

Federal Government Efforts to “Americanize” Utah before Admission to Statehood

Federal Government Efforts to “Americanize” Utah before Admission to Statehood

Gustive O. Larson

“The time for test oaths and bayonets is passed” said a spokesman for the Southern States during debate on their readmission to the Union in 1870. Ironically, on the same day, January 28, the Congress that reseated the first of Virginia’s representatives adopted a clause in a Utah bill authorizing the President “to send the Army to Utah to enforce the laws against polygamy.”¹ The forces of Reconstruction were swinging from the South to the West. The Republican platform on the eve of the Civil War had called upon the government to destroy those “twin relics of barbarism—polygamy and slavery.”² A number of the same “Radical Republicans” who had abolished one relic of barbarism now turned their attention to “Americanize” Utah where the other appeared.

However, just as the issue of slavery had occupied the pre-Civil War reformers to the exclusion of the political system which fostered it, so polygamy served as a smoke screen to obscure the institution which protected it. *The Springfield Union* (Massachusetts) of February 1885 (reprinted in the *Salt Lake Daily Tribune*, February 15, 1885) warned: “when the anti-slavery agitation was at its height [*sic*] popular feeling at the North was exercised chiefly with the immoral quality of slavery as an institution. Yet the war of the Rebellion, by which slavery was overthrown turned on an altogether different issue, the question namely of political sovereignty. . . . Popular judgment is today repeating the same blunder in the matter of Mormonism. . . . It will be discovered all at once that the essential principle of Mormonism is not polygamy at all but the ambition of an ecclesiastical hierarchy to wield sovereignty.”

The Mormon problem did not stem from distrust of non-resident political appointees nor from Utah’s clamor for home rule, for these she shared in common with her territorial neighbors.³ But as a frontier theocracy activated by an imminent “Kingdom of God” concept, she presented a challenge to federal authority. The theocratic “State of Deseret,”⁴ serving as the political aspect of the Kingdom, was expected, under administration of a “Council of Fifty,”⁵ to ultimately absorb all earthly kingdoms including the United States. The State of Deseret, which preceded the organization of Utah Territory, appeared to reflect the American system with its three

departments of government, but in practice there was no separation of powers. Election of officers consisted in ratifying a Church nominated ticket which included Brigham Young as Governor and his counselors as Secretary of State and Chief Justice. The Council of Fifty organized the Legislative Assembly in which it retained majority control, and bishops of the ecclesiastical "wards" were elected magistrates over their respective units. "The Mormons," said Dale Morgan, "simply elaborated their ecclesiastical machinery into a political government."⁶ In an effort to avert an invasion of "carpetbaggers" among them, the Mormons sought early statehood; but as a result of the compromise partition of the Southwest in 1850, Utah was organized as a territory on September 9 of that year.

When the eastern federal appointees arrived in Utah the following summer, they found the territorial government already functioning without them. Brigham Young as governor had proceeded, immediately upon being informed of his office, to make appointments and hold elections, including a delegate to Congress. As jurisdictional conflicts flared, the outsiders, followed by some of their succeeding federal appointees, returned to Washington to accuse file "law-defying" Mormons of (1) Church domination of political affairs, (2) usurpation of judicial powers, (3) practice of plural marriage, (4) irregularities in land and Indian administration, and (5) monopolistic economic practices. Later there were added complaints against organized Mormon immigration of foreign converts and Church control of public education.⁷

The accumulation in Washington of complaints against the Saints, plus other political factors, persuaded President James Buchanan to install a new set of officers in Utah to be escorted by a strong military force. The resulting military expedition, the Mormon delaying tactics in the so-called Utah War,⁸ the President's conditional pardon, and the stationing of federal troops at Camp Floyd are all well-known and cannot claim attention here.

With Governor Alfred Cumming installed as Brigham Young's successor and the United States military forces located as an army of occupation near the Mormon capital, it appeared that the government had accomplished its purpose in forcing the Saints into line with accepted territorial administration. However, the victory was more apparent than real. On approach of the Army, the Legislative Assembly had made hasty adjustments in the territorial laws to curtail certain federal powers,⁹ and as long as the Mormons continued to control elections, the judicial processes, the local public funds, and the powerful territorial militia, they still enjoyed a large measure of home rule. While the President's appointee was nominally governor of the territory, it was generally recognized that Brigham Young remained as governor of the people.

