’s juries, the proposed bill held that in polygamy cases, the court could dismiss jurors who either practiced polygamy or “believe[d] in the rightfulness of the same.”¹¹⁷ As such, the bill struck not only at Mormonism’s marital practices, but also at the heart of nineteenth-century Mormonism’s beliefs. By stripping Mormons of the right to serve on juries, the bill aimed to reconstruct the judicial governance of the territory.

On June 2, 1874, Republican Lorenzo Crouse of Nebraska called the Poland Bill into question. Although opposed to polygamy, Crouse stated his concern that the bill would “become a precedent for the future” actions in other territories and would therefore constitute “a dangerous step for us to take.” For him, the Poland bill and others like it were “striking down the very first principles of American liberty” in that they denied Mormons the right of self-governance.¹¹⁸ Democrat Clarkson N. Potter of New York similarly worried about the legal precedents the bill established. He explained that as the

¹¹⁶ George Q. Cannon to Brigham Young, May 9, 1872, Brigham Young Office Files, CR 1234 1, box 38, folder 16, CHL.

¹¹⁷ U.S. Congress, House of Representatives, *A Bill in Relation to Courts and Judicial Officers in the Territory of Utah*, H. R. 3097, 43rd Cong., 1st sess., (April 25, 1874).

¹¹⁸ *Congressional Record*, 43rd Cong., 1st sess., 1874, p. H4468-H4469.

bill stood in June 1874, it allowed U.S. judges to select the juries for the courts over which they presided. Seeing this as a gross miscarriage of justice, Potter stated that “it would be better to drive this Mormon people out of the Territory without color of law at the point of the bayonet than to establish a precedent of this character” which would allow Federal officers to pack juries. Of particular concern for Potter was the bill’s provision barring any who believed in polygamy from serving on federal courts. The measure would have practically excluded all Mormons from participating in juries throughout Utah.¹¹⁹

Despite these expressed concerns, worries about the loyalty and practices of the Mormon community transcended the fears about the potential precedent that such a measure would set. Republican John Cessna of Pennsylvania reminded the body of these issues, reminding Congress that Mormons had “an obligation to the church [and] to the hierarchy” that reigned supreme and overrode national authority and law in Utah. Building off Cessna’s remarks, Republican Jasper D. Ward of Illinois argued that the bill was necessary to protect the growing numbers of non-Mormons who were moving to Utah from a large population of people who were followers of an “‘unknown god’ . . . that sacrifices women to the lusts of men under the form of a plurality of wives.” Despite his beliefs in the freedom of religion, he reminded his fellow congressmen of the “enormous crimes which have been perpetrated in the name of religion.” Ward accordingly extolled the virtues of the Poland bill and urged its passage, explaining that if there was any fault in it that would cause him to object, it was that the bill was “more liberal” toward the Mormons than he thought it ought to be.¹²⁰ Following some additional

¹¹⁹ *Congressional Record*, 43rd Cong., 1st sess., 1874, p. H4470.

discussion, the House passed the Poland bill by a count of 159 to 55, with 75 abstentions.¹²¹ On June 23, 1874, the Poland Bill became the first piece of anti-polygamy legislation to be passed and signed into law since the Morrill Anti-Bigamy Act.¹²² Building upon the earlier bill, the Poland Act paved the way for the further reconstruction of Mormonism in the years ahead. Although the public support for Southern reconstruction was beginning to wane by 1874, that year marked only the beginning of the Congressional crusade against polygamy.¹²³

Undercutting Polygamous Power in Utah

Two events toward the end of the 1870s dramatically influenced Mormonism's eventual capitulation to the efforts to reconstruct Mormonism and abolish the practice of polygamy. The first of these events was Brigham Young's August 29, 1877 death, which left an almost irreplaceable void in Mormonism. Although an able leader and a devoted advocate of polygamy, Young's successor, Apostle John Taylor, lacked Young's lion-like personality that had made Utah a thorn in the side of the American government for nearly thirty years. National newspapers immediately recognized the significance of Young's death, predicting it would "weaken the Mormon church and probably destroy it."¹²⁴ Young, had been, perhaps even more than Joseph Smith, "the controlling power of

¹²⁰ *Congressional Record*, 43rd Cong., 1st sess., 1874, p. H4473.

¹²¹ *Congressional Record*, 43rd Cong., 1st sess., 1874, p. H4475.

¹²² "An Act in Relation to Courts and Judicial Officers in the Territory of Utah," *U.S. Statutes at Large* 18 (1874): 253-256.

¹²³ Foner, *Reconstruction*, 512-563.

¹²⁴ "Latest News," *Idaho Avalanche* (Silver City), September 1, 1877, page 2, column 4. The Galveston Daily News similarly stated that Young's death would have significant consequences for "the future fortunes of Mormonism." "Death of Brigham Young," *Galveston Daily News*, August 30, 1877, page 1, column 3.

the great Mormon delusion.”¹²⁵ Without Young’s tenacity, it seemed clear that polygamy would quickly die out among the Mormons.¹²⁶

Given Young’s dynamism as a leader, his death raised immediate questions of succession, with most agreeing that there was a low likelihood of the successor having the same combination of “traits and powers” that had made Young a formidable force.¹²⁷ While some speculated that one of Young’s sons would take control of the church, others argued that apostle George Q. Cannon, Utah’s visible delegate to Congress, was the most likely candidate to take charge.¹²⁸ Although the circumstances were never quite as dire as American newspapers predicted, Young’s death did create a measure of turmoil within Mormonism’s leadership structure. As the senior apostle, Taylor became the de-facto president of the church for more than three years after Young’s death, finally reestablishing the First Presidency amidst some dispute in October 1880.¹²⁹ Although Taylor ultimately managed to steady the circumstances, Young’s absence was palpable.

To have Mormon leadership in a state of flux between 1877 and 1880 was a matter of great significance. In 1879 the U.S. Supreme Court ruled on the constitutionality of the Morrill Anti-Bigamy Act in *Reynolds v. United States*. The

¹²⁵ “Brigham Young,” *North American* (Philadelphia), August 30, 1877, page 1, column 2.

¹²⁶ “Demise of a Notable Man,” *Daily Evening Bulletin* (San Francisco), August 30, 1877, page 2, column 3.

¹²⁷ “Death of Brigham Young,” *Galveston Daily News*, August 30, 1877, page 1, column 3; “Death of Brigham Young,” *Weekly Arizona Miner* (Prescott), August 31, 1877, page 2, column 1.

¹²⁸ “Latest Dispatches,” *Daily Evening Bulletin* (San Francisco), August 30, 1877, page 3, column 6; “Brigham Young’s Death,” *Daily Evening Bulletin* (San Francisco), August 30, 1877, page 1, column 3; Matthew J. Grow, *“Liberty to the Downtrodden”: Thomas L. Kane, Romantic Reformer* (New Haven, Connecticut: Yale University Press, 2009), 278-279.

¹²⁹ George Q. Cannon, Diary, October 6 and 9, 1880, <https://www.churchhistorianspress.org/george-q-cannon/1880s/1880/10-1880> (accessed July 12, 2017).

landmark ruling sent shockwaves through a Mormonism that lacked both a First Presidency and a leader with the tenacity and fierceness of Brigham Young. While Mormons would hold onto polygamy for thirteen more years after Young's death, his decease marked a moment of extraordinary loss for nineteenth-century Mormonism's distinctiveness.

The *Reynolds* decision represented the culmination of more than a decade's worth of disagreements between Mormons and non-Mormons over the constitutionality of the Morrill Anti-Bigamy Act. Firmly believing that it violated the First Amendment, Mormon leaders had pressed for the courts to determine the validity of the law since the 1860s.¹³⁰ Similarly, U.S. officials were anxious for a court ruling. In 1872 the U.S. attorney for Utah, George C. Bates, informed a group in Omaha that he proposed to indict "three or four leading Mormons" under the act so that the courts could rule on the law. According to Bates, the Mormons gave their "unanimous consent" to "demonstrate their perfect willingness to abide [by] the decision" of the court.¹³¹ In 1874, evidently as a part of a quid-pro-quo agreement, Mormon officials agreed with Bates' successor, William Carey, to provide the government with a test case in exchange for dropping additional prosecutions against Mormon leaders and with the understanding that the test case would receive a light punishment if the court ruled against the accused.¹³²

¹³⁰ U.S. Congress, House of Representatives, Committee on the Judiciary, *Utah*, 39th Cong., 2nd sess., 1867, H. Rep. 27, 1.

¹³¹ "George C. Bates and Affairs in Utah," *Salt Lake Daily Herald*, June 19, 1872, page 2, column 4.

¹³² Edwin Brown Firmage and Richard Collin Mangrum, *Zion in the Courts: A Legal History of the Church of Jesus Christ of Latter-day Saints, 1830-1900* (Urbana: University of Illinois Press, 1988), 151; Bruce A Van Orden, *Prisoner for Conscience' Sake: The Life of George Reynolds* (Salt Lake City, Utah: Deseret Book Company, 1992), 61.

