

THE RUNAWAY OFFICIALS REVISITED:  
REMAKING THE MORMON IMAGE  
IN ANTEBELLUM AMERICA

by

Bruce W. Worthen

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## STATEMENT OF THESIS APPROVAL

The thesis of Bruce W. Worthen

has been approved by the following supervisory committee members:

W. Paul Reeve , Chair          March 2, 2012  
Date Approved

Edward Davies, II , Member          March 2, 2012  
Date Approved

L. Ray Gunn , Member          March 2, 2012  
Date Approved

and by Isabel Moreira , Chair of  
the Department of History

and by Charles A. Wight, Dean of The Graduate School.

## ABSTRACT

In September of 1851, four federal officials left Utah Territory after serving less than four months. Chief Justice Lemuel G. Brandebury, Associate Justice Perry E. Brocchus, Territorial Secretary Broughton D. Harris, and Indian Subagent Henry R. Day created a furor in Congress with their reports of Brigham Young's rebellion against federal authority. This came as a great surprise in Washington since over the previous five years, Mormon agents had created an image of the Latter-day Saints as mainstream Americans who were loyal to the United States and had a conventional form of republican government. Unfortunately, the Compromise of 1850 resulted in Congress imposing an unwanted territorial government on the Mormons. When nonresident officials arrived in 1851, the Latter-day Saints reacted with defiance and antagonism. As the situation worsened, these officers feared for their safety and left the territory. Members of Congress responded to their reports of a Mormon rebellion by threatening to send federal troops to Utah in 1852. Latter-day Saint agents in Washington realized this would almost certainly result in the kind of violence that led to the collapse of four previous Mormon settlements. Even though the report of the returning officials accurately described the words and actions of the Church leadership, Latter-day Saint agents in Washington discredited their charges by creating an image of them as "runaway officials" whose word could not be trusted. Unfortunately, the victory over the officials did not end the conflict with Washington. Brigham Young's insistence that the Mormons and not the

federal government ruled Utah Territory put the Latter-day Saints on a collision course with Washington and became the first step on the road to the Utah War.

## TABLE OF CONTENTS

ABSTRACT.....	iii
ACKNOWLEDGEMENTS.....	vii
Chapters	
I. INTRODUCTION .....	1
Literature Review.....	3
II. REMAKING THE MORMON IMAGE.....	11
Mormon Theo-democracy .....	12
Mormon Loyalists.....	22
Mormon Culture.....	28
III. “IT IS ALL WE ASK AND IT IS ALL WE EXPECT” .....	35
The Territorial System .....	36
The Slavery Issue.....	40
The Compromise of 1850 .....	44
IV. “I AM SICK AND TIRED OF THIS PLACE” .....	47
The Elections of 1851 .....	52
Mormon Justice.....	58
Mormon Polygamy .....	63
Mormon Lawmaking .....	65
Misappropriation of Federal Funds.....	69
Antigovernment Sentiments.....	75
“So Much for Defending My Country” .....	78
V. A VIOLENT STORM.....	85
Attacking Character vs. Answering Charges .....	90
“Routed Horse, Foot and Dragoons” .....	100

VI. CONCLUSION.....	102
APPENDIX.....	105
BIBLIOGRAPHY.....	113

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## CHAPTER I

### INTRODUCTION

On November 13, 1847, Mormon leaders held a meeting at the home of Brigham Young. The purpose of the gathering was to discuss the form of government the Latter-day Saints would adopt for their settlements in the Great Basin of Mexico.<sup>1</sup> While the Mormon communities were outside the borders of the United States, Church leaders were convinced that after the Mexican War, Washington would lay claim to their lands.<sup>2</sup> Therefore, Brigham Young and the Apostles needed to develop a strategy for dealing with the federal government. Unfortunately, the course they decided to follow had unintended consequences. It led to a conflict with federal officials sent to the Great Basin

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<sup>1</sup> Minutes of Meetings, November 13, 1847, Church Historian's Office, General Church Minutes, 1839 -1877, (CR 100/318), LDSCA. See official transcript in Minutes of Meetings, November 13, 1847, Leonard Arrington Collection (LJAHA COL 1), Series 9, Box 12, Folder 3, USU. The Quorum of the Twelve Apostles collectively led the Church following the death of Mormon founder Joseph Smith on June 27, 1844. Brigham Young established a new settlement in the Great Basin on July 24, 1847, but returned to Iowa where the bulk of Church members lived. The Apostles held a series of meetings that winter to lay a course for the future of the Latter-day Saint movement. They made many important decisions including formally naming Brigham Young as President of the Church of Jesus Christ of Latter-day Saints. See also Leonard J. Arrington, *Brigham Young : American Moses* (University of Illinois Press, 1986), 155–156.

<sup>2</sup> Journal of John D. Lee, August 7, 1846, Leonard Arrington Collection (LJAHA COL 1), Series 9, Box 15, Folder 6, USU. Almost a year before settling in the Great Basin, the leadership of the Church became concerned that the United States Congress would impose a government over their lands with non-Mormon leaders to rule over them. They decided to take the initiative by promising to claim the Great Basin in the name of the United States. They did this in hopes Washington would grant them self-government. Consequently, Brigham Young sent word to President James K. Polk saying, "We intend raising the American Flag and sustain[ing] the Government of the United States."

in 1851 and put the Mormons on a collision course with Congress. It destroyed the reputation of the Latter-day Saints and became the first step on the road to the Utah War. The plan Brigham Young and the Apostles discussed that day was to petition Congress for a territorial form of government “as a blind.”<sup>3</sup>

According to Webster’s 1843 dictionary, “a blind” meant “Something to mislead the eye or the understanding; as, one thing serves as a blind for another.”<sup>4</sup> Mormon agents in Washington sought to create “blinds” for several aspects of Latter-day Saint society. This included their form of government, their anger toward the United States, as well as certain aspects of Mormon culture. Church leaders hoped that if Washington perceived the Mormons as mainstream Americans, Congress would allow the Latter-day Saints to run their own affairs in the Great Basin. Therefore, the Church leadership sought to create a reassuring picture of Mormons as a people who practiced a republican form of government, who were loyal to the United States, and whose culture was within the limits of American Protestant sensibilities. These attempts to create a positive public image had the opposite effect, however. Ultimately, Washington sent non-Mormon officials to the Great Basin. When these territorial officers encountered the real Latter-day Saint government, their bitterness toward the United States, and came face to face with some of their cultural practices, it created an explosion. The sharp contrast between the images created by Mormon representatives in Washington and the experience of

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<sup>3</sup> Minutes of Meetings, November 13, 1847, Church Historian’s Office, General Church Minutes, 1839 -1877, (CR 100/318), LDSCA. The minutes of the meeting record that, “A conversation took place about petition to Congress for territory – (as a blind).”

<sup>4</sup> Noah Webster, *An American Dictionary of the English Language : Exhibiting the Origin, Orthography, Pronunciation, and Definition of Words*, Rev. ed. with an appendix containing all the additional words in the last ed. of the larger work. (New York: Harper, 1844), 129.

federal officials in Utah Territory produced an outcry in the halls of Congress. It also raised suspicions that the Latter-day Saints might be hiding other things, including a desire to secede from the Union. Mormon agents in Washington felt they had to deny the reports of the returning officials or face the imposition of federal troops in 1852. Because of the fear of possible violence, they misled Congress by insisting the officers really left Utah for economic reasons and fabricated their charges in hopes the government would allow them to continue drawing their salaries. Since this was a common occurrence in other territories, Congress and the President gave Brigham Young the benefit of the doubt. However, these attempts to discredit the “runaway officials” of 1851 did not put an end to Washington’s deep suspicions of the Latter-day Saints. They only became part of a cycle of conflict and deception that led to the Utah War of 1857.

### Literature Review

Historians who write about the incidents leading up to the Utah War have largely neglected the period from 1847 through 1852. Most scholarly works move quickly past this crucial episode to other incidents, including the conflict with Judge William W. Drummond, the practice of polygamy, and the Mountain Meadows Massacre. A second problem that afflicts the historiography of this period is that the writing of Utah history in general tends to be myopic in nature. Local historians write for Mormon audiences and rarely fit their works into the larger context of United States history and the narrative of the American West. Utah historians rarely discuss the national controversy over the territorial system. They seldom attempt to put the Mormon experience within the context of antebellum politics. Nationally, even historians of the American West tend to overlook

Utah, or only deal with it in a cursory fashion. The result is that they usually ignore incidents such as that of the “runaway officials.”

For over fifty years, the principal scholarly work on issues surrounding the Utah War has been *The Mormon Conflict, 1850-1859* by Norman F. Furniss.<sup>5</sup> Unfortunately, Furniss wrote his book during a time when the archives of the Church of Jesus Christ of Latter-day Saints were not as open as they are today. Furniss did not have letters, office journals, minutes of meetings, and other documents to help him understand the actual chain of events that led to armed conflict in Utah Territory. While the book is very valuable in its coverage of events from a Washington perspective, it does not effectively explain the motives for the actions of the Mormons. While Norman Furniss was clearly interested in understanding the Latter-day Saints, other non-Utah authors have not been.

*Holy Smoke: A Dissertation on the Utah War* by Paul Baily is a relatively brief account of the Mormon conflict that made little effort to explain Latter-day Saint culture.<sup>6</sup> Baily wrote the book primarily from an eastern perspective. While Baily also wrote at a time when materials in the LDS Archives were not as available as they are today, it is questionable if he would have put them to good use. The same is true of many other authors outside of Utah. Kenneth Stampp’s book *America in 1857: A Nation on the Brink* only devotes one chapter to the Utah War with material drawn mostly from secondary sources.<sup>7</sup> The rest of the book deals with the failings of the Buchanan Administration, the

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<sup>5</sup> Norman F. Furniss, *The Mormon Conflict, 1850-1859* (New Haven: Yale University Press, 1960).

<sup>6</sup> Paul Bailey, *Holy Smoke : A Dissertation on the Utah War* (Los Angeles: Westernlore Books, 1978).

<sup>7</sup> Kenneth M. Stampp, *America in 1857 : A Nation on the Brink* (New York: Oxford University Press, 1990).

Dred Scott case, and other events that paint a picture of America before the Civil War. He clearly does not see Utah as being very important in a national context.

Many Utah authors have written extensively on the topic of the Utah War. Unfortunately, those works have not given much attention to the 1851 conflict between the Mormons and Washington. Brigham Young University professor Richard Poll explored the causes of the Utah War with William P. MacKinnon in an article entitled “Causes of the Utah War Reconsidered.”<sup>8</sup> This article does a good job of covering the period just before federal troops came to Utah, but there is little coverage of the period between 1847 and 1852. Brigham Young University professor Eugene Campbell wrote an excellent volume on early Utah history. His book, *Establishing Zion*, was part of a project to produce a new official history of the Mormon Church.<sup>9</sup> The LDS leadership abandoned the project in 1981 and Campbell sought an outside publisher for his manuscript.<sup>10</sup> Unfortunately, Campbell died before completing his work and the published version is from a rough draft. The book as published has little material on the runaway officials of 1851. In addition, Campbell clearly wrote the book for a Latter-day Saint audience and made little effort to put the Mormon conflict into a broader context.

Many books written by LDS Church historians have tended to avoid controversial issues, but *Brigham Young : American Moses* by Leonard Arrington was an exception.<sup>11</sup>

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<sup>8</sup> Richard D. Poll and William P. MacKinnon, “Causes of the Utah War Reconsidered,” *Journal of Mormon History*, Vol. 20, No. 4 (Fall 1994), 16-44.

<sup>9</sup> Eugene E. Campbell, *Establishing Zion : The Mormon Church in the American West, 1847-1869* (Salt Lake City, Utah: Signature Books, 1988).

<sup>10</sup> Campbell, *Establishing Zion*, Publisher’s Forward.

<sup>11</sup> Arrington, *Brigham Young*.

Arrington had both the access to materials and the will to write Mormon history from a scholarly perspective. Unfortunately, it was impossible for him to give a great deal of attention to early territorial history in a single volume covering Brigham Young's entire life. *Massacre at Mountain Meadows* by Ronald W. Walker, Richard E. Turley, and Glen M. Leonard was another work that breaks away from the apologetic nature of histories produced by official LDS sources.<sup>12</sup> They had the same problem as Arrington's work in that the focus of their book left little room for a thorough treatment of events in early territorial Utah.

Other authors, with no official connection to the Mormon Church, have suffered from the same problems of the availability of primary sources and contextualizing events from national perspective. Juanita Brooks in *The Mountain Meadows Massacre* had difficulty gaining access to the materials she sought. She wrote at a time when Church leaders wished to avoid the topic of her book.<sup>13</sup> In addition, the focus of Brooks' work was primarily the massacre of the Fancher Company in 1857, and she devoted little time to earlier conflicts or their national implications. *Camp Floyd and the Mormons* was a book written by Donald Moorman and Gene Sessions.<sup>14</sup> Dr. Moorman spent over eighteen years researching his book but died before he was able to complete it. His colleague Dr. Gene Sessions finished it. Unfortunately, this work provides little coverage of the 1847-1852 years and concentrates on the Utah War and its aftermath. Dale Morgan

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<sup>12</sup> Ronald W. Walker, Richard E. Turley, and Glen M. Leonard, *Massacre at Mountain Meadows* (Oxford; New York: Oxford University Press, 2008).

<sup>13</sup> Juanita Brooks, *The Mountain Meadows Massacre*. (Norman: University of Oklahoma Press, 1963).

<sup>14</sup> Donald R. Moorman and Gene Allred Sessions, *Camp Floyd and the Mormons : The Utah War* (Salt Lake City, Utah: University of Utah Press, 1992).

explored Utah's early government in his groundbreaking work *The State of Deseret*.<sup>15</sup> Morgan was an indefatigable researcher with keen insight into the culture of the Latter-day Saints. Regrettably, he ended his narrative before the start of the territorial period in 1851. David Bigler's work, *Forgotten Kingdom*, does the best job of covering territorial Utah.<sup>16</sup> Unfortunately, Bigler's work covers the years 1851 to 1896 making it difficult to go into much detail about any particular period. In addition, Bigler wrote his book at a time when material from the LDS Archives was not as available as it is today and did not have many important documents. William P. MacKinnon has spent over half a century investigating the Utah War and has written a documentary work entitled *At Sword's Point*.<sup>17</sup> MacKinnon planned to produce a two-volume work, but as of this writing, the second volume has not appeared. MacKinnon's contribution to discovering primary source materials for the Utah War is legendary, but he has yet to write the definitive work. Few of his writings deal with the territorial experience with federal officials in 1851. Other authors have written extensively on early Utah, but unfortunately, a polemical style mars their works. This is true of Will Bagley's recent books *The Mormon Rebellion : America's First Civil War* (coauthored with David Bigler)<sup>18</sup> and *Blood of the*

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<sup>15</sup> Dale Morgan, *The State of Deseret* (Logan, Utah: Utah State University Press with the Utah State Historical Society, 1987).

<sup>16</sup> David Bigler, *Forgotten Kingdom : The Mormon Theocracy in the American West, 1847-1896*, 1st ed. (Utah State University Press, 1998).

<sup>17</sup> William P. MacKinnon, *At Sword's Point* (Norman, Okla.: Arthur H. Clark Co., 2008).

<sup>18</sup> David L. Bigler and Will Bagley, *The Mormon Rebellion : America's First Civil War, 1857-1858* (Norman: University of Oklahoma, 2011).

*Prophets*.<sup>19</sup> Bagley states his biases clearly in the introductions to his books and seems to be writing to challenge the Mormon faith more than to excavate history. Much the same is true of Sally Denton's book *American Massacre : The Tragedy at Mountain Meadows, September 1857*.<sup>20</sup>

The most glaring deficiency in books by Utah historians is their neglect of the territorial system and the controversy it created nationwide. The historiography of this period is quite rich and demonstrates that while Brigham Young's resistance to federal authority may have been unique in its intensity, it was not the only example of territorial rebellion. Those who have studied the territorial system view it as an inefficient and corrupt system that caused local settlers to rebel. Peter Onuf, in his book *Statehood and Union : A History of the Northwest Ordinance*, argues that the possibility of rebellion was foremost on the minds of those who framed the early territorial ordinances.<sup>21</sup> Jack Eblen in his book, *The First and Second United States Empires; Governors and Territorial Government, 1784-1912*, makes a case that a desire by Washington to create an empire overrode concerns for the right of self-government to residents of the territories.<sup>22</sup> Jay Amos Barrett in his book, *Evolution of the Ordinance of 1787*, examines

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<sup>19</sup> Will Bagley, *Blood of the Prophets : Brigham Young and the Massacre at Mountain Meadows* (Norman: University of Oklahoma Press, 2002).

<sup>20</sup> Sally Denton, *American Massacre : The Tragedy at Mountain Meadows, September 1857* (New York: Alfred A. Knopf : Distributed by Random House, 2003).

<sup>21</sup> Peter Onuf, *Statehood and Union : A History of the Northwest Ordinance* (Bloomington: Indiana University Press, 1987).

<sup>22</sup> Jack Eblen, *The First and Second United States Empires : Governors and Territorial Government, 1784-1912*. ([Pittsburgh]: University of Pittsburgh Press, 1968).



the debates surrounding the Northwest Ordinance in detail.<sup>23</sup> He agrees with Onuf and argues that the Founding Fathers originally wanted to give settlers self-government and a sure path to statehood to assure their loyalty. Unfortunately, other forces dictated a change in policy. What emerges from all these accounts of the early development of the territorial system is a story of a new nation that starts out intending to grant self-government to the territories but then has second thoughts. The result is a territorial form of government that sparks rebellion in all the territories, not just in Utah. Robert W. Larson in his book, *New Mexico Populism : A Study of Radical Protest in a Western Territory*, shows the frustration New Mexico endured over a period of more than sixty years.<sup>24</sup> New Mexico applied repeatedly for statehood but filibusters, parliamentary tactics, and other maneuvers of one party or the other foiled their plans in order to keep a new state from disrupting the balance of power. Interestingly, these books only speak briefly of the Utah experience, although it clearly fits into the national pattern of dissatisfaction with the territorial system.

Another important theme that runs through the historiography of this period is the generally poor job Washington did of running the territories. Since the people of the territories did not vote in national elections, Congress took little interest in providing financial support to their governments. The salaries of officials were so inadequate that most needed to have outside business interests just to survive. This led to a corrupt system of government. The lack of adequate salaries and reimbursement for expenses

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<sup>23</sup> Jay Amos Barrett, *Evolution of the Ordinance of 1787 : With an Account of the Earlier Plans for the Government of the Northwest Territory* (New York: G.P. Putnam's Sons, 1891).

<sup>24</sup> Robert W. Larson, *New Mexico Populism : A Study of Radical Protest in a Western Territory* (Boulder: Colorado Associated University Press, 1974).

also provided local settlers with leverage over unpopular officers. They would use “sagebrush districting” to create judicial circuits that were so large that judges would have to leave the territory or go bankrupt. In addition, territories often bypassed federal officials and assigned court cases to probate judges appointed by the legislature rather than the federally appointed judges. Therefore, the Utah experience is part of a larger story. Other territories often invented many of the methods Brigham Young used to rebel against federal authority. The Mormon revolt was more intense than that of other territories, but it was not unique. Historians have not told the story of the Mormon conflict within this larger context.

## CHAPTER II

### REMAKING THE MORMON IMAGE

For the first sixteen years of its existence, the image of the Church of Jesus Christ of Latter-day Saints in the public mind was almost exclusively a negative one. Mobs drove the Mormons from Missouri and Illinois claiming the Latter-day Saints were lawbreakers who threatened the safety of their communities. Disgruntled former church members frequently inflamed the public mind by claiming the Mormons were planning violence against their neighbors. State governments arrested Church leaders numerous times on various charges. Newspapers across the country carried stories that portrayed the Latter-day Saints as robbers, murderers, counterfeiters, and dupes. The most common phrase applied to the Mormons defined them as “a deluded and fanatical people.”<sup>25</sup> After seeing their first four settlements collapse and their founding prophet Joseph Smith murdered, Church leaders decided to move the Latter-day Saints to the Great Basin of Mexico. Once there, Mormon Prophet Brigham Young intended to create “a nation, independent of all others on earth.”<sup>26</sup> The Mexican Cession complicated those plans,

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<sup>25</sup> Leonard J. Arrington and Davis Bitton, *The Mormon Experience: A History of the Latter-day Saints*, 2 Sub. (University of Illinois Press, 1992), 46–47.

<sup>26</sup> James Arlington Bennet to Dr. Willard Richards, June 4, 1845, Leonard Arrington Collection (LJAH COL 1), Series 9, Box 33, Folder 7, USU. In this letter, James Arlington Bennet, a New York aristocrat who wished to serve the Latter-day Saints as a military commander, advised the Mormons to form “a nation, independent of all others on earth.” He went on to say, “A government within a government cannot be sustained, therefore the Mormon People should be of themselves, an independent nation, governed by their own Laws.” Brigham Young replied to Bennet’s letter saying, “Your views of

however. With the signing of the Treaty of Guadalupe Hidalgo, Mormon controlled lands fell under the authority of the federal government. In order to convince Congress to grant them political autonomy, the Latter-day Saints sought to portray themselves as a society that embraced republican principles of government, who had great affection for their country, and whose culture was consistent with American Protestant values. Church leaders hoped these positive images would convince Washington to let the Mormons govern themselves, rather than impose outside officials. Unfortunately, creating this image required some deception. This was particularly true when it came to the Mormon form of government.

#### Mormon Theo-democracy

Church leaders felt that Congress would be more likely to grant the Latter-day Saints political autonomy if they hid their theocracy behind a façade of republican forms. This was necessary because the Mormons had rejected American political practices. In their place, they had created a “theo-democracy” that was inextricably tied to their religion.<sup>27</sup> Under this political model, power was concentrated in the hands of Church leaders. Brigham Young and the Apostles had the authority to create legislation and nominate candidates for public office. The citizens only had the right to accept or reject

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the ‘nation, independent of all others on Earth’ are perfectly correct, and one thing is certain, that we shall remove ‘en masse’ beyond the Rocky Mountains as early next Season as the forage will permit.” See Brigham Young to James Arlington Bennet, October 17, 1845, Brigham Young Office Files (CR 1234/1), Box 16, Folder 5, LDSCA.

<sup>27</sup> Minutes of Meetings, November 16, 1847, Leonard Arrington Collection (LJAH COL 1), Series 9, Box 12, Folder 3, USU. During the organizational meetings held in Iowa during the winter of 1847/48, Apostle Willard Richards defined the Mormon form of government. He stated that the United States had a republican model of government but that the Latter-day Saints had “a ‘Theo Democracy’ - - the power of God untrammelled - -.”

their proposals.<sup>28</sup> In four previous communities, state governments and other outsiders had violently objected to the Latter-day Saints' political system.<sup>29</sup> Church leaders were afraid that if Washington sent non-Mormons to the Great Basin, bloodshed would inevitably occur.<sup>30</sup> The Latter-day Saints felt their form of government was essential to their faith, however, and decided to avoid conflict by hiding it, rather than abandoning it.

Theo-democracy was an integral part of the Mormon religious experience. The Latter-day Saints chose the Great Basin as a place to prepare for the Second Coming of Christ and his eventual rule over the entire earth.<sup>31</sup> Brigham Young taught that one day,

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<sup>28</sup> On August 22, 1847, Brigham Young called the Mormon pioneers together in the Great Basin and stated, "It is the right of the Twelve to nominate the officers, and the people to receive them." He then nominated the leaders for the Salt Lake Valley settlement and received a unanimous vote from the residents. See Howard Egan, *Pioneering the West, 1846 to 1878: Major Howard Egan's Diary* (Richmond, Utah: H.R. Egan Estate, 1917), 127.

<sup>29</sup> Brigham Young, *Journal of Discourses* (Liverpool: F.D. Richards, 1854), 2:310. In this discourse of July 8, 1855, Brigham Young declares, "Had even the letter of the law been honored, to say nothing of the spirit of it, of the spirit of right, it would have hung Governors, Judges, Generals, Magistrates, &c. for they violated the laws of their own States. Such has been the case with our enemies in every instance that this people have been persecuted."

<sup>30</sup> William Pickett explored the opportunities for creating a settlement in Mexico on behalf of Brigham Young and the Council of the Twelve. His report to the Church leadership reflects Mormon concerns about trusting the United States. He argues that if the Latter-day Saints were to move to Mexican land under the American flag, it would only be a matter of time before the persecutions of the past returned. He states, "Men such as Boggs (who has gone there) Ford and others would come on with commissions, lord it over the Saints and all as Governors, Judges, etc. and in a few years the old business of Mormon plundering would begin again; our safety is to leave this government!" William Pickett to the Council of the Twelve, July 16, 1846, Brigham Young Office Files (CR 1234/1), Box 47, Folder 11, LDSA (emphasis in the original).

<sup>31</sup> Young, *Journal of Discourses*, 1:189. In this discourse of June 19, 1853, Brigham Young tells Utah Congressional Delegate John Bernhisel not to fear the federal government because it would not be long until, "the kingdoms of this world become the kingdom of our Lord and His Christ; and no power can hinder it."