Six times the Mormons appeared before Congress between 1849 and 1887 with proposed state constitutions in hand applying for admission to the Union, and six times statehood was denied until the territory should conform to accepted American standards. The Saints, holding it to be a part of their religion, claimed protection for their practice of plural marriage under the first amendment to the Constitution, and following the public announcement of the practice in 1852, Congress delayed legislation against it for a decade. Justin Morrill's Anti-Bigamy Law of 1862 proved to be the first in a series of increasingly severe measures to solve the "Mormon problem." Formulated to "punish and prevent the practice of polygamy in the Territories of the United States and to disapprove and annul the Legislative Acts incorporating the Mormon Church,"¹⁰ the measure named the two issues which persisted as major stumbling blocks in Utah's struggle for statehood over the next three decades. While polygamy captured the headlines, legislation was directed increasingly toward breaking the political power which sustained it.

During the Civil War, the Saints, upon rejection of their third petition for statehood, reactivated the State of Deseret which continued to function as a ghost government,¹¹ apart from the territorial government through the 1860's. In expectation of the nation's self-destruction, the religionists prepared for establishment of the Kingdom of God upon its ruins. The Legislative Assembly, after convening to hear the Territorial Governors' message and perform its legislative duties, adjourned only to reconvene to receive a message from "Governor" Young. The nature of this ghost government emerges from Young's statement to that body on January 17, 1863:

I do not wish to lose an inch of ground you have gained in your organization but hold fast to it, for this is the Kingdom of God. . . . We are called the State Legislature but when the time comes, we shall be called the Kingdom of God. Our government is going to pieces and it will be like water that is spilt upon the ground and cannot be gathered. . . . the time will come when we will give laws to the nations of the earth. (Journal History, January 19, 1863.)

With the Union preserved at the War's close, the theocratic state faded out in 1870, although the Council of Fifty continued to exercise control."¹² The War had settled the states rights issue in the South but not in Utah where the fight to "Americanize" the Mormons was just beginning. The "Mormon Question" remained as Vice-president Schuyler Colfax expressed it in 1869. . . . "whether the authority of the nation or the authority of Brigham Young is the supreme power in Utah; whether the laws of the United States or the laws of the Mormon Church have precedence within its limits."¹³

By 1870, when the Southern States were beginning to return to the Union, Congress was debating the Cullom Bill which had emerged out of

several earlier unsuccessful anti-polygamy bills. Its provisions foreshadowed much of the forthcoming legislation including the clause, previously referred to, authorizing the President to send an army to Utah to enforce the anti-polygamy laws. While the battle of words in Congress relative to the Bill echoed in the public press, the lawmakers themselves voted largely on party lines with the "Radical Republicans" leading the fight for the measure and the Democrats in opposition.¹⁴ Finally, the Cullore Bill squeezed through the House, but it died in the Senate.

Locally, the non-Mormon minority group, led by General Patrick Connor, organized the Liberal Party in 1870 while the Mormon majority functioned politically through the Peoples Party. With an eye to the future, both national political organizations hoped to claim the territory upon its ultimate admission to the Union. While the Democrats courted Mormon good-will through protecting the majority against radical measures, the Republicans by Reconstruction methods, aimed to switch local political control from the Peoples Party to the Liberal minority. Supporting the increasingly tough legislation to this end was an unpublicized, though none the less important, program of personal contacts with the Mormon leaders. James S. Clarkson, for two decades a member of the Republican National Committee and twice its chairman, was given the responsibility and "took up the work (in connection with Secretary James G. Blaine) of inducing the Mormons to give up polygamy."¹⁵ The importance of this approach to the solution of the Utah problem appears in confessions from Mormon leaders on the eve of surrender. In July 1889, George Q. Cannon of the Church's First Presidency and former delegate to Congress said, "I have been assured hundreds of times, by men of wisdom and discernment that our overthrow was inevitable unless we conformed to the demands of public opinion and renounced all peculiarities of faith; that the world was arrayed against us, and that it was folly to suppose we could withstand these continued assaults upon us."¹⁶ Again in November, President Wilford Woodruff said "I have been called upon by friends outside the Church, and urged to take some steps with regard to this matter. They knew the course which the government was determined to take."¹⁷