For their test case, Mormon officials selected George Reynolds, a young British convert who was working as a clerk for Young in 1874.¹³³ Just two months before his selection as the test case, Reynolds had taken a plural wife. To facilitate the legal processes, Reynolds provided the prosecution with pertinent information regarding his two marriages, allowing his conviction by the territorial courts.¹³⁴ Despite some irregularities in the case, by 1875 it was before the Utah Supreme Court. Three years later, as planned, the U.S. Supreme Court took up the case to determine the legality of the Morrill Anti-Bigamy Act and the subsequent efforts to reconstruct Mormonism.¹³⁵

On January 6, 1879, the Supreme Court ruled on the *Reynolds* case, declaring that the Morrill Anti-Bigamy Act had, in fact, been constitutional and that polygamous marriages could not be protected by the first amendment.¹³⁶ The decision was virtually unanimous, with only Associate Justice Stephen J. Field dissenting with regards to one point of the majority decision.¹³⁷ Chief Justice Morrison R. Waite outlined the rationale behind the Court's decision in the majority opinion, a sixteen-page document that undercut the persistent Mormon hopes that anti-polygamy legislation was an unconstitutional abuse of legislative power.

In explaining its decision the Court included a lengthy explanation of its ruling with regards to whether polygamy constituted a constitutionally protected religious right.

¹³³ Van Orden, *Prisoner for Conscience' Sake*, 1, 55.

¹³⁴ Van Orden, *Prisoner for Conscience' Sake*, 61-62.

¹³⁵ Gordon, *The Mormon Question*, 114-128; Firmage and Mangrum, *Zion in the Courts*, 151-159; Van Orden, *Prisoner for Conscience' Sake*, 74-85.

¹³⁶ "The Polygamy Law Decision," *Daily Evening Bulletin* (San Francisco), January 7, 1879, page 1, column 5.

¹³⁷ *Reynolds v. United States*, 98 United States Reports, Supreme Court 168 (October 1878).

The Court stated that the fundamental question of the case was not simply a question about polygamy or even the freedoms associated with religious practice. Rather, at issue was the question of “whether religious beliefs can be accepted as a justification of an overt act made criminal by the law of the land.” The justices acknowledged that even though it possesses the rights to govern the territories, Congress did not have the power to “pass a law for the government of the Territories which shall prohibit the free exercise of religion.”¹³⁸

But despite having reiterated the fact that Congress could not pass laws curtailing the free exercise of religion within the territories, the Court questioned the classification of polygamous marriage as an act of religious worship and set out to define the word “religion.” To obtain their definition for religious worship, the justices explained that it was essential to look to the history of western civilization. They first turned to American history and the origins of the first amendment. They quoted Jefferson as stating his conviction that man ““has no natural right in opposition to his social duties”” despite his belief that ““religion is a matter which lies solely between man and his God.”” Because Jefferson had been among the foremost proponents of the inclusion of a clause establishing the rights of religious worship in the Constitution, the Court held that Jefferson’s stipulations regarding the relationship of those rights to social duties had to be “accepted almost as an authoritative declaration of the scope and effect of the [first] amendment.” Congress, therefore, had no right to interfere with matters of opinion but was fully within its rights to legislate against “actions which were in violation of social duties or subversive to good order.” The court thus established that the government had

¹³⁸ *Reynolds v. United States*, 161-162.

the power to limit religious actions that society deemed to violate the requirements of citizenship or to be destructive of social order.¹³⁹

Having made that point, the justices stated that “Polygamy has always been odious among the northern and western nations of Europe, and, until the establishment of the Mormon church, was almost exclusively a feature of the life of Asiatic and African people.” They further explained how British common law had treated polygamy as “an offence against society,” under James I even being punishable by death. Similarly, the justices surmised that each of the states in the Union had labeled polygamy as “an offence against society.” Given these precedents, they stated that it was “impossible to believe” that the constitutional guarantees of religious freedom had been intended to prohibit Congress from passing legislation to regulate the institution of marriage. Because of the perceived damages that polygamous practices inflicted upon a civilized society, the Court determined that both history and logic permitted the government to legislate against polygamy.¹⁴⁰

Finally, the court addressed the question of whether the rights of Congress to legislate against polygamy included a right to legislate against those who claimed polygamy to be a part of their religious practice. Here the Supreme Court separated religious beliefs from religious practices and held that while Congress could not legislate against beliefs, it could indeed legislate against practices. For an example, the justices explained that the government would be well within its rights to prevent human sacrifice regardless of whether it was held to be a part of religious worship because such a practice

¹³⁹ *Reynolds v. United States*, 162-164.

¹⁴⁰ *Reynolds v. United States*, 164-166.

was detrimental to society. In response to this fundamental question of whether “a man excuse his practices to the contrary [of civil law] because of his religious belief” the court answered that to do so “would be to make the professed doctrines of his religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself,” in effect destroying the role of government. Accordingly, the opinion of the Supreme Court was that proponents of religious societies were at liberty to believe whatever doctrine or teaching their religion espoused. They were not, however, at liberty to engage in religious practices that ran contrary to the regularly established and socially agreed upon laws of the nation.¹⁴¹ Where polygamy was concerned, Mormon beliefs did not validate Mormon practices under the auspices of the first amendment.

The *Reynolds* decision signaled an important moment in the reconstruction of Mormonism. Together with the encouragement that Ulysses S. Grant and Rutherford B. Hayes had given to the efforts to “the prosecution and punishment of polygamy,” the Reynolds decision solidified the approval of each of the three branches of the federal government for the reconstructive measures.¹⁴² With the approval of all three branches of the government, the reconstructive efforts in Utah would see a dramatic increase in terms of their effectiveness and far-reaching impact.

¹⁴¹ *Reynolds v. United States*, 166-167.

¹⁴² Ulysses S. Grant had urged Congress to give “early and special attention” to the matter of polygamy, decrying the notion that “polygamy should exist in a free, enlightened, and Christian country, without the power to punish so flagrant a crime against decency and morality.” Rutherford B. Hayes, “Third Annual Message,” December 1, 1879, *A Compilation of the Messages and Papers of the Presidents: Prepared Under the Direction of the Joint Committee of Printing of the House and Senate, Pursuant to an Act of the Fifty-Second Congress of the United States; (With Additions and Encyclopedic Index by Private Enterprise)*, 20 vols. (New York: Bureau of National Literature, c. 1917), 10:4512; Ulysses S. Grant, Annual Message to Congress, December 1, 1873, in John Y. Simon, ed., *The Papers of Ulysses S. Grant, Volume 24: 1873* (Carbondale: Southern Illinois University Press, 2000), 24:270; Ulysses S. Grant, Annual Message to Congress, December 7, 1875, in John Y. Simon, ed., *The Papers of Ulysses S. Grant, Volume 26: 1875* (Carbondale: Southern Illinois University Press, 2003), 26:415.

American newspapers applauded the decision. The *St. Louis Globe-Democrat* proclaimed the decision “the beginning of the end of polygamy in Utah.”¹⁴³ Similarly, San Francisco’s *Daily Evening Bulletin* heralded the decision as the nation’s first “judicial outlawry of polygamy,” and praised the decision for officially laying to rest the constitutional questions surrounding the practice.¹⁴⁴ The *Southwestern Christian Advocate*’s article was triumphantly titled “Polygamy Doomed,” and stated that all that remained was for “the law [to] be enforced in Utah . . . without fear or favor, until this curse of polygamy is wiped out.”¹⁴⁵ The *Georgia Weekly Telegraph and Georgia Journal and Messenger* used the decision as an opportunity to inveigh against Mormon polygamy, declaring the institution “a travestie [*sic*] upon religion” carried out by “sensual brute[s].” Intriguingly for a Southern paper, it then invoked the language of slavery, declaring that under polygamy “the gentle sex degenerates into mere slaves and playthings for their masculine lords, and every principle of right, virtue and propriety is violated.” But whereas other papers had lauded the decision as paving the way for the downfall of polygamy, the *Weekly Telegraph* was less optimistic. Despite hoping that “this iniquity could be smoked out and utterly eradicated,” the editor worried that Utah’s demographics made that result unlikely.¹⁴⁶

¹⁴³ [Untitled article], *St. Louis Globe-Democrat*, January 8, 1879, page 4, column 2.

¹⁴⁴ “Polygamy a Crime,” *Daily Evening Bulletin* (San Francisco), January 7, 1879, page 2, column 2.

¹⁴⁵ “Polygamy Doomed,” *Southwestern Christian Advocate* (New Orleans), January 16, 1879, page 2, column 4.

¹⁴⁶ “Polygamy Proscribed,” *Georgia Weekly Telegraph and Georgia Journal & Messenger* (Macon), January 14, 1879, page 2, column 4.

For their part, Mormons saw the decision as a severe blow. Mormon leaders had fully expected vindication in the courts. The *Reynolds* verdict, however, had not only dashed those hopes, but had paved the way for significant future problems. Writing to Taylor from Washington, Cannon explained that following the decision, petitions had flowed into the capital from the nation's women, each wanting Congress to pass additional legislation that would "make the law of '62 more effective."¹⁴⁷ Mormons were thus left to face the reality that the reconstructive project not only had the approval of the government, but also the approval of the national citizenry.