Jesus would be “King of Nations as well as King of Saints.”<sup>32</sup> The Mormon Prophet planned to create a kingdom in the West and govern it the way he believed Christ would govern the entire world during the millennium.<sup>33</sup> Young taught that at the Second Coming, Jesus would personally take charge of the kingdom.<sup>34</sup> Then, during the millennial reign of Christ, the world would look to the Latter-day Saints to learn about “the ways of the Lord.”<sup>35</sup> Therefore, Brigham Young taught his followers that they had to become a “divine community” which would be governed by religious principles, rather than by secular ideologies.<sup>36</sup> Unfortunately, four features of the Mormon theo-democracy were destined to create conflicts with the federal government. 1) The Latter-day Saints did not rely on a popular assembly to create legislation. In its place, Brigham Young

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<sup>32</sup> Brigham Young, *The Complete Discourses of Brigham Young*, ed. Richard S. Van Wagoner (Salt Lake City: Smith-Pettit Foundation ; Distributed by Signature Books, 2009), 1:207. Young made this statement at a general conference of the Church on April 6, 1847.

<sup>33</sup> Young, *Journal of Discourses*, 2:309–310. In this discourse of July 8, 1855, Brigham Young discusses how the Kingdom of God will operate during the millennium. He tells his listeners, “That Kingdom is actually organized and the inhabitants do not know it. If this people know anything about it, all right; it is organized preparatory to taking effect in the due time of the Lord, and in the manner that shall please Him.”

<sup>34</sup> Young, *The Complete Discourses of Brigham Young*, 1:207. During a church conference of April 6, 1847 Young declared, “I believe this kingdom will increase until Jesus takes the kingdom.”

<sup>35</sup> Young, *The Complete Discourses of Brigham Young*, 2:316. In this discourse of July 8, 1855, Brigham Young describes how life will be during the millennium and declares, “The kings and potentates of the nations will come up to Zion to inquire after the ways of the Lord, and to seek out the great knowledge, wisdom, and understanding manifested through the Saints of the Most High.”

<sup>36</sup> Young, *The Complete Discourses of Brigham Young*, 1:474. Brigham Young addresses the legislature on January 29, 1852 saying, “I suppose, and believe that others take the same view of the matter that I do, that when we come to enact human laws to govern and control a divine community; we find it is a hard matter to enact human laws to govern a divine kingdom.”

appointed a “Council of Fifty” to enact laws based on religious principles.<sup>37</sup> 2) The Mormons held elections for their officers, but they did not allow for political competition. Instead, Church leaders nominated a single candidate for each position and then sought the approval of the electorate.<sup>38</sup> 3) The Latter-day Saint judicial system rejected lawyers, judicial precedence, and other trappings of American jurisprudence. Under the Mormon system of justice, religious tribunals rendered judgments using the scriptures and spiritual precepts.<sup>39</sup> 4) The Latter-day Saints based their economic system on religious values and not on the free market.<sup>40</sup> In the Mormon kingdom, Church leaders required everyone to work together for the common good, rather than allowing citizens to seek their own fortunes.<sup>41</sup> The goal of the Latter-day Saints was to be economically independent.

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<sup>37</sup> Klaus Hansen, *Quest for Empire : The Political Kingdom of God and the Council of Fifty in Mormon History* (Lincoln: University of Nebraska Press, 1974), 128. Hansen argues that the Council of Fifty “paid lip service to the doctrine of the sovereignty of the people and the democratic practices of a constitutional convention and free elections. Actually, the new government was formed through the highly centralized and autocratic control of its own organization.”

<sup>38</sup> Brigham Young to “Dear Brethren,” July 21, 1851, Brigham Young Office Files (CR1234/1), Box 1, Page 96, LDSA. In this letter to Church leaders, Young gives his instructions on elections saying, “always remember to keep your politics in subjection; let there be no division in Israel; but come to the polls with the voice of one man, let their not be a single dissenting vote.”

<sup>39</sup> Minutes of Meetings, March 26, 1851, Leonard Arrington Collection (LJAH COL 1), Series 9, Box 12, Folder 7, USU. This is a record of Young’s instructions to a Mormon court. “Brigham Young instructed the High Council not to act as Gentile lawyers – but directed them to speak for righteousness and against inequity. Dig out the truth and get the facts. They will make the truth shine. Plead for righteousness & innocence of course, and put down iniquity. Never suffer anyone to come and make long pleas or smug testimony and judge law or no law. That is the way I want to see you.”

<sup>40</sup> Leonard J. Arrington, *Building the City of God : Community & Cooperation Among the Mormons* (Deseret Book Co, 1976), 45–62.

<sup>41</sup> Hosea Stout, *On the Mormon Frontier : The Diary of Hosea Stout, 1844-1861* (Salt Lake City: University of Utah Press, 1982), 334. In an entry of October 29, 1848,

Therefore, they created a virtually cashless society that was largely incompatible with the outside world.

The Mormons felt strongly about these four features of their theo-democracy and believed they were all essential to preparing for Christ's Second Coming. The Church leadership was convinced that if Washington imposed outside officers over their settlements, it would lead to a power struggle that would inevitably result in violence.<sup>42</sup> Therefore, Church leaders moved quickly to hide their theo-democracy behind a provisional government that followed conventional republican forms. Under the Northwest Ordinance of 1787, the President appointed seven officials to each territory. These included a Governor, a Secretary, a Marshall, an Attorney General, a Chief Justice, and two Associate Justices. As early as December 9, 1848, the Council of Fifty began making plans to petition Congress for a territory "giving them to understand at the same

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Mormon settler Hosea Stout records in his diary a statement by Brigham Young condemning those who did not work within the communal nature of the settlement. "B. Young spoke against persons who scatter off from the main body & denounced those who were trying to locate a farm on the other side of Jordin. He said that all such were operating against the will of God & if they did not cease he would grant to them their desires & let them go to hell &c."

<sup>42</sup> Bernhisel served as a representative to Congress for the Mormon people in the Great Basin. He wrote to Apostle Wilford Woodruff expressing his fears that Washington would not allow the Latter-day Saints to select their own officers. He told Woodruff, "If some whippersnappers or broken down politicians should be sent out, who would not be acceptable to us, to tyrannize over us, we should certainly be brought into collision with the General Government." He went on to say that if the Mormons refused to accept the officers, "it would be rebellion, and we should bring down upon us the indignation of the whole nation, and measures would be taken to enforce it, and it is superfluous for me to tell you what the consequences would be." John Bernhisel to Wilford Woodruff, March 22, 1850, Wilford Woodruff Papers (MS 1352), Box 6, Folder 18, LDSCA (emphasis in the original).



time that we wanted officers of our own nomination.”<sup>43</sup> Church leaders did not wish to risk having the same type of non-Mormon officials that they had endured in Missouri and Illinois. The Council vowed that if Washington appointed such men to “send them Cross Lots to Hell, that dark & dreary Road where no traveler ever returns.”<sup>44</sup> They then created a provisional government with the same offices as a territorial government. The Council of Fifty planned to petition Congress to create the “Territory of Deseret” and insist the President appoint the officers of the provisional government to their equivalent territorial positions. The Council finalized the list of officials in a meeting of March 4, 1849.<sup>45</sup> On March 12, 1849, Brigham Young presented the following candidates to the residents of the Great Basin for a vote:<sup>46</sup>

Brigham Young	Governor
Willard Richards	Secretary
Horace Eldredge	Marshall
Daniel H. Wells	Attorney General
Heber C. Kimball	Chief Justice
Newel K. Whitney	Associate Justice
John Taylor	Associate Justice
Joseph L. Heywood	Supervisor of Roads
Albert Carrington	Assessor and Collector
Newel K. Whitney	Treasurer
Bishop of each Ward	Justice of the Peace

The first seven offices were identical to those in a territorial government. The other candidates were for ordinary local positions. Giving the Bishops, who served as Mormon

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<sup>43</sup> John D. Lee, *A Mormon Chronicle: The Diaries of John D. Lee, 1848-1876* (San Marino, Calif.: Huntington Library, 2003), 1:81.

<sup>44</sup> Lee, *A Mormon Chronicle*, 1:80.

<sup>45</sup> *A Mormon Chronicle*, 1:99.

<sup>46</sup> Stout, *On the Mormon Frontier*, 348–349.

judges, the additional title of “Justice of the Peace,” was primarily for the benefit of emigrants and other outsiders.

The Mormon theo-democracy was unaffected by the creation of this provisional government. Brigham Young and the Council of Fifty continued to oversee municipal affairs. Other religious councils, aided by the Bishops, continued to carry out the Mormon system of justice. When Brigham Young presented the names of the officers for a vote of approval, the only nominees were those chosen by the Council. The election had merely given the members of the Latter-day Saint religious government additional titles for the benefit of Washington and other outsiders.<sup>47</sup> The Council then charged one of their members, Dr. John M. Bernhisel, with the task of convincing Washington to agree to appoint these same officers to their equivalent positions in a territorial government. To show Congress that the population of the Great Basin supported this action, the Council of Fifty circulated a petition for residents to sign.<sup>48</sup> John Bernhisel left on May 4, 1849 with these documents in hand. On his way to Washington, he collected more signatures from Latter-day Saints in Iowa, Illinois, Ohio, and elsewhere, even though all the signatories were supposedly residents of the Great Basin.<sup>49</sup>

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<sup>47</sup> Lee, *A Mormon Chronicle*, 99. Lee states that the Council of Fifty chose the judicial titles to be compatible with those used by non-Mormons. This was a time when an increasing number of emigrants were passing through the territory. They sometimes had legal charges to prefer against fellow emigrants or Mormon settlers. See Morgan, *The State of Deseret*, 14.

<sup>48</sup> Morgan, *The State of Deseret*, 26.

<sup>49</sup> John Bernhisel to Brigham Young, September 10, 1849, Brigham Young Office Files (CR1234/1), Box 60, Folder 9, LDSCA. Bernhisel reveals he has gathered additional signatures in Council Bluffs, Iowa, Kirtland, Ohio, Nauvoo, Illinois, and expects to gather many more as he visits Mormon communities in the East.

Before John Bernhisel arrived in Washington, an incident occurred that required a change of plans. The ranking Mormon official in the eastern United States had second thoughts about the wisdom of requesting a territorial form of government. Apostle Wilford Woodruff sent a letter to Brigham Young and the Church leadership in Salt Lake City in which he argued that it would be better for the Latter-day Saints to petition Congress for a state government.<sup>50</sup> Woodruff based his recommendation on reports he received from Almon W. Babbitt, a Mormon lawyer residing in Washington, who was attempting to get postal service established in the Great Basin. Babbitt felt that unless the Latter-day Saints petitioned Congress to become a state, they ran the risk of having non-Mormon officials imposed upon them.<sup>51</sup> Babbitt returned to Salt Lake City on July 1, 1849. He met with Church leaders the next day to discuss a change of strategy.<sup>52</sup> As a result, the Council of Fifty hastily created the paperwork to apply to Congress to become a state. They sent the new documents to John Bernhisel in New York City where he was visiting Mormon congregations.<sup>53</sup> Under the direction of Apostle Wilford Woodruff, Bernhisel rewrote the original petition changing the word “territory” to “state.”<sup>54</sup>

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<sup>50</sup> Wilford Woodruff to Brigham Young, February 15, 1849, Brigham Young Office Files (CR1234/1), Box 43, Folder 26, LDSCA.

<sup>51</sup> Wilford Woodruff, *Wilford Woodruff's Journal, 1833-1898: Typescript* (Midvale, Utah: Signature Books, 1983), January 22, 1849.

<sup>52</sup> Franklin D. Richards, July 2, 1849, Franklin D. Richards Journal, 1844–1854 and 1866–1899 (MS 1215), Box 1, Volume 9, LDSCA.

<sup>53</sup> John Bernhisel to Wilford Woodruff, October 18, 1849, Wilford Woodruff Papers (MS 1352), Box 6, Folder 17, LDSCA.

<sup>54</sup> Wilford Woodruff to John Bernhisel, December 5, 1849, Wilford Woodruff Papers (MS 1352), Box 6, Folder 17, LDSCA.

John Bernhisel arrived in Washington on November 30, 1849 and circulated the request for statehood among members of Congress.<sup>55</sup> The Senators and Representatives were impressed with the Latter-day Saint provisional government. Some even said the Mormons had created the best constitution in the country.<sup>56</sup> Congress also praised the republican procedures the Latter-day Saints employed in creating their government. According to the records delivered by Dr. Bernhisel, organizers gave public notice of a convention to create a provisional government for the Great Basin on February 1, 1849. The minutes of the meetings stated that residents then met in Salt Lake City on March 8, 1849 and elected convention officers. Over the next several days, the assembled residents debated and adopted a constitution for a provisional government known as the “State of Deseret.” The convention then received nominations for Governor and other officers. Finally, they scheduled an election for May 7, 1849. On July 2, 1849, the provisional legislature, known as the Assembly of Deseret, met and certified the results of the election. Over the next three days, the provisional legislature created the documents necessary to request Congress to admit Deseret to the Union.<sup>57</sup> The papers showed that the Latter-day Saints had done an exemplary job of creating their provisional government. The only flaw was that none of these events ever took place.

The Council of Fifty created all of the paperwork during the first two weeks of July. They portrayed the vote of March 12, 1849 as a constitutional convention. They

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<sup>55</sup> John Bernhisel to Brigham Young, March 21, 1850, Brigham Young Office Files (CR1234/1), Box 60, Folder 9, LDSCA.

<sup>56</sup> John Bernhisel to Brigham Young, October 2, 1850, Brigham Young Office Files (CR1234/1), Box 60, Folder 10, LDSCA.

<sup>57</sup> Morgan, *The State of Deseret*, 30–34.

then invented the election of May 7, 1849 and all of the sessions of the Assembly of Deseret.<sup>58</sup> One of the members of the Council of Fifty, Apostle Franklin D. Richards, described the creation of these documents as follows:

Thursday, July 19, 1849. Attended council the two weeks past at which the Memorial - Constitution of the State of Deseret - Journal of its Legislature - Bill or Declaration of Rights & the election of A. W. Babbitt as Delegate to Congress was all accomplished.<sup>59</sup>

The documents had the desired effect. Congress spoke highly of the provisional State of Deseret, and the Mormon proposal to join the Union received praise in the nation's newspapers.<sup>60</sup> *The New York Daily Tribune* described Deseret as a government modeled after the best constitutions in the country.<sup>61</sup> *The Saint Louis Republican* marveled at the incredible job the Mormons had done in creating a government in just one week. Other

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<sup>58</sup> The actions taken by the Council of Fifty have caused considerable confusion among historians because of the many contradictions in the historical record. The journals of many of the participants make clear that they were not engaged in the activities described in the documents sent to Congress. Some were not even in Salt Lake City at the time they were supposedly attending the constitutional convention or attending the Assembly of Deseret. See Peter L. Crawley, "The Constitution of Deseret," *BYU Studies*, Vol. 29, No. 4 (Fall 1989).

<sup>59</sup> Franklin D. Richards, July 19, 1849, Franklin D. Richards Journal, 1844–1854 and 1866–1899 (MS 1215), Box 1, Volume 9, LDSCA. Obviously, Richards' description of these events is at odds with the records sent to Washington. A convention supposedly created the Constitution of the State of Deseret the previous March, but Richards indicates that the Council of Fifty wrote it between July 2 and July 19. There are numerous other problems, including the fact that none of the participants in the July session of the Legislature made any note of it in their journals or letters. One of the lawmakers listed in the documents wrote in his journal that he was building a barn the entire time he was supposedly at the Legislature. See the entries for July 1, 1849 through July 7, 1849 in Stout, *On the Mormon Frontier*, 2:354.

<sup>60</sup> "State of Deseret," *St. Louis Republican*, October 1, 1849. "In one respect at least, the Convention which formed the Constitution for the new State, has set a good example. They were employed only one week in action upon it, and we do not see but what it is as good an one as some of our States have been able to form after months of deliberation."

<sup>61</sup> "State of Deseret," *New York Daily Tribune*, December 29, 1849.

papers quoted extensively from the Constitution of Deseret or printed it in its entirety.<sup>62</sup> Reports of the creation of a conventional republican government helped convince the public that the Latter-day Saints had abandoned their theocracy. On December 29, 1849, the *New York Daily Tribune* published a story commenting on how the Mormon petition before Congress was changing the Latter-day Saints' image in the nation's press:

A recent article in the *Dayton (Ohio) Transcript* led to the conclusion that the government of this new State was based on a Theocracy, but an examination of the liberal Constitution formed by the inhabitants of Salt Lake Valley, compels the *Transcript* editor to retract the unfounded charge made against the Deseretians.<sup>63</sup>

Mormon image-makers had convinced Washington the Latter-day Saints embraced a conventional form of republican government. They successfully hid their theo-democracy behind the provisional State of Deseret. Members of Congress and the nation's newspapers believed the Mormons selected their officials by holding competitive elections, that they held traditional jury trials, and that they used a popular assembly to create legislation. These institutions existed only on paper, however. It was a "blind" intended to convince Washington that the Latter-day Saints were fit to govern themselves. The next goal was to hide Mormon anger with the United States behind an image of Latter-day Saint love of country.

### Mormon Loyalists

In order to convince Washington it could trust the Latter-day Saints to govern themselves, John Bernhisel had to reassure Congress that the Mormons were loyal

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<sup>62</sup> "The Constitution of the New State of Deseret," *New York Daily Tribune*, December 13, 1849.

<sup>63</sup> "State of Deseret," *New York Daily Tribune*, December 29, 1849.

Americans with great affection for their country. The mission of creating this image of the Latter-day Saints found a powerful ally in the person of Colonel Thomas L. Kane. Colonel Kane was a Philadelphia aristocrat who had heard about the Mormon expulsion from Illinois and offered to help. He visited the temporary Latter-day Saint settlements in Iowa during the summer of 1846 and became close friends with the Mormons.<sup>64</sup> Kane felt that he could do little to help them until he changed their image with the public.<sup>65</sup> His message was a powerful one. He declared that the Latter-day Saints had such a love for their country that they had remained loyal to the government despite the violent persecution they endured in Missouri and Illinois. Kane lectured extensively on the Mormons, visited the editors of newspapers, and wrote articles about the Latter-day Saints.<sup>66</sup> Kane told a moving story of a United States Army officer who visited the Mormon camps in Iowa to recruit a battalion of volunteers for the Mexican War. Kane stated that even though enrolling 500 men into the military was a terrible hardship, “the feeling of country triumphed.” He went on to say that the Latter-day Saints felt “the Union had never wronged them.” Kane then quoted Brigham Young as saying, “you shall have your battalion at once, if it has to be a class of our elders.” The starving Latter-day Saints then found an American flag from among the few possessions they salvaged from

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<sup>64</sup> Matthew Grow, *“Liberty to the Downtrodden” : Thomas L. Kane, Romantic Reformer* (New Haven: Yale University Press, 2009), 60–61.

<sup>65</sup> Thomas L. Kane to “Dear Sir,” December 2, 1846, Research on Thomas L. Kane ca. 1947-1948 (MS 1251), Box 1, Folder 6, LDSCA.

<sup>66</sup> Grow, *Liberty to the Downtrodden*, 72.

their homes before fleeing angry mobs. They raised the banner over the camp and “in three days, the force was reported, mustered, organized, and ready to march.”<sup>67</sup>

The results of Kane’s lecture and letter writing campaign were impressive. Horace Greely, the legendary editor of the *New York Daily Tribune*, published one of the Colonel’s letters about the expulsion of the Latter-day Saints from Nauvoo. Greely then wrote an editorial calling for justice for the Mormons and “eternal shame to Illinois.”<sup>68</sup> Other influential individuals responded by organizing charity events to help the Latter-day Saints. The *New York Herald* reported that on October 28, 1847, Washington elites held a tea party in the nation’s capital “for the relief of the 15,000 Mormons in the wilderness of the Far West.” The article states that, “the ladies of all denominations, all over the city, headed by the Mayor and the clergy went heart and hand into the work.” Those in attendance included Dolly Madison, the wife of former President James Madison, the current first lady Mrs. James K. Polk, and the wife of General Alexander Macomb.<sup>69</sup> Newspapers in New York and Philadelphia reported similar fundraisers.<sup>70</sup>

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<sup>67</sup> Thomas Kane, *The Mormons. A Discourse Delivered Before the Historical Society of Pennsylvania: March 26, 1850*. (Philadelphia: King & Baird Printers, 1850), 28–29. Kane printed his lecture in pamphlet form and distributed it widely.

<sup>68</sup> “The Mormons,” *New York Daily Tribune*, December 16, 1846. When a resident of Illinois objected to this editorial comment and insisted the Mormons were at fault, Greely replied, “We know the writer of the above as an upright, intelligent man, whose opportunities of observation have been good. He has not at all shaken our conviction, however, that the forcible expulsion of the Mormons, innocent and guilty, old and young, men and women, is an ‘eternal shame to Illinois.’ [Ed. Tribune].” See “Eternal Shame to Illinois,” *New York Daily Tribune*, January 26, 1847 (emphasis in the original).

<sup>69</sup> “The Ladies’ Tea-party for the Benefit of the Mormons,” *New York Herald*, October 30, 1847. See also “Relief to the Suffering Mormons,” *Daily National Intelligencer* (Washington), October 27, 1847.

<sup>70</sup> Some of the stories about Mormon suffering and the need for relief include “Suffering of the Mormons in California,” *Dollar Weekly Sun* (New York), June 5, 1847, “Aid for



Kane's efforts helped to recast the image of the Latter-day Saints in the public mind. Influential people increasingly viewed the Mormons as loyal Americans deserving of assistance, while they viewed those who opposed the Latter-day Saints as villains. Meanwhile, citizens in Illinois felt the sting of Kane's campaign. The *Illinois Journal* counseled mobs to cease evicting the few remaining Mormons from Nauvoo, lest it cause the reputation of the State to sink even lower.<sup>71</sup>

Kane's image of the Latter-day Saints hid a deep-seated mistrust the Mormons felt for the United States. The Latter-day Saints had not forgotten that Congress and the President consistently refused to intervene in the conflicts the Mormons endured in Missouri and Illinois. Senator John C. Calhoun insisted such intervention did not come "within the jurisdiction of the Federal Government, which is one of limited and specific powers."<sup>72</sup> This created a feeling of intense anger in the Latter-day Saint people toward Washington. They continually pled for help, but the only financial assistance they received came from an agreement, brokered by Thomas Kane, to enroll 500 men into a

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the Mormons," *New York Commercial Advertiser*, August 21, 1847, and "Relief of the Mormons," *Saturday Courier* (Philadelphia), November 13, 1847.

<sup>71</sup> "Mormon War," *Daily Argus* (Albany, New York), September 23, 1848. This paper quotes the *Illinois Journal* as saying, "Two meetings have been lately held in Nauvoo for the purpose of making arrangements to drive the remaining Mormons out of Hancock County. We trust that no further attempts of this kind will be made. Our State has suffered enough in reputation already, and the anti-Mormons by such an act will not be sustained by the sympathies of the community."

<sup>72</sup> Joseph Smith, *History of the Church of Jesus Christ of Latter-day Saints*. (Salt Lake City: Deseret Book Co., 1946), 6:156. John C. Calhoun made this statement to Joseph Smith in a letter dated December 2, 1843. He wrote it in reply to the Mormons' repeated requests for federal assistance in reclaiming their property that had been lost when state militia forces expelled the Latter-day Saints from Missouri on orders of the Governor. See Lilburn W. Boggs to General John B. Clark, October 27, 1838, *Mormon War Papers 1837 – 1841*, MSA.

“Mormon Battalion” for a noncombat operation of the Mexican War. While Church leaders welcomed this offer, it soon turned into a disaster.

Brigham Young convinced the battalion soldiers to turn over a portion of their pay to the Church on the promise that he would take care of their families and use the funds to move them to the Great Basin. Unfortunately, an influx of Latter-day Saint refugees, fleeing angry mobs in Illinois, overwhelmed the resources of the Iowa camps shortly after the battalion left. To prevent starvation, the Mormon Prophet used the money the soldiers sent to help their families move west to buy food for the entire population.<sup>73</sup> Even with these additional funds, over 730 Latter-day Saints died between June 1, 1846 and May 31, 1847.<sup>74</sup> Hunger and disease afflicted the entire camp. The suffering was particularly great among the families of the soldiers. When Young reached Salt Lake Valley, returning Mormon Battalion soldiers confronted him about the hardships their families endured. Possibly fearing violence from the angry men, Young created a story of how the federal government had drafted the soldiers as a cruel test of loyalty. He insisted he had no choice but to comply with the President’s demands or the Army would have destroyed the Latter-day Saints. Young exclaimed, “Polk would be damned for this act,” and then went on to accuse the President of involvement in the murder of Joseph Smith. The Mormon Prophet concluded by promising that if

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<sup>73</sup> John D. Lee Journal 1846, August 16, 1846, Leonard Arrington Collection (LJAH COL 1), Series 9, Box 15, Folder 6, USU. Lee records a heated argument between Brigham Young and some of the wives of the Mormon Battalion soldiers who feel that they are not getting enough of the money their husbands are sending to the Church. Young explained that “their Poor Bretheren who are needy as themselves,” required assistance. He also criticized the women for writing letters to the soldiers complaining of how the Twelve spent the money they sent.