President U.S. Grant, fresh from having crushed the Southern Rebellion, adopted a "get tough" policy towards Utah. To meet the situation, he appointed General J. Wilson Schaffer as governor and James B. McKean as Chief Justice of Utah. While the former undertook with indefinite results to wrest control of the territorial militia (the Nauvoo Legion) from the Legislative Assembly, the latter attempted unsuccessfully to place the "Mormon system on trial in the person of Brigham Young."¹⁸ His failure emphasized the need for additional legislation in support of any successful attack on Mormon "polygamic theocracy."

President Grant was determined to meet this need as he prodded the Forty-second and Forty-third Congresses to legislate to exclude Mormons entirely from judicial procedures and to increase the appointive power of the Governor of Utah Territory.¹⁹ Out of a flood of bills emerged the Poland Law of 1874. It restored Utah's judiciary to the original pattern of the Organic Act by limiting civil and criminal jurisdiction exclusively to the district courts and provided for drawing of jury lists alternately by the clerk of the district court and the probate judge of the judicial district. The 1870's ended with another significant victory for the government when the constitutionality of the Anti-Bigamy Law of 1862, which the Mormons ignored, was sustained unanimously by the U.S. Supreme Court in the Reynolds Case.²⁰

However, the legal machinery still lacked teeth to bring the Mormons to terms, and in his December 1880 message to Congress, President Rutherford B. Hayes recommended placing Utah under the provisions of the original Northwest Ordinance of 1787, with government by a governor and judges appointed by the president. "If however," he said, "it is deemed best to continue the existing form of local government, I recommend that the right to vote, hold office and sit on juries in the Territory of Utah be confined to those who neither practice nor uphold polygamy."²¹ Both Presidents Garfield and Arthur echoed President Hayes' recommendations. Again, a single law materialized out of more than twenty bills on the subject. Senator George F. Edmunds, who had participated actively as one of the Radical Republicans in Reconstruction of the South, successfully sponsored a bill which became the Edmunds Law of 1882.²² Of its nine articles, the following major ones included:

3. Unlawful cohabitation defined and made punishable by a fine up to \$300 and/or six months imprisonment.
5. Not only practicing polygamists but those who held it as a religious belief were disqualified for jury service.
8. Practicing polygamists were disfranchised and disqualified from holding public office.
9. All registration and election offices in the Territory were declared vacant and aboard of five commissioners was to be appointed by the President to conduct and supervise elections in Utah until the Legislative Assembly should pass laws in conformity with national standards.

With the Utah Commission now in control of the elective processes in the territory and the district courts restored to exclusive criminal jurisdiction together with juries purged of polygamy sympathizers, the stalemate in Utah was broken. The Mormon vote was reduced by some 12,000²³ and

as a result of vigorous prosecution by able district attorneys, the federal judges found increasing numbers guilty of unlawful cohabitation with a few convicted for polygamy. Fines and prison sentences in Utah increased from 3 in 1884 to 39 in 1885, 112 in 1886 and 214 in 1887.²⁴

With an attitude of passive resistance towards this “judicial crusade” as it was called, the polygamists went into hiding. Although increasing numbers of the lesser polygamist officials were captured, convicted, and sent to prison, their neighbors rallied to the support of their families, and the top leaders continued to direct affairs of the Church from their “underground” stations. When neither political disfranchisement nor the judicial crusade brought the Mormons to terms, President Arthur recommended in his third annual message to Congress in December 1883, “The repeal of the act upon which the existing government depends, the assumption by the National Legislature of the entire political control of the Territory, and the establishment of a commission with such powers and duties as shall be delegated to it by law.”²⁵

However, the lame duck session of the Forty-eighth Congress following the November 1884 Democratic victory ignored President Arthur’s repeated calls for drastic action. Not until March 1887, did the Republicans succeed, against Southern opposition,²⁶ in pushing through Congress the Edmunds-Tucker Bill, which became law without President Cleveland’s signature.