The Edmunds Act (1882)

In the wake of the Reynolds decision, it seemed clear to Cannon that the verdict had opened the way for Congress to pass the stronger legislation that men like Shelby Cullom had worked toward since the end of the Civil War. Indeed, Cannon expected that the Supreme Court justices had "given some persons a hint to introduce legislation to condone the past and make more effective the law punishing plural marriage for the future."¹⁴⁸ Cannon's certainty that additional legislation was shortly forthcoming was quickly justified. Later that year, Rutherford B. Hayes recommended more stringent and comprehensive tactics for punishing and preventing polygamy. Further in order "to secure obedience to the law," he suggested that Congress strip "the rights and privileges of citizenship" from those who violated or opposed the anti-polygamy laws.¹⁴⁹ In 1881,

¹⁴⁷ George Q. Cannon to John Taylor, January 8, 1879, First Presidency (John Taylor) Correspondence, 1877-1887, CR 1 180, box 3, folder 8, CHL.

¹⁴⁸ George Q. Cannon to John Taylor, January 8, 1879, First Presidency (John Taylor) Correspondence, 1877-1887, CR 1 180, box 3, folder 8, CHL.

¹⁴⁹ Hayes, "Third Annual Message," December 1, 1879, *A Compilation of the Messages and Papers of the Presidents*, 10:4512.

following his term as president, Hayes became even more direct, calling for “radical” legislative measures to reorganize and reform Utah. “Half-way measures,” Hayes wrote, had “been tried for twenty-five years” and had all failed. Only strong measures that entirely “reorganized” the territory and its power structure would suffice. Hayes hoped that Congress would strip the rights of citizenship from anyone in Utah that could not “prove affirmatively to the satisfaction of the United States courts . . . that he neither practices the crime of polygamy, nor belongs to or supports any church or other organization which upholds it.”¹⁵⁰ Hence, for Hayes, not only the practice of polygamy, but also membership in the Mormon church seemed to be sufficient cause for the government to curtail the rights of American citizenship. Others agreed with Hayes’s assessment, and by late 1881, there were three anti-polygamy bills under consideration in the Senate and nine in the House.¹⁵¹ Foremost among these was a bill championed by Senator George F. Edmunds of Vermont, who had a longstanding distaste for both Mormonism and polygamy.¹⁵²

Four days after the Supreme Court issued the *Reynolds* verdict, Cannon had a private meeting with Edmunds to discuss the *Reynolds* case, Mormonism, and polygamy. Attempting to explain the perspectives of the people, Cannon told Edmunds that both he

¹⁵⁰ Rutherford B. Hayes, Diary, December 11, 1881, <http://resources.ohiohistory.org/hayes/browse/chapterxxxix.html> (Accessed, July 17, 2017); “Ex-President Hayes on Mormonism,” *Journal and Messenger* (Cincinnati, Ohio), May 4, 1881, page 2, column 2.

¹⁵¹ George Q. Cannon, Diary, December 20, 1881, <https://www.churchhistorianspress.org/george-q-cannon/1880s/1881/12-1881?highlight=Edmunds> (Accessed, July 4, 2017).

¹⁵² In 1874, as chair of the Senate Committee on the Judiciary, Edmunds had impatiently dismissed Cannon’s efforts to speak in favor of the Mormons, cutting Cannon off with a statement that the Committee had “no more time to spare” for such comments. George Q. Cannon, Diary, February 16, 1874, <https://www.churchhistorianspress.org/george-q-cannon/1870s/1874/02-1874#p18> (Accessed, July 17, 2017).

and the people universally believed that the Morrill Anti-Bigamy Act was unconstitutional, regardless of the court's decision. According to Cannon, "many eminent lawyers, both in and out of Congress" had similarly expressed significant doubts about the law's constitutionality. He expressed concerns about the potential problems that would arise by allowing "unscrupulous men" enforcing the Morrill Anti-Bigamy Act under the auspices of the *Reynolds* decision. After a lengthy conversation, Edmunds asked Cannon whether the Mormons would honor the decision "if amnesty for the past were granted." Edmunds then made a private promise that if the Latter-day Saints would honor the verdict, he would support amnesty legislation for the Mormon populace. He made clear, however, that he reserved "the right to change his opinion upon more mature consideration" and made the promise only as a private citizen, rather than as a U.S. Senator. Despite thanking the Senator for "a most graceful and magnanimous" offer, Cannon stated that he "would not mislead or deceive him upon this" and he wished Edmunds to know that many "would risk incarceration . . . for their religious practices." Accordingly, the interview without any substantive agreements between Edmunds and Cannon.¹⁵³

True to his offer, two weeks later Edmunds orchestrated a change to S.410 which allowed the President to grant amnesty to polygamists who had violated the Morrill Anti-Bigamy Act "upon such conditions and limitations as he may prescribe." The change also legitimated Mormon children born to polygamous unions up through prior to November 1879. But while those sections of the bill were a generous nod toward Mormons, the second section of the bill stipulated that a man in Utah could be removed from a jury not

¹⁵³ George Q. Cannon to John Taylor, January 10, 1879, First Presidency (John Taylor) Correspondence, 1877-1887, CR 1 180, box 3, folder 8, CHL.

only if he “had been living in the practice of bigamy or polygamy,” but also “if he believes it morally, religiously or legally right for a man to have more than one living and undivorced wife at the same time.”¹⁵⁴ The bill accordingly offered the potential of amnesty, but coerced a termination of both polygamous practices and polygamous beliefs. Hence while Edmunds agreed with the Supreme Court’s outlawing of polygamous marriages, he apparently did not agree with the Court’s suggestion that Americans were free to believe whatever they wanted so long as they did not practice their offending beliefs. For Edmunds, it was impossible for anyone in the nation to hold to both a belief in polygamy and in the fundamental concepts of American citizenship. Despite the small nods toward cooperation with the Mormons, within two years the Mormons would learn that, in Edmunds, they had a powerful enemy with “such influence . . . that if he advocated a measure against [them] . . . it would ruin a Senator or Member [of the House] to oppose him.”¹⁵⁵

When it became clear that Mormons were not going to stop the practice of polygamy in response to the *Reynolds* decision, Edmunds presented a new anti-polygamy bill before the Senate. Passed into law in 1882, the new bill demonstrated the enhanced powers that the Reynolds decision had allotted to Congress. The act specified that “no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described . . . shall be entitled to vote at any

¹⁵⁴ George Q. Cannon, Diary, 22 January 1879, <https://www.churchhistorianspress.org/george-q-cannon/1870s/1879/01-1879> (accessed July 1, 2017); U.S. Congress, Senate, *A Bill to Provide for Challenges to Jurors in Trials for Bigamy and Polygamy in the Territory of Utah, and to Amend Section Four of an Act Entitled “An Act in Relation to Courts and Judicial Officers in the Territory of Utah,” Approved June Twenty-Fourth, Eighteen Hundred and Seventy-Four*, 45th Cong., 3d sess., 1879, S. 410.

¹⁵⁵ George Q. Cannon, diary, 11 February 1882, <https://www.churchhistorianspress.org/george-q-cannon/1880s/1882/02-1882?highlight=Edmunds> (accessed, July 4, 2017).

election held in any such Territory or other place.”¹⁵⁶ This provision accordingly disfranchised all men and women in Utah who were connected to plural marriages. The inclusion of women began to abrogate the liberties that Congress had lobbied for in the 1860s and that the Utah Territorial Legislature had granted to women in 1870. Accordingly, in the period of greater reconstruction, the rights of self-government, the franchise, and the rights of citizenship were contingent upon adherence to the social norms of the broader American culture. For Americans like Edmunds, the use of the franchise to vote for practices and peoples who went against those social norms represented a fundamental betrayal of the agreement upon which the rights of citizenship had originally been granted. In his eyes, both Mormon men and women who participated in polygamous marriages had committed such betrayals and were, thus, no longer fit for the full rights of citizenship.

Others shared Edmunds’ view. Democratic senator John T. Morgan of Alabama bemoaned the idea that Utah’s Legislature had granted women the right to vote. Noting that Mormon women sustained rather than undermined polygamy, Morgan said “if female suffrage is to be incorporated into the laws of our country with a view to the amelioration of our morals or our political sentiments, we stand aghast at the spectacle of what has been wrought by its exercise in the Territory of Utah.” He stated his intentions to “introduce a bill to repeal woman suffrage in the Territory of Utah” that year. For Morgan, if women were to be allowed to cast votes, they ought to cast the right votes for the right purposes.¹⁵⁷

¹⁵⁶ “Act to Amend Section Fifty-Three Hundred and Fifty-Two of the Revised Statutes of the United States, in Reference to Bigamy, and For Other Purposes,” *U. S. Statutes at Large* 22 (1883): 30-32.

¹⁵⁷ *Congressional Record*, 47th Cong., 1st sess., 1881, p. S230.