<sup>74</sup> Richard Edmond Bennett, *Mormons at the Missouri : Winter Quarters, 1846-1852* (University of Oklahoma Press, 2004), 137.

Washington, “ever sent men here to interfere with us they will have their throats cut and sent to Hell.”<sup>75</sup> While his hastily contrived explanation deflected the anger of the soldiers for the moment, it came at the expense of fueling the already high level of Latter-day Saint resentment toward the federal government. When other Church leaders retold the story, it added to the anger already felt by Mormons over the inaction of Congress in redressing the wrongs the Latter-day Saints had suffered.<sup>76</sup>

John Bernhisel and Colonel Thomas Kane effectively hid the Latter-day Saints’ resentment toward the United States. Because of Kane’s careful image making, Washington had no idea of the deep anger the Latter-day Saints felt for the federal government. National leaders and the nation’s newspapers were convinced the Mormons had volunteered for the Mexican War because of their love of country, rather than for financial reasons. Colonel Kane and Dr. Bernhisel convinced Washington that the Latter-day Saints were loyal Americans with deep feelings of affection for their country. The

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<sup>75</sup> Woodruff, *Wilford Woodruff’s Journal, 1833-1898*, July 28, 1847. Few Latter-day Saints were aware that Young had sent an emissary to Washington to ask for federal assistance and that the Mormon Battalion was the result. See Arrington, *Brigham Young*, 128. They were in no mood to serve in military after mobs had driven them from their homes. One Mormon refugee stated, “I confess that I was glad to learn of the war against the United States and was in hopes that it might never end until they were entirely destroyed for they had driven us into the wilderness & was now laughing at our calamities.” See Stout, *On the Mormon Frontier*, 163–164. Many felt the federal government was being unreasonable in asking to serve in the military. See John F. Yurtinus, “‘Here is One Man Who Will Not Go, Dam ‘Um’: Recruiting the Mormon Battalion in Iowa Territory,” *BYU Studies*, Vol. 21, No. 4 (Fall 1981), pp. 475-87. Young may have taken advantage of these sentiments in creating his story.

<sup>76</sup> See “Oration,” *Deseret News* (Salt Lake City), July 24, 1851. This speech was typical of Latter-day Saint thought of the period. The Mormons felt the country had abandoned them and rejected the Constitution of the United States. They felt that God would severely punish them. Wells most likely gave this speech for the benefit of federal officials whom Brigham Young invited and seated on the stand. For the complete text, see the Appendix.

next task for the Mormon image-makers was to convince Congress that Latter-day Saint culture was consistent with mainstream Protestant values.

### Mormon Culture

The image-makers in Washington knew that most Americans found the Latter-day Saints to be a people with strange beliefs and practices. Early Mormon settlements operated on communal principles that gave the Latter-day Saint leadership tremendous power over the lives of the residents. Rumors ran rampant that the Mormons participated in strange rituals. There were also persistent reports that the Latter-day Saints practiced polygamy.<sup>77</sup> In addition, the public often found the sermons of Church leaders to be offensive. They contained fiery rhetoric and warnings of God's impending judgments on the nation. Brigham Young, the Mormon Prophet, was frequently bombastic, angry, and defiant. He was intent on rebuking iniquity with sharpness. Unfortunately, Young did not confine his chastisements to the Latter-day Saints. The Mormon Prophet rebuked Congress, the President, and anybody else with whom he might interact. All of these factors combined to create an image of the Latter-days Saints as a people who were deluded, fanatical, angry, and potentially dangerous.

In addition, from the founding of the Mormon Church, the nation's newspapers suggested that the religious claims of the Latter-day Saints were so outrageous that those who believed in them were necessarily superstitious dupes. On March 12, 1845, the *Boston Investigator* declared that Mormons had "uneducated, unscientific, ignorant

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<sup>77</sup> "Mormonism," *New York Weekly Tribune*, October 8, 1842. This is the story of George W. Robinson who withdrew his membership from the Church as he, "cannot consent longer to remain a member of said church while polygamy, lasciviousness and adultery are practiced by some of its leading members."

minds” that were taken in by faith healing, speaking in tongues, and other religious enthusiasms.<sup>78</sup> The *New York Daily Tribune* of September 12, 1843 described the Latter-day Saints as “poor, deluded fanatics, who are deceived, robbed and oppressed by their corrupt and designing leaders, in a manner that is truly revolting to the Christian, Patriot, and Philanthropist.”<sup>79</sup> In addition, the often-unpolished sermons and letters of Church leaders created a poor image of the Latter-day Saints among the educated elite. The *New York Spectator* of December 9, 1843, criticized a letter written by Joseph Smith saying, “It is not cunning of Joe to lay himself out on paper; for surely a man of his divine pretensions should be able to spell and to write grammatically.”<sup>80</sup> As Church leaders prepared to petition Congress for statehood, they sought a representative in Washington who could create a positive image of the Mormons for the American public. For this important task, they turned to an aristocratic physician from Pennsylvania, whose striking appearance, scientific mind, and gentle manners made him the perfect antidote for the negative representations of the Latter-day Saint people in the nation’s press.

For more than a decade, Dr. John Milton Bernhisel served as the public face of Mormonism in Washington. Bernhisel was born on June 23, 1799, in Loysville, Perry County, Pennsylvania. He worked on the family farm and had an enjoyable childhood. Bernhisel attended the University of Pennsylvania where he studied medicine. Among his

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<sup>78</sup> “Mormonism – Miracles – Gift of Toungues,” *Boston Investigator*, March 26, 1845. “The cap-stone of Mormon delusion is its Miracles. Nothing binds the ignorant in adamantine chains, but their miracles. Thousands would discard that open and palpable *humbugism*, were it not that their uneducated, unscientific, ignorant minds can neither comprehend, explain, nor account for a common effect from a common cause.”

<sup>79</sup> “The Mormons at the West,” *New York Daily Tribune*, September 12, 1843.

<sup>80</sup> “Letter from Joe Smith,” *New York Spectator*, December 9, 1843.

classmates were future senators, congressmen, governors, judges, and other men of importance. Before joining the Mormon movement in 1837, Bernhisel became acquainted with such men as Andrew Jackson, Henry Clay, Thaddeus Stevens, and a variety of other powerful individuals.<sup>81</sup> Colleagues referred to him as a “Gentleman of the Old School.”<sup>82</sup> He arrived in Washington with letters of introduction from the Governor of New York, the Governor of Pennsylvania, and other important individuals.<sup>83</sup> His erudition, intelligent conversation, and quiet manners, stood in stark contrast to the negative image of Mormons in the newspapers of the East. He impressed some of the country’s most influential people.

Dr. Bernhisel replaced Almon W. Babbitt as the Mormon chief representative in Washington. Church leaders decided that Babbitt did not portray the proper image of a Latter-day Saint. While he was successful in getting legislation passed for the Church, he suffered from a poor personal reputation. Apostle Wilford Woodruff warned the Mormon leadership in Salt Lake City that Babbitt was using his position to benefit himself. In addition, Babbitt led members of Congress to believe that he was an outsider who worked for the Mormons, but did not share their faith.<sup>84</sup> Babbitt felt this image would ingratiate

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<sup>81</sup> John Bernhisel to “Dear Sir,” December 1, 1825, Research Materials on John M. Bernhisel – Lucile Pratt (MS 5402), Box 1, Folder 2, LDSCA.

<sup>82</sup> Reminiscences of John M. Bernhisel by Dr. Washington Franklin Anderson (MS 2426/3), LDSCA.

<sup>83</sup> John Bernhisel to Brigham Young, March 21, 1850, Brigham Young Office Files (CR 1234/1), Box 60, Folder 9, LDSCA.

<sup>84</sup> Almon Babbitt to Wilford Woodruff, January 26, 1850, Wilford Woodruff Papers (MS 1352), Box 6, Folder 18, LDSCA. Babbitt states, “I am considered here an outside Mormon by the Members of Congress and cannot therefore say much as to the faith of the Mormon Church. I only represent their political organization when the attacks were made on our operations here by William Smith and others.”

him with people in Washington. Unfortunately, it had the opposite effect. Colonel Thomas Kane sent a confidential letter to Brigham Young warning him of the “improper conduct of Mr. A. W. Babbitt.” He told Young that any representative should “at least be of correct deportment, discreet, and of good report,” so that when people said “look there goes a Mormon” that it would reflect positively upon the Church.<sup>85</sup> The Latter-day Saints needed somebody who could portray Mormon culture in a light acceptable to outsiders. Therefore, Brigham Young turned to John Bernhisel to take the lead in negotiations with Washington.

Dr. Bernhisel quickly gained the praise of members of Congress and the confidence of Church leaders. He took to his new responsibilities with industry and enthusiasm. Bernhisel had aristocratic manners and a scientific mind. He was far from the typical Mormon portrayed in the nation’s press. Bernhisel knew the fiery rhetoric of Church leaders would not play well in Washington. He felt the language of gentlemen would be far more effective than the bombast of Brigham Young. To help improve the reputation of Church leaders, Bernhisel took great care that any communications sent to the President or Congress on behalf of the Mormon people did not violate the sensibilities of the influential people in the nation’s capital. At first, Brigham Young gave Bernhisel full authority to decide which communications from Salt Lake City he presented to government officials saying, “Do as you please, either to show a part, all, or none, as shall seem proper to you.”<sup>86</sup> Bernhisel responded by rewriting almost everything sent by

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<sup>85</sup> Thomas Kane to Brigham Young, September 24, 1850, Leonard Arrington Collection (LJAH COL 1), Series 9, Box 11, Folder 4, USU.

<sup>86</sup> Brigham Young, Heber C. Kimball, and Willard Richards to John Bernhisel, November 20, 1850, Brigham Young Office Files (CR 1234/1), Box 60, Folder 1, LDSCA.

Church leaders. In addition, he frequently wrote letters to Mormon officials warning them to exercise greater caution when speaking in public, lest their words make their way into the eastern press.

The Latter-day Saint leadership soon began to chafe under John Bernhisel's desire to hide their religious rhetoric from Washington. Samuel Richards, a Mormon Elder who published a Latter-day Saint newspaper called the *Millennial Star*, became exasperated with Bernhisel's restrictions. He wrote the doctor protesting that people in Washington frequently denounced the Government and asked why the Mormons could not do the same. He reminded Bernhisel that South Carolina and several other southern States were holding secession conventions. "Any person or people can say and do what they please with perfect impunity except the Mormons," Richards protested.<sup>87</sup> Brigham Young was particularly upset with Bernhisel's insistence that he temper his language. He felt the doctor was interfering with the mandate of a Prophet to rebuke iniquity. In a sermon in Salt Lake City, Young complained of letters he received from the East saying, "Would not this or that course be better than for you to get up in the stand, and tell the Gentiles what they are?" In an unmistakable reference to John Bernhisel, Young thundered:

Do you know how I feel when I get such communications? I will tell you, I feel just like rubbing their noses with them. If I am not to have the privilege of speaking of Saint and sinner when I please, tie up my mouth and let me go to the grave, for my work would be done.<sup>88</sup>

Despite his annoyance, Young reluctantly deferred to Dr. Bernhisel's judgment. The Pennsylvania physician continued to edit the words of Church leaders and carefully

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<sup>87</sup> Samuel Richards to John Bernhisel, April 29, 1852, Richard D. Poll Collection (Ms674), Box 78, Folder 1, JWML.

<sup>88</sup> Young, *Journal of Discourses*, 3:48–49. Brigham Young made these remarks in a discourse of October 6, 1855.



avoided any discussion of Mormon beliefs with members of Congress. This sometimes put the doctor in the position of misleading Washington about certain Latter-day Saint practices in which he personally participated.

Everyone in Washington knew John Bernhisel as a scientist, a physician, and as a true gentleman - but not as a polygamist. Nobody suspected that the refined and proper John Bernhisel had been married to seven wives at one time and fathered children by two of them.<sup>89</sup> Even Thomas Kane, the Latter-day Saints' most intimate political ally, was convinced that rumors of Mormon polygamy were false.<sup>90</sup> Bernhisel knew that any revelation of the controversial practice would ignite outrage in Washington. For nearly ten years, Church leaders consistently denied that the Latter-day Saints sanctioned polygamous marriages. If federal officials came to Utah, such a widespread practice could no longer remain a secret. Therefore, Church leaders felt it was essential to keep outsiders away from Mormon settlements. They wanted the aristocratic image of Dr. John M. Bernhisel to be Washington's primary reference point for defining the Latter-day Saint character.

John Bernhisel was the perfect individual behind whom to hide some of the more objectionable aspects of Mormon culture. His manners and personal habits reassured

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<sup>89</sup> Gwynn W. Barrett, "Dr. John M. Bernhisel: Mormon Elder in Congress," *Utah Historical Quarterly* Vol. 36, No. 2, (Spring 1968), 152-157. Bernhisel became a monogamist by the summer of 1851, separating from his other wives. For a more detailed treatment of John Bernhisel see Barrett's doctoral dissertation at Brigham Young University in, Gwynn Barrett, "John M. Bernhisel, Mormon Elder in Congress," (PhD Diss., Brigham Young University, 1968).

<sup>90</sup> J. M. Grant to Brigham Young, December 30, 1851, Brigham Young Office Files (CR 1234/1), Box 38, Folder 12, LDSA.

Washington that Latter-day Saint beliefs and practices were well within the limits of American Protestant sensibilities. His aristocratic language hid the bombastic rhetoric of Mormon leaders. His reputation as a gentleman convinced Washington he could never indulge in such practices as polygamy. Furthermore, Bernhisel's reputation made it possible for him to avoid the discussion of controversial religious issues altogether. Whenever political leaders tried to engage him on such topics, he simply declined to respond insisting it had no bearing on his business before Congress. The political elite in Washington respected his wishes.<sup>91</sup>

John Bernhisel knew all his efforts at creating a positive image of the Latter-day Saints would be for naught if Washington sent outsiders to the Great Basin. He was convinced the introduction of federal officials into Mormon settlements would lead to a power struggle that could result in a repeat of the violence the Latter-day Saints had experienced in Missouri and Illinois. Therefore, he concluded that it was essential to keep such officials from ever coming to the Great Basin and taking the reins of power. He directed all of his energies into seeing that the Mormons achieved statehood, fearing that if he failed, it would lead to bloodshed.<sup>92</sup>

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<sup>91</sup> John Bernhisel to Brigham Young, February 5, 1850, Brigham Young Office Files (CR1234/1), Box 60, Folder 20, LDSCA. In this letter, John Bernhisel reports that Senator Truman Smith had stated that he disagreed with the Mormon religion. Bernhisel replied, "that is nothing to this purpose, and he said, it was not." Bernhisel did the same thing with President Millard Fillmore when he asked about polygamy. Bernhisel answered that he did not feel "authorized, under any circumstances, to enter into, countenance, or admit an official discussion of either the religious faith or the moral habits of the people of Utah." See House Exec. Doc. 25 (32-1), 1852, Serial 640, 27.

<sup>92</sup> John Bernhisel to Wilford Woodruff, March 22, 1850, Wilford Woodruff Papers (MS 1352), Box 6, Folder 18, LDSCA.

## CHAPTER III

### “IT IS ALL WE ASK AND IT IS ALL WE EXPECT”

Dr. John M. Bernhisel began his work in Washington with a sense of urgency. He knew the Mormons would not accept outside officials to govern them. He also knew that the federal government did not recognize the right of the Latter-day Saints to have political autonomy over the lands they occupied. Meanwhile, hungry office seekers were lobbying Congress and the White House for appointments to any new territories Congress might create. Bernhisel was convinced that if Washington imposed non-Mormon officers on the Latter-day Saints, it would start a chain of events that would end in bloodshed. He sent a letter to his friend, Apostle Wilford Woodruff, confiding his concerns:

If a common territorial government be given us, and we should not accept it, it would be rebellion, and we should bring down upon us the indignation of the whole nation, and measures would be taken to enforce it, and it is superfluous for me to tell you what the consequences would be.<sup>93</sup>

The Church leadership in Salt Lake City considered political autonomy a right guaranteed under the Constitution. Writing in the name of the Assembly of Deseret, Brigham Young explained clearly the expectations the Mormons had of Congress. He claimed the Latter-day Saints had the right to choose their own form of government, elect their own officers, pass their own laws, and even define their own borders. He asserted that the Mormons had chosen to become a state and that it was a decision that “must and

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<sup>93</sup> John Bernhisel to Wilford Woodruff, March 22, 1850, Wilford Woodruff Papers (MS 1352), Box 6, Folder 18, LDSCA.

will be acceded to on the part of Congress.” Young then issued a thinly veiled threat by advising Washington that it would be wise to grant the demands of the Latter-day Saints lest they “encourage the formation of Independent Sovereignties within her newly acquired Territories.” Young concluded by saying, “It is all we ask and, it is all we expect and this we consider we have a right to claim at the hand of Congress.”<sup>94</sup> Wisely, John Bernhisel did not deliver the letter. He knew that Washington did not recognize any of the rights that Brigham Young had so forcefully claimed. In fact, until Deseret became a state, the Mormons had virtually no rights at all in the eyes of Congress. This was because of the body of law that had developed since 1787 concerning United States territories.

### The Territorial System

Over the course of sixty years, the territorial system of the United States evolved from a method of granting a sure path to statehood into a corrupt and inefficient form of governance. It drifted far from what the Confederation Congress intended when it passed the Northwest Ordinance of 1787. The original intent of the law was to give Washington the authority to run a territory only until it gained sufficient population to govern itself.<sup>95</sup> In practice however, Congress frequently refused to grant statehood, even when the population reached the 60,000 threshold specified in the law. Political issues, such as the balance of power between free and slave states in the Senate, often kept territories from becoming states. In addition, Congress sometimes moved the boundaries of a territory

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<sup>94</sup> Brigham Young to John Bernhisel and Almon Babbitt, September 10, 1850, Brigham Young Office Files (CR 1234/1), Box 60, Folder 1, LDSCA. Young did not know that Congress had already created a territory for the Great Basin.

<sup>95</sup> Onuf, *Statehood and Union*, 45–46.

when it was politically expedient to do so. Soon, residents became resentful of both the perpetual federal control over their lands and the poor job Washington did of providing basic services.<sup>96</sup> They felt the Northwest Ordinance of 1787 was a compact with the territories that would provide a sure path to statehood based on population. However, in 1850, Chief Justice Roger Taney of the Supreme Court ruled in *Strader v. Graham* that there were no guarantees in the Northwest Ordinance that Congress was obligated to follow.<sup>97</sup> This ruling assured that Washington could withhold statehood indefinitely. Meanwhile, the federal government controlled almost every aspect of territorial governance. Congress wrote the constitution of a territory without regard to the wishes of the settlers. The President appointed officials without the consent of the governed. Congress claimed the right to veto any laws passed by territorial legislatures. All this made residents feel that Washington was treating them like colonists.

The territories soon became a dumping ground for patronage appointments. Two thirds of the officials sent by Washington were nonresidents of the communities they served.<sup>98</sup> These outsiders had little knowledge of, or interest in, local issues. Settlers

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<sup>96</sup> Eblen, *The First and Second United States Empires*, 208–210.

<sup>97</sup> Onuf, *Statehood and Union*, 139. The motivation behind this lawsuit was the prohibition in the Northwest Ordinance of 1787 against slavery in the territories.

<sup>98</sup> By the end of 1850, there were four organized territories in the United States. This included Oregon, Minnesota, New Mexico, and Utah. The President only appointed two of the seven officers from among residents in Oregon Territory when Congress first organized it. See *Senate Journal*. 30th Cong., 1st Sess., 14 August 1848, 483-484. The same was true of the Territory of Minnesota. See *Senate Journal*. 30th Cong., 2nd Sess., 15 March 1849, 84. The President only nominated one resident of New Mexico as a territorial officer. See *Senate Journal*. 31st Cong., 2nd Sess., 23 December 1850, 280, *Senate Journal*. 31st Cong., 2nd Sess., 14 February 1851, 288, *Senate Journal*. 31st Cong., 2nd Sess., 27 February 1851, 293. Only Utah Territory would receive four resident appointees, which was comparatively generous. See *Senate Journal*. 31st Cong., 2nd Sess., 26 September 1850, 252. While the records list Zerubbabel Snow as living in

complained that these political appointees treated them as royal subjects. Residents also complained of the chronic absenteeism of the outside officials. This fostered a spirit of rebellion among territorial inhabitants. Governor Arthur St. Clair of the Northwest Territory spent so much time on his estate in Pennsylvania that the territorial Secretary ran the government. Settlers refused to recognize his authority, however. When the Secretary attempted to call out the militia, the residents refused to muster. When police took prisoners on his orders, crowds freed them. Far from teaching the settlers of a territory how to live under the rule of law, the actions of the often-absent officers encouraged them to live by mob rule.<sup>99</sup> Local citizens frequently created their own legislation. They often created their own system of justice because territorial residents considered the judges sent by Washington to be “political hacks” who were unsuited for their offices.<sup>100</sup> Therefore, instead of creating order, the territorial system tended to encourage chaos.<sup>101</sup>

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Ohio, he was a Mormon who had joined family members already living in Utah. Joseph Buffington declined the appointment and the President replaced him with Lemuel Brandebury, a non-Mormon from Pennsylvania. See *Senate Journal*, 31st Cong., 2nd Sess., 27 February 1851, 293. This pattern continued for decades. See Earl Pomeroy, *The Territories and the United States, 1861-1890: Studies in Colonial Administration*, (Seattle: University of Washington Press, 1969), 73.

<sup>99</sup> Eblen, *The First and Second United States Empires*, 75–82.

<sup>100</sup> Kermit L. Hall, “Hacks and Derelicts Revisited: American Territorial Judiciary, 1789-1959,” *Western Historical Quarterly*, Vol. 12, No. 3. (July 1981), pp. 279-81. Hall argues that while residents despised the nonresident judges, their legal training was comparable to that of elected officials in the states. Earl Pomeroy studied the qualifications of all officials from 1861 to 1890 and argues that only one third had prior experience in office. See Pomeroy, *The Territories and the United States*, 9–10.

<sup>101</sup> Eblen, *The First and Second United States Empires*, 128–129.

John Bernhisel knew the excesses of this form of government combined with the anger of the Latter-day Saints toward Washington would be a combustible mixture. The territorial system would deny the Mormons the political autonomy they had moved to the Great Basin to obtain. Bernhisel knew the Latter-day Saints would resist any attempt to dismantle their theo-democracy and replace it with a government controlled by Washington. If the United States attempted to enforce territorial rule, Bernhisel knew it would create the kind of violence that had led to the collapse of four previous Mormon settlements. He was convinced he had to avoid having nonresident officials come to the Great Basin at all costs.<sup>102</sup>

With the consequences of becoming a territory so dire, John Bernhisel went to work to make sure Deseret became a state. At first, things looked promising. When he introduced himself to the leaders of Congress, he was pleasantly surprised to find that many of them were eager to help the Latter-day Saints. Senator Truman Smith of Connecticut told Bernhisel that he felt the Mormons “have been badly and unjustly treated, and I want to do the handsome and generous thing for you.” Smith then used his influence to get appropriations and legislation passed on terms favorable to the Latter-day Saints.<sup>103</sup> President Zachary Taylor also expressed his support for the Mormons. He sent

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<sup>102</sup> John Bernhisel to Wilford Woodruff, March 22, 1850, Wilford Woodruff Papers (MS 1352), Box 6, Folder 18, LDSCA. Bernhisel expressed his concerns about a territorial form of government to his friend Apostle Wilford Woodruff. He states in part, “There are already hungry office hunters here who are seeking for the offices in the event that we get a territorial government, and if some whippersnappers or broken down politicians should be sent out, who would not be acceptable to us, to tyrannize over us, we should certainly be brought into collision with the General Government.”

<sup>103</sup> John Bernhisel to Brigham Young, February 5, 1850, Brigham Young Office Files (CR1234/1), Box 60, Folder 20, LDSCA. Truman Smith had been instrumental in seeing that the Whig nomination for President fell to Zachary Taylor. This gave Smith tremendous influence with the Chief Executive.

a message to Brigham Young saying he felt the Latter-day Saints had been unfairly dealt with and that he was determined to do all the good in his power for them under the Constitution. He later expressed his support for accepting the State of Deseret into the Union.<sup>104</sup> The Mormons were also popular on the social circuit. The wife of Supreme Court Justice John McLean declared that she could not conceive of why the Latter-day Saints “should be so grossly slandered, and cruelly persecuted.” She and several members of Congress invited John Bernhisel into their homes to learn more about the Mormon people.<sup>105</sup> It seemed that having Deseret admitted to the Union was an attainable goal. Unfortunately, Bernhisel soon found that events outside of his control stood in the way of statehood.

### The Slavery Issue

Not long after arriving in Washington, John Bernhisel became aware of the fact that while Senators and Congressmen got along quite well with him, they were having great difficulty getting along with each other. Congress spent three weeks in bitter debate

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<sup>104</sup> The First Presidency to Amasa Lyman, September 6, 1849, Leonard Arrington Collection (LJAH COL 1), Series 9, Box 11, Folder 1, Page 44, USU. Zachary Taylor sent an emissary to the Mormons to propose a plan by which they could become an independent state by 1851. They would first join California as a single state. They would then become an independent state by 1851 without further action by Congress. Brigham Young was impressed by the offer and wrote to other Church leaders, “That the President and Council of the United States are friendly disposed towards us, and that he is commissioned by Gen Taylor to inform us that he fully appreciates our situation; that he considers that we have been unjustly dealt with; and that so far as his power constitutionally extends he will do us all the good that he can.” The President abandoned the plan when California refused to go along with it.