The Edmunds-Tucker law was formulated not only to close loop-holes in earlier anti-polygamy legislation but to destroy the political and economic power of the Church which protected the practice. The Utah Commission was empowered to administer a loyalty test oath and a pledge of obedience to the anti-polygamy laws to all who would register to vote, hold public office, or serve on juries. The territorial female suffrage saw was abrogated and the Perpetual Emigrating Fund Company²⁷ was dissolved. To facilitate arrests and convictions of polygamists in the district courts, the powers of the U.S. Marshal’s office were increased and the probate judges were made appointees of the President; testimony of wives was permitted against husbands in polygamy cases, witnesses could be compelled to testify, and marriages were required to be of public record; responsibility for public school administration was transferred from territorial to federal authority, and the Nauvoo Legion was abolished. Pursuant to the Anti-Bigamy Law of 1862, the disincorporation of the Mormon Church was re-emphasized and the U.S. Attorney General instructed to proceed to forfeit and escheat to the United States, Church property in excess of \$50,000.

The Utah Commission in the exercise of its additional powers brought further restrictions on the Mormon voting franchise and the judiciary moved relentlessly against the polygamists until about 13,000 were disfranchised

and more than 1,200²⁸ were fined and/or sentenced to six months in the penitentiary. The district judges extended the crusade to include denial of citizenship to foreign Mormon converts on the ground that the Church was a subversive institution.²⁹ On the same ground, Idaho passed a test oath law disfranchising all Mormons in that territory, whether polygamists or not.³⁰

In July 1887, the United States Attorney proceeded in two major suits to confiscate the real and personal property of the Church and the Perpetual Emigrating Fund Company. The U.S. Marshal, as receiver, pursued his assignment to gather in the widely dispersed Church properties until by fall of 1888, he had in his possession an amount valued at \$807,000 including the several Church buildings on which the Saints were required to pay rentals.³¹ Based on this amount, the Mormons appealed the case to the United States Supreme Court, confident that the disincorporation of the Church and escheatment of its property would be ruled unconstitutional.

Meanwhile, among a number of local movements pointing towards surrender to the federal demands³² was the Constitutional Convention held by the Peoples Party in July of 1887, which was followed in October by a sixth petition to Congress for statehood. The proposed state constitution included a clause outlawing polygamous marriages and another declaring separation of church and state. The Territorial Assembly, in its next session, followed suit by enacting a measure outlawing plural marriage. In Congress the Republican controlled Committee on Territories rejected the petition for statehood on grounds that neither the anti-polygamy clause in the proposed state constitution nor the Legislative Act could be trusted. The Church, as such, had made no official abandonment of plural marriage and there could be no statehood for Utah so long as her politics were dominated by the Mormon priesthood. Besides it was not overlooked that Utah was counted as a Democratic territory. When similar hearings were held in the House Committee in January 1889, with Democratic chairman William M. Springer viewing Utah's petition more favorably, the Republican minority successfully urged postponement of action "until obedience to the right and reasonable authority of the general government should be accepted by the Mormons."³³

In the meantime, the party affiliation of Utah's neighbors who were winning statehood did not escape the Mormon leaders. The Dakotas, Montana, and Washington were admitted as Republican states in February 1889, while Democratic New Mexico was excluded. Wyoming and Idaho presented themselves at the door of Congress in Republican garb and were admitted in June 1890. From this point the Church Presidency showed increasing interest in nudging Democratic Utah towards Republicanism. "It is felt that efforts should be made to instruct our people in Republicanism" recorded

A. H. Cannon following dissolution of the Peoples Party in 1891, and further, President George Q. Cannon said that “he believed our safety and prosperity in a political way depends on our voting the Republican ticket.”³⁴