In accordance with his earlier efforts, however, the Edmunds bill was not simply confined to the punishment of the practitioners of polygamy. The bill specified that a belief in polygamy also constituted legitimate grounds for the dismissal of jurymen in the territory's polygamy cases. Taken to its logical extents, this measure had the potential to mean that polygamists could only be tried in front of non-Mormon juries in Utah, making conviction a near certainty in many cases. Similarly, in an attempt to ensure the end of Mormon leadership in the territory, the act dismissed all election officials in the territory and then established a board of five people that would supervise and regulate territorial elections. The members of this board were to be selected by the U.S. president, in consultation with the Senate.¹⁵⁸ Together with the disfranchisements of polygamists and the limitations placed upon those who believed in polygamy but did not practice it, the Edmunds bill undermined the foundations of Mormon political power in Utah and threatened to leave Latter-day Saints without any say in the matter of their governance.¹⁵⁹

The timing of the Edmunds Act was important. The Edmunds Act was passed approximately a month and a half before the Chinese Exclusion Act, the Edmunds Act demonstrated a growing willingness on the part of the government to resort to extreme legislative measures to reconstruct groups deemed to be beyond the American pale.¹⁶⁰ The chronological closeness of the two laws was more than circumstantial. Just as Americans had linked polygamy with slavery in 1856, so they had begun linking the

¹⁵⁸ "Act to Amend Section Fifty-Three Hundred and Fifty-Two of the Revised Statutes of the United States, in Reference to Bigamy, and For Other Purposes," *U. S. Statutes at Large* 22 (1883): 30-32.

¹⁵⁹ Gordon, *The Mormon Question*, 153-155.

¹⁶⁰ The Edmunds Act was passed into law on March 22, 1882, and the Chinese Exclusion Act was passed shortly thereafter on March 4, 1882. "An Act to Execute Certain Treaty Stipulations Relating to Chinese," *U.S. Statutes at Large* 22 (1883): 58-61.

Mormon question to the Chinese question in the 1870s and 1880s.¹⁶¹ The Edmunds Act demonstrated the might of the American government and the immensity of the power that Congress had accrued since the conclusion of the Civil War.

Mormon leaders were unsurprised to learn that the Edmunds bill had passed Congress and was destined to be signed into law.¹⁶² Leader Joseph F. Smith explained that the passage of the bill signaled the need “for some real action” on the part of the Mormons “to hedge against the infamous provisions of the aforesaid audacious bill.” In order to maintain Latter-day Saint influence in key positions throughout Utah, both the University of Deseret Board of Regents and the Salt Lake City Council were rearranged with the vacancies being composed principally by monogamists. The city councils in Ogden, Provo, and Logan, among other places, made similar changes in the makeup of their city councils and county courts.¹⁶³ Such measures helped to create a temporary “lull after a storm.” Smith rightly suspected, however, that the prevailing calm was only momentary, writing to a friend, “yet worse is still to come.”¹⁶⁴

¹⁶¹ In his final message to Congress, Ulysses S. Grant had denounced the idea that “polygamy should exist in a free, enlightened, and Christian country” and called for it to be “banished from the land.” Immediately after this statement he invited Congress to consider another “no less evil” institution—“the importation of Chinese women.” Ulysses S. Grant, Annual Message to the Senate and House of Representatives, 7 December 1875, in John Y. Simon, ed., *The Papers of Ulysses S. Grant: Volume 26, 1875* (Carbondale: Southern Illinois University Press, 2003), 415.

¹⁶² Joseph F. Smith to Romania B. Pratt, April 14, 1882, Joseph F. Smith Collection, MS 1325, box 31, folder 2, pages 116-117, CHL.

¹⁶³ Joseph F. Smith to John H. Smith, March 17, 1882, Joseph F. Smith Collection, MS 1325, box 30, folder 4, pages 349-352, CHL.

¹⁶⁴ Joseph F. Smith to Joseph F. Doxford, May 20, 1882, Joseph F. Smith Collection, MS 1325, box 30, folder 4, pages 376-377, CHL; Joseph F. Smith to Edward Partridge, December 11, 1884, Joseph F. Smith Collection, MS 1325, box 31, folder 3, pages 103-104, CHL. In another letter, Smith similarly wrote to Romania Pratt, “All is peace so far, moderation, patience and confidence in the alwise [*sic*] providence of Him who rules above, seems to characterise the acts and conversation of our people and as you say ‘the end is not yet.’” Smith to Pratt, April 14, 1882, Joseph F. Smith Collection, CHL.

Prisoners for Polygamy

Although it took time for the new legislation to turn into legal action, by May 1884, federal prosecutors were meaning to “make the most of the anti-polygamy laws,” so that throughout Utah, “rumors of subpoenas” and were “floating thro’ the air.”¹⁶⁵ Within a short time matters quickly devolved in Utah, as subpoenas turned into indictments, arraignments, trials, and appeals that influenced every aspect of life in Utah. Throughout the 1880s, Utah’s federal courts held approximately 2,350 trials for sexual crimes, most of which were for crimes of bigamy. In total, between 1884 and 1890, upwards of 1,200 Mormon men were imprisoned by the verdicts in those cases.¹⁶⁶ The majority of the prisoners served out their sentences in a penitentiary just south of Salt Lake City, although prosecutions also resulted in the imprisonment of polygamists in prisons in Arizona, Michigan, South Dakota, and Idaho.¹⁶⁷

For Mormons the imprisonment of polygamous men seemed to be evidence that the federal officers were determined to control the territory in its entirety. The plan included not only the disfranchisement of all polygamists, but, as Mormons saw things, the plan also provided for “depriv[ing] the whole Mormon people of their inalienable [sic] rights by Congressional proscription simply because they are ‘Mormons.’”¹⁶⁸ The roughness with which the government handled polygamists was aimed to force Mormon

¹⁶⁵ Joseph F. Smith to John Henry Smith, May 25, 1884, Joseph F. Smith Collection, MS 1325, box 30, folder 3, pages 45-46, CHL; Joseph F. Smith to Charles W. Nibley, May 27, 1884, Joseph F. Smith Collection, MS 1325, box 31, folder 3, pages 55-56, CHL.

¹⁶⁶ Gordon, *The Mormon Question*, 155, 275. Gustive O. Larson, *The “Americanization” of Utah for Statehood* (San Marino, California: Huntington Library, 1971), 183.

¹⁶⁷ Melvin L. Bashore, “Life Behind Bars: Mormon Cohabs of the 1880s,” *Utah Historical Quarterly* 47, no. 1 (Winter 1979): 24.

¹⁶⁸ Joseph F. Smith to Jesse B. Broadbent, October 12, 1884, in Joseph F. Smith Collection, MS 1325, box 31, folder 3, pages 94-95, CHL.

leaders to “bring about some Compromise looking to the future Abolishment of polygamy.”¹⁶⁹

By July 4, 1885, the circumstances for the Mormon community had become so precarious that Mormons raised an uproar in Salt Lake City by placing the American flags at half-mast over several buildings, “not feeling to rejoice . . . but rather to mourn for the death of Liberty” in the territory.¹⁷⁰ The decision raised a controversy in Salt Lake City, resulting in the flags being raised to full height in an effort to appease the angered non-Mormon citizenry. Cannon privately wrote, however, that the decision had been “most appropriate under the circumstances,” as the occasion found “some of [Mormonism’s] best men in prison, others in exile, others in jeopardy, [and] all of [them] threatened and attacked.” For Cannon and other Mormons, the half-mast flag had become “the symbol of our sorrow for liberties departed.”¹⁷¹

Within the prisons, government officials made further attempts toward reconstruction. Similar to the assimilative efforts used among Native American children in boarding schools, prison guards made at least some attempts to compel conformity to Americanism by means of grooming. In 1885, imprisoned polygamist Rudger Clawson wrote to his wife Lydia, “The marshal seems determined to humiliate us, if possible. I am today wearing stripes with a prospect of having my hair cut short and my mostache

¹⁶⁹ Henry Dinwoodey and S. W. Sears to George Q. Cannon, April 22, 1885, in George Q. Cannon, *Diary*, April 29, 1885, CHL.

¹⁷⁰ James E. Talmage, *Diary*, July 4, 1885, MSS 229, series 1, box 1, folder 2, page 89, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah.

¹⁷¹ George Q. Cannon, *Diary*, July 6, 1885, CHL.

removed.” Clawson found the effort bizarre and remarked to his wife, “they have, however, mistaken their man, if they think it annoys me one whit, why I rather like it.”¹⁷²

The use of imprisonment not only provided the government with an opportunity to gain the entire political control of the territory, but also provided the government with an opportunity to undermine and dismantle Mormonism’s ecclesiastical hierarchy. As the most notable polygamists within Mormon society, the members of the faith’s First Presidency and Quorum of Twelve Apostles became clear targets for federal prosecution and imprisonment under the Edmunds Act. Indeed, evidence seems to suggest that the original aim of the federal prosecutors was primarily to punish those fifteen leaders as an example to the community.¹⁷³ By late 1884, however, most high-ranking Mormon officials went underground, taking refuge in loyal Mormon homes to avoid arrest, prosecution, and imprisonment. In this effort, Mormon leaders found willing participation from their followers.¹⁷⁴

Despite the willingness of Mormons to protect their leaders and other polygamists from arrest and prosecution, however, government efforts to capture the faith’s high-ranking officials remained undeterred. An 1887 wanted poster created by S. H. Gilson (see Figure 1) was emblematic of these efforts. The poster specifically targeted the two top members of the First Presidency, John Taylor and George Q. Cannon, offering \$800

¹⁷² Rudger Clawson to Lydia Elizabeth Spencer Clawson, September 23, 1885, in Stan Larson, ed. *Prisoner for Polygamy: The Memoirs and Letters of Rudger Clawson at the Utah Territorial Penitentiary 1884-1887* (Urbana: University of Illinois Press, 1993), 178.

¹⁷³ Gordon, *The Mormon Question*, 158; Nathan B. Oman, “The Story of a Forgotten Battle,” *BYU Law Review* 2002, no. 3 (2002): 748-749.