<sup>105</sup> John Bernhisel to Brigham Young, March 21, 1850, Brigham Young Office Files (CR 1234/1), Box 60, Folder 9, LDSCA. Bernhisel reports that he had received calling cards from Daniel Webster, Lewis Cass, several members of the President’s Cabinet, and Vice President Millard Fillmore.



before finally electing a Speaker of the House of Representatives. The reason for the delay was slavery. Bernhisel observed that the sectional strife that preoccupied Washington was destroying the normal decorum of Congress. Fights sometimes broke out between elected officials. In December of 1849, Congressman William Duer of New York called Congressman Richard Meade of Virginia “a liar” in Bernhisel’s presence. Mead then challenged Duer to “mortal combat.” Meade vowed to “attack him in the street or wherever he may meet him,” unless Duer agreed to a duel. Everywhere, there was talk of secession and the dissolution of the Union. Bernhisel wrote to Apostle Wilford Woodruff, “This will be an exciting and stormy session, and if there be not some duels fought I shall be disappointed – The Lord has indeed and in truth come out of his hiding place to vex the nation.”<sup>106</sup>

When members finally elected Howell Cobb of Georgia as Speaker of the House, Bernhisel set about trying to get Congress to grant statehood to Deseret. He soon found that all the work he and Thomas Kane had done in creating a positive image of the Mormons in Washington was for naught. The longstanding conflict over slavery stood in the way. Adding a new state to the Union only threatened to tip the delicate balance of power in Congress. The Mormons tried to be neutral on the topic of slavery, but they found such a position only aroused the suspicions of both sides.<sup>107</sup> Bernhisel wrote a

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<sup>106</sup> J. M. Bernhisel to Wilford Woodruff, Dec. 14, 1849, Wilford Woodruff Papers (MS 1352), Box 6, Folder 17, LDSCA. The Mormons felt that God’s judgment was upon the United States for rejecting the Mormons and refusing to intervene when mobs drove the Latter-day Saints from their homes.

<sup>107</sup> Brigham Young to Orson Hyde, July 19, 1849, Leonard Arrington Collection (LJAHACOL 1), Series 9, Box 11, Folder 1, Page 44, USU. This draft of a letter to Mormon Apostle Orson Hyde shows the thinking of the Church leadership in dealing with the controversial issue of slavery. Young suggests avoiding the topic and providing as little information as possible. “You might safely say (if it was of any particular use) that as a

statement for members of Congress that was vague and noncommittal. It suggested that the Mormons had not explored the issue enough to come to a final determination of whether to practice slavery or not.<sup>108</sup> Members of Congress were not impressed.

Bernhisel finally concluded that there was no chance Washington would admit Deseret to the Union until Congress resolved the slavery issue.<sup>109</sup> Since a solution to such a contentious issue did not appear to be on the horizon, it meant the alternative was to have a territorial form of government that Brigham Young and the Mormons were sure to reject. Because of what was at stake, Bernhisel approached his friends in Congress to explore the remaining alternatives.

Senators Truman Smith and Stephen Douglas were both aware of the violent history of the Latter-day Saints and wanted to avoid further problems. They knew a territorial government would not provide the Mormons with the autonomy they desired.

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people we are averse to slavery, but that we wish not to meddle with this subject, but leave things to take their natural course.”

<sup>108</sup> John Bernhisel to Brigham Young, March 21, 1850, Brigham Young Office Files (CR 1234/1), Box 60, Folder 9, LDSCA. Bernhisel stated, “Slave labor can never, in our opinion be profitably employed in Deseret, so far as it has been explored.” This allowed Bernhisel to avoid taking a firm stand on the issue. The Mormons continued to make ambiguous statements relative to slavery that created confusion that has lasted down to the present day. The central problem was Young’s definition of slavery. He did not support chattel slavery or authorize it in Utah. Instead, he created a modified form of indentured servitude to accommodate slaveholders who brought their servants to the territory. See Christopher B. Rich, Jr., “The True Policy for Utah: Servitude, Slavery, and ‘An Act in Relation to Service’,” *Utah Historical Quarterly* Vol. 80, No. 1 (Winter 2012), 54-74. For an alternative view of the Mormons and slavery see Nathaniel R. Ricks, “A Peculiar Place for the Peculiar Institution : Slavery and Sovereignty in Early Territorial Utah,” (MA Thesis, Brigham Young University, 2007).

<sup>109</sup> J. M. Bernhisel to Wilford Woodruff, March 22, 1850, Wilford Woodruff Papers (MS 1352), Box 6, Folder 18, LDSCA.

Senator Douglas saw firsthand how disputes over Latter-day Saint self-government had turned violent in Illinois. The Illinois Senator tried to convince the Committee on Territories to recognize the provisional government of Deseret, and let the Mormons continue to govern themselves. The Committee refused to go along. Fortunately, Senator Truman Smith had an alternative approach. He offered to hide some language “about half as long as his little finger” in an omnibus spending bill that would authorize the President to pay the salaries of the officers of the provisional State of Deseret. This would have the effect of recognizing and legalizing the present Mormon government. Deseret would have the same autonomy as a state, but they would not have any senators or voting members in the House of Representatives. Senator Smith was confident that if he could get this legislation passed, President Zachary Taylor would implement it. He suggested waiting until the end of the session to introduce the bill when Congress would not have the time to read it or question the unusual provisions.<sup>110</sup>

Unfortunately, the divisions in Congress foiled the plans of Stephen Douglas, Truman Smith, and John Bernhisel. The conflict over slavery made it increasingly difficult to accomplish anything regarding the lands of the Mexican Cession. The debate inflamed the passions of Senators and violence continued to break out in the halls of Congress. On April 17, 1850, Senator Benton of Missouri and Senator Foote of Mississippi got into a heated debate about the status of California in John Bernhisel’s presence. The doctor described how Senator Benton, “brimful of wrath and indignation, rose from his seat, threw his chair violently upon the floor, rapidly approached Mr. Foote, who retreated backward down the aisle to the area in front of the Vice President’s chair,

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<sup>110</sup> John Bernhisel to Brigham Young, March 27, 1850, Brigham Young Office Files (CR 1234/1), Box 60, Folder 9, LDSCA.

at the same time drawing a revolver from his bosom, and pointing it toward Col. Benton.” Benton then called Foote a “cowardly assassin,” and dared him to open fire. Panic gripped the chamber as Senators and others ran for cover. Bernhisel could barely hear the Vice President’s calls for order “above the noise and din of the moment.” Once the excitement subsided, Henry Clay asked both men to refrain from shooting at each other while Congress was in session. Unfortunately, in spite of the Vice President’s best efforts to maintain order, other similar disruptions occurred. John Bernhisel was surprised to see how the slavery question was destroying the normal decorum of both houses of Congress. He wrote Brigham Young saying there were “frequent threats of dissolution of the Union, and occasional threats of, and even attempts at, personal violence.”<sup>111</sup> Bernhisel feared Congress would ultimately force a territory on the Mormons. As a final fallback position, Senator Truman Smith indicated he had a great deal of influence with President Zachary Taylor, and promised John Bernhisel he would use it in case his plan to legalize the provisional government of Deseret failed. He felt confident he could get the President to appoint only Mormon approved officers to any territory Congress created. Unfortunately, unexpected events thwarted the efforts to give the Latter-day Saints self-government.

### The Compromise of 1850

President Zachary Taylor died on July 9, 1850, throwing all of the plans of John Bernhisel and his allies into disarray. Taylor had been a logjam in negotiations to solve the slavery issue. His successor, Millard Fillmore, proved more receptive to negotiation. A month after Taylor’s death, thirteen senators emerged from a private meeting with

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<sup>111</sup> John Bernhisel to Brigham Young, April 23, 1850, Brigham Young Office Files (CR 1234/1), Box 60, Folder 9, LDSCA.

what history would call the Compromise of 1850. The proposal was very controversial. The House and the Senate initially rejected almost all of it. Bernhisel wrote to Brigham Young saying, “Nothing survived the wreck, but the Bill providing for the establishment of a Territorial Government for Deseret.”<sup>112</sup> Therefore, on September 9, 1850, the worst-case scenario for the Mormons became law. Congress imposed a territorial form of government on the Latter-day Saints. The Mormons did not get all the land they claimed. Congress even refused to allow them to use the name “Deseret.” Instead, they became the “Territory of Utah.”<sup>113</sup>

John Bernhisel felt there was still one chance to keep non-Mormon officials away from the theo-democracy of the Latter-day Saints. He hoped the new President, Millard Fillmore, would appoint only officers of the Mormons’ choosing. It was a last ditch effort to avoid conflict. While President Fillmore was not agreeable to the proposition, he did suggest a compromise. The President promised to give the Latter-day Saints half of the patronage appointments while he would reserve the other half for himself. This was a higher percentage of local appointees than any other territory enjoyed.<sup>114</sup> Bernhisel

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<sup>112</sup> John Bernhisel to Brigham Young, August 9, 1850, Brigham Young Office Files (CR 1234/1), Box 60, Folder 10, LDSCA. The bill creating Utah Territory was the only part of the original legislation that survived the initial version of the Compromise of 1850.

<sup>113</sup> Apparently, some members of Congress felt people would mistake “Deseret” for “desert” and wanted another name. See John Bernhisel to Brigham Young, March 21, 1850, Brigham Young Office Files (CR1234/1), Box 60, Folder 20, LDSCA.

<sup>114</sup> John Bernhisel to Brigham Young, August 9, 1850, Brigham Young Office Files (CR 1234/1), Box 60, Folder 10, LDSCA. Fillmore was relatively generous with the patronage. Washington had allocated Oregon & Minnesota two resident appointees while New Mexico received only one. See *Senate Journal*. 30th Cong., 1st Sess., 14 August 1848, 483-484, *Senate Journal*. 30th Cong., 2nd Sess., 15 March 1849, 84, *Senate Journal*. 31st Cong., 2nd Sess., 23 December 1850, 280, *Senate Journal*. 31st Cong., 2nd Sess., 14 February 1851, 288, *Senate Journal*. 31st Cong., 2nd Sess., 27 February 1851, 293.

continued to argue that all of the appointments needed to be of the Mormons' choosing and gave the President a list of acceptable candidates. The President still granted only half of the requests. The non-Mormon federal officials soon headed to Utah Territory not knowing the whirlwind of bitterness and anger their appointments would create. Because of the expert work the Mormon image-makers had done, the officials would be completely unprepared for the firestorm that lay ahead.

## CHAPTER IV

### “I AM SICK AND TIRED OF THIS PLACE”

Brigham Young was furious when he discovered that Congress had denied Deseret’s petition for statehood. He was particularly upset that part of its failure might have been due to Zachary Taylor. In a letter dated July 7, 1850, Almon W. Babbitt told the Mormon Prophet that the President had opposed any kind of government for Deseret. Babbitt claimed he held a meeting with Taylor during which the President expressed his contempt for the Latter-day Saints. Babbitt stated Taylor “tried to reason with me of the absurdity of the Mormons trying for a government.”<sup>115</sup> He then quoted him as saying the Latter-day Saints were outlaws that Washington could not trust. Babbitt claimed the President threatened to veto any bill that gave Deseret either a territorial or a state government. Zachary Taylor died just two days after the date of Babbitt’s letter. Brigham Young concluded that God had struck the President dead for his opposition to the Latter-day Saints and said so publicly and privately.<sup>116</sup> Unfortunately, Almon Babbitt had ulterior motives for writing the letter and his accusations were not accurate.

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<sup>115</sup> Almon Babbitt to Brigham Young, July 7, 1850, Andrew Love Neff Collection (Ms0135), Box 10, Folder 1, JWML.

<sup>116</sup> Minutes of Meetings, July 24, 1851, Church Historian’s Office, General Church Minutes, 1839 -1877, (CR 100/318), LDSCA. See also Brigham Young to John Bernhisel, Brigham Young Office Files (CR 1234/1), Box 60, Folder 2, February 28, 1852, LDSCA.

Brigham Young never told Almon Babbitt of his removal as Deseret's chief representative in Washington, but he suspected it nonetheless. He wrote an angry letter to Apostle Wilford Woodruff on January 16, 1850, complaining that he had not heard from the "leading men" of the Church for some time.<sup>117</sup> He then asked Woodruff if Brigham Young had made John Bernhisel the de facto representative of Deseret. Babbitt's concern apparently arose over a disagreement between the two earlier in the week over how to handle rumors that Zachary Taylor would veto any legislation that benefitted the Mormons. Babbitt planned to confront Taylor, but Bernhisel "enjoined him not to say a word to the President on the subject." When Babbitt spoke to Zachary Taylor anyway, the doctor "called at his room after he had retired, and entreated him to be silent on this subject." Bernhisel felt he and his allies in Congress could overcome any objections Taylor had concerning the Latter-day Saints as long as Babbitt did not make a public issue of it.<sup>118</sup> Bernhisel knew that Taylor had previously voiced support for the Latter-day Saints, but in January of 1850 had a reason to be worried about their loyalty to the Union.

William Smith, the younger brother of Mormon founder Joseph Smith, was probably the primary cause of Taylor's concerns about the Latter-day Saints. The younger Smith had written to Congress a few weeks earlier accusing the Mormons of disloyalty to the Union and of being robbers, murderers, and swindlers. While the charges were old ones, the fact that the brother of the Church's founder had made them caused a

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<sup>117</sup> Almon Babbitt to Wilford Woodruff, January 16, 1850, Wilford Woodruff Papers (MS 1352), Box 6, Folder 18, LDSCA. Much to Bernhisel's horror, Babbitt wanted to embarrass the President over the remark and make a partisan issue of it.

<sup>118</sup> John Bernhisel to Thomas Kane, January 17, 1850, Thomas L. Kane and Elizabeth W. Kane Collection (VMSS 792) Series 3, Box 16, Folder 4, BYU.



great stir in the nation's capital.<sup>119</sup> As time passed however, Washington came to discount William Smith's charges. This was due in no small part to a report from General John Wilson, whom Taylor had sent as an envoy to Brigham Young. Wilson's letter to the President of his visit to the Great Basin settlement spoke very highly of the Latter-day Saints and painted a picture of them that was very different from that of William Smith. Therefore, Bernhisel believed, "on what I regard as excellent authority," that while the President may still have had reservations about the Mormon religion, he would not interfere with Bernhisel's legislative initiatives.<sup>120</sup> The doctor was even able to secure an appointment for Brigham Young to take charge of the census for the Great Basin from the Taylor Administration.<sup>121</sup>

Meanwhile, Almon Babbitt continued to fume over his loss of status in the eyes of Church leaders. He expressed his resentment at getting information second hand from John Bernhisel.<sup>122</sup> Babbitt argued that he had powerful friends and that he could help the Church a great deal, if the Mormon leadership gave him the chance.<sup>123</sup> Nonetheless,

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<sup>119</sup> John Bernhisel to Brigham Young, March 21, 1850, Brigham Young Office Files (CR 1234/1), Box 60, Folder 9, LDSCA.

<sup>120</sup> John Bernhisel to Thomas Kane, January 17, 1850, Thomas L. Kane and Elizabeth W. Kane Collection (VMSS 792) Series 3, Box 16, Folder 4, BYU. See also "The Mormons," January 21, 1850, *Daily National Intelligencer* for an excerpt of Wilson's report that described the Latter-day Saints as an "orderly, earnest, industrious, and civil people."

<sup>121</sup> John Bernhisel to Brigham Young, July 3, 1850, Brigham Young Office Files (CR 1234/1), Box 60, Folder 9, LDSCA.

<sup>122</sup> Almon Babbitt to Wilford Woodruff, January 26, 1850, Wilford Woodruff Papers (MS 1352), Box 6, Folder 18, LDSCA.

<sup>123</sup> Almon Babbitt to Wilford Woodruff, January 16, 1850, Wilford Woodruff Papers (MS 1352), Box 6, Folder 18, LDSCA.

Woodruff gave him only vague assurances of his standing with Church leaders.<sup>124</sup> Babbitt had most likely seen the death of Zachary Taylor as an opportunity to demonstrate his influence in Washington and his ability to gain inside information that would be helpful to the Latter-day Saints. Significantly, he dated his letter just two days before the death of the President even though the actual meeting occurred seven months earlier. While his report did not raise his standing in the eyes of Brigham Young, it did raise the anger of the Mormon Prophet. Young later made statements about the late Zachary Taylor that became a national scandal.

Meanwhile, back in Washington, John Bernhisel met with some of the non-Mormon officials that Millard Fillmore appointed to Utah Territory. The President, true to his word, divided the patronage evenly. He gave four positions to the Latter-day Saints and reserved the rest for himself. The Mormons he appointed were Brigham Young as Governor, Seth M. Blair as U. S. Attorney, Joseph L. Heywood as U. S. Marshal, and Zerubbabel Snow as one of the two Associate Justices. The President then appointed three outsiders, including Broughton D. Harris of Vermont as Territorial Secretary, Lemuel G. Brandebury of Pennsylvania as Chief Justice, and Perry E. Brocchus of Alabama as the remaining Associate Justice.<sup>125</sup> Washington then gave Brigham Young the additional title of Superintendent of Indian Affairs, but did not honor his request for

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<sup>124</sup> Wilford Woodruff to A. W. Babbitt, Jan. 21, 1850, Wilford Woodruff Papers (MS 1352), Box 6, Folder 5, LDSCA.

<sup>125</sup> *Cong. Globe*, 31st Cong., 2nd Sess. 252 (1850). Originally, the President nominated Joseph Buffington of Pennsylvania as Chief Justice but he declined the appointment. Fillmore replaced him with Brandebury. See *Cong. Globe*, 31st Cong., 2nd Sess. 293 (1851).

Latter-day Saint Indian agents. Instead, non-Mormons Jacob H. Holeman, Henry R. Day, and Stephen B. Rose filled those three posts.<sup>126</sup>

When the nonresident officers began to arrive in the summer of 1851, they found that Utah Territory was not the place that Mormon agents in Washington had described. Despite John Bernhisel's representations to the contrary, the federal officials quickly discovered that the Latter-day Saint government was a theocracy. Notwithstanding the numerous Mormon denials over the years, they found the Latter-day Saints openly and unapologetically practiced polygamy. Finally, in spite of the reassuring images Thomas Kane had created of the Mormon's deep affection for their country, the federal officers encountered intense Latter-day Saints anger toward the United States. Over the next few months, the federal officials experienced serious conflicts with the Mormons over a variety of issues including elections, the judiciary, polygamy, lawmaking, misuse of federal appropriations, and antigovernment statements.

Chief Justice Lemuel G. Brandebury received a hostile official reception from Brigham Young when he arrived in Salt Lake City on June 7, 1851. Brandebury sought to pay his respects to the Mormon Prophet, but the newly appointed Governor was not willing to meet with him. Brandebury wrote to President Millard Fillmore that Seth Blair, the Latter-day Saint U. S. Attorney, had tried several times to arrange an appointment with the Governor. Brigham Young refused, however, insisting that he "did not wish an introduction, for none but Mormons should have been appointed to the offices of the

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<sup>126</sup> "Proclamation," *Deseret News* (Salt Lake City), July 26, 1851. Henry R. Day and Stephen B. Rose were Indian subagents who arrived in Utah in July. Jacob H. Holeman did not arrive until August 9, 1851. See Jacob. H. Holeman to Luke Lea, September 21, 1851, *Letters received 1849 – 1880 Bureau of Indian Affairs Utah Superintendancy*, USHS.

Territory, and none others but d—d rascals would have come among them.”<sup>127</sup> Young made his displeasure with Washington’s actions known to the other officials as well.<sup>128</sup>

When these officers attempted to put the machinery of territorial government into operation, it created an explosion. The first conflict came over the Latter-day Saint method of electing public officials.

### The Elections of 1851

Territorial Secretary Broughton D. Harris and his wife arrived in Salt Lake City on July 19, 1851. Under the act establishing Utah Territory, Harris had the responsibility

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<sup>127</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 9-10. The office journals of Brigham Young show he met with Seth Blair on June 9, 1851 and July 15, 1851 but they do not show any meetings with Judge Brandebury. The Judge did appear at a social event on July 9, 1851. See Church Historian’s Office, Journal, 1844-1849 (CR 100/1) Box 2, Vol. 14, June 9, 1851, July 9, 1851, and July 15, 1851, LDSCA. The social occasion was apparently open to nonmembers including local merchants. See Church Historian’s Office, Journal History of the Church, 1896–1923 (CR 100/137) Vol. 29, July 9, 1851, LDSCA.

<sup>128</sup> Jacob H. Holeman, the non-Mormon Indian agent, felt Young was trying to see that the nonresident officials were “annoyed in every possible manner in order to force them to leave the Territory or succumb to his will.” See Jacob H. Holeman to Luke Lea, December 28, 1851, *Letters received 1849 – 1880 Bureau of Indian Affairs Utah Superintendancy*, USHS. Nonetheless, Young’s hostility to the non-Mormon officials in their official capacity did not stop him from inviting them to social events. This caused a great deal of bewilderment for the federal officers. See House Exec. Doc. 25 (32-1), 1852, Serial 640, 10. Here the officials describe having dinner with Governor Young shortly after he and other speakers had denounced the government in very angry terms just a few hours earlier. In a similar vein, the wife of Secretary Broughton D. Harris described how Young was very contemptuous of her husband in his official capacity. Nonetheless, he showed up at the Harris resident with a fresh peach from his garden that he “wished Mrs. Harris to eat.” She also described her embarrassment at attending the Governor’s dinner directly following a meeting where Young and other Church leaders had denounced the federal government with “sneers and contempt.” See Sarah Hollister Harris, *An Unwritten Chapter of Salt Lake: 1851-1901* (New York: S.H. Harris - Privately Printed, 1901), 33–36.

of conducting a census and holding an election for the legislature.<sup>129</sup> Much to his surprise, Harris found that Church leaders had already taken the census and that plans for the election were underway. The Secretary immediately objected to the way Young had taken the census. He also claimed Young was not following the election procedures specified in the Organic Act establishing Utah Territory. The Secretary felt he could not disburse any of the \$24,000 he had brought from Washington for the operation of the legislature because of Young's violation of territorial law.<sup>130</sup> John Bernhisel and Almon Babbitt brought Harris to a meeting with Governor Young on July 23, 1851 to resolve the issue. Harris' previous experience with the Latter-day Saints had been primarily with the aristocratic John Bernhisel. Now, he had to deal directly with Brigham Young without having the doctor to filter the fiery rhetoric of the Latter-day Saint leader. The Secretary was shocked when he came face to face with the defiance and anger of the Mormon Prophet. Harris reported to President Fillmore that his meeting with Young "was made

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<sup>129</sup> "A Copy of the Act Passed by the Thirty-first Congress Establishing a Territorial Government in Utah," *Daily National Intelligencer* (Washington), September 11, 1850. Section 4 outlined procedures for the census and the elections.

<sup>130</sup> John Bernhisel arranged for Brigham Young to receive an appointment to conduct a census of the Great Basin in 1850 from the administration of President Zachary Taylor. This was before the formation of Utah Territory. See John Bernhisel to Brigham Young, July 3, 1850, Brigham Young Office Files (CR 1234/1), Box 60, Folder 1, LDSCA. Young's clerks took the census as of June 1, 1850. See Thomas Bullock to John Bernhisel, April 28, 1852, Brigham Young Office Files (CR 1234/1), Box 60, Folder 2. The Mormon Prophet later stated he made one copy for the U. S. census and a second for the territorial census, even though Congress had not determined Utah's boundaries. See Brigham Young to Millard Fillmore, September 29, 1851, Brigham Young Office Files (CR 1234/1), Box 51, Folder 1, LDSCA. Harris accused Young of not taking the census properly and insisted he wanted to conduct his own count independent of the Mormon Prophet. See House Exec. Doc. 25 (32-1), 1852, Serial 640, 25.

the occasion of a violent exhibition of his temper and abuse of Mr. Babbit, and of the government and officers.”<sup>131</sup>

Church minutes of their meeting confirm that Brigham Young dealt harshly with Secretary Harris. Using coarse and abusive language, the Mormon Prophet demonstrated his contempt for the federal officers and an unwillingness to follow territorial law. The presence of Almon Babbitt only fueled his anger. He was particularly outraged when Babbitt sided with Secretary Harris on the need to follow the procedures outlined in the Organic Act creating Utah Territory. Brigham Young made clear the Latter-day Saints were not about to abandon their theo-democracy. “Any Governorship and everything else is to bow down to Mormonism,” he declared. When Almon Babbitt expressed his opinion that the election procedures used by the Church were illegal, Young exclaimed, “You say it is illegal. I say damn it, that is your foolery.” Babbitt suggested that the Governor postpone the elections for two weeks to sort out the difficulties. The Mormon Prophet angrily refused saying, “I won’t have you here to dictate.”<sup>132</sup> Almon Babbitt’s past behavior had put him on shaky ground with Church leaders and now the Mormon Prophet sharply rebuked him in the presence of Secretary Harris.