Congressional measures designed to break Mormon political power won positive results in Utah in the late 1880’s. A crack in the solid front of Mormondom appeared in August 1887, when the Liberal party won five seats in the Legislative Assembly. The crack widened in February 1889, when, with the help of many strife-weary Mormons, it won the Ogden City election and increased its seats in the Legislature to eight. The victors next captured Salt Lake City in February of 1890. In the midst of their losing battle to retain control of their capital city, the Saints suffered an extra blow when the United States Supreme Court upheld the Idaho Test Oath Law, which disfranchised all Mormons in that territory. On the heels of their victories, the Utah Liberals dispatched Robert Baskin to Washington with proposed legislation on the order of the Idaho law. By April 1890, it appeared in the Senate Committee on Territories as the Cullom-Strubble Bill. The threat of total disfranchisement now hung over the Mormons. As an added blow, the Supreme Court handed down its decision sustaining the provisions of the Edmunds-Tucker Bill by which the Church was dissolved and its property escheated. The Court held that “Congress may not only abrogate laws of the Territorial Legislature but it may itself legislate directly for the local government. Congress had a full and perfect right to repeal its [LDS] charter and abrogate its corporate existence.”³⁵

Desperately the Church officials contacted Washington sources of the Cullom-Strubble Bill. George Q. Cannon, counselor in the Church Presidency, Utah’s delegate to Congress in the 1870’s and a declared Republican, directed the Saints’ defense as delegate John T. Caine and others strove to hold up the impending blow. Cannon appealed through his son Frank J. to his Republican friend, Secretary James G. Blaine. Assuring the Secretary that Utah was not hopelessly Democratic, young Cannon suggested that Blaine’s support now would greatly strengthen the Republican position in the Mormon community. As the Secretary rose to terminate the interview, he said “We may succeed this time in preventing your disfranchisement; but nothing permanent can be done until you get into line.” The senior Cannon upon receiving the report said, “President Woodruff has been praying . . . he thinks he sees some light. You are authorized to say that something will be done.”³⁶

In the meantime, the August 1890 report of the Utah Commission to the Secretary of Interior expressed regret that an expected Church declaration “in favor of abandonment of polygamy” had not been forthcoming. It added, in support of the Cullom-Strubble Bill, “it is believed that 41 persons have entered into polygamous relations in 1889.”³⁷

In response to the reports from Washington, President Wilford Woodruff faced the inevitable. "I have arrived at a point in the history of my life as President of the Church of Jesus Christ of Latter-day Saints," he wrote on September 25, 1890, "where I am under the necessity of acting for the temporal salvation of the Church. . . . I have issued the following proclamation which is sustained by my counselors and the Twelve Apostles."³⁸

The proclamation known as the Woodruff Manifesto³⁹ was issued to the American press on September 24. It stated that the Endowment House where most of the plural marriages had been performed had been razed and denied the Commission's report that polygamous marriages had been performed in 1889. It concluded "and now, I publicly declare that my advice to the Latter-day Saints is to refrain from contracting any marriage forbidden by the law of the land." Upon receipt of a wire from Delegate Caine in Washington announcing that Secretary of the Interior Noble would not accept the Woodruff Manifesto "without its acceptance by the Conference as authoritative against the Statements of the Utah Commission and Governor Thomas,"⁴⁰ it was submitted to the general conference assembled on October 6, 1890, and unanimously approved.

The Manifesto was received by the government with caution, lest it be a trick to secure statehood after which the practice of polygamy could be resumed. The Republican majority of the Utah Commission and President Harrison warned against hasty steps towards Utah's admission to the Union. In his second annual message to Congress, President Benjamin Harrison stated:

President Woodruff does not renounce the doctrine, but refrains from teaching it and advises against the practice of it because the law is against it. Now it is quite true that the law should not attempt to deal with the faith or belief of anyone; but it is quite another thing, and the only safe thing, to so deal with the Territory of Utah as that those who believe polygamy to be rightful shall not have the power to make it lawful."⁴¹