¹⁷⁴ See: Gordon, *The Mormon Question*, 158-161; Reid Neilson, ed., *In the Whirlpool: The Pre-Manifesto Letters of President Wilford Woodruff to the William Atkin Family, 1885-1890* (Norman, Oklahoma: Arthur H. Clark Company, 2011).

dollars to any Utahn who would provide information leading to the capture and arrest of the two men.

Intriguingly, the poster noted that the arrest and capture of Cannon alone was worth \$500 while the arrest and capture of Taylor alone would fetch only \$300, despite his higher ecclesiastical position. Cannon's higher value was likely owing to his earlier service as Utah's delegate to the House of Representatives, which had made him the most recognizable Mormon following the death of Brigham Young. But the difference in sums also served the purposes that led federal officials to seek for the arrest and imprisonment of the faith's highest leaders. By offering more for Cannon, the poster unwittingly helped to undermine the perceptions of Mormonism's highly defined organizational structure by suggesting that the underling Cannon was actually of greater value to Mormonism than was Taylor who stood at the head of the faith.

The Mormon underground was relatively effective in protecting many Mormon men. Key leaders like Taylor, First Presidency member Joseph F. Smith, and apostle Wilford Woodruff all managed to evade arrest throughout the 1880s. Others, however, were not as lucky. In late November 1885, apostle Lorenzo Snow was arrested near Brigham City, having been found "hiding in a secret compartment in his home."¹⁷⁵ Learning of Snow's arrest, Cannon wrote that he "felt worse about this arrest than . . . any [other] that has taken place," attributing his feelings to the fact that Snow was "an aged man and of rather a delicate constitution."¹⁷⁶ Snow's arrest provided the government with a potent opportunity to test the ultimate commitment of Mormon leaders to polygamy. In

¹⁷⁵ Andrew H. Hedges and Richard Neitzel Holzapfel, *Within These Prison Walls: Lorenzo Snow's Record Book, 1886-1887* (Salt Lake City, Utah: Deseret Book Company, 2010), xxxi.

¹⁷⁶ George Q. Cannon, Diary, November 20, 1885, CHL.

prosecuting Snow, attorney Victor Bierbower predicted that with Snow's conviction and sentencing to prison, "'a new revelation would soon follow, changing the divine law of celestial marriage.'"¹⁷⁷ On January 16, 1886, the court sentenced Snow to three consecutive six-month terms of imprisonment on charges of cohabitation. He served eleven months of the eighteen-month sentence, before being released.¹⁷⁸

The following February, shortly after Snow's release from prison, the marshals made an even more significant arrest, capturing George Q. Cannon near Winnemucca, Nevada, shortly after having announced \$500 reward for information leading to his capture.¹⁷⁹ Fearing that his presence was placing Taylor in jeopardy to the "good many human bloodhounds" pursuing him, Cannon had determined to leave the country and go to Mexico where he could continue to negotiate the possibility of a Mormon settlement in northern Mexico with the government of Porfirio Díaz. Following his arrest in Nevada, Cannon was transported back to Utah with a military contingent guarding him, with guards "placed around [his] couch, and at each door, with loaded guns" and strict orders regarding who was allowed to see Cannon. Upon arriving in Salt Lake City, Cannon's bail was placed at \$45,000.¹⁸⁰ From the government perspective, it was clear that Cannon's arrest had represented a significant coup in the war against Mormon polygamy.

¹⁷⁷ "The Twelve Apostles," *The Historical Record* 6, no. 2 (February 1887): 144; B. Carmon Hardy, *Solemn Covenant: The Mormon Polygamous Passage* (Urbana: University of Illinois Press, 1992), 50-51.

¹⁷⁸ Hedges and Holzappel, *Within These Prison Walls*, xxxiv, xlix-l.

¹⁷⁹ Bitton, *George Q. Cannon*, 276.

¹⁸⁰ George Q. Cannon, *Diary*, February 27, 1886, CHL.

\$800 REWARD!



JOHN TAYLOR. **GEORGE Q. CANNON.**

To be Paid for the Arrest of John Taylor
and George Q. Cannon.

The above Reward will be paid for the delivery to me, or
for information that will lead to the arrest of

JOHN TAYLOR,
President of the Mormon Church, and

George Q. Cannon,
His Counselor; or

\$500 will be paid for Cannon alone, and
\$300 for Taylor.

All Conferences or Letters kept strictly secret.

S. H. GILSON,
22 and 23 Wasatch Building, Salt Lake City.
Salt Lake City, Jan. 31, 1887.

Figure 5 S. H. Gibson, "\$800 Reward!: To be Paid for the Arrest of John Taylor and George Q. Cannon," 1887, CHL.

On February 27, 1886, Cannon wrote in his diary that he was determined to go to stand trial and go to prison just as Reynolds, Snow, and others had done. Prior to his March 17 trial date, however, it became clear to Cannon that government officials had no intentions of granting him a short prison sentence as they had done for Snow and others, but rather had a plan to keep him in prison "until [he] either died, or until [his] power of

usefulness would be ended.”¹⁸¹ To this end, the Marshalls interrogated his wife Martha before the grand jury in an effort to obtain the damning evidence. When she refused to answer their questions, the court held her in contempt, imprisoning her for three days hoping to induce her cooperation. Believing that the officials were “dead to every human sympathy,” on advice from friends Cannon skipped bail and returned to Utah’s underground till mid-1888, when he surrendered himself to the justice department in exchange for more lenient charges. He was subsequently sentenced to six months in Utah’s territorial penitentiary.¹⁸² On September 17, Cannon entered the Sugarhouse prison. His presence served dual purposes. For the government, Cannon’s capture and imprisonment represented a significant victory against Mormon polygamy. For his fellow-Mormon prisoners, Cannon’s presence provided proof that the faith’s “leading men [were] willing to suffer” in the same way as they had asked other Mormon polygamists to suffer for their faith.¹⁸³ The prisoners frequently took pictures together, displaying their prison stripes as badges of honor and faith in the face of penal reconstruction and curtailed citizenship (See figure 2).

¹⁸¹ George Q. Cannon, Diary, March 2, 17, and 19, 1886, CHL.

¹⁸² George Q. Cannon, Diary, February 27, 1886, and September 14-17, 1888, CHL; Bitton, *George Q. Cannon*, 291-292.

¹⁸³ George Q. Cannon, Diary, September 17, 1888, CHL; George Q. Cannon, Diary, October 3, 1888, <https://libraryweb.coloradocollege.edu/library/specialcollections/Manuscript/cannontranscription.html> (accessed August 9, 2017).



Figure 6 Alexander Baird, Thomas Harper, George Q. Cannon, James Bywater, and John H. Bott with prison guards, 1888, CHL

Despite his imprisonment, Cannon remained a critical leader for Mormonism, maintaining an occasional correspondence with his fellow ranking Mormons.¹⁸⁴ Leaving prison, Cannon wrote with likely a measure of exaggeration in his diary, “I can truthfully say that my imprisonment has been, on the whole, very pleasant. I have not had a moment’s unhappiness, arising from my confinement, or anything that has occurred inside the walls of the Penitentiary.”¹⁸⁵

The actual implementation of fines and imprisonment for polygamy represented one of the most drastic efforts on the part of the United States government to reconstruct

¹⁸⁴ George Q. Cannon, Diary, November 6 and December 3, 1888, <https://libraryweb.coloradocollege.edu/library/specialcollections/Manuscript/cannontranscription.html> (accessed August 10, 2017).

¹⁸⁵ George Q. Cannon, Diary, 18-20 February 1889, CHL.

Mormonism. In arresting and imprisoning polygamists, including Mormon leaders, the federal government finally demonstrated its power to not only enact legislation against polygamy, but to enforce said legislation. It was within the power of the federal government to take away all of the rights of those who practiced polygamy, and to severely curtail the rights of those who believed in it.

The Edmunds-Tucker Act (1887)

Basking in the successes of his 1882 act, Edmunds moved again to pass further legislation against polygamy in 1887, collaborating with Democrat John Randolph Tucker of Virginia. Passed into law March 3, 1887, the Edmunds-Tucker Act increased the already severe penalties for polygamy.¹⁸⁶ Among the severest measures of the bill was a provision that penalized the children of multiple wives for the polygamous marriages of their fathers. The provision unequivocally stated that “no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father.”¹⁸⁷ Accordingly, the act not only furthered the punishments of those who entered into polygamous unions, but also disfranchised the offspring that resulted from such unions, guaranteeing that the government would neither sanction nor uphold the inheritances of those children.

Harkening back to the nation’s first piece of anti-polygamy legislation, Edmunds-Tucker Act activated the provisions in the Morrill Act that limited the real estate holdings of religious organizations in the territories to \$50,000. The act instructed

¹⁸⁶ “An Act to Amend an Act entitled ‘An Act to Amend Section Fifty-Three Hundred and Fifty-two of the Revised Statutes of the United States in Reference to Bigamy, and for Other Purposes,’ approved March twenty-second, eighteen hundred and eighty-two,” *U.S. Statutes at Large* 24 (1887): 635-641.