If you interfere with any of my dictation in the elections, it will be the last. Now I don’t want to hear you say this is not right and that is not right, you are nothing

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<sup>131</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 24-27. Secretary Harris felt that Brigham Young had violated section four of the Organic Act establishing Utah Territory. He stated the Governor did not conduct a proper census, violated the law in the manner he conducted the election, and that he allowed noncitizens to run for office. He steadfastly refused to surrender any of the \$24,000 until the Mormons held an election in accordance with federal law.

<sup>132</sup> Minutes of Meetings, July 23, 1851, Church Historian’s Office, General Church Minutes, 1839 -1877 (CR 100/318), LDSA. The clerk, Thomas Bullock, attempted to make a verbatim transcript of the meeting. Young’s tone is clearly angry, abusive, and sometimes vulgar.

but a stinking politician. I know more about sound questions and doctrine in law than you. I am not willing to suffer this people to be interrupted.<sup>133</sup>

Broughton Harris was shocked at Brigham Young's language. He wrote to the President saying Young later told him he wanted the Secretary to "know what kind of people he had to deal with."<sup>134</sup> He then quoted the Governor as saying, "he had ruled that people for years, and could rule them again, and he would kick any man out of the Territory who attempted to dictate to, or advise him in his duty."<sup>135</sup> Harris felt the federal officials "were looked upon as offensive intruders rather than co-ordinate branches of the government."<sup>136</sup> He complained that Young went on to hold the elections without regard

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<sup>133</sup> Minutes of Meetings, July 23, 1851, Church Historian's Office, General Church Minutes, 1839 -1877 (CR 100/318), LDSCA. Brigham Young was also upset with Babbitt because he had not defended the Church's position to Chief Justice Lemuel Brandebury. He told Babbitt that because of his failure to do so, the elections would probably be overturned.

<sup>134</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 10. Apparently, Young wanted to make an impression on the Secretary. According to Church minutes of the meeting, when Young and Babbitt started to argue over financial issues, Harris tried to excuse himself saying, he had "no interest in it." Young replied, "I know it but I want you to hear it." See Minutes of Meetings, July 23, 1851, Church Historian's Office, General Church Minutes, 1839 -1877 (CR 100/318), LDSCA.

<sup>135</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 12. According to the minutes kept by Young's clerk Thomas Bullock, the Mormon Prophet made several comments that suggested he would expel anyone from the Territory who attempted to dictate to him. At one point during the meeting Young told Babbitt, "I don't want you to dictate. I feel like walking you out of these vallies." Young later stated, "I will cut off any man in our community who will not walk straight." See Minutes of Meetings, July 23, 1851, Church Historian's Office, General Church Minutes, 1839 -1877 (CR 100/318), LDSCA (emphasis in the original).

<sup>136</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 12. According to Church minutes of the meeting, Young made statements indicating he felt the federal officers were intruders. Young stated, "There is not a man in the Senate or House who is perfect to be told that I must do this and that I will just as soon cut their throat to say we have got to go all over the Mountains again. I won't bear it and won't bear the insults of any two-penny man. I will do my duty and no one shall put his nose in my dish. I would rather stand up and cut throats than suffer law suits and technicalities so help me the Gods, I will take my sword

to the law. Harris concluded that Young had done this to show “the determination of the Church to do as she pleased in such matters.”<sup>137</sup>

Brigham Young unquestionably disregarded territorial law in the manner in which he conducted the elections.<sup>138</sup> He wrote letters to local Church leaders throughout Utah instructing them to have only one candidate for each office. He specifically precluded competition for any of the elected posts. The Mormon Prophet admonished his followers to “always remember to keep your politics in subjection; let there be no division in Israel; but come to the polls with the voice of one man, let their not be a single dissenting vote.” He then informed local leaders that Dr. John Bernhisel was the Church’s candidate for delegate to Congress and told them to support the choice. Young also provided the names of candidates for other offices saying, “These are our wishes in relation to the election and you will do right if you comply with them.” He then made clear he would allow no other candidate to be on the ballot.<sup>139</sup> This was completely contrary to proper election

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and cut them down.” See Minutes of Meetings, July 23, 1851, Church Historian’s Office, General Church Minutes, 1839 -1877 (CR 100/318), LDSCA.

<sup>137</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 13.

<sup>138</sup> “A Copy of the Act Passed by the Thirty-first Congress Establishing a Territorial Government in Utah,” *National Intelligencer* (Washington), September 12, 1852. Section five of the Organic Act stated that only white males over the age of twenty-one years who were residents of the Territory could run for office. The law stated only those the federal government recognized as United States citizens could participate in the election. Harris complained that Young had ignored these provisions and allowed foreign nationals to officiate and stand for election. See House Exec. Doc. 25 (32-1), 1852, Serial 640, 12-13.

<sup>139</sup> Brigham Young to “Dear Brethren,” July 21, 1851, Brigham Young Office Files (CR1234/1), Box 1, 96-97, LDSCA. Young anticipated that there might be differences of opinion over candidates. However, he wanted local Church leaders to resolve them privately saying, “If any of the brethren have preferences let their claims be canvassed prior to the Election day; in a convention; and then and there agree on whom you will run; and then all support the candidate that has been selected. Have but one candidate for



procedures. Young was not concerned with the fact that his actions violated territorial law, however. For the Mormon Prophet, elections served a religious purpose.

The federal officials considered Young to be a dictator who ruled by decree. They assumed that the Latter-day Saints had no rights under the Mormon Prophet's form of government. What they did not realize was that in the Latter-day Saint system, everyone including Brigham Young could serve in office only after receiving the "common consent" of the electorate. Common consent was more than just an exercise in majority rule. Apostle George A. Smith described it as follows:

Unless we can govern ourselves, we are unprepared to be governed in the way that the kingdom of God is to be ruled and directed, which is to be upon the principle of common consent. It is not that a majority shall rule, but that the people shall be agreed; and when all the people are agreed as touching any one thing in the kingdom of God, no power can resist it.<sup>140</sup>

Nonetheless, under the rules of common consent, the Latter-day Saints could and sometimes did reject the nominations of the Church. In such cases, the rules of common consent obligated the Mormon leadership to nominate another individual. The Latter-day Saints also had the right to remove office holders they found unsatisfactory with a vote of no confidence.<sup>141</sup> Ironically, this was something denied them under territorial rule. The

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each office, when you come to the polls and let perfect union characterize all your works from this time henceforth and forever."

<sup>140</sup> Young, *Journal of Discourses*, 6:159. Smith went on to say, "This has astonished even republicans. It is astonishing to many men to think that a people can all be agreed; and I have read professedly learned illustrations of republicanism, which declare that it is attended with great danger for the people all to be united. There is danger of their being united, lest they oppress somebody—that is, themselves."

<sup>141</sup> Mormon journals are replete with examples of residents rejecting leaders or removing them during votes of confidence. See Edwin Harley (1819-1903) Diaries, 1846-1902 (MS 965), August 20, 1854, LDSCA.

federal officers found the support of the Latter-day Saints for their theo-democracy baffling, not recognizing that it actually provided the Mormons with a greater voice in their governance than the territorial system offered. They found the Latter-day Saints had similar feelings for their civil and criminal courts.

### Mormon Justice

The nonresident federal officers soon discovered that the Latter-day Saint judiciary did not operate as Dr. Bernhisel represented to Congress. Bernhisel indicated that the Mormons had a three-man court that held conventional trials.<sup>142</sup> The actual system of justice was far different. The federal officers observed as Mormon sheriffs pursued horse thieves and then brought them to trial before Latter-day Saint religious tribunals. “Some of them were arrested, tried, and fined a hundred dollars,” the officials noted. The Church took these actions without regard for territorial law or the jurisdiction of the United States Judges.<sup>143</sup> The federal officials claimed that one Church member “purporting to be a judge” accused another man of a criminal offense. The Mormon then tried, convicted, and punished the offender without a jury. The officials complained that the Church claimed the sole right to decide whether to punish criminals or set them free. Their report states that in one case, a Mormon settler named Howard Egan gunned down a Mr. James Monroe of Utica, New York. Even though it was a clear-cut case of homicide, the Mormons buried Monroe without an inquest. The Church did not arrest

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<sup>142</sup> Morgan, *The State of Deseret*, 124–125.

<sup>143</sup> “A Copy of the Act Passed by the Thirty-first Congress Establishing a Territorial Government in Utah,” *Daily National Intelligencer* (Washington), September 11, 1850. Section 9 clearly gave jurisdiction to the United States Judges for criminal cases and outlined the procedures for arresting, trying, and punishing lawbreakers.

Egan. In fact, the officials complained, they saw him “walking through the streets afterwards, under the eye of the Governor.” The federal officers also cited the case of Dr. John R. Vaughn of Indiana whom a Mormon settler named Madison D. Hambleton had killed. As in the Monroe homicide, the killer went free and the officials were helpless to intervene. Young, the officers complained, decreed that the “United States judges should never try a case if he could prevent it.”<sup>144</sup>

Church records confirm that Brigham Young was not willing to recognize the authority of the non-Mormon judiciary. According to minutes of his meeting with Secretary Broughton D. Harris, the Mormon Prophet was adamant that the judges would not administer justice saying, “I will not have law and the devil.” He furthered declared, “They will have their courts and have nothing to do.” Young was content to let the judges stay in the territory and draw their salaries but said he would fight them if they attempted to hold any trials. Young felt the non-Mormon judges would only introduce quarreling into a community that was preparing for the Second Coming of Christ. He told Secretary Harris, “This people will never bring a suit before the Judges. I aim to promote peace and righteousness and prepare for the better Kin.”<sup>145</sup>

Brigham Young had created a system of justice that was consistent with the Latter-day Saint religion. The Bishop of each congregation acted as a judge and handled minor legal issues. For cases that were more serious, the Mormons used religious tribunals known as “High Councils.” These councils usually consisted of twelve men. The Church nominated the Bishops and members of the High Councils. The people then

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<sup>144</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 13-14.

<sup>145</sup> Minutes of Meetings, July 23, 1851, Church Historian’s Office, General Church Minutes, 1839 -1877, (CR 100/318), LDSCA.

elected them under the rules of common consent. The Church leadership encouraged those conducting trials to use the scriptures and the Holy Ghost to guide their deliberations rather than judicial precedent and legal wrangling. Brigham Young despised the court system used throughout the United States, feeling it had robbed the Mormons of justice. Therefore, Young sometimes personally instructed the Latter-day Saints in the proper manner of holding a trial. On March 26, 1851, he attended court at the Utah Fort. This was a common case where one Mormon claimed that the cattle of another Latter-day Saint had broken through his fence and caused considerable damage to his crop. Young listened to the entire proceedings and interrupted occasionally to give instructions on how the High Council should conduct the trial. Part of the transcript reads:

Brigham Young instructed the High Council not to act as Gentile lawyers – but directed them to speak for righteousness and against inequity. Dig out the truth and get the facts. They will make the truth shine. Plead for righteousness & innocence of course, and put down iniquity. Never suffer anyone to come and make long pleas or smug testimony and judge law or no law. That is the way I want to see you.<sup>146</sup>

After listening to all the testimony, each member of the High Council pronounced his verdict, starting with the eldest. When they could not come to a unanimous decision, Young intervened. He suggested that those who had doubts should ask more questions of the witnesses and then vote again. They followed Young’s direction but once again, there was a division of opinion. In response, Young instructed the High Council to “put it to the congregation.” Young wanted to emphasize the spiritual nature of Mormon government and frequently contrasted it with the justice system of the “gentiles.”<sup>147</sup> The

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<sup>146</sup> High Council Court Minutes, March 26, 1851, Leonard Arrington Collection (LJAH COL 1), Series 9, Box 12, Folder 7, USU.

<sup>147</sup> The Latter-day Saints referred to non-Mormons as “gentiles.”

Mormon Prophet was convinced that having this form of theo-democracy was essential to preparing for the Second Coming of Jesus Christ.<sup>148</sup> Despite this religious emphasis, in most cases these religious tribunals produced rulings that were not significantly different from the decisions of courts in other communities. The same was not true for certain religious crimes, however, especially incidents of adultery.

The James Monroe homicide was a case where the Mormons had applied religious law to a criminal case. Howard Egan had been in California for over a year, and when he returned, he found his wife had given birth to another man's child. After some investigation, Egan discovered that James Monroe was the father. After confronting Monroe, who confessed to the affair with his wife, Egan killed him.<sup>149</sup> The homicide of Dr. John R. Vaughn was a similar case.<sup>150</sup> The Latter-day Saints considered killing a man for such an act was not only justifiable homicide, but also a religious obligation.<sup>151</sup> After the non-Mormon officials left the territory, Brigham Young put Howard Egan on trial

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<sup>148</sup> High Council Court, March 26, 1851, Leonard Arrington Collection (LJAH COL 1), Series 9, Box 12, Folder 7, USU.

<sup>149</sup> Journal of Lorenzo Brown, September 26, 1851, Valeen T. Avery Collection (COLL 316), Box 21, Folder 46, USU.

<sup>150</sup> Brigham Young Diaries 1839-1852, March 17, 1851, Leonard Arrington Collection (LJAH COL 1), Series 9, Box 14, Folder 1, USU. Young writes, "Madison D. Hambleton had his trial to day for shooting John M. Vaughn who was guilty of having intercourse with the wife of Hambleton, the Prisoner was acquitted taking into consideration the circumstances of the case." Andrew Love, a Mormon settler writes in his journal about the religious nature of such a homicide. "I Saw Brother Madison Hamilton of Sanpete which it appears has forfeited his life & Priesthood by taking back his wife after killing Vaughn for seducing her touch not taste not handle not that, that will perish with the using. Oh ye Elders of Israel be careful how you handle edged tools." Andrew Love Diary, May 1853, (MS 1675), LDSA.

<sup>151</sup> Plea of George A. Smith, Esq., on the Trial of Howard Egan for the Murder of James Monroe, *Great Salt Lake City, October Term, 1851*, Young, *Journal of Discourses*, 1:95-100.

before Zerubbabel Snow, the lone Mormon federal judge. George A. Smith, a Mormon Apostle, defended Egan. He made clear the policy that ruled the Latter-day Saints concerning adultery.

What is natural justice with this people? Does a civil suit for damages answer the purpose, not with an isolated individual, but with this whole community? No! it does not! The principle, the only one that beats and throbs through the heart of the entire inhabitants of this Territory, is simply this: *The man who seduces his neighbor's wife must die, and her nearest relative must kill him!*<sup>152</sup>

Young's purpose in having the trial was not to defend Mormon practices in dealing with cases of adultery, however. In his charge to the jury, Zerubbabel Snow stated that the principal issue that the jurors needed to decide was one of jurisdiction. He told them that if they felt the United States had charge of the case, they must find Howard Egan guilty of murder, since federal law did not recognize such a killing as justifiable homicide. On the other hand, if the jurors felt that Utah Territory had jurisdiction, then they must find the defendant not guilty, since the Latter-day Saint community considered such a killing a religious obligation.<sup>153</sup> Predictably, the jury acquitted the defendant.

The federal officials felt the judicial system of the Latter-day Saints was barbaric. They failed to realize that the Mormons preferred it to what they had experienced in the East. The Latter-day Saints felt that American justice had failed them repeatedly. In the theo-democracy of the Mormons, they had the right to vote for their judges, and could remove them from office. The territorial system offered no such prerogatives. The

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<sup>152</sup> Young, *Journal of Discourses*, 1:97. This belief would come back to haunt the Latter-day Saints in 1857. Mormon Apostle Parley P. Pratt took a plural wife who was still married to another man. The husband tracked Pratt down and killed him for seducing her. For a discussion of the Pratt homicide see Patrick Q. Mason, *The Mormon Menace : Violence and Anti-Mormonism in the Postbellum South* (New York: Oxford University Press, 2011), 3–6.

<sup>153</sup> Young, *Journal of Discourses*, 1:103.

President appointed the federal judges with the consent of the Senate, but the consent of the Latter-day Saints was not required. The Mormons felt they had a constitutional right to conduct their system of justice as they saw fit. Brigham Young used this same constitutional claim to defend other Mormon practices. Unfortunately, one of them plunged the Latter-day Saints into a controversy that haunted them for decades.

### Mormon Polygamy

The practice of plural marriage had once been a carefully guarded secret among the Latter-day Saints. Once the Mormons moved to the Great Basin, however, Brigham Young did little to hide it.<sup>154</sup> To the Latter-day Saints, polygamy was a perfectly respectable form of marriage. To most Americans it was a barbaric practice. Yet, there were no laws prohibiting polygamy in the territories.<sup>155</sup> Brigham Young knew that the South would be reluctant to vote for any such law because Congress could easily apply the same rationale to prohibiting slavery.<sup>156</sup> Furthermore, as a practical matter, the federal government did not have the means to enforce such laws in Utah Territory. The Mormons were isolated in a mountain fortress. Their numbers were increasing. For the first time, they truly had power. Church leaders and ordinary Latter-day Saints felt at liberty to live

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<sup>154</sup> Richard S. Van Wagoner, *Mormon Polygamy: A History* (Signature Books, 1989), 82–88.

<sup>155</sup> Van Wagoner, *Mormon Polygamy*, 105–114.

<sup>156</sup> John Bernhisel to Brigham Young, February 17, 1857, Brigham Young Office Files (CR 1234/1), Box 61, Folder 1, LDSCA. This was just one of several attempts by Justin Morrill of Vermont to outlaw polygamy in the territories. Bernhisel informed Young that the bill might pass the House but would not pass the Senate where slave states held more power. It was not until the Civil War that Morrill finally got his bill through Congress.

their religion openly. Unfortunately, the open practice of plural marriage marred the Mormon image unlike anything else.

Sarah Harris, the wife of the Secretary of the Territory, disapproved of the practice of polygamy. She felt it was a “hideous doctrine” for younger women to become plural wives of older men to improve their status in the world to come.<sup>157</sup> She wrote in her memoirs of visiting the home of Heber C. Kimball, who was Brigham Young’s counselor in the First Presidency of the Church. “I cannot even now, though fifty years have elapsed, describe my sensations when I was ushered into a room where sat six young women, three of them with infants in their arms, and found they were all Mrs. Kimballs,” Sarah wrote. She was particularly distressed to find that they were all young enough to be the daughters of Heber C. Kimball. Sarah then reported that, “Mrs. Kimball, the original, escorted Secretary Harris around the room, presenting her husband’s wives one by one.”

If the Church leadership felt this openness about plural marriage would convince outsiders that polygamy was a perfectly respectable institution, they were sadly mistaken. Sarah wrote that when she returned home, “my pent up feelings of disgust, indignation and horror, found vent in a severe attack of hysterics.” Her reaction shocked her husband, and he concluded not to take her to any future social functions with Mormon leaders.<sup>158</sup> Brigham Young insisted polygamy was a matter of religious liberty and a constitutional right. Nonetheless, its practice hung like a shroud over the reassuring images of Latter-day Saint respectability created by Thomas Kane and John Bernhisel. The age difference

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<sup>157</sup> Harris, *An Unwritten Chapter of Salt Lake*, 38.

<sup>158</sup> Harris, *An Unwritten Chapter of Salt Lake*, 39–40.



between Mormon leaders and their plural wives caused a national scandal. Polygamy became part of the national debate over slavery. Politicians tied the two practices together as the “twin relics of barbarism.” Meanwhile, Brigham Young continued to sound the theme of religious freedom and sovereign rights during the stay of the unwanted federal officials. In his mind, the Constitution not only justified the manner in which Mormons held elections, executed justice, and contracted marriage, but also the way Latter-day Saints made laws.

### Mormon Lawmaking

The federal officials found that the Latter-day Saint method of creating legislation was not as John Bernhisel had described it. They soon became convinced that the Utah Legislature was nothing but a sham controlled by the Church. They complained that the “governor had been accustomed, as many of the leading men there informed us, to enter the legislative hall, under the provisional State government, and dictate what laws should or should not be passed.” They argued that when Utah Territory came into existence, the Church continued to be the lawmakers and that the actions of the legislature were therefore a mere formality. In the report of the returning officials, it states:

He had given us ample evidence that he was equally omnipotent and influential with the Mormon people under the territorial government. It required no overt act, or violence, to defeat the spirit and object of the organic act, under an apparent compliance with all its requisitions. He had ordered the election of a Legislative Assembly as before described, but they were the creatures of his will, as the result shows.<sup>159</sup>

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<sup>159</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 15-16.

Brigham Young responded to these complaints, as he often did to the charges of the unwanted federal officials, by enthusiastically confirming them. In a speech before the Utah Territorial Legislature of February 4, 1852, Governor Young stated:

I am accused by our honorable judges who have left the Territory last fall of entering into the Legislative Hall and there dictating them. That is an objection that will be raised and will be presented to President Fillmore; that I enter into the Halls of the Legislature and there dictate them. I do dictate and I never expect to see the day while I am Governor amongst this people that I don't do it, and I want it published abroad for it is what I believe in, and it is what you believe in.<sup>160</sup>

The Mormon Prophet went on to remind the legislators that, “when they meet here in a legislative capacity, not to forget that they are Elders in Israel, Apostles of the Lord Jesus Christ.”<sup>161</sup>

Like everything else in the Mormon kingdom in the West, lawmaking was an inherently religious activity. On August 22, 1847, before returning east to organize the following season's emigration, Brigham Young appointed the Salt Lake Stake High Council to take charge of running the settlement, including creating local ordinances.<sup>162</sup>

When he returned to Salt Lake Valley in the fall of 1848, Brigham Young relieved the High Council of its legislative duties and assigned the more secretive Council of Fifty the responsibility of legislation and city planning.<sup>163</sup> Sometimes the Council made decisions

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<sup>160</sup> Young, *The Complete Discourses of Brigham Young*, 1:476.

<sup>161</sup> Young, *The Complete Discourses of Brigham Young*, 1:477.

<sup>162</sup> Morgan, *The State of Deseret*, 9–11. In the religious hierarchy of the Latter-day Saints, several congregations or “wards” belonged to an organizational unit known as a “Stake of Zion.” The High Council of the Stake not only oversaw the religious supervision of their congregations. It also served as a court, and during this period, as a legislative body.

<sup>163</sup> Hansen, *Quest for Empire*, 124–125. The deliberations of the Council of Fifty were secret and the LDS Church does not make the minutes of their meetings from this period available to researchers. However, members of the council sometimes made comments in

and carried out tasks by itself. Other times, Brigham Young appointed committees of ordinary Latter-day Saints to undertake the many projects needed to facilitate the growth of the Great Basin settlements. In these cases, the Mormon Prophet required the chairperson to be a member of the Council of Fifty.<sup>164</sup>

Brigham Young followed a similar pattern in forming the legislature for the Latter-day Saints. At first, only members of the Council of Fifty served as lawmakers for the Mormon settlements.<sup>165</sup> By the winter of 1849, the Council began to invite others to assist in making the laws of the community. This sometimes came as a surprise to those chosen by the Council. On December 4, 1849, Hosea Stout wrote in his journal, “I received a notification to meet the House of Representatives on Sat next I being a

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their diaries and letters about its activities. Settler John D. Lee made several coded references in his journals using the word “fifty” spelled backwards (“Y T F I F”) to refer to the council. See Lee, *A Mormon Chronicle*, 80.

<sup>164</sup> Lee, *A Mormon Chronicle*, 1:92. In this meeting of February 17, 1849, the Council of Fifty discussed appointing a committee to create a fence around the “South Farm.” Young directed that a member of the council be the chair of the committee. Lee quotes him as saying, “When a man was taken out of this council to do business, let that man be the chairman of whatever commity he may belong [to]; thus the chairman can report to the council.”

<sup>165</sup> Hansen, *Quest for Empire*, 124. John D. Lee indicated the council was a “Municipal department of the Kingdom of God set up on the Earth, and from which all law emanates.” See Lee, *A Mormon Chronicle*, 80. The Salt Stake High Council was “relieved from exercising municipal duties” on January 6, 1849. See Manuscript History of Brigham Young (CR 100/102), Vol. 19, January 6, 1849, LDSCA. Significantly on this same date Lee states, “A convention of the Council assembled at H. C. Kimball, at which Concil the Pe[t]ition & bounds of the Commity, and accepted by the House, and J. M Burnhisail was appointed or deligated to go to the City of Washington with the Pe[t]ition, and represent our case.” See Lee, *A Mormon Chronicle*, 86. The “convention” was a continuation of business started in a meeting Lee described as a Council of Fifty meeting of December 9, 1848. Therefore, when Lee refers to the “House” during this period, it is most likely a reference to the Council of Fifty acting as a legislature. Council member Benjamin F. Johnson stated in a letter to a friend that the council was also “a legislature of the people.” See Benjamin F. Johnson, *My Life’s Review*, 1st ed. (Zion’s Printing and Publishing Co., 1947), 124.

member of that Body. By what process I became a Representative I know not.”<sup>166</sup> The legislature was just another committee supervised by the Council of Fifty. While ordinary Mormons served as lawmakers, members of the Council held the key leadership posts.<sup>167</sup> When Brigham Young held the first election in Utah Territory, he wrote letters to local leaders indicating the names of those he wished to serve as lawmakers. Not surprisingly, most of the men were members of the Council of Fifty.<sup>168</sup>

Young did not intend to create a republican form of government for the Great Basin. He urged the lawmakers to “legislate in the name of Israel’s God for the benefit of Israel.” He railed against signs of “gentilism” that had crept into the Territorial Legislature and urged a return to the spirit that had prevailed when the Council of Fifty did all the lawmaking by itself.