On the other hand, Governor Arthur Thomas, who as former Secretary of the Territory and member of the Commission, had been zealous in his support of the anti-polygamy crusade, now urged acceptance of the Mormon action as the long delayed fulfillment of the government's objective.⁴² Chief Justice Charles S. Zane, showing confidence in the Manifesto, adjudicated accordingly and ruled that membership in the Mormon Church should no longer constitute a bar against American citizenship. He was following a path which was to grow into a road of mutual confidence leading towards statehood. Marking that road came first: dissolution of the Peoples Party in 1891 and the election of a Democratic delegate to Congress on a National ticket; then came the dissolution of the Liberal Party in 1893 and

the election of a Republican delegate to Congress. While members of the Peoples Party were encouraged to divide their support⁴³ between the two national political organizations, those of the Liberal Party moved into Republican ranks. Here significantly they found themselves beside increasing numbers of prominent Mormons who, representing the Saints' new economic philosophy of private enterprise, found protective tariff to their liking.

In 1893, President Benjamin Harrison, persuaded by Mr. Blaine and James S. Clarkson,⁴⁴ granted amnesty to all Mormon polygamists who had lived within the law since 1890, which benefits, including restoration of civil rights, were extended by President Cleveland the following year. Partial restoration of escheated Church property⁴⁵ came in January 1894, and the Utah Commission was converted from "carpet bag" to local membership to continue as such until statehood brought its dissolution.⁴⁶

With religious and political obstacles to statehood removed by the Manifesto and dissolution of the Peoples Party and, as expressed by Arrington, "Utah's economy headed towards secularization to accommodate the national pattern," the Republican party could now woo the Saints by offering the most promising channel through which to achieve that desired objective. Republican efforts in this connection were spurred by the political struggle for control of Congress.⁴⁷ George Q. Cannon, who was in constant touch with Washington, had reported to his associates on the eve of the Manifesto:

The Republican Party is becoming more favorably impressed with the importance of securing Mormon votes and influence and the leaders feel as though Utah should be admitted as a state in the Union. Even Secretary of State Blaine is desirous of Utah's admission . . . the Democrats might have won several states had they but possessed sufficient courage, when Cleveland was President to admit Mormons to political power, but they failed to do so and now realize their loss.⁴⁸

A year later, Joseph F. Smith, also of the First Presidency, addressed the Church leaders.

We have received the strongest admonitions from our Republican friends that we must not allow this Territory to go strongly Democratic. We favored John Henry's [Smith] going on the stump so as to convince the people that a man could be a Republican and still be a Saint . . . The Republicans will stand by their friends which the Democrats have not done . . . I know many prominent men of this party who are today our friends and are working for our interests such men as Blaine, Clarkson, Stanford and Estee are deeply interested in our affairs and desire to do us good.⁴⁹

Democratic Utah elected Joseph L. Rawlins as Delegate to Congress in 1892 with a vote of 15,201 to 12,390. The die-hard Liberals trailed with 6,986 votes. Rawlins introduced a statehood bill in May of the following year which, with bi-partisan support, Congress passed as Utah's Enabling

Act in July 1894. President Cleveland signed it on the 17th. However, with the Liberals joining the Republican party enmasse, with Republican policies favorable to the new Mormon economy, and high ranking Church officials responding gratefully to Republican support for Utah statehood, the party not only elected Delegate Frank J. Cannon to Congress in November but won 59 of the 107 delegates to the coming state Constitutional Convention. When the Convention began its deliberation on March 4, 1895, a substantial Republican majority elected John Henry Smith to preside. Among the many gratified Republican observers of Utah's swing to that party was James S. Clarkson of the National Republican Committee whose quiet, assigned contacts with Utah's leaders over twenty years had been rewarded with banquets given in his honor, not only by the Territorial Republican Committee, but by the President of the Mormon Church.⁵⁰ On January 4, 1896, when President Cleveland signed the proclamation admitting Utah to statehood, Clarkson wired the Mormon leader as follows: "President Wilford Woodruff, I send you, your associates, and your people, and the people of Utah generally, the congratulations of abiding friendship over the admission of Utah as a State."⁵¹

Not willing to give entire credit to the Republicans for the Americanizing process in Utah, President Cleveland upon receiving the State Constitution at the hands of the expiring Utah Commission, commented:

It has been my wish as well as my effort to bring about a change in the conditions that have existed in the Territory, and in congratulating you all I have some excuse, I think, for self congratulation. There has been a great change in the sentiment in Utah since my first term as Chief Magistrate and it is as welcome to me as to all Utah's people.⁵²

Professor Larson, well-known in Utah historical circles as a teacher and writer, is associate professor of history at Brigham Young University. He has published widely on Utah history and presently has a fuller study of the topic of this essay scheduled for publication this summer by the Huntington Library Press.