¹⁸⁷ “An Act to Amend an Act entitled ‘An Act to Amend Section Fifty-Three Hundred and Fifty-two of the Revised Statutes of the United States in Reference to Bigamy, and for Other Purposes,’ approved March twenty-second, eighteen hundred and eighty-two,” *U.S. Statutes at Large* 24 (1887): 637.

the Attorney General “to institute and prosecute proceedings to forfeit and escheat to the United States the property of corporations obtained or held in violation” of the real estate provisions in the Edmunds-Tucker Act. The land holdings thus escheated were to be “disposed of by the Secretary of the Interior,” with the “proceeds thereof applied to the use and benefit of the common schools” in Utah. These measures were authorized, however, with the explicit instruction that “no buildings, or grounds appurtenant thereto, which is held and occupied exclusively for purposes of the worship of God, or parsonage connected therewith, or burial grounds shall be forfeited.”¹⁸⁸ Despite these limitations, Mormon leaders quickly became convinced that it was only a matter of time before everything, including the faith’s temples, would be taken.¹⁸⁹ In an attempt to prevent such measures, in early 1887, Taylor advised “the sale of all property liable to be gobbled up by the government” while Mormon leaders worked to “contrive a way to keep [their] property.”¹⁹⁰

Finally, the law dissolved the Mormonism’s Perpetual Emigrating Fund Company, which had served as the engine of Mormon emigration from Europe since 1849. As such, the Edmunds-Tucker Act struck at the heart of Mormonism’s popular

¹⁸⁸ “An Act to Amend an Act entitled ‘An Act to Amend Section Fifty-Three Hundred and Fifty-two of the Revised Statutes of the United States in Reference to Bigamy, and for Other Purposes,’ approved March twenty-second, eighteen hundred and eighty-two,” *U.S. Statutes at Large* 24 (1887): 637.

¹⁸⁹ At least one prosecuting attorney in Utah evidently hoped to get around this provision, believing that the Mormon faith in polygamy was grounds for “giving the government a chance to steal all of our personal property.” The attorney was anxious to do so quickly in the event that “a decision in the church’s favor by the Supreme Court” would dissuade the opportunity. George Q. Cannon, Diary, May 29, 1888, CHL; Wilford Woodruff, “Remarks,” *Deseret Weekly* (Salt Lake City), November 14, 1891, page 4, column 1; Heber J. Grant, Diary, 5 October 1888, in Edward Leo Lyman Papers, MS 86, box 1, folder 15, Special Collections, Gerald R. Sherratt Library, Southern Utah University, Cedar City, Utah (hereafter Special Collections, SUU).

¹⁹⁰ John Henry Smith, Diary, January 17 and March 21 1887, Edward Leo Lyman Papers, MS 86, box 1, folder 14, Special Collections, SUU.

power in Utah, by undermining its ability to reinforce Mormonism's majority status through a constant influx of European immigrants. Beyond cutting off the church's power to facilitate emigration, Further, the law revoked the church's incorporated status, stripping it of all "legal force and validity" as an established entity.

In terms of legislation, the Edmunds-Tucker Act constituted the ultimate legislative statement of American disapprobation for Mormonism and its peculiar institution. As John A. McClernand described, it drew "all or nearly all of the Mormons, not actually implicated in polygamy, within its provisions," making it not only a denunciation of polygamy, but a denunciation of Mormonism as a whole.¹⁹¹ Prior to its passage, Mormon John W. Young had virtually pled with U.S. President Grover Cleveland to veto the measure, explaining that "the sorrow and suffering that infamous "Act" [would] entail upon an Innocent people" was "too terrible to contemplate."¹⁹² It had authorized the full-scale dismemberment of the faith as an American religion. And the imprisonment of more than a thousand Mormon men had demonstrated both the power and willingness of the government to enforce such legislation. For Cannon and other Mormon leaders, by 1888, Mormonism stood at a crossroads. They had hoped that such the continuous efforts to undermine their democratic rights "would awaken sympathy in the fair-minded people of the United States." But rather than sympathy, the successes of the arrests and prosecutions seemed to create public approval which emboldened further action. For Cannon and others, it seemed clear by 1888 that the

¹⁹¹ John A. McClernand to Shelby M. Cullom, July 18, 1887, Edward Leo Lyman Papers, MS 86, box 1, folder 17, Special Collections, SUU.

¹⁹² John W. Young to Daniel S. Lamont, February 24, 1887, Edward Leo Lyman Papers, MS 86, box 1, folder 19, Special Collections, SUU.

trajectory of efforts would lead the government to “proceed to lengths that we scarcely dream of at present.”¹⁹³ Indeed, as forceful as both the Edmunds and Edmunds-Tucker Acts had been, there were indications that additional and stronger legislation would follow, including a constitutional amendment proposed by Shelby M. Cullom “forever prohibiting polygamy in all its forms and guises in all the states and Territories, supplemented with a provision empowering Congress to pass appropriate laws to enforce the amendment.”¹⁹⁴ Such measures, combined with “a strong hand on the part of the Governor, and the Judiciary of the Territory” promised to rid Utah “of the foul blot of polygamy” in short order, thus bringing the people of Utah “into harmony with our civilization and with the Constitution and laws of the Country.”¹⁹⁵

Conclusion

Between 1856 and 1887, the U.S. Congress and the Department of Justice launched a relentless assault upon Mormon polygamy. For those so involved, the matter was not merely an effort to end a hated institution, it was critical to the perpetuity of the American nation and the ideology that governed it. Only by “exterminat[ing] Polygamy in Utah” could the United States “look the incoming century fairly in the face” and claim to be a civilized nation.¹⁹⁶ In the wake of the abolition of slavery, the persistence of

¹⁹³ George Q. Cannon, Diary, May 29, 1888, CHL.

¹⁹⁴ John A. McClernand to Grover Cleveland, June 30, 1887, Edward Leo Lyman Papers, MS 86, box 1, folder 19, Special Collections, SUU; Shelby M. Cullom to John A. McClernand July 29, 1887, John A. McClernand Collection, Box 26, Manuscript Division, Abraham Lincoln Presidential Library and Museum, Springfield, Illinois.

¹⁹⁵ Shelby M. Cullom to John A. McClernand, April 6, 1887, John A. McClernand Collection, box 26, Manuscript Division, Abraham Lincoln Presidential Library and Museum, Springfield, Illinois.

¹⁹⁶ R. L. Aglesby to Benjamin Harrison, April 30, 1889, John A. McClernand Collection, Box 26, Manuscript Division, Abraham Lincoln Presidential Library and Museum, Springfield, Illinois.

Mormon polygamy had evidenced a continued barbarism that reconstructionist politicians simply could not tolerate. To this end, they had debated and enacted numerous legislative acts, each one further limiting the democratic rights of the Mormon populace in an effort to reconstruct Mormonism in a fashion that mirrored the broader morals and ideas of American Protestantism.

For Mormons, these efforts seemed to be an almost unfathomable betrayal of Americanism. Writing from hiding, Taylor and Cannon had bemoaned these efforts and accused the government of having designed “to destroy our rights as citizens, to take away from us our liberties under the Constitution and the laws, and to obtain the political control of [Utah],” rendering the Mormons “as voiceless in the affairs of government as the Indians or Chinese.” Minus their democratic rights, Mormons were apt to be “taxed and plundered with impunity, and be lorded over by a set of political harpies.”¹⁹⁷

By the period of John Taylor’s 1887 death, Mormons had become keenly aware of the tremendous growth in federal powers that had occurred during the years following the Civil War. The combined efforts of Congress and the Department of Justice had demonstrated the enormous power of the government to eradicate peculiar institutions and to reconstruct recalcitrant peoples by means of legislative enactments and the exertions of executive powers. If such measures did not necessarily prevent the formation of polygamous unions, they certainly proved a growing capacity to punish them.

¹⁹⁷ “An Epistle of the First Presidency,” *Deseret Evening News*, April 6, 1886, page 1, columns 5-6.

CONCLUSION

“FOR THE TEMPORAL SALVATION OF THE CHURCH”: MORMONISM RECONSTRUCTED

In 1857, Mormonism had been characterized as a religion and a people who were “beyond the pale of human sympathy.” The Latter-day Saints were, in the minds of many, barbaric rather than civilized, and both undeserving and incapable of the full rights of American citizenship.¹ Beginning with the crafting of the Republican Party’s national platform of 1856, and the characterization of Mormon polygamy as one of the “twin relics of barbarism,” the nation carried out a sustained and unrelenting effort to reconstruct Mormonism.² Characteristic of the efforts to reconstruct other groups whose cultural practices ran contrary to the perceived notions of Americanism, the federal government implemented a multi-faceted policy of reconstruction that aimed to reform nearly every segment of Mormon society between 1856 and 1890. For Mormons, as for other minority groups, the Greater Reconstruction suggested far more than superficial changes. Rather it was a holistic policy that aimed to transform America’s offending subgroups at their most fundamental cultural roots.

As a part of this reconstructive crusade, federal officials pursued and implemented militaristic, economic, educational, and legislative policies. Beginning with the Utah War, the U.S. Army played an important role in Utah, being sent to the territory with

¹ N. W. Green to James Buchanan, 4 August 1857, Miscellaneous Letters of the Department of State, Film #1,842,007, LDS Church Family History Library, Salt Lake City, Utah. Emphasis in original.