If we were one as we were two years ago, or a year and half ago, when we met in a legislative capacity, a different spirit would be manifest. We then legislated for the benefit of the inhabitants of the State of Deseret. The most of them belonged to the council that is called the Council of Fifty. You walk in there, and see if the spirit would arise there, as we have frequently seen in this legislative body.<sup>169</sup>

Brigham Young was not about to change his theo-democracy to accommodate Washington or the unwanted federal officials. He felt strongly that the Constitution of the United States granted the Mormons the right to run their government as they saw fit.

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<sup>166</sup> Stout, *On the Mormon Frontier*, 2:358.

<sup>167</sup> Hansen, *Quest for Empire*, 131.

<sup>168</sup> Brigham to “Dear Brethren,” July 21, 1851, Brigham Young Office Files (CR1234/1), Box 1, LDSCA. In this letter Young states tells local leaders he would be pleased to have them elect Charles Shumway to the Utah Legislature. He also states that he wishes them to elect John M. Bernhisel to Congress. Both Shumway and Bernhisel were members of the Council of Fifty. See also Hansen, *Quest for Empire*, 224.

<sup>169</sup> Young, *The Complete Discourses of Brigham Young*, 1:477.

Nonetheless, Young's uncompromising stand continued to cause problems with the federal government. One of those conflicts risked landing him in jail.

#### Misappropriation of Federal Funds

The most damaging charge made by the returning officials against Brigham Young was that he had embezzled \$20,000 authorized by Congress for the building of a statehouse and spent it on Church projects. Their report stated, "The governor no sooner received this money than he appropriated and used every dollar of it, or a greater portion of it, in payment of debts due by the Mormon Church."<sup>170</sup> In addition, Secretary Harris brought \$24,000 in gold dust for the operation of the legislature. Harris claimed that Young tried a number of times to get that money as well, but he refused to hand over any of it. At one point Young went so far as to order the Marshal "to demand this money from the Secretary; and if he refused to surrender it, to seize and imprison him until he delivered over the whole amount."<sup>171</sup>

According to Church minutes of the meeting with Secretary Broughton D. Harris on July 23, 1851, Brigham Young did take the \$20,000 appropriated by Congress for the building of a statehouse. The money was in the possession of Almon Babbitt and Young demanded that he surrender it. Babbitt said he could not do so under federal law. He explained that according to proper procedures, Secretary Harris had to authorize any use of the funds. The Mormon Governor was furious. "I just feel like this - go to hell and be damned," Young thundered, "I will point the way you have got to go and not you point

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<sup>170</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 14.

<sup>171</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 18.

the way for me to go. Now get your papers. Politicians are a stink in my nose.” When Almon Babbitt complained of the Mormon Prophet’s abusive language, Young replied, “Bigger men than you have been abused for I am for right and righteousness.” Young continued to chastise him mercilessly. Finally, Babbitt reluctantly turned the money over to the Mormon Prophet.<sup>172</sup> Unfortunately, in taking this action, Young put himself in serious legal jeopardy.

On December 5, 1851, John Bernhisel wrote an anxious letter to the Mormon Prophet saying, “one of the cruel charges in circulation against you and which is here regarded as a very serious one if true, is that you have appropriated the money designed for the creation of the contemplated capitol to the payment of Church debts.” Bernhisel warned that this could lead to Young’s imprisonment. He then told the Mormon Prophet that the President might replace him as Utah Governor and that he needed to have the \$20,000 on hand to turn over to his successor.<sup>173</sup> Young’s reply indicated his lack of concern about federal law or the possibility of going to jail.

Now Dr., do you also keep constantly on hand that five thousand dollars appropriated for the library that were put into your hands; in order that it may be paid over at once in case that it should be required; I might say with as much propriety. The money in your case was expended so it was in mine, and the Treasury Department have been apprized of the fact.<sup>174</sup>

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<sup>172</sup> Minutes of Meetings, July 23, 1851, Church Historian’s Office, General Church Minutes, 1839 -1877, CR 100/318, LDSCA. Young clearly felt that Almon Babbitt was no longer acting in the best interest of the Church. He went on to say, “We sent you as a brother to do good and you come back to think we have to run after you. You are their servant and they are not your servants. You have not common sense.” Interestingly, Young concluded a long tirade against Babbitt by saying, “Now Brother Babbitt don’t go off with bad feelings.”

<sup>173</sup> John Bernhisel to Brigham Young, December 5, 1851, Brigham Young Office Files (CR 1234/1), Box 60, Folder 11, LDSCA.

<sup>174</sup> Brigham Young to John Bernhisel February 28, 1852, Brigham Young Office Files (CR 1234/1), Box 60, Folder 2, LDSCA.

The Mormon Prophet was referring to a paper trail he created for the \$20,000 by “selling” a structure known as the Council House to the Territory. Young sold the structure as President of the Church and paid for it as Governor of the Territory with the money appropriated by Congress. Young planned to reverse the transaction after building the actual statehouse. The transaction set off alarm bells in the Treasury Department.<sup>175</sup> In the meantime, Young used the cash for purposes other than building a statehouse just as he had also spent the \$5,000 appropriated by Congress for a territorial library on something besides books. Yet, the library still existed and it had an impressive collection. The statehouse would one day exist as well. Young did not use the cash appropriated by Congress for either project, however. Instead, he financed them from the Mormons’ unique system of banking.

The primary financial institution of the Latter-day Saints was the Tithing Office. Tithing was a ten percent tax levied by the Church on all residents. Every settlement had branch offices that received payments. Usually the Latter-day Saints did not pay in cash, however. Mormons made in-kind payments that might include wheat, corn, barley, oats, cattle, clothing, furniture, iron, and other similar items. Since branches of the Tithing Office existed throughout the Great Basin, the Latter-day Saints used them as banks. They could make cash or in-kind deposits in excess of their tithing at one location and get a receipt that another branch would honor. The Mormons had other similar financial

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<sup>175</sup> Brigham Young to John Bernhisel January 31, 1852, Leonard Arrington Collection (LJAH COL 1), Series 9, Box 10, Folder 3, USU. This transaction haunted Young for years until the Mormons completed the actual statehouse in Fillmore, Utah in 1856. See Brigham Young to James Guthrie, January 31, 1854, Leonard Arrington Collection (LJAH COL 1), Series 9, Box 10, Folder 3, USU. The federal government’s concerns about Young’s use of the money made it difficult for Bernhisel to secure other appropriations for Utah Territory.

institutions including the Office of the Trustee-In-Trust, the Office of Public Works, the Perpetual Emigration Fund, and the Relief Society. Added to this was the Office of Brigham Young, which handled his personal finances. The Mormon Prophet did not always keep the funds of these different institutions segregated. This made it difficult to separate which assets belonged to the government, which belonged to the Church, and which belonged to Brigham Young. Together they financed public works, the care of the poor, the expansion of industry, and Young's personal wealth.<sup>176</sup> The Mormons intended to use this system to make them independent of the United States economy. This created a serious problem, however, because the Latter-day Saints still needed to interact with the outside world to build their kingdom. That meant they needed cash.

The Mormon financial system was well adapted to the circumstances of their frontier environment, but it was not useful for making purchases outside of the Great Basin. These institutions had overall profitability, but were cash poor. For example, between November 6, 1848 and March 27, 1852, the Church received \$244,743.03 in tithing, but almost all of it was in property. To make outside purchases the Church needed to secure cash deposits of \$145,513.78, mostly from loans.<sup>177</sup> Therefore, the Mormon leadership needed to find ways to liquidate in-kind assets to generate cash and avoid debt. One place they looked to for help was the federal government. A primary motive for creating a relationship with Congress was to secure cash that the Church could use to make purchases outside of the barter economy of the Great Basin. One of John

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<sup>176</sup> Leonard J. Arrington, "The Six Pillars of Utah's Pioneer Economy," *Encyilia: The Journal of the Utah Academy of Sciences, Arts, and Letters*, Vol. 54, Part 1, 1977, pp. 9-24.

<sup>177</sup> Economic Data from Tithing Records, Leonard Arrington Collection (LJAH COL 1), Series 9, Box 79, Folder 5, USU.



Bernhisel's principal duties was to secure funds from Congress for public buildings, construction of roads, and pacifying the Indians. The Church then performed the actual work through tithed labor and in-kind assets. They then diverted the cash Congress provided and used it to make purchases with the outside world.

John Bernhisel had the responsibility of managing some of the Church's cash accounts in the East. He received funds from Church operations overseas and in the eastern United States. He also deposited the money appropriated by Congress into the accounts he managed.<sup>178</sup> He then paid bills and made purchases as per instructions from Salt Lake City. The Mormons did the work required of them, but they used tithed labor, tithed property, and voluntary contributions to do it. When Congress appropriated \$5,000 for a library, Bernhisel immediately sent letters across the country soliciting donations of books.<sup>179</sup> The system of tithing then built the Council House that contained them. This made it possible to free up desperately needed cash. The Church hid these financial practices from Congress, the same way they hid their theocratic form of government from Washington. Unfortunately, this exposed Brigham Young to charges of fraud and embezzlement such as those made by Secretary Harris. This legal jeopardy did not deter

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<sup>178</sup> Brigham Young to John Bernhisel May 29, 1852, Brigham Young Office Files (CR 1234/1), Box 60, Folder 1, LDSCA. In this letter, Young provided John Bernhisel with power of attorney to draw his salary as Governor and as census agent. The letter indicates that the funds will go into the general church accounts administered by Bernhisel. Much of the correspondence between Bernhisel and Church leaders involved discussions of funds received and drafts paid.

<sup>179</sup> Young, *The Complete Discourses of Brigham Young*, 1:457. In a message to the legislature of September 22, 1851, Young noted the work of John Bernhisel in procuring donations for the library. He stated that because of the contributions from throughout the United States, the territory had a library "of which the oldest and wealthiest state might well be proud."

the Mormon Prophet, however. He made matters worse by using heavy-handed tactics to get the non-Mormon officials to turn over funds in their possession.

Brigham Young felt any money appropriated by Congress rightly fell under his control. He had little patience with officers who insisted that he needed to follow proper procedures first. Young repeatedly tried to get Secretary Harris to release the \$24,000 in cash appropriated by Congress for the work of the legislature. When Harris refused to turn over any of it, Young sent the Marshal to take the money by force. The Mormon Prophet defended his action in a letter to President Millard Fillmore of September 29, 1851. He claimed he only sent the Marshal when he heard Harris was going to leave the Territory with it.<sup>180</sup> Young was unsuccessful and Harris managed to leave Utah with the cash, swearing he would protect it with his life.<sup>181</sup> The episode created outrage in the halls of Congress.

The outcry in the East did not deter Young from continuing to use such heavy-handed tactics, however. In another case, a settler named E. W. Vanettan approached non-Mormon Indian Agent Jacob Holeman to reimburse him for translation work he had done with the Indians. Holeman told him he had no authority to disburse any funds. Vanettan appealed to Brigham Young who told him to sue Holeman in federal court. The result was that Zerubbabel Snow, the lone Latter-day Saint federal judge, ordered the

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<sup>180</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 29.

<sup>181</sup> “Late From Utah Territory, Details of Governor Young’s Conduct, Escape of Harris with Government Money,” *New York Times*, November 14, 1851. Young thought that Almon Babbitt had taken the money when he left for Washington a few days earlier. He had Babbitt arrested but released him when Secretary Harris assured Young that Babbitt did not have the money. See House Exec. Doc. 25 (32-1), 1852, Serial 640, 18-19. The Secretary had hidden the money in the bottom of his carriage. He deposited the funds in St. Louis to the credit of the U. S. Treasury. See Harris, *An Unwritten Chapter of Salt Lake*, 59, 75.

Marshal to seize a wagon belonging to the federal government, sell it at auction, and give the proceeds to Vanettan. Holeman complained to Washington that Young frequently did such things to see that non-Mormon officials were “annoyed in every possible manner in order to force them to leave the Territory or succumb to his will.”<sup>182</sup> Another Indian agent, Henry R. Day, reported similar treatment at the hands of Brigham Young. He also suggested the Governor was trying to force the officials out of Utah. All the officials complained of the unrelenting tirade of antigovernment rhetoric that sometimes made them fear for their lives.

### Antigovernment Sentiments

Thomas Kane had created an image of Latter-days Saints as a people who had such a great love for their country that they volunteered to serve in the Mexican War during the time of their greatest distress. Instead, the officials were shocked when Church leaders vented their anger and resentment against the federal government in speeches at festive and religious occasions. The officers complained of “the many seditious and hostile declarations, which it would be impossible to enumerate, made by Governor Young and others in his presence from the pulpit.” They went on to claim that, “scarcely

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<sup>182</sup> Jacob. H. Holeman to Luke Lea, December 28, 1851, *Letters received 1849 – 1880 Bureau of Indian Affairs Utah Superintendancy*, USHS. Indian Subagent Henry R Day, who left the territory, told his superiors his job had become impossible “in consequence of the open hostility manifested publicly and privately by the Governor and the Mormon Community to the Government of the United States and its Officers sent out to Utah Territory.” Henry R. Day to Luke Lea, January 9, 1852, *Letters received 1849 – 1880 Bureau of Indian Affairs Utah Superintendancy*, USHS.

an opportunity was suffered to pass without aspersing the people and government of the United States.”<sup>183</sup>

Local newspapers, journals, and Church records clearly show the Latter-day Saints were not hesitant to demonstrate their anger with the federal government who they felt had failed to redress the wrongs they suffered in Missouri and Illinois. On July 24, 1851, the Mormons held a celebration commemorating the anniversary of the entrance of the pioneers into Salt Lake Valley. Brigham Young invited the non-Mormon government officials to attend these festivities and seated them on the stand with Church leaders. The Latter-day Saint speakers treated the officers to one bombastic speech after another. One of the main speakers at the event was a Mormon Elder named W. W. Phelps. Phelps referred to the United States as a place “boiling over with slavery, and vomiting up the putrid dregs of debauchery, profanity, treachery, bribery, murder and treason.” He claimed that eastern politicians were all “hell bent on mischief and destruction, crying ‘union’ for the sake of office and peace for the sake of plunder.”<sup>184</sup> Another speaker, Daniel H. Wells, a Mormon Apostle, was particularly eloquent in denouncing the United States. Wells complained bitterly of the persecutions of the Latter-day Saints in Missouri and Illinois, making it clear that the federal government was as much to blame as the state governments. He claimed that the United States had forsaken its legacy and “demagogues had arisen and seized the reins of power.” He went on to say, “we feel the strong arm of oppression, and writhe under the keen cruelty of the tyrant’s rod.” He insisted that the Mormons would stand aloof from their country “while she welters under

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<sup>183</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 12.

<sup>184</sup> “W. W. Phelps’ Speech,” *Deseret News* (Salt Lake City), July 26, 1851.

the withering curse of the Almighty Jehovah for the shedding of innocent blood.” Wells then predicted the United States would finally realize the error of her ways and look to the Mormons “whom she has murdered, persecuted, and driven for succor.” He also related, with great bitterness, Young’s story of how the federal government had drafted the soldiers of the Mormon Battalion.<sup>185</sup> Other Church leaders followed and delivered similar speeches. Then it was Brigham Young’s turn.

The Mormon Prophet had not forgotten the letter in which Almon Babbitt claimed Zachary Taylor had referred to the Latter-day Saints as outlaws unfit for self-government. According to Church minutes, Young began his speech complaining of the hateful way supposedly Christian societies had treated the Mormons. He said the Latter-day Saints were unfit to live among such hypocritical people. Young then quoted Taylor as saying that the “poor Mormons should be driven from the face of the earth - but as providence would have it - he is in hell and we are here about a 1000 miles from hell.” The Mormon Prophet went on to say that any future President, “that lifts his hand against the people – God will speedily send him to hell.”<sup>186</sup> These statements shocked the federal officials who felt the Mormon Prophet was being disloyal to the country and threatening violence against her leaders. With all of these conflicts between the federal officials and the Latter-day Saints, it was only a matter of time before a confrontation occurred.

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<sup>185</sup> “Oration,” *Deseret News* (Salt Lake City), August 19, 1851. Mormon Church Historian B. H. Roberts conceded that Daniel Wells’ description of the drafting of the Mormon Battalion was incorrect. His explanation was that Wells did not distinguish between the actions of the United States government and mobs. See B. H. Roberts, *Comprehensive History of the Church of Jesus Christ of the Latter Day Saints* (Brigham Young University Press, 1965), 3:520.

<sup>186</sup> Minutes of Meetings, July 24, 1851, Church Historian’s Office, General Church Minutes, 1839 -1877, (CR 100/318), LDSA.

“So Much for Defending My Country”

Over the next several weeks, the tirades by Mormons against the nonresident officers and the federal government continued. When the officials attended Church meetings, the presiding leaders always recognized them and invited them to sit on the stand. Invariably the speakers then proceeded to verbally pummel them and express their contempt for America by saying things like, “the United States is a stink in our nostrils” and “the United States is going to Hell as fast as possible.”<sup>187</sup> They complained of the inaction of the federal government in the violence in Missouri and Illinois. They made the accusation that Congress had drafted 500 men into the Mormon Battalion in a cruel attempt to destroy them as a people. Church leaders also made accusations of the complicity of the federal government in the murder of Joseph Smith. Into this heated environment came the last non-Mormon federal official, Associate Justice Perry E. Brocchus of Alabama.

Of all the outside officials appointed to Utah Territory, Perry Brocchus received the greatest praise from both Mormons and non-Mormons when the President first appointed him. Senator Stephen A. Douglas wrote to Brigham Young on April 9, 1851, describing Brocchus as being “among my most cherished friends.” Douglas described him as “a man of strict honor and of a high order of talents.” The Illinois Senator went on to say that he “felt great gratification at his appointment and have no doubt he will discharge his duties in a manner satisfactory to your people and honorable to himself.”<sup>188</sup>

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<sup>187</sup> Minutes of Meetings, September 8, 1851, Church Historian’s Office, General Church Minutes, 1839 -1877, CR 100/318, LDSA.

<sup>188</sup> Stephan A. Douglas to Brigham Young, April 9, 1851, Leonard Arrington Collection (LJAH COL 1), Series 9 Box 12 Folder 44, USU.

Joseph W. Coolidge, a Mormon attorney who had been Joseph Smith's lawyer, wrote to Brigham Young on June 24, 1851 about the Judge. He described Perry Brocchus as "my much esteemed friend" and suggested that Young send him to Washington as a delegate saying, "He can do more for Utah than any other man." Coolidge added further, "I am confident that he is our true friend."<sup>189</sup> John Bernhisel also wrote the Mormon Prophet saying that the Judge "has the reputation of being an honorable and liberal gentleman who is quite friendly disposed toward our community."<sup>190</sup> Church leaders in Iowa met Judge Brocchus as he travelled to Utah and described him in favorable terms.<sup>191</sup> However, all the good feelings came to an abrupt halt shortly after Perry Brocchus reached the territory.

Not long after arriving in Salt Lake City, Brocchus attempted to make Young's acquaintance and asked if he might accompany the Governor to church. Brocchus was quite ill and asked Young to send a carriage for him. The Governor was unwilling to extend such a courtesy to the non-Mormon Judge. Young deliberately left for Church on foot without him.<sup>192</sup> Brocchus then spoke with the other non-Mormon officials and heard of the harsh comments and rough treatment Brigham Young had visited upon them. He read the speeches of Church leaders in the local newspaper, the *Deseret News*. Brocchus

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<sup>189</sup> Joseph W. Coolidge to Brigham Young June 24, 1851, Leonard Arrington Collection (LJAH COL 1), Series 9 Box 12 Folder 44, USU.

<sup>190</sup> John Bernhisel to Brigham Young, October 2, 1850, Brigham Young Office Files (CR 1234/1), Box 60, Folder 10, LDSA.

<sup>191</sup> See report of William G. Hartley to Leonard J. Arrington, Leonard Arrington Collection (LJAH COL 1), Series 9 Box 12 Folder 44, USU.

<sup>192</sup> Manuscript History of Brigham Young (CR 100/102), Vol. 21, August 31, 1851, LDSA. This is another situation where Young made a point of expressing his displeasure at the presence of federal officials sent by Washington.

personally experienced Mormon anger and was shocked at the antigovernment rhetoric. As a gentleman, he felt it was his duty to defend his country. Rather than challenge the Mormon Prophet to a duel, he chose to confront him in public.<sup>193</sup> While Brocchus may have felt duty-bound to answer Mormon insults, in the culture of the Latter-day Saints, such a challenge to Brigham Young's authority was simply unthinkable.

On September 8, 1851, Associate Justice Perry E. Brocchus defended the honor of his country in a speech before a Mormon conference in Salt Lake City. It was a disaster. Brocchus started out by speaking of George Washington. He then made the transition to the topic of patriotism. Brocchus then proceeded to inform the Latter-day Saints that the federal government had not harmed them. He insisted that the Mormons should direct their anger toward Illinois and Missouri rather than Washington.<sup>194</sup> He encouraged the Latter-day Saints to be more patriotic and not harbor harsh feelings for their country. He stated he was saddened to hear a Church leader say, "The Government of the United

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<sup>193</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 6. Judge Brocchus described his speech and motivations in a letter to Millard Fillmore as follows: "I expressed my opinions in a full, free, unreserved, yet respectful and dignified manner, in regard to the defection of the people here from the Government of the United States. I endeavored to show the injustice of their feelings towards the Government, and alluded boldly and feelingly to the sacrilegious remarks of Governor Young towards the memory of the lamented Taylor. I defended, as well as my feeble powers would allow, the name and character of the departed hero, from the unjust aspersions cast upon them, and remarked that, in the latter part of the assailant's bitter exclamation that he '*was glad that Gen. Taylor burns in hell*' he did not exhibit a Christian spirit, and that if the author did not early repent of the cruel declaration, he *would perform that task with keen remorse upon his dying pillow*. I then alluded to my nativity; to my citizenship; to my love of country; to my duty to defend my country from unjust aspersions wherever I met them; and trusted that when I failed to defend her, my tongue, then employed in her advocacy and praise, might cling to the roof of my mouth, and that my arm, ever ready to be raised in her defense, might fall palsied at my side."

<sup>194</sup> Manuscript History of Brigham Young (CR 100/102), Vol. 21, September 7, 1851, LDSA. Church historians created this history long after the fact and erroneously have the date of the meeting as September 7, 1851, instead of September 8, 1851.



States is going to hell as fast as it can; and the sooner the better.” Much to the Judge’s surprise, the Mormons in the audience burst into applause and a man seated near the pulpit shouted “amen!”<sup>195</sup> Similar demonstrations continued throughout his speech. Brocchus then challenged Young’s statements that the government had drafted the Mormon Battalion soldiers saying he knew for a fact that it was untrue. He also contradicted Young’s statements about Zachary Taylor saying they were false as well. The Judge concluded by encouraging the women in the audience to become more virtuous, a clear reference to polygamy.<sup>196</sup> Brocchus had called Brigham Young’s leadership and truthfulness into question. The audience fully expected Young to deliver a severe chastisement to the Judge. The Mormon Prophet did not disappoint.<sup>197</sup>

When Brocchus finally concluded, Brigham Young quickly took to the pulpit and proclaimed that the Judge “was either profoundly ignorant or willfully wicked.” He stated he would not allow the Latter-day Saints in the audience to reply to Brocchus, lest there be “either a pulling of hair or a cutting of throats.”<sup>198</sup> Young spoke in a very animated

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<sup>195</sup> “The Outrages at the City of the Salt Lake,” *Daily St. Louis Intelligencer*, November 22, 1851.

<sup>196</sup> *Manuscript History of Brigham Young* (CR 100/102), September 7, 1851, LDSCA. Brocchus “directed a portion of his discourse towards the ladies and libertine as he boasted himself strongly recommended them to become virtuous.” These comments caused a great furor among the Mormons in the audience according to this account, which Church historians wrote long after the fact. The date of the meeting should be September 8, 1851. For Judge Brocchus’ version of his speech, see House Exec. Doc. 25 (32-1), 1852, Serial 640, 6.

<sup>197</sup> Stout, *On the Mormon Frontier*, 2:403. In his entry for September 8, 1851, Mormon settler Hosea Stout says, “Judge Brocchus made a speech in defence of the Government and condemning this people. Pres. B. Young replied warmly.”

<sup>198</sup> *Manuscript History of Brigham Young*, September 7, 1851, CR 100/102, LDSCA. Church historians wrote this account long after the facts. The correct date of the meeting is September 8, 1851.

fashion, stalking about the stand and gesturing wildly. He retold the persecution of the Mormons in Missouri and Illinois. He castigated the federal government for doing nothing to help. The members in the audience shouted their agreement. The Mormon Prophet repeated his assertion that God had sent Zachary Taylor to hell for opposing the Mormons. The audience again voiced their approval. Mormon Apostle Heber C. Kimball placed his hand on the Judge's shoulder and told him he would find Young's statement was true, because "you'll be there soon too."<sup>199</sup> In his eagerness to defend the honor of his country, Brocchus had fanned the flames of Latter-day Saint anger to new heights. Mormon image-makers had not prepared him to understand the feelings of a people that mobs had driven from their homes, some of them several times. The Latter-day Saints were outraged that the same federal government that had refused to intervene in the murder of their Prophet and the plundering of their settlements now wished to take over their government. Fury filled the meeting hall. The atmosphere made the Judge and the other non-Mormon officials fear for their lives. Young reassured Brocchus that he would not die, but only because of his intervention with the angry Latter-day Saints.<sup>200</sup> When more than two weeks passed and Mormon anger had not subsided, Brocchus wrote a letter to President Millard Fillmore explaining the danger that he was in.