1. Both items appeared in the same issue of the *New York Tribune*, January 28, 1870.

2. Kirk H. Porter, *National Party Platforms*, New York, 1924, p. 48.

3. See Earl S. Pomeroy, *The Territories and The United States, 1861-1890*, University of Pennsylvania Press, 1947, p. 101.

4. Dale Morgan, "The State of Deseret." *Utah Historical Quarterly*, Vol. 8, Nos. 2, 3, 4, April, July, October, 1940.

5. See Klaus Hansen, *Quest for Empire*, Lansing: Michigan State University Press, 1967.

6. Morgan, "The State of Deseret," p. 87.

7. See Howard Lamar, "Political Patterns in New Mexico and Utah," *Utah Historical Quarterly*, XXVIII, No. 4, October 1960, pp. 375-387.

8. Norman Furniss, *The Mormon Conflict*. New Haven: Yale University Press, 1960; LeRoy Hafren, *Documentary Account of the Utah Expedition, 1857–1858*, Glendale, California: Arthur H. Clark Company, 1958.

9. Journals of the Legislative Assembly, Territory of Utah, Seventh Annual Session 1857–58, compiled by Everett Cooley in *Utah Historical Quarterly*, XXIV, Nos. 2, 3, 4, (1956) April, July, Oct. pp. 107–357.

10. Deliberations of the House Judiciary Committee on the proposed measure appear in *House Exec. Documents*, Report No. 33, 36 Congress; 1st Session, p. 105.

11. Morgan, “The State of Deseret,” pp. 132–148.

12. Hansen, *Quest for Empire*, Chaps. IV and VIII.

13. *The Mormon Question*, Deseret News Office, Salt Lake City, 1870.

14. See Richard D. Poll, “Political Reconstruction of Utah Territory,” *Pacific Historical Review*, XXVII, No. 2, (May 1958), pp. 111–126.

15. James S. Clarkson Papers, Box 3 (1904–1917), Manuscript Division, Library of Congress. “For twenty years,” he wrote, “I have been made the one man in the Republican Party to look after the Republican interests in Utah and that region so I am pretty well up on the subject.”

16. *Deseret News Weekly*, July 20, 1889, p. 114.

17. *Ibid.*, November 14, 1889.

18. *Salt Lake Tribune*, October 9, 1871.

19. James D. Richardson, *Messages and Papers the President, 1789–1897*, Washington, D.C.: 1900, Vol. VII, pp. 209–10.

20. The decision handed down in 1879 ruled that “while laws cannot interfere with religious beliefs or opinions, they may with practices. . . . So here, as a law of the organization of society under the exclusive dominion of the United States, it is provided that plural marriage shall not be allowed.” *United States Reports*, S.C. 98, pp. 166–168.

21. Richardson, *Messages and Papers of the President*, p. 606.

22. The Southern Democrats could not support another Reconstruction measure such as they had been subjected to so recently. They accused the sponsors of the bill of being politically motivated, the object being to “transfer the political power of this Territory to the Republic Party.” *Congressional Record*, 47 Congress, 1st Session, p. 1211.

23. Utah Commission Report to Secretary of Interior: November 17, 1882. Territorial Papers, R.G. 48, N.A.

24. Jenks Report, House of Representatives, Fiftieth Congress, First Session and Executive Document No. 447.

25. Richardson, *Messages and Papers of the President*, VIII, p. 184. Governor Eli H. Murray had urged the Territorial Legislative Assembly on January 16, 1878, to enact laws against polygamy but as the *Salt Lake Tribune* commented on that date, “What could one expect from a Legislative body containing six apostles, twenty-three bishops and other inferior priests.” Abandoning hope in this direction, he recommended adoption of a Federally appointed Council. Governors Report, Sept. 16, 1883, *Messages and Documents of Interior Department 1883–84*, Vol. II, p. 636.