² Republican Party Platform of 1856, reproduced in full at http://www.ushistory.org/gop/convention_1856republicanplatform.htm (accessed January 21, 2013).

orders to act at the call of the governor as a posse comitatus to ensure that law and order was maintained in Utah. Although no large-scale military conflicts ever took place, the threat of force played a powerful role in compelling Mormon acceptance of federal sovereignty in Utah. Furthermore, the military presence in Utah facilitated the beginning of other, more enduring, forms of reconstruction. During the middle of the Civil War, the army pioneered a new form of Mormon reconstruction by mining the territory's mountain ranges in an effort to attract non-Mormon emigrants through a mining boom. While these ventures were never as successful as military officials originally hoped, they established the foundations of an economic reconstruction which would continue with the postbellum arrival of the railroad and access to Eastern markets. The presence of the army likewise enabled the beginnings of educational reconstruction within the territory by attracting Protestant faiths and Protestant denominational schools to the territory. These schools helped to highlight the deficiencies within Utah's schools, as well as the preeminent position that Mormon leaders played within the territory's educational structure. Utah's educational system thus became a new battleground in the reconstruction of Mormonism, as federal officials systematically restructured the leadership of Utah's schools. Finally, weaving its way throughout each of these stories was a consistent effort to punish and prevent polygamy, thus reconstructing Mormonism through federal legislation. Through both successes and failures, members of Congress steadily crafted and debated a litany of anti-polygamy laws that kept Utah's own peculiar institution near the forefront of the national consciousness. Aided by presidential approval and by the *Reynolds* decision, Congressional leaders ultimately succeeded in passing the Edmunds Act (1882) and the

Edmunds-Tucker Act (1887) which left Mormons devoid of many of the rights of American citizenship as long as polygamy persisted.

Through these and other measures, federal officials relentlessly reconstructed Mormonism between 1856 and 1890. At the same time, government officials pursued similar prolonged campaigns among other objectionable groups. Although peculiarities marked each individual group and the federal policies which policed them, the common thread of reconstruction runs throughout each of their unique stories. Furthermore, the continuity of such efforts among the Mormons and the nation's other minorities demonstrates the importance which federal officials attached to the task of redefining the confines and boundaries of American citizenship during the years following the Civil War.³

As demonstrated by the Latter-day Saint experience, however, reconstructive policies were never received without resistance. In their own ways, the recipients of America's reconstructive projects each combatted such efforts with their own unique responses. The story of the Greater Reconstruction was thus far from a passive tale of forced victimhood.

For their part, Mormons consistently developed their own policies to combat these efforts. The Mormon Nauvoo Legion countered the Utah Expedition of 1857-1858, while Brigham Young's United Orders provided a temporary response to the economic influences of American miners, railroads, and commerce. In an effort to maintain their faith's influence within the sphere of education, Latter-day Saints turned to private Mormon academies and other educational programs in response to reconstructive

³ Elliott West, *The Last Indian War: The Nez Perce Story* (New York: Oxford University Press, 2009), xx-xxi.

education. And in contrast to legislative measures and arrests for polygamy, Mormons created their own underground network where leaders attempted to evade arrest. Despite consistent Mormon efforts to push back against these reconstructive policies, however, the combined effect of the government's efforts to reform Mormon society served to overwhelm the Utah faith.

The Plural Marriage Manifesto

Ultimately, the Mormon story is one of capitulation to the assimilative powers of the Greater Reconstruction. By 1884, some Latter-day Saints were beginning to question whether the faith might persist without polygamy.⁴ For many Mormon leaders, including Church president John Taylor and his successor Wilford Woodruff, however, such a concept was almost beyond unthinkable in the mid-1880s. Indeed, both Taylor and Woodruff had recorded written revelations reaffirming the importance of polygamy to Mormon doctrine. An 1882 revelation written by Taylor had specified, "it is not meet that men who will not abide my law shall preside over my priesthood."⁵ For Mormons in 1882, the language was an unmistakable statement that the men who ascended to high positions within the Mormon hierarchy were to practice polygamy. Similarly, a November 1889 revelation written by Wilford Woodruff had instructed, "Let not my Servants who are called to the Presidency of my Church, deny my word or my law, which concerns the Salvation of the children of men."⁶

⁴ Joseph F. Smith to Henry Stokes, May 25, 1884, Joseph F. Smith Collection, MS 1325, box 31, folder 3, pages 51-54, CHL.

⁵ John Taylor, Revelation, October 13, 1882, in James R. Clark, ed., *Messages of the First Presidency of the Church of Jesus Christ of Latter-day Saints, 1833-1964*, 6 vols. (Salt Lake City, Utah: Bookcraft Inc., 1965), 2:348.

Despite the persistent hopes that Mormonism could stave off the pressures of the nation's reconstructive efforts, however, by 1890 it had become clear even to Woodruff that the change was inevitable and essential to survival. Even after his November 1889 revelation, Woodruff approached the new year with a sense of foreboding and an understanding that changes were afoot. Writing in his diary on December 31, 1889, Wilford Woodruff noted simply, "1890 will be an important year with the Latter Day Saints & [the] American Nation."⁷ On September 25, 1890, Woodruff did what would have been unthinkable only a few years earlier and issued a manifesto, formally discontinuing the Mormon practice of plural marriage within the United States. Describing his decision, Woodruff wrote in his diary,

I have arrived at a point in the history of my life as the president of the Church of Jesus Christ of Latter-day Saints where I am under the necessity of acting for the temporal salvation of the church. The United States government has taken a stand and passed laws to destroy the Latter-day Saints on the subject of polygamy . . . and after praying to the Lord and feeling inspired, I have issued the following proclamation which is sustained by my counselors and the twelve apostles.⁸

Woodruff then inscribed a copy of the manifesto into his diary. The document asserted that the Church was no longer teaching "polygamy, or plural marriage, nor permitting any person to enter into the practice." Explaining the dramatic change, Woodruff wrote, "Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare

⁶ Wilford Woodruff, Revelation, November 24, 1889, in L. John Nuttall, Journal, November 27, 1889, in Jedediah S. Rogers, ed., *In the President's Office: The Diaries of L. John Nuttall, 1879-1892* (Salt Lake City, Utah: Signature Books, 2007), 395.

⁷ Wilford Woodruff, Diary, December 31, 1889, in Scott G. Kenney, ed., *Wilford Woodruff's Journal*, 9 vols. (Midvale, Utah: Signature Books, 1985), 9:74.

⁸ Wilford Woodruff, Diary, September 25, 1890, in Kenney, ed., *Wilford Woodruff's Diary*, 9:113-114.

my intention to submit to those laws, and to use my influence with the members of the Church over which I preside to have them do likewise.”⁹

Woodruff’s manifesto came as a devastating blow for many Mormons. Indeed, the placement of the transformational document upon page two of the church’s *Deseret Evening News* demonstrated the feelings that accompanied it.¹⁰ For some Latter-day Saints, the Manifesto came as significant challenge to their faith. While apostles Lorenzo Snow, Heber J. Grant, and Anthon H. Lund believed that the document would “result in good,” others like John Henry Smith and John W. Taylor viewed it with skepticism and even anger. Taylor in particular explained to his fellow apostles that when he first heard of the statement, he “felt to say ‘Damn it.’”¹¹ Learning of the Manifesto, Brigham H. Roberts queried as to the purpose of the many years of struggle to protect polygamy. “Our community,” Roberts wrote, “had endured every kind of reproach from the world for the sake of it—and was this to be the end?”¹² Aware of the feelings of the community, Woodruff noted in his diary a year later, “There are many in the Church who feel badly tried about the Manifesto.” After a half-century of defending and practicing polygamy despite national pressures, some felt as though “Revelation had ceased [*sic*].”¹³

As historian Patricia Limerick has suggested, this concession signaled, for

⁹ “Official Declaration,” *Deseret Evening News*, September 25, 1890, page 2, column 1.

¹⁰ “Official Declaration,” *Deseret Evening News*, September 25, 1890, page 2, column 1.

¹¹ Abraham H. Cannon, Diary, September 30 and October 1, 1890, Abraham H. Cannon Diaries, Vault MSS 62, box 5, folder 17, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah (hereafter cited as Special Collections, HBLI).

¹² B. H. Roberts, Diary, undated, in Ronald W. Walker, “B. H. Roberts and the Woodruff Manifesto,” *BYU Studies Quarterly*, 22, no. 3 (Summer 1982), 364.

¹³ Wilford Woodruff, Diary, October 25, 1891, in Kenney, ed., *Wilford Woodruff’s Journal*, 9:168.

Mormons, the end of any notion that the West could serve as “a refuge for distinctive societies.” It was a closing of the distinctive Mormon frontier.¹⁴ Rather than a refuge for distinctiveness, the West was to be a regulated and reconstructed region of Americanism. Indeed, the decision tore at the very heart of nineteenth-century Mormonism, undermining the community’s distinctiveness and necessitating dramatic cultural transformation. While Woodruff’s manifesto did not bring instantaneous changes to Mormonism, by the mid-1910s, a dramatically different Mormonism had emerged. The transformation was so complete that the diminishing body of polygamist Mormons occasionally found themselves shunned by members of their own community who did not want to be seen as having any personal connections to polygamy.¹⁵ The feelings were so strident, that polygamous Mormon were “appalled at the thought of moving to Salt Lake City,” and the treatment they would experience at the hands of the increasingly monogamous Mormon community.¹⁶

Mormonism Reconstructed

Mormonism’s plural marriage manifesto represents one of the most dramatic victories of the Greater Reconstruction era. Although strains and efforts to practice polygamy persisted beyond the borders of the United States, the plural marriage manifesto ended the public Church sanction of the practice and slowed the practice to a

¹⁴ Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W. W. Norton & Co., 1987), 25.

¹⁵ Mormon George A. McClellan writes that when he asked to accept a leadership position within a Salt Lake Ward, two other men refused to serve with him, stating that they “did not want to be connected with [McClellan]” because of his polygamy. George A. McClellan, “My Family and I,” page 159, unpublished manuscript in the possession of Lynnette H. Dowdle, Orem, Utah.

¹⁶ Agnes S. Wilson, Autobiography, MS 6911, CHL; Brett D. Dowdle, “‘A New Policy in Church School Work’: The Founding of the Mormon Supplementary Religious Education Movement” (MA thesis, Brigham Young University, 2011), 139-146.

trickle.¹⁷ Despite continuing suspicions on the part of some Americans, by 1920, Mormons had entrenched themselves firmly within the broader body of Americanism, having become thoroughly reconstructed and Americanized. Both the rapidity and the thoroughness of the change would have surprised even the most optimistic of those who had pressed for the eradication of polygamy during the nineteenth century. Despite the distinctiveness of the nineteenth-century faith, however, by 1950, Mormons would become emblematic of the very Americanism they had defied throughout the nineteenth-century.¹⁸

Mormonism's rapid transition following the Woodruff Manifesto demonstrates one of the significant differences that distinguished Mormons from the other peoples who experienced reconstructive actions. In their post-Manifesto period, Mormons often made overt displays of their Americanism, such as military participation during the Spanish-American War.¹⁹ Such actions helped to reorient nineteenth-century

¹⁷ The actual intent and meaning of Woodruff's manifesto is somewhat debated. Plural marriages continued to be solemnized by Mormons in both Canada and Mexico, often with the sanction of high-ranking Mormon officials. Historian Kathleen Flake argues that the actual abandonment of polygamy did not occur "in deed [until] 1906," whereas the 1890 pronouncement had referenced only the practice within the United States. Historian Davis Bitton has argued that where such a significant change was involved, "a transition period was inevitable. As late as 1901, the question of whether "any one can receive another wife in any other country" was posed to the First Presidency, with ranking leaders Lorenzo Snow and Joseph F. Smith both responding "no." Kathleen Flake, *The Politics of American Religious Identity: The Seating of Senator Reed Smoot, Mormon Apostle* (Chapel Hill: University of North Carolina Press, 2004), 8; B. Carmon Hardy, *Solemn Covenant: The Mormon Polygamous Passage* (Urbana: University of Illinois Press, 1992), 167-243, 363-93; Davis Bitton, *George Q. Cannon: A Biography* (Salt Lake City, Utah: Deseret Book Company, 1999), 409; Anthon H. Lund, Diary, April 18, 1901, in John P. Hatch, ed., *Danish Apostle: The Diaries of Anthon H. Lund, 1890-1921* (Salt Lake City, Utah: Signature Books, 2006), 120. See also: D. Michael Quinn, "LDS Church Authority and New Plural Marriages, 1890-1904," *Dialogue: A Journal of Mormon Thought* 18, no. 1 (Spring 1985): 9-105; B. Carmon Hardy, ed., *Doing the Works of Abraham: Mormon Polygamy, Its Origin, Practice, and Demise* (Norman, Oklahoma: Arthur H. Clark Company, 2007), 341-378.

¹⁸ J. B. Haws, *The Mormon Image in the American Mind: Fifty Years of Public Perception* (New York: Oxford University Press, 2013), 1-11.

¹⁹ D. Michael Quinn, "The Mormon Church and the Spanish-American War: An End to Selective Pacifism," *Pacific Historical Review*, 43, no. 3 (August 1974): 342-366.

stereotypes and establish a new identity as loyal Americans. But in addition to these displays of loyalty, Mormons brought with them a racial and ethnic makeup that allowed them to gain greater and more immediate acceptance in the years following their abandonment of polygamy. Contrastingly, other groups that similarly made such displays to demonstrate their own national loyalty continued to be excluded from the full rights of citizenship.²⁰ Like the large bodies of European immigrants that flooded the nation during the late-nineteenth century, Mormons had the capacity by means of their ethnicity to transition from being the aims of reconstructive projects to the full rights of white American citizenship.²¹

Thus, while Mormonism was the target of sustained reconstructive actions, it also manifested distinctive differences from many of the other groups who likewise experienced the pressures of the Greater Reconstruction's policies. As national leaders determined just how to resolve the constant questions regarding the "nature, prerogatives, and demands" of American citizenship, they also drew unspoken distinctions between those various groups.²² Hence, while the nation's various recipients of reconstructive actions often had similar experiences with each other, America's racial and ethnic perceptions meant that some of those groups were able to assimilate with greater rapidity than were their fellow minorities. These scripts of these racial, ethnic, and religious minorities thus bore strong resemblances to the scripts of other groups,

²⁰ Frank Andre Guridy, *Forging Diaspora: Afro-Cubans and African Americans in a World of Empire and Jim Crow* (Chapel Hill: University of North Carolina Press, 2010), 17-60.

²¹ David R. Roediger, *Working Toward Whiteness, How America's Immigrants Became White: The Strange Journey from Ellis Island to the Suburbs* (New York: Basic Books, 2005); W. Paul Reeve, *Religion of a Different Color: Race and the Mormon Struggle for Whiteness* (New York: Oxford University Press, 2015), 247-272; Max Perry Mueller, *Race and the Making of the Mormon People* (Chapel Hill: University of North Carolina Press, 2017).

²² Elliott West, *The Last Indian War: The Nez Perce Story* (New York: Oxford University Press, 2009), xx-xxi.

while at the same time maintaining their own unique individual stories that varied according to race, time, and place.²³ The successful reconstruction of Mormonism was thus, in a large measure, due to the potential whiteness of the Mormon community. The reconstruction of Mormonism thus demonstrated not only the demands that Americanism placed upon would-be citizens in the late-nineteenth century, but also the inherent inequalities that characterized the United States during the Greater Reconstruction Era.

²³ Natalia Molina, *How Race is Made in America: Immigration, Citizenship, and the Historical Power of Racial Scripts* (Berkeley: University of California Press, 2014), 6-11.

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VITA

Brett David Dowdle was born April 21, 1981, in Provo, Utah. He is the son of Don Robert and Lynnette Haycock Dowdle. A 1999 graduate of Orem High School in Orem, Utah, he received a Bachelor of Arts degree with a major in History from Brigham Young University in 2005.

After receiving his bachelor's degree, he began working as a professional history researcher in 2006, assisting with the research for various projects and publications since that time. His research has appeared in three books published by Oxford University Press and several articles for various professional journals of history. In 2011, he received a Master of Arts degree in History from Brigham Young University.

In August 2011, he enrolled in graduate study at Texas Christian University. While pursuing his doctorate in American History, he held a University Fellowship from 2011-2014. Since 2015, he has worked as a research associate and professional historian for the *Joseph Smith Papers Project* in Salt Lake City, where he is currently editing a documentary history volume for publication. He is a member of the Western History Association and the Mormon History Association.

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ABSTRACT

“BEYOND THE PALE OF HUMAN SYMPATHY”: UTAH AND THE RECONSTRUCTION OF THE AMERICAN WEST, 1856-1890

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This dissertation is a thematic history of the place of Utah and Mormonism within what Elliott West has dubbed “the Greater Reconstruction Era.” As such, it considers the various ways and means by which the federal government pursued reconstructive measures in Utah between 1856 and 1890, ending with Mormonism’s official renunciation of polygamy on September 25, 1890. In its first chapter, I attempt to explain why nineteenth-century Americans believed Mormonism was in need of reconstructive action. In the following chapters, I then examine the various modes and methods of the reconstruction which occurred in Utah. Considering reconstruction as a multi-faceted and ideological endeavor, I survey the ways that the federal government drew upon the

military, economic forces, educational measures, and legislative enactments to effect transformative changes within Utah during the stated period.

In this dissertation, I argue that while Southern reconstruction was cut short in the South, the reconstruction of Mormonism demonstrates that the reconstruction of the American West was a sustained and protracted process. A study of the reconstruction of Utah illuminates the modes and methods that fueled the Greater Reconstruction of America's racial, ethnic, and religious minorities. Although certain peculiarities mark the Mormon story and distinguish it from the nation's other reconstructed groups, the general patterns and purposes of reconstructive actions were consistent with the government's other reconstructive projects. The Mormon story of reconstruction thus helps to illustrate the broader principles and patterns upon which this national reconstruction was carried out in the latter-half of the nineteenth century.

I further argue that in many regards, Mormonism represented the most profoundly successful undertaking of the reconstruction era. While reconstructive policies left an enduring mark upon each of the communities specifically targeted for transformation, few if any of those communities were as profoundly changed as was Mormonism, which moved from American exiles to examples of Americanism between 1850 and 1950. Facilitating this odyssey, federal officials employed a variety of policies that worked to reconstruct nearly every segment of Mormon Society.