Ever since then the community has been in a state of intense excitement, and murmurs of personal violence and assassination towards me have been freely uttered by the lower order of the populace. How it will end I do not know. I have just learned that I have been denounced, together with the Government and officers, in the Bowery again to-day, by Governor Young. I hope I shall get off

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<sup>199</sup> "The Outrages at the City of the Salt Lake," *Daily St. Louis Intelligencer*, November 22, 1851.

<sup>200</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 15.

safely. God only knows, I am in the power of a desperate and murderous set. I however feel no great fear. So much for defending my country.<sup>201</sup>

As time passed, Brigham Young came to the realization he had gone too far in his remarks to Perry Brocchus. He attempted to defuse the situation and forge a truce with the Judge by writing him and suggesting that they both attend a future meeting and apologize. Young's letter went through several revisions. The first demanded Brocchus do all the apologizing. Later drafts showed more willingness on the Mormon Prophet's part to apologize himself. Young's final version was relatively generous. He only demanded that Brocchus apologize for the comments he had made to the women of the audience concerning polygamy. Young then offered to apologize for anything Brocchus "might require of me."<sup>202</sup> Young's rare attempt at an apology did not impress the Judge, however. He replied with an angry letter to the Mormon Prophet stating that Young should have allowed him to respond at the meeting of September 8, "but that as that privilege was denied me at the peril of having my hair pulled or my throat cut, I must be permitted to decline appearing again in public on the subject."<sup>203</sup>

By late September, any hope of repairing the ill feelings between the Mormons and the federal officials vanished. Harris, Brocchus, Brandebury, and Day all left the Territory and returned to Washington with angry words about Brigham Young.<sup>204</sup> Only two of the six non-Mormon officials stayed in Utah. Indian Agent Jacob Hollman

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<sup>201</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 6.

<sup>202</sup> Brigham Young to Perry Brocchus, September 19, 1851, Leonard Arrington Collection (LJAH COL 1), Series 9, Box 10, Folder 4, USU.

<sup>203</sup> Perry Brocchus to Brigham Young, September 19, 1851, Brigham Young Office Files (CR 1234/1), Box 53, Folder 18, LDSA.

<sup>204</sup> Bigler, *Forgotten Kingdom*, 59.

remained, but continued to write critical letters about Young and the Mormons to the Commissioner of Indian Affairs in Washington. Only Indian Subagent Stephen Rose stayed out of the fray. Meanwhile, Perry Brocchus did not wait to reach Washington to make his displeasure with the Latter-day Saints known. He sent his letter to the newspapers as well as to the President. Brocchus wrote, "I shall leave for the States on the 1<sup>st</sup> October, and most likely will I go, for I am sick and tired of this place -- of the fanaticism of the people, followed by their violence of feelings towards the 'Gentiles,' as they style all persons not belonging to the Church."<sup>205</sup>

John Bernhisel was blindsided by the letter. He had returned to Washington before the final rupture with the territorial officials occurred. He was not present for the confrontation between Perry Brocchus and Brigham Young. He spent two years building feelings of good will with the federal government toward the Latter-day Saints and now it was all coming apart. He knew more was at stake than just the Mormon image, however. In the explosive atmospheres of Washington and Utah, he knew this incident could easily lead to a war that might destroy the Latter-day Saints.

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<sup>205</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 5.

## CHAPTER V

### A VIOLENT STORM

Even before the federal officials reached Washington, their reports of Mormon rebellion created a furor in the East. Indian Subagent Henry R. Day decided to make his charges in private to the Bureau of Indian Affairs, but the other officials wasted no time in going public with their reports.<sup>206</sup> While en route to the nation's capital, Brandebury, Brocchus, and Harris wrote letters to the press about their experiences in Utah Territory. Their reports circulated over the telegraph wires and soon eastern newspapers made calls for immediate action in response to the defiant Latter-day Saints. In Washington, the *National Intelligencer* blamed the difficulties on "the bad faith of the Governor," and called for the President to replace the Mormon Prophet.<sup>207</sup> *The New York Weekly Tribune* proclaimed that Utah was "in a state of revolution," and claimed Young "acknowledged no allegiance to the United States Government."<sup>208</sup> *The New York Daily Tribune* reported that Church leaders practiced polygamy and that Brigham Young had as many as ninety wives.<sup>209</sup> They also wrote, "It seems that the Mormons are at their old game - creating

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<sup>206</sup> Henry R. Day responded to criticism leveled at him by the Mormons, but did not take part in writing the report of the other three officials. See "The Utah Difficulties," *Daily National Intelligencer* (Washington), April 26, 1852.

<sup>207</sup> "Affairs in Utah Territory," *National Intelligencer* (Washington), November 11, 1851.

<sup>208</sup> "Untitled," *New York Weekly Tribune*, November 22, 1851.

<sup>209</sup> "The Mormons," *New York Daily Tribune*, December 6, 1851.

difficulties with those who try to be friends and neighbors.”<sup>210</sup> *The Daily St. Louis Intelligencer* argued that in the future, Washington should not allow the Latter-day Saints to hold any territorial offices. They further insisted that outside federal officials should be “backed by a sufficient military force to command respect and enforce obedience.”<sup>211</sup> The *Daily Cincinnati Commercial* decried the actions of Brigham Young saying, “It will doubtless be necessary to send troops to quell the rebellious spirit now manifested,” and “it may yet become necessary to drive them from their present location.”<sup>212</sup> In Missouri, local citizens promised to join any military action against the Mormons saying that that the people of Jackson County “would contribute as many men as would be necessary to bring these wretches to a sense of their duty.”<sup>213</sup>

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<sup>210</sup> “The Mormons in Utah,” *New York Daily Tribune*, November 17, 1851.

<sup>211</sup> “The Outrages at the City of the Salt Lake,” *Daily St. Louis Intelligencer*, November 22, 1851. “If the statements of this letter be true, it is evident that prompt and summary measures must be taken by the Government to teach ‘the Saints’ their duties towards the civil authorities. We suppose we shall soon have, in an official form, a reliable statement of all the particulars. If it shall turn out that the Mormons have been guilty of the outrages imputed to them, the act giving them a Territorial Government ought at once to be repealed, or at all events the officers of the Government ought not to be Mormons, but they should be composed of American citizens, who respect the laws and the government, and will do their duty faithfully. Even then, in our opinion, they will be wholly unable to govern this deluded, rebellious people, unless they are backed by a sufficient military force to command respect and enforce obedience.”

<sup>212</sup> “Troubles in Utah,” *Daily Cincinnati Commercial*, November 25, 1851. “Our readers are aware that United States officers have been driven by the Mormons from Utah, and that the fanatics in the valley of the Salt lakes assert independence. It will doubtless be necessary to send troops to quell the rebellious spirit now manifested. The following extracts show the feelings of BRIGHAM YOUNG and his dupes, or, more properly speaking, his accomplices. It may yet become necessary to drive them from their present location; indeed it appears that rule and ruin is their motto.”

<sup>213</sup> “Utah Trouble between the Mormons and the United States Officials,” *The New York Daily Tribune*, November 18, 1851.

On December 15, 1851, the House of Representatives began an investigation into the accusations of the returning officials. They asked the President to turn over information on “whether the due execution of the laws of the United States has been resisted or obstructed; whether there has been any misapplication of the public funds, and whether the personal rights of our citizens have been interfered with in any manner.”<sup>214</sup> John Bernhisel was shocked at how quickly the feelings of good will toward the Mormon people had evaporated.

The outcry in Washington and the nation put Dr. Bernhisel on the verge of panic. He wrote to Brigham Young saying the situation was desperate. He pled with the Mormon Prophet not to offend any other federal officials lest, “we shall incur to a still greater degree the displeasure of the country, and be again broken up, and our peace and prosperity will be at an end for a while.” While he felt the charges were “a tissue of gross exaggeration and misrepresentation,” he warned that they “will doubtless produce a violent storm, and if some of its statements cannot be disproved may eventually lead to bloodshed.” He concluded by saying, “How and when this matter will end God only knows.”<sup>215</sup> Bernhisel wrote to others in the Church hierarchy, including Apostle Willard Richards, hoping to impress upon the Mormon leadership the seriousness of the problem. He warned Richards of the dire consequences of the officers' report. Bernhisel emphasized, “A military force is to be stationed in our Territory to enforce the laws.”<sup>216</sup>

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<sup>214</sup> *House Journal*. 32nd Cong., 1st Sess., 15 December 1851, 94.

<sup>215</sup> John Bernhisel to Brigham Young, January 7, 1852, Brigham Young Office Files (CR 1234/1), Box 60, Folder 12, LDSCA.

<sup>216</sup> John M. Bernhisel to Willard Richards, December 24, 1851, Andrew Love Neff Collection (Ms0135), Box 7, Folder 4, JWML.

He knew the Latter-day Saints would react to such a move with defiance and that violence might be the result. He felt his only option was to convince the nation's leaders the report of the officials was untrue.

John Bernhisel went to work to discredit the report of the returning officers. His defense of the Mormons centered on challenging the character of the officials and therefore casting doubt on the credibility of their statements. His greatest ally was the fact that territorial officials in general suffered from such a poor reputation in Washington. The other three organized territories - Minnesota, Oregon, and New Mexico - frequently complained about their nonresident officers. Of particular concern was the amount of time the officials were absent from their posts. These complaints were so common that Congress had coined the phrase "runaway officials" to describe them.

The absenteeism of territorial officials was one of the biggest problems Millard Fillmore faced during in his first year in office.<sup>217</sup> The salaries for federal officers were low and the living conditions were poor. The high cost of living on the frontier made it difficult for outside officials to reside in these remote areas. Some had to have part time jobs just to make ends meet. Others abandoned their posts for long periods. In New Mexico, Chief Justice Grafton Baker left the territory in September of 1851 and did not return for several months.<sup>218</sup> Senator Salmon P. Chase of Ohio felt that conditions were so bad that it would be difficult to get anybody to stay there.

I have heard from highly respectable gentlemen of New Mexico, for instance, that the state of things there is so undesirable, that if Judges can be allowed to leave their posts, traverse the country at pleasure, and then throw themselves on the

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<sup>217</sup> *Cong. Globe*, 32nd Cong., 1st Sess. 1236 (1852).

<sup>218</sup> *Cong. Globe*, 32nd Cong., 1st Sess. 1412 (1852).



discretion of the President to be allowed their salaries, notwithstanding such absence, it will be almost impossible to retain them in their places.<sup>219</sup>

Congress heard similar complaints from other territories. In the House of Representatives, Meredith Gentry of Tennessee complained that in Oregon, one of the territorial judges had left his post to search for gold in California. Meanwhile, a second judge had returned home but was still drawing his pay. Gentry marveled at how he managed to retain his office even though he was “expending his entire time to the utter neglect of the official duties.” Gentry observed that it was, “almost universal custom with these territorial officers that they receive their pay without pretending to perform the duties.”<sup>220</sup> In Minnesota, territorial delegate Henry Sibley complained that the officers of his territory disappeared “for months together,” posing great difficulty to the proper functioning of the government. By March 3, 1851, before the nonresident officers of Utah Territory had left for the Great Basin, the problem of absenteeism had become so severe that Congress amended an appropriations bill to penalize “runaway officials.” According to the proviso, any official absent for more than sixty days from their territory would forfeit their entire year’s salary.<sup>221</sup>

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<sup>219</sup> *Cong. Globe*, 32nd Cong., 1st Sess. 827 (1852).

<sup>220</sup> *Cong. Globe*, 32nd Cong., 1st Sess. 1236-1237 (1852). Joseph Lane, the delegate from Oregon Territory, disputed Meredith Gentry’s accusation that one of judges had gone to California to dig gold, but acknowledged a judge had left his post and never returned. This discussion occurred during a debate to amend the proviso of 1851 to give the President the ability to excuse the absence of federal officials from a territory under certain circumstances. Congress was debating this action because the Treasury Department could not pay the Utah officials even though they claimed Brigham Young forced them out of the territory.

<sup>221</sup> *Senate Journal*. 31st Cong., 2nd Sess., 3 March 1851, 278. The contents of the proviso are discussed in some detail in *Cong. Globe*, 32nd Cong., 1st Sess. 1235 (1852). The returning officials from Utah were also subject to this provision. Members of Congress

### Attacking Character vs. Answering Charges

John Bernhisel knew that the best way to discredit the report of the returned officers from Utah was to convince Congress and the President that Brochus, Brandebury, and Harris were no different from the “runaway officials” of other territories. He therefore proceeded to provide vague and misleading responses to the specific charges of the officers concerning improper elections, judicial irregularities, legislative abnormalities, polygamy, misuse of federal appropriations, and antigovernment rhetoric. He then spent most of his time concentrating on attacking their personal character. While one newspaper accused John Bernhisel of only providing responses that were “vague, general, and unsatisfactory,” the doctor was nonetheless effective in discrediting the character of the returned officials in the minds of Congress and the White House.<sup>222</sup>

In responding to the officers’ charges of election irregularities, Bernhisel referred to a carefully worded letter written under the signature of Brigham Young dated September 29, 1851. The letter argued that Young proceeded with the elections because he was afraid snowfall would prevent the territorial delegate to Congress from being able to leave “before the inclement season should set in.” He insisted that Secretary Harris had certified the results by putting the seal of the territory on the election certificates, but said the Secretary was so lazy that he had not made copies for the official record sent to

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did not wish to require them to forfeit their pay if they had good reason for leaving the territory. See *Cong. Globe*, 32nd Cong., 1st Sess. 1236 (1852).

<sup>222</sup> “The Mormon Governor,” *Daily Evening Transcript* (Boston), January 16, 1852. The newspaper described Bernhisel’s explanations of what had happened in Utah as “vague, general, and unsatisfactory.”

Washington.<sup>223</sup> This suggested that Harris had invented the story of election irregularities only after he left the Territory. Young claimed Harris did little work as Secretary “unless perhaps it was occasionally to set his hand and seal of the Territory to some document that had been prepared for him.”<sup>224</sup>

John Bernhisel next referred to Young’s letter to answer charges that the Mormons ran the judicial affairs of the territory and refused to cooperate with the federal judges. Young claimed that when the judges arrived, he issued a “proclamation districting the Territory into three judicial districts, and assigning the judges to their several districts. This proclamation bears the impress of the seal of the Territory, and signature of Mr. Harris.”<sup>225</sup> He did not address the claims that the Church prevented the Judges from doing their job and insisted instead that they were too lazy to perform their duties. He stated they did nothing and then left “just when the time has arrived for them to act.” Young concluded by saying, “Thus, so far as the public interests are concerned, it would have been quite as well if neither of these gentlemen or Mr. Harris had ever troubled themselves to cross the plains.”<sup>226</sup>

Bernhisel once again referred to Young’s letter to answer charges of irregularities concerning the Territorial Legislature. Young only conceded that he had called the

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<sup>223</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 28.

<sup>224</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 31. Young eventually took possession of the seal. Harris locked it up in a safe in the store of Livingston and Kincaid, who were non-Mormon merchants. When Young sent Marshall Joseph L. Haywood to seize it, the merchants reluctantly turned it over. See Church Historian's Office. *Journal History of the Church, 1896–1923* (CR 100/127) Vol. 29, September 13, 1851, LDSCA.

<sup>225</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 28.

<sup>226</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 31.

Legislature into session before the time specified by law. He insisted he only did this to deal with the crisis created by the impending departure of the non-Mormon officials. He then suggested he had only attempted to seize the \$24,000 when he discovered the officials intended to leave the territory with it.

I considered this course illegal, wholly unauthorized and uncalled for by any pretext whatever; I therefore concluded that I would use all legal efforts that should seem practicable, for the retention of the property and money belonging to the United States, in the secretary's hands, designed for the use of this Territory.<sup>227</sup>

Young's letter did not mention the whereabouts of the other \$20,000 in his possession. Instead, he questioned the industry of the officers, saying "The government might have been organized had the officers have been as efficient in coming here as they are now in going away."<sup>228</sup>

John Bernhisel next moved to the important task of discrediting the reports of antigovernment sentiments among the Mormons. The newspapers had printed the letter of Perry Brocchus to President Fillmore of September 20, 1851, and it was causing a great deal of damage to the image of the Latter-day Saints. Bernhisel wrote to Brigham Young saying, "The story of the officers respecting the late President Taylor being in hell, having gone the rounds of the newspapers, is now used by them with great effect, and has done and is doing us an immense deal of injury."<sup>229</sup> Of particular concern was Young's

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<sup>227</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 29.

<sup>228</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 31.

<sup>229</sup> John Bernhisel to Brigham Young, January 7, 1852, Brigham Young Office Files (CR 1234/1), Box 60, Folder 12, LDSCA.

remark that any President that “lifts his hand against the people” would die in office as had Zachary Taylor.<sup>230</sup> In a carefully worded statement, Bernhisel said:

At the occasion first named, the celebration of the 24<sup>th</sup> of July, the *putative* writer (if I may employ the expression) was not present. Judge Brocchus did not arrive in the Territory till the 17<sup>th</sup> of August. But I was present. I had the privilege of listening to Governor Young’s remarks attentively, and therefore *know* that he made no reflections injurious to the public services or private character of the late lamented President Taylor, or in fact any allusion to him whatever, that I can remember. The writer’s statement, therefore, is so far untrue.<sup>231</sup>

Dr. Bernhisel’s response was misleading. Judge Brocchus never claimed to be present at Young’s speech. He stated he heard about Young’s remarks from Secretary Harris and Judge Brandebury when he first arrived in the territory.<sup>232</sup> In addition, Young repeated them in the meeting Brocchus had attended on September 8. Bernhisel used the same tactic to respond to Brocchus’ complaint that at the July 24, 1851 meeting, Apostle Daniel H. Wells stated that the government had cruelly drafted the Mormon Battalion - something Washington officials knew was untrue. Bernhisel wrote the President, “I again repeat, the writer of the preceding extract was not present at the celebration to which he refers.” Bernhisel then stated emphatically:

The Government *did not* TAKE from us a battalion of men, but one of its most gallant officers made a call for volunteers and Mr. Young said in reply: “You shall have your battalion at once, if it has to be a class of our Elders.” More than five hundred able-bodied men promptly responded to the call, leaving their wives and children on the plains, and five hundred teams without drivers; and rendered efficient service in the war with the Mexican Republic.<sup>233</sup>

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<sup>230</sup> Minutes of Meetings, July 24, 1851, Church Historian’s Office, General Church Minutes, 1839 -1877, (CR 100/318), LDSCA.

<sup>231</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 3-4.

<sup>232</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 5.

<sup>233</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 4.

Bernhisel did not directly deny that Wells had made the comments, however. He simply cast doubt on Judge Brocchus' credibility by stating he was not present at the speech, a claim Brocchus had never made.<sup>234</sup>

The doctor then took several other events out of context to show that the Mormons had great affection for their country and had cooperated with federal officials. He attempted to divert attention from Young's display of hostility toward the officials when they attempted to perform their official functions, by pointing to social events the Mormons had invited the officers to attend. He referred to a grand celebration that Young supposedly held in the honor of the officials on July 24, 1851. In fact, the events of that day commemorated the anniversary of the entrance of the Mormon pioneers into the Salt Lake Valley. While Church leaders invited the officials along with other non-Mormons to attend the festivities, it was not an event organized specifically for the federal officers. John Bernhisel also wrote that the news of a territorial government for the Mormons "was greeted by the firing of cannon and every other demonstration of enthusiastic joy."<sup>235</sup> The occasion for the fanfare was actually President Fillmore's appointment of Brigham

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<sup>234</sup> Even if Bernhisel actually forgot about the remarks by Young and Wells, he quickly learned that the statements of Judge Brocchus were in fact quite accurate. In a letter to Thomas Kane, Bernhisel reports that Apostle Jedediah Grant confirmed that Young did say that Zachary Taylor was in hell. Bernhisel also told Kane, "After my communication to the President and note to the public, I found in a No of the Deseret News the report of a speech delivered on the 24<sup>th</sup> of July, which contained a remark which was disrespectful to the government, but the speech contained much more that was favorable to the government than it did against it. This paper I have since exhibited to the President." Bernhisel did not retract his statements made in the press about either incident, however.

<sup>235</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 3.

Young as Governor. The Latter-day Saints held this celebration before the President appointed any of the non-Mormon officials.<sup>236</sup>

Bernhisel then characterized Brocchus' speech of September 8 as an insult to the Mormons.<sup>237</sup> He suggested that the Latter-day Saints had listened to a speech of two hours only to have the Judge defame their character. Bernhisel failed, however, to respond to the actual charges in Brocchus' speech. Finally, Bernhisel skillfully suggested an alternative reason for the desire of the officials to abandon their posts. He stated that the officers in Utah, like those in the other territories, frequently complained of the high cost of living on the frontier.

They found the California prices which prevail there, and the expenses of living under them, incommensurate with the rate of salary granted them by the United States. At their request; therefore, I am the bearer of a petition, of which I enclose you a copy, praying Congress for an increased remuneration.<sup>238</sup>

Finally, Bernhisel suggested that Judge Brocchus only came to Utah in hopes the Mormons would chose him as their delegate to Congress. He then left when he realized that the Latter-day Saints had elected someone else.<sup>239</sup> Brocchus, on several occasions,

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<sup>236</sup> Arrington, *Brigham Young*, 227. See also the entry of February 28, 1851 in Homer Brown Diary April 1850 – March 1858 (MS 2181/1), LDSCA. This was before the Latter-day Saints in Utah discovered that the President was also appointing non-Mormon officials.

<sup>237</sup> Surprisingly, Mormon newspapers published an account of the Judge's confrontation with Brigham Young on September 8, 1851 that suggested Brocchus had made only laudatory remarks about the Mormons. These papers do not report Brigham Young's reply at all. See "Minutes of the General Conference," *Latter-day Saint Millennial Star* (Liverpool), February 1, 1852.

<sup>238</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 3.

<sup>239</sup> John Bernhisel to Brigham Young, December 5, 1851, Brigham Young Office Files (CR 1234/1), Box 60, Folder 11, LDSCA. The charge that Brocchus was seeking election to Congress proved to be an effective one. Bernhisel quotes the President as saying, "that he should not have appointed Judge Brocchus had he known that it was not his intention

made clear that he had not come to Utah to seek political office. His repeated denials did little good, however.<sup>240</sup>

John Bernhisel handled many other explosive issues by providing as little information as possible. When asked about polygamy, Bernhisel refused to comment saying he did not feel “authorized, under any circumstances, to enter into, countenance, or admit an official discussion of either the religious faith or the moral habits of the people of Utah.”<sup>241</sup> Bernhisel responded to the acquittal of Howard Egan for murder by pointing out that other frontier settlements considered killing the seducer of one’s wife justifiable homicide.<sup>242</sup> He then dispensed with other issues, insisting he had to get more information from Salt Lake City.<sup>243</sup> Bernhisel then returned to attacking the character of the officials. It proved to be a very effective strategy. Unfortunately, just when Dr. Bernhisel felt he had matters under control, another crisis developed. Much to Bernhisel’s horror, Brigham Young sent the doctor some unwanted help in the person of an

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to remain, observing that if an officer goes out there he must take his chance with the rest of being returned to Congress.”

<sup>240</sup> Mormon Elder Albert Carrington appears to have started this controversy. In his journal, he states he travelled to Utah with Judge Brocchus. “On my making some remarks about Babbitt wanting to be delegate, and the Elder and I both saying we did not think he could be, Judge B. directly began twadling with the Elder about Pottawatomie, and the Elder should have the receivership, and about Salt Lake City, etc., etc., fishing and twadling all the while to try and get the delegateship himself.” See Albert Carrington Diary, July 23, 1851, Andrew Lloyd Neff Collection (Ms0135), Box 10, Folder 8, JWML. Brocchus denied that these were his intentions. In his speech to the Mormons of September 8, 1848, he said the rumor that he had come to Utah Territory to seek election to Congress “false, base, and slanderous.” See “The Outrages at the City of the Salt Lake,” *Daily St. Louis Intelligencer*, November 22, 1851.

<sup>241</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 27.

<sup>242</sup> “The Mormon Question,” *New York Weekly Tribune*, January 24, 1852.

<sup>243</sup> House Exec. Doc. 25 (32-1), 1852, Serial 640, 27.



uncompromising Mormon Apostle who demanded to see the President of the United States and members of Congress.