26. See Richard D. Poll, “Political Reconstruction of Utah Territory,” *Pacific Historical Review*, XXVII, No. 2 (May 1958).

27. Governor Eli H. Murray had recommended dissolution of the Emigrating Agency in 1883 (*Messages and Documents of Interior Department 1883–84*, Vol. II, p. 634) and Pres. Cleveland recommended similar action. (Richardson, *Messages and Papers of the President*, Vol. VIII, p. 362).

28. Two studies suggest this number of prison sentences. Dr. Stewart L. Grow in his unpublished “Study of the Utah Commission,” p. 268, reports 1,004 convictions

for unlawful cohabitation and 31 for polygamy; Dr. Richard D. Poll in "Political Reconstruction of Utah Territory" appearing in *Pacific Historical Review* XXVII, No. 2 (May 1958), p. 120, estimates the number at 1,300.

29. See *Salt Lake Tribune*, December 1, 1889, p. 4.

30. An original draft of this law had been submitted to President Grover Cleveland in 1886, Territorial Papers, R.G. 48, PSM. No. 53, N.A.

31. See Leonard J. Arrington, *Great Basin Kingdom*, Cambridge: Harvard University Press, 1958, p. 353.

32. Other such movements included a group of prominent businessmen who urged President John Taylor in 1886 to surrender, the Young Men's Democratic Club of Utah in 1884, and the so-called Sage-brush Democracy in 1888.

33. House Reports, Fiftieth Congress, Second Session, No. 4156, March 2, 1889.

34. Abraham H. Cannon Journals, June 9 and Oct. 21, 1891.

35. United States Reports, Vol. 136, pp. 1-68. The late corporation of the Church of Jesus Christ of Latter-day Saints vs. United States, Nos. 1030, 1054.

36. Frank J. Cannon and Harvey J. O'Higgins, *Under the Prophet in Utah*, Boston, 1911, pp. 87-91.

37. Annual Report of the Utah Comm., August 22, 1890. *Messages and Documents of Interior Department*, Vol. 3, 1890-91, pp. 397-421.

38. Wilford Woodruff Diary. 16 volumes, Hand printed, Mormon Church Archives, Salt Lake City, Utah.

39. *Ibid.*, Vol. 12.

40. Abraham H. Cannon Journals, October 5, 1870. 19 volumes 1879-1897. In Brigham Young University Special Collections.

41. Richardson, *Messages and Papers of the President*, Vol. IX, p. 118.

42. Governor Thomas to Secretary John W. Noble. Report in Territorial Papers. R.G. 48, No. 26, N.A.

43. Abraham H. Cannon Journals, June 11, 1891.

44. Among Clarkson's papers (articles and speeches folder, Box 4) in the Library of Congress is a report, as of 1910, which includes, "Then after Harrison's election as president, Mr. Blaine and Mr. Clarkson induced the President to pardon the hundreds of Mormons still in prison for polygamy and restore all Mormons to citizenship."

45. Territorial Papers, R.G. 48, Box 211, No. 89, Private resol. No. 3, Apr. 3, 1896.

46. Final Report of the Utah Commission June 30, 1896, to the Secretary of the Interior. Records of the Utah Commission, Utah State Archives, Capitol Bldg., Salt Lake City.

47. Former Convention Chairman John M. Thurston, reporting to James S. Clarkson relative to political affairs in the West, wrote on August 29, 1894, "To lose two or three senators from this part of the country now means continued defeat of the Republican Party in the West and the Senate hopelessly Democratic for a long time to come." Clarkson Papers, Manuscript Division, Library of Congress.

48. Abraham H. Cannon Journals, July 10, 1890.

49. *Ibid.*, July 9, 1891.

50. Journal History, June 30, 1893; Abraham H. Cannon Journals, June 20, 24, 1893.

51. *Ibid.*, January 4, 1896.

52. Report of the Utah Commission to Secretary of the Interior, June 30, 1896, p. 75. Government Printing Office 1896, copy in Utah State Archives.