Jedediah M. Grant was a firebrand cut from the same cloth as Brigham Young. He spoke bluntly and unapologetically about the Latter-day Saint religion and way of life. John Bernhisel concluded that such an approach was the last thing the Mormons needed. He did everything in his power to keep Grant out of the White House and the halls of Congress. For his part, Grant considered John Bernhisel “very lamb-like.” The fiery Apostle wanted to force the doctor to “stand up as the strong man armed.” He was determined to make sure that Bernhisel did not “dodge the question on the all-important question of Mormon Polygamy.”<sup>244</sup> Much to Grant’s displeasure, however, Bernhisel would not yield. He denied the fiery Apostle the unfettered access he wanted. A wounded Jedediah Grant wrote to Brigham Young expressing his frustration with the doctor.

All is calm with me and Our Delegate. He is one of the best men in the church But God Forgive me I have prayed & prayed to think & look at things as he does but can not do so. On my arrival in Washington He thought it not Wisdom for the President to know that I was in the city, also thought and said it would not do for me to talk with members of Congress on the Utah difficulties. He thought it not for me to write for the Press, after being in Washington over two weeks I was introduced to President Fillmore & during near four weeks in Washington he gave me an introduction to our member of Congress Senator Douglass of Illinois. I converse with no one but the Doctor himself, I did all in my power to infuse my spirit into him.<sup>245</sup>

Having failed in his efforts to gain the access he desired in Washington, Grant went to Philadelphia to meet with Thomas L. Kane. Unfortunately, one of the first things he did was to make the Colonel aware of the fact that the Mormons were in fact

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<sup>244</sup> Jedediah M. Grant to Susan N. Grant, March 9, 1852, Susan N. Grant Correspondence (MS 3371), LDSCA.

<sup>245</sup> Jedediah M. Grant to Brigham Young, March 10, 1852, Brigham Young Office Files (CR 1234/1), Box 38, Folder 12, LDSCA.

practicing polygamy.<sup>246</sup> This was a very disturbing revelation for Kane, but nonetheless he teamed up with the Mormon Apostle to write a series of letters to the *New York Herald*. While only Jedediah Grant's signature appeared on all three letters, Thomas Kane unquestionably coauthored them. In the introduction of the first letter, Grant made clear that John Bernhisel had not approved the contents. "The doctor is one of our gentlemen at home; a real gentlemen, and would not say a rough word, or do a rough thing, to hurt the feelings or knock the spectacles off any man, for the world. But I am no gentleman." The letter then went on to portray the officials as buffoons and political hacks. James Gordon Bennett, the editor of the *New York Herald*, was not impressed. He accused Grant of refusing to answer the charges of the officials. He then advised the Mormons to "make up their minds to submission to the federal authorities, and come down to the established arrangement of one wife at a time, or abide the consequences of the higher law."<sup>247</sup> Bennett then declined to publish more than excerpts from the remaining two letters. Undaunted, Grant and Kane published all three in pamphlet form and distributed them widely.

Meanwhile, back in Washington, John Bernhisel found there was one issue he could no longer dodge. Millard Fillmore summoned the doctor to the White House on

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<sup>246</sup> Grant says, "At 8 the next morning I was talking with Col. Kane. He was soon looking over the Charges. When he came to the one relating to our Domestic Relations he past it by saying it was false. I found myself therefore under the Disagreeable necessity of volunteering to tell him how far it was false & how far it was true." Jedediah M. Grant to Brigham Young, December 30, 1851, Brigham Young Office Files (CR 1234/1), Box 38, Folder 12, LDSCA (emphasis in original). Grant goes on to say he told Kane the reason for the practice of polygamy in Latter-day Saint settlements was that the number of females joining the church had outnumbered the males three to two. He said that polygamy was a special dispensation God provided to solve this problem.

<sup>247</sup> "Letter from the Mayor of Salt Lake," *New York Herald*, March 9, 1852.

March 17, 1852. The President's primary concern was the \$20,000 Congress had appropriated for the building of a statehouse. Bernhisel knew if he could not discredit the report that Young had spent the money, it could land the Mormon Prophet in jail. The President asked the doctor directly if Young "had made use of the money which had been appropriated for the erection of the Capitol." Bernhisel told Fillmore that he did not know, but assured the President that Brigham Young could refund the \$20,000 at any time with twenty-four hours' notice.<sup>248</sup> While this was a bold statement, Bernhisel was not bluffing. He was a financial agent for the Church in the eastern United States.<sup>249</sup> He had access to cash deposits in the East and in Europe. While he may have required more than twenty-four hours' notice, he had the power to produce \$20,000 dollars if the President required it of him. Fortunately, Millard Fillmore did not test his word. He told the Utah Delegate that he had stopped payment on Brigham Young's salary when he first heard the charges of the Mormon Prophet's financial improprieties, but because of Bernhisel's assurances, "he would order it to be paid." Bernhisel had put his credibility up against that of the territorial appointees and won. In the two years he spent in Washington, he had acquired a reputation that no "runaway official" could match. His offer to produce the money on short notice convinced Fillmore that the officers had not told the truth about the incidents that occurred in Utah Territory.<sup>250</sup>

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<sup>248</sup> John Bernhisel to Brigham Young, April 9, 1852, Brigham Young Office Files (CR 1234/1), Box 60, Folder 12, LDSCA.

<sup>249</sup> Brigham Young to John Bernhisel January 31, 1852, Brigham Young Office Files (CR 1234/1), Box 60, Folder 2, LDSCA. This letter shows that Bernhisel had considerable authority over Church accounts including those overseas. Much of his correspondence with Brigham Young dealt with receiving funds and paying bills.

<sup>250</sup> John Bernhisel to Brigham Young, April 9, 1852, Brigham Young Office Files (CR 1234/1), Box 60, Folder 12, LDSCA.

“Routed Horse, Foot and Dragoons”

By June of 1852, John Bernhisel reported to Brigham Young that the returning officials had been “routed horse, foot, and dragoons.”<sup>251</sup> President Fillmore put the blame for the incident squarely at the feet of Judge Perry Brocchus. Bernhisel also wrote to Brigham Young that “the House Committee on Territories to whom had been referred the report of the returned officers, will make no report on the allegations therein contained, nor take any notice of it whatever.” Bernhisel then stated that the returning officers’ recommendation to send two thousand troops to Utah had failed. Most significantly, Bernhisel reported that many people in Congress felt the returned officers were no different from those who abandoned their posts in other territories. They were convinced the officials were “incompetent and without character and standing. They hold onto their offices doubtless with the expectation of receiving their salaries, and perhaps with the design of embarrassing the administration.”<sup>252</sup>

Defeated, the officers decided against returning to Utah Territory when it became clear President Fillmore was siding with John Bernhisel in the controversy. Lemuel G. Brandebury resigned as Chief Justice and disappeared from the pages of history. Broughton D. Harris resigned as Secretary of the Territory, returned to Vermont, and became editor of a newspaper.<sup>253</sup> Forty years later, he and his wife Sarah returned to Utah

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<sup>251</sup> John Bernhisel to Brigham Young, June 7, 1852, Brigham Young Office Files (CR 1234/1), Box 60, Folder 13, LDSCA.

<sup>252</sup> John Bernhisel to Brigham Young, April 9, 1852, Brigham Young Office Files (CR 1234/1), Box 60, Folder 12, LDSCA. Congress still passed legislation exempting the Utah officials from having to forfeit their pay for returning to Washington. See Act of June 15, 1852, ch. 46, 49 *Stat.* 51 in *United States Statutes at Large*.

<sup>253</sup> *Senate Journal*. 32nd Cong., 1st Sess., 24 May 1852, 387.

Territory on a visit. They were surprised to learn that Brigham Young had once said that he could recall only two “first-class men” among all the territorial officials sent by Washington. “Judge Brandebury was a gentleman and a scholar, and so was Broughton D. Harris, but he was too d—d stubborn.”<sup>254</sup> Henry R. Day did not return to Utah, but continued to work in the Bureau of Indian Affairs. Jacob H. Holeman remained in Utah and was a constant irritant to Brigham Young. Stephan B. Rose brought his family to Utah and was the only one of the original non-Mormon federal officials who got along with the Latter-day Saint leader. Millard Fillmore removed Perry Brocchus from Utah’s judiciary.<sup>255</sup> However, Fillmore’s successor Franklin Pierce appointed Brocchus associate justice for New Mexico in 1854.<sup>256</sup> Brocchus received several other judicial appointments to that territory, the last coming in 1867.<sup>257</sup> Millard Fillmore appointed replacement officers for all the “runaway officials” and allowed Brigham Young to remain as Governor. Congress never sent a commission to Utah Territory to investigate the charges of Brandebury, Brocchus, Harris, and Day. John Bernhisel had accomplished his aim. He prevented the conflict with the returning officials from mushrooming into a military operation that could easily have led to bloodshed. Bernhisel soon discovered however, that the war was not over.

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<sup>254</sup> Harris, *An Unwritten Chapter of Salt Lake*, 89.

<sup>255</sup> *Senate Journal*. 32nd Cong., 1st Sess., 13 August 1852, 436.

<sup>256</sup> *Senate Journal*. 33rd Cong., 1st Sess., 1 February 1854, 224.

<sup>257</sup> *Senate Journal*. 40th Cong., 2nd Sess., 20 July 1867, 852.

## CHAPTER VI

### CONCLUSION

*It is none of their damned business what we do or say here. What we do is for them to sanction, and then for us to say what we like about it.*<sup>258</sup>

While John Bernhisel may have defused an explosive situation in 1852, Washington and the Mormons were still on a collision course that would erupt into an armed conflict in 1857. Bernhisel warned Brigham Young of the consequences of rebelling against federal authority. However, the Mormon Prophet made clear to the doctor that he would never recognize the authority of Congress or the President to impose territorial rule on the citizens of Utah. Brigham Young maintained the Latter-day Saints had the right to self-government. He vowed to keep fighting Washington even if the federal government tried to “send troops to overawe us, send governors and judges to rule us, and in various ways seek to force a government which is repugnant to our feelings, to exercise their tyrannical functions over us.” He reminded Dr. Bernhisel, “We dug our way into these mountains to free ourselves from oppression,” and that he would never bow to Washington power. Ominously, Young then stated, “We did live before the Territorial organization and can do so without it.” He assured the doctor that if the federal government did not grant his demands that the Mormons “will readopt the Provisional

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<sup>258</sup> Young, *The Complete Discourses of Brigham Young*, 1:470. Governor Brigham Young made this statement in an address to the Utah Territorial Legislature on January 5, 1852.

government, and reapply for their admission as a free and sovereign state and recall their delegate.”<sup>259</sup>

John Bernhisel did not forward Young’s threats to end territorial rule to Congress or the President. However, emigrants passing through the territory heard similar statements from the Mormons and reported them to the press.<sup>260</sup> When Bernhisel anxiously wrote to Young about the rumors the Latter-day Saints had declared independence, he replied “the rich legacy of our forefathers which has and ever will be cherished by us saves us that trouble; we claim it in connection with the constitution of the United States as the safe guard of our liberties, and for our protection.”<sup>261</sup> The Mormon Prophet continued to assert his conviction that “all Republican Governments should be upon the authority of the people.”<sup>262</sup> He firmly believed that the Constitution of the United States gave the Mormons the right to run their own government without interference from Washington. He was prepared to fight to keep the federal government from dismantling the theo-democracy of the Latter-day Saints. Unfortunately, in the charged atmosphere of the 1850s, making such claims to sovereignty was a dangerous proposition.

John Bernhisel was a man caught between two worlds. He understood these two worlds better than they understood each other. For the next decade, he stood between the

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<sup>259</sup> Brigham Young to John Bernhisel, February 28, 1852, Brigham Young Office Files (CR 1234/1), Box 60, Folder 2, LDSCA (emphasis in the original).

<sup>260</sup> “The Mormons of Salt Lake,” *Daily National Intelligencer* (Washington), March 6, 1852.

<sup>261</sup> Brigham Young to John Bernhisel, May 27, 1852, Leonard Arrington Collection (LJAH COL 1), Series 9, Box 9, Folder 3, USU.

<sup>262</sup> Brigham Young to John Bernhisel and Almon Babbitt, September 10, 1850, Brigham Young Office Files (CR 1234/1), Box 60, Folder 1, LDSCA.

defiant forces of frontier Mormonism that demanded political autonomy and the powers of antebellum Washington that could not afford to recognize such rights. Meanwhile, the Latter-day Saints unwittingly became part of the sectional strife that threatened the dissolution of the Union. If slavery and polygamy were the twin relics of barbarism, they were also the twin issues that forced the country to reevaluate the boundaries of federal power. Bernhisel's response to the report of the returned federal officials avoided these issues, and therefore resolved nothing. The Mormons still insisted they had a constitutional right to sovereignty. They continued to govern the Great Basin as a theocracy. Meanwhile, the federal government continued to assert its authority over Utah Territory ensuring that future conflicts with non-Mormon officials would occur.

Bernhisel hoped to keep the peace by encouraging Church leaders to adopt a more conciliatory attitude toward Washington. He told Brigham Young "the Government is kind and friendly disposed toward us as a people." He warned that the refusal of the Mormon leadership to compromise with the Washington appointed officials made it difficult to maintain those good feelings. Bernhisel warned, "as long as the administration and Congress believe us unfriendly to the government, it is a hard matter to get justice done our people."<sup>263</sup> Unfortunately, Bernhisel's prescription for peace meant compromising the theocratic principles of the Latter-day Saint religion. This was something Brigham Young was not willing to do. By instead choosing the path of opposition to federal authority, the Mormon Prophet took the first step on the road to the Utah War.

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<sup>263</sup> John Bernhisel to Jedediah Grant, March 2, 1852, Andrew Love Neff Collection (Ms0135), Box 10, Folder 2, JWML.



## APPENDIX

*Mormon Apostle Daniel H. Wells delivered this speech on July 24, 1851 in the presence of several federal officials. It eloquently expresses the anger of the Latter-day Saints toward the United States and their view of government. The Deseret News printed it in its entirety in its edition of August 19, 1851.*

### ORATION

Friends and Brethren: - Again has our national jubilee arrived, laden with the rich fruits of peace and industry, the summer harvest, and greeting of our friends and brethren, gathering home in the vallies of the mountains. Where, four years ago this day, was only heard the chirping of the cricket, the howling of the wolf, and the yell of the Indian; now the hum of industry and the voice of gladness have broken the spell; the silence of the eternal hills has departed, and the roaring of the cataract responds to the clattering mill. The past! The past!! The history of the past rushes upon the mind with the remembrance of who we are, and from whence we came; that like the mighty oak which has withstood the tornado of the Torrid Zone, dares to lift its head and behold the devastation spread around, we jostle each other to know that we are awake, and have recourse to the mirror to know that it is us.

Let us look into the mirror of the past.

In the year of our Lord one thousand eight hundred and thirty, on the sixth day of April, the church of Jesus Christ was organized at Manchester, Ontario County, New York, and consisted of six members.

Soon after this, they moved to Kirtland, Ohio, where, in the midst of opposition and bitter persecution, they continued to grow and increase, and proved that truth is mighty and powerful.

In 1834, the church removed in what was called the camp of Zion, into the State of Missouri.

In the winter of 1838-39, the church was expelled from the State of Missouri, by a murderous mob, under the exterminating order of Governor Lilburn W. Boggs.

In the year 1844, on the 27<sup>th</sup> day of June, the mob of Illinois murdered in cold blood, the Prophet Joseph and Patriarch Hyrum Smith, while confined in jail, under the guaranty of safety, and pledge of the Governor of Illinois, Thomas Ford.

In the fall of 1845, after permitting the mob to go on burning the houses of the saints for ten days, without raising a hand to defend themselves, the church ventured to interpose the strong arm of power, the mob were dispersed, and in consequence thereof, the church were compelled, in order to save themselves from impending destruction, to treat for their safety, by flight into the wilderness.

In the following winter and spring of 1846, the church, in accordance with the provisions of said treaty, left their homes, and in the most inclement season of the year, amid storms of snow, with their families, crossed the ice of the Mississippi, and pursued their journey westward, not knowing where or when they should find a resting place.

In the same spring, while upon this toilsome march, the Government of the United States required a battalion of five hundred men, to leave families in this precarious situation, without money, provisions, or friend, other than the God whom they serve to perform a campaign of OVER TWO THOUSAND MILES on foot across trackless

deserts and burning plains, to fight the battles of their country; even that country that had afforded them no protection from ruthless ruffians who had plundered them of their property, robbed them of their rights, way-laid them in their peaceful habitations, and murdered them while under the safe-guards of their pledged faith. That country that could have the BARBARITY, under such peculiar circumstances, to make such a requirement, could have no other view than to finish, by utter extermination, the work that had so ruthlessly begun.

The battalion marched. The residue of the camp, in poverty, sickness, and death, remained in hovels, sheds, and wagons, on the banks of the Missouri.

While away upon this campaign, with scarcely a prospect of ever returning to the bosom of their families, or if they should happen to live to return, perhaps it would be only to find their families moldering in an early grave, - while thus away, the remnant, who, through poverty, had not been able to go away, were descended upon by the infuriated mob, who, thirsting for the blood of the saints, were determined to slay them, rather than give them a chance to get away. The wives, sisters, and children of the battalion were thus mobbed, plundered, and driven, while they were in the service of the United States.

In the spring of 1847, one hundred and forty-three men left the camp on Missouri's dark and turbid waters, to find a place where a settlement could be made, where the church could rest in peace. They arrived in the valley of the Great Salt Lake, on the 24<sup>th</sup> day of July, 1847, selected a location, broke ground, built a fort, put in seed, and returned to their families the same season; and the spring of the next ensuing year, 1848, found them, together with their families, on their way to their new location.

So much for history; and what a history, to have transpired in a land of light and liberty, of enlightened freedom, celebrated for its intelligence, its benevolent institutions, general diffusion of knowledge, and just and equitable administration of justice.

Among all the anniversaries that might be celebrated, that the memory dwells upon, with peculiar feelings of interest, of recollections dire, and deep fraught with every emotion to which the human heart is susceptible, this the 24<sup>th</sup> day of July, the anniversary of the arrival of the Pioneers in this valley, has been selected as the dawning of a brighter day, as an era in the history of this people, upon which turned the axis of their destiny.

Of the energy, perseverance, tact, endurance, sacrifices requisite for the accomplishment of such a task, I leave to be pictured forth by abler minds. I also leave the history of the past, which treads upon the memory like the dying moans of the stormy canopy, still vivid with the lightning's glare, and usher in the happy present, which, like the calm summer of content, crowns our hearts with smiles of beauty redolent with the rich fragrance of the summer harvest, the quiet enjoyment of peace, and in possession of freedom, the freedom of the key of the continent. Here let a tribute of gratitude ascend to the great Jehovah, who sits enthroned in the midst of His kingdoms, that He has turned our sadness into joy, our mourning into rejoicing, as it is this day. We are now surrounded with the comforts, aye, the luxuries of life, and permitted to enjoy the same in peace, safe from the midnight marauders, the bloody assassins, who so long sought our destruction and overthrow.

It has been thought by some that this people, abused, maltreated, insulted, robbed, plundered, murdered, and finally disfranchised and expatriated, would naturally feel repugnant to again unite their destiny with the American Republic, preferring rather to

associate with the less refined, less enlightened, and less philanthropic, inasmuch as their superior intelligence appeared to be exercised to devise the most wanton, cruel, and dastardly means for the accomplishment of our ruin, overthrow, and utter extermination. No wonder then, that it was thought by some, that we would not again submit ourselves (even while we were yet scorned and ridiculed) to return to our allegiance to our native country. Remember, it was the act of our country, not ours that we were expatriated, and then consider the opportunities we had of forming other ties. Let this pass, while we lift the veil and show the policy which dictated us. That country, that constitution, these institutions were all ours; they are still ours. Our fathers were heroes of the Revolution. Under the master spirits of an Adams, a Jefferson, and a Washington, they declared and maintained their independence, and under the guidance of the spirit of truth they fulfilled their mission, whereunto they were sent from the presence of the Father. Because demagogues had arisen and seized the reins of power, should we relinquish our interest in that country made dear to us by every tie of association and consanguinity? Because of the momentary triumph of anarchy and confusion, of corruption, effeminacy, and the daring ascendancy of polluted politicians, who cannot refrain from desecrating the soil in which their fathers lie entombed, should we abandon those tombs? Aye, more; their yet living representatives, and those sacred spots where our infancy learned to lisp their honored names. – Should we, for reasons such as these, wrap ourselves in the mantle of insulted rights, dignity, and provide, even though enclosing in our arms the innocent victims of treachery and blood-stained honor, and seek the overthrow of that government, of that country, of those institutions, whose only fault is the want of good and faithful administrators, who dare, in the hour of their country's peril, step forth and stem the

torrent that threatens to engulf all the wide spread vortex of anarchy and ruin. Those who have indulged such sentiments concerning us, have not read Mormonism aright; for never, no never will we desert our country's cause; never will we be found arrayed by the side of her enemies, although she herself may cherish them in her own bosom. Although she may launch forth the thunderbolts of war, which may return and spend their fury upon her own head, never! No never! Will we permit the weakness of human nature to triumph over our love of country, or devotion to those institutions, handed down to us by our honored sires, made dear by a thousand tender recollections, although we feel the strong arm of oppression, and write under the keen cruelty of the tyrant's rod; but rather stand aloof, while she welters under the withering curse of the Almighty Jehovah for the shedding of innocent blood; rather seek a shelter from the impending storm which no arm can stay, until she has received the full measure of the indignation of insulted innocence, the just demerit of all her crimes. Then will she consider the past; then will she see in the sad extremity to which she will be driven, the unrighteous course she has pursued towards us; then will she look to the poor defenseless Mormons whom she has murdered, persecuted, and driven; for succor.

Then will the Basin State, panoplied in the power of righteousness and truth, step forth to her country's rescue. Then will the patriotism of the saints shine forth, and the ship of State glide swiftly on in the pathway of honor and renown, emitting glory on all around, and being guided by those who are not ashamed to seek counsel from Him who is eternal, shed her beacon light to those who wander in darkness, extending her benign influence to earth's remotest bounds.

But here we are in Deseret. I congratulate you, my friends, that after having sustained ourselves in our weakness, thorough perils, the severest perhaps that ever has fallen to the lot of any people, that now as we have begun to gather strength and power, our great National Father has seen proper to extend his protecting care. Thanks, thanks, for the severest trial of all is yet to come, for verily in prosperity we have not hitherto been tried.

Our Territory is about being organized. Our officers are here, and if they should find that we vary in our views, in our sentiments and policy, from that to which they have been accustomed, they must remember that we have learned in the school of experience, in a school of adversity to which we most sincerely hope that they nor us may hereafter be subjected.

We have before us the wide spread domain of public lands, rich in natural resources, flowing with cool clear rivulets, a buoyant and life inspiring atmosphere, where health invigorates, and nature's sublimity exalts. – We breathe the free pure air, drink of the free cool fountain, and cultivate the free earth in peace, and thank the Lord who hath in abundance of His mercy vouchsafed unto us so goodly an heritage. In prosperity then we shall be tried, and happy will it be for us, if we shall have wisdom to appreciate the timely assistance of our friends to pass us through the fiery ordeal. The influence of power is great, the influence of wealth is power, but the influence of intelligence is both wealth and power, and circumscribes in its circuit all other influences, telestial, terrestrial, and celestial, social, political, or divine. Happily may we pursue our course, if divesting ourselves of our traditions, prejudices, and ignorance, we shall

become the recipients of that intelligence whose fountain is God, and whose destiny is eternity.

Friends, I will close. If, in the retrospection of the past, I have adverted to incidents painful to consider, and unpleasant in themselves, and although that nation or that people may have sealed their own damnation by the stern and unrelenting hand of persecution which they have held over us, yet, I wish it distinctly understood, that no true saints complain. They have taken joyfully the spoiling of their goods, and give glory to God for having the privilege of suffering for the cause of truth. It is the path the Savior trod, and all righteous men in all ages, and this people have ever been found equal to the emergency. The spirit of wisdom and grace has been according to their day and generation. They have sustained themselves under all circumstances, faithful to their God, and their faith, their country and themselves. And now, when the vallies of the mountains are spreading out before them the invitation to come and inhabit, may they never permit the engrossing cares of worldly interests to swerve them from the path of duty, neither to the right nor the left; but remember the Lord; who, as in the days of ancient Israel, brought us forth with a mighty hand, and an outstretched arm: unto Him be glory and honor for ever and ever, amen.



## BIBLIOGRAPHY

### Abbreviations

- BYU L. Tom Perry Special Collections, Harold B. Lee Library,  
Brigham Young University, Provo, Utah.
- JWML Special Collections, J. Willard Marriott Library, University of  
Utah, Salt Lake City, Utah.
- LDSCA Church Archives, Family and Church History Department,  
Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah.
- MSA Missouri State Archives, Office of the Secretary of State,  
Jefferson City, Missouri.
- USHS Utah State Historical Society, Salt Lake City, Utah.
- USU Special Collections, Merrill-Cazier Library, Utah State  
University, Logan, Utah.

### Newspapers

*Boston Investigator*

*Daily Argus (Albany, New York)*

*Daily Evening Transcript (Boston)*

*Daily Cincinnati Commercial*

*Daily National Intelligencer (Washington)*

*Daily St. Louis Intelligencer*

*Deseret News (Salt Lake City)*

*Dollar Weekly Sun (New York)*

*St. Louis Republican*

*Latter-day Saint Millennial Star (Liverpool)*

*National Intelligencer (Washington)*

*New York Commercial Advertiser*